



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 JULY 2014**

Members Present: Councillors Harper (Chairman), Casey, Hiller, North, Stokes, Shabbir, Martin, Harrington and Ash.

Officers Present: Lee Collins, Planning and Development Manager
Theresa Nicholl, Development Manager
Alan Jones, Senior Officer (Minerals and Waste)
Jez Tuttle, Senior Engineer (Development)
Gemma Wildman, Principal Strategic Planning Officer
Hannah Vincent, Planning and Highways Lawyer
Pippa Turvey, Senior Governance Officer

1. Apologies for Absence

An apology for absence was received from Councillor Serluca.

2. Declarations of Interest

Councillor Ash raised a non-pecuniary interest in item 5.4 as a member of the Landfill Liaison Committee. He also raised a non-pecuniary interest in item 5.5 as the Agent was a close associate. As such, he would not take part in the discussion or determination of item 5.5.

Councillor Hiller raised a non-pecuniary interest in item 5.1, 5.2, 5.3 and 5.4 as a member of the Northern Level Internal Drainage Board and the Environment Agency.

Councillor Casey raised a non-pecuniary interest in item 5.6 as several of the objectors were known to him.

3. Minutes of the Meetings held on 22 April 2014

The Minutes of the meeting held on 22 April 2014 were approved as a correct record.

4. Development Control and Enforcement Matters

It was agreed that item 5.6 14/00731/FUL – Land Adjacent to 1 Regency Way, Peterborough would be heard first.

4.1 14/00731/FUL – Land Adjacent to 1 Regency Way, Peterborough

The planning application was for the change of use of the existing track on the land adjacent to 1 Regency Way to garden use. The application was referred to the Committee by Councillor Arculus for reasons of right of way, ownership, neighbour concern and inaccuracies in the application.

The key issues to be considered were the right of way, land ownership, alleged commercial use of the site, possible future commercial use and highway safety.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Planning and Development Manager provided an overview of the application and raised the following points:

- 14 objections had been received. Stewart Jackson MP had submitted an objection to the application, as he believed it would set a precedent for commercial use in residential areas.
- Land ownership was not a planning matter and to refuse an application on such ground would leave the Council open to challenge and an imposition of costs.
- Any right of way matter was for the holder of the right to enforce and would not be overridden by a grant of planning permission.
- The Council had received complaints regarding the commercial selling of cars from the site and had investigated. No breach was found. Future commercial use of the site could not be considered.
- A condition restricting the width of the gate to 1 metre will ensure that no cars can be stored on the site.
- There were no inaccuracies in the application that would stop the Committees determination.

Councillor Fitzgerald, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Applicant's family was in the car trade.
- It was not right that an application could be made for land in the ownership of another, especially in light of such levels of objection from neighbouring residents.
- There was evident detrimental impact to neighbour's amenity, including the loss of a right of way over the land.
- The Councillor was conscious that many objections were not based on planning matters, however believed they should be given appropriate weight.
- The conditions proposed were currently unenforceable, as there were no time constraints provided. It was suggested that 2 months would be appropriate, if permission granted.

Mr Brian Barrett, 7 Regency Way, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Applicant would use the land to expand their car trade. This formed the basis of their objections, as well as the loss of a right of way.
- The Applicant had stated that they had maintained the land since 2006, it was suggested that this was untrue.
- Residents had seen blatant evidence of commercial activity taking place on the site and the Council has been notified of this.
- Mr Barrett was aware of the limitations of the Committee and, as such, requested that if the Committee were minded to approve if a condition could be added to ensure the Applicant adhered to parking permit regulations.

Mr Mohammed Syed, Supporter, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mr Syed and his family had been subject to harassment from objectors.
- The cars stored on the site, which had been referred to, belonged to family members and were not part of commercial trade activities.
- No evidence of commercial trade had been found at the site, after investigations were conducted.

- The right of way referenced by objectors was not used.
- Mr Syed explained that the resident who held the right of way discussed in the objections was the person to initially suggest to Mr Syed that a fence be erected on the land. This resident had, however, objected to this application.
- The Committee could be assured that the site would only be used as a garden and not to facilitate trade.
- Mr Syed was aware of the parking permit regulations.

The Planning and Highways Lawyer reminded the Committee that land ownership, rights of way and potential use of the site could not be considered, as they were not material planning considerations.

The Committee debated the planning application and concluded that there were no planning reasons to refuse the application before them. The Committee discussed the recommended conditions and it was suggested that the requested alterations to the gate be carried out within 28 days and that any cars were cleared from the site immediately. It was emphasized the importance of ensuring these conditions were adhered to.

In response to a question the Planning and Development Manager advised that the condition proposed about permit parking by Mr Barrett and raised again towards the end of the debate could not be considered, as it was not related to planning legislation.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the amended conditions:

- C1 The site shall not be used for the parking, storage, maintenance or cleaning of motor vehicles.
- C2 Within 28 days of the granting of planning permission the gates in the fence at the front of the site shall be altered so that there is only a single gate opening that is no more than 1 metre wide. Thereafter, the 1 metre wide gate shall be retained in perpetuity.

The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the amended conditions.

Reasons for the decision

The proposed change of use to garden land, and retention of the front boundary treatment, would have no detrimental impact on the amenity of occupiers of neighbouring properties, or on the streetscene.

Activities likely to cause disturbance, or to cause a hazard to Highway safety, could be controlled by Condition.

Various matters arising such as a private right of way and land ownership were not planning matters and cannot be taken into account.

The proposal was therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policies PP3 and PP12 of the Peterborough Planning Policies DPD.

4.2 11/01921/WCMM, 13/01222/MMFUL & 13/01225/MMFUL – Eyebury Quarry, Eyebury Road, Eye, Peterborough

The planning applications consisted of a Section 73 application for non-compliance of conditions to extend the period of extraction for 5.5 years and to amend the method of working, restoration and planting details, and noise and dust schemes at Tanholt Farm, Eye. Also applied for was the retention of aggregate processing plant, stocking area, lagoons and internal haul roads, and the proposed extraction of sand and gravel from Tanholt farm as an extension to the existing quarry on adjacent land, with restoration to agriculture, nature conservation and recreational uses.

The main considerations were:

- The principle of the development
- Transport / Traffic / Access
- Visual appearance
- Noise / Impact on neighbours
- Dust
- Archaeology
- The proposed restoration scheme / Ecology, landscaping and drainage

It was officer's recommendation that planning permissions be granted subject to the signing of a legal agreement and conditions.

The Development Manager provided an overview of the application and raised the following points:

- The Applicant wished to extract all sand and gravel within 1 year to supply an embankments project at Whittlesey.
- Lorry movement would be covered by a Section 106 Legal Agreement and would not be allowed on Willow Hall Lane.
- A public footpath would need to be diverted for the duration of the works.
- Noise and dust monitoring schemes would be put in place.
- Archaeological work had been undertaken resulting in the discovery of several 'water holes'. These would be preserved 'in situ'. Archaeology works would continue in accordance with the previous Written Scheme of Investigation.
- A 25 year long management plan would be agreed under the Section 106 Legal Agreement.
- A holding objection was received from National Grid regarding the gas pipelines, however officers were satisfied with proposals.

The Committee discussed whether sufficient signage was displayed on the Green Wheel Crossing, concluding that there was. It was also clarified that there was a limit of 450 lorry movements on the site from Monday to Friday and that on Saturday, to reflect the shorter operational hours, this was reduced to 230 lorry movements.

11/01921/WCMM

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

The application was considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Assessment had been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation was acceptable and would not result in significant adverse effects. The development would continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement were robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare.

The proposal therefore accorded with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

13/01222/MMFUL

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accord with the development plan without delay.

The application was considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Statement had been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation was acceptable and would not result in significant adverse effects. The development would continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement were robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare.

The proposal therefore accorded with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals

and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

13/01225/MMFUL

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the conditions set out in the reports.

Reasons for the decision

The application was considered to be acceptable having regard to the policies of the development plan and all other material considerations subject to the imposition of conditions and the entering into by the applicant of a legal agreement (as set out above).

All of the matters raised within the Environmental Assessment had been taken into account and following receipt of further information requested by the officers, the environmental assessment and proposed mitigation was acceptable and would not result in significant adverse effects.

The development would continue to be monitored by the Senior Minerals and Waste Officer and the submitted schemes together with the conditions and legal agreement are robust enough to enable sufficient enforcement if required, both during excavation and through the delivery of the restoration scheme and long term aftercare. The proposal therefore accorded with policies CS1, CS25, CS32, CS33, CS34, CS35, CS36, CS37, CS39 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP M9 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

4.3 13/01562/WCMM – Dogsthorpe Landfill Site, Welland Road, Dogsthorpe, Peterborough

The planning application was to amend the approved plans of planning permission - 8/01032/WCMM and continue landfill operations until 31 December 2018 with restoration to be completed by 31 December 2019..

The key issues to be considered were:

- Extension of time for landfilling.
- Site restoration details.
- Landscaping and Aftercare.
- Review of Conditions.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Senior Officer (Minerals and Waste) provided an overview of the application and

raised the following points:

- The application was a result of changes to national waste policy.
- The main amendment was the removal of 2 small leachate treatment lagoons from the proposals. Leachate would now continue to be sent off site for treatment.
- Another restoration design had been submitted to take into account the potential implementation of another planning permission.
- The phasing will be amended and worked from the northern flanks to the southern flanks.
- The extension of operations would enable the appropriate regeneration of the site.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the amended conditions.

Reasons for the decision

The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accord with the development plan without delay.

The proposal ensured the previously consented non-hazardous void space at Dogsthorpe landfill could continue to function as an important waste management facility within the Peterborough area whilst working towards an appropriately controlled restoration form.

The environmental impacts of the proposal could be safely controlled by condition and will also be subject of environmental permitting regulations. An extension of time would help enable the appropriate restoration of the site from both a visual and environmental perspective, providing an appropriate waste disposal facility whilst other facilities to help move waste up the waste hierarchy become operational. The submitted details in respect of Conditions 8 and 21 of planning permission were appropriate and can be imposed by condition.

The proposal therefore accords with policies CS2, CS21, CS24, CS25, CS30, CS32, CS33, CS34, CS35 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SSP W8 of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD and policy PP1 of the Peterborough Planning Policies DPD. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

4.4 14/00371/HHFUL – 158 Chestnut Avenue, Dogsthorpe, Peterborough

Councillor Ash left the Committee meeting.

The planning application was for the construction of a two storey extension to provide additional living accommodation.

The key issues to be considered were:

- The purpose of the extension.
- The relationship of the extension to the existing dwelling.

- The impact of the proposed extension on the character of the immediate area.
- The impact of the extension upon the amenities of the occupiers of the two adjoining residential properties.

It was officer's recommendation that planning permission be refused.

The Planning and Development Manager provided an overview of the application and raised the following points:

- Policy determined that the proposed use of the extension could not be considered and it was believed that a two storey extension was larger than necessary.
- The proposal would be out of character with the surrounding area.
- The extension would be visible from numerous locations and would have a significant adverse impact on neighbouring amenities.
- An additional letter had been received from the agent, reiterating the purpose of the extension.
- A letter had been received in support of the applicant from the residents of 156 Chestnut Avenue.

Councillor Saltmarsh, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- A solely ground floor extension would not be sufficient for its purpose.
- Neighbouring properties have similar extensions, so the proposal would not be out of place.
- The extension would not be visible from the road.
- The Agent was happy with the staircase's ability to house a stairlift.

Mr Vince Reddell, Applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The extension had gone through several iterations to get to this point.
- The extension would be replacing and adding to the existing extension already in place.
- The purpose of the proposal was to provide care for his parents.
- The ground floor levels could be utilised for this care if necessary.

The Committee admired the intentions of the Applicant in wanting to care for his family. It was considered that the extension was large and would affect the street scene, but it would not adversely affect neighbouring resident's amenities and other extensions of a similar design had been approved elsewhere. On balance, the Committee considered the proposal to be acceptable. It was suggested that some fenestration on the wall facing the neighbouring property would improve their outlook.

A motion was proposed and seconded to agree that permission be granted, against officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED**.

Reasons for the decision

Whilst the proposal represented a large extension, it was not considered that it would have a significant adverse impact on the street scene or neighbour amenity, and on balance was acceptable.

4.5 14/00903/WCPP – Longthorpe Memorial Hall, 295 Thorpe Road, Peterborough

Councillor Ash re-joined the Committee meeting.

The planning application was for the variation of condition one on planning approval 13/00849/WCPP, regarding the operational hours of external downlighting to tennis courts 3 and 4 at Longthorpe Memorial Hall.

The key issues to be considered were:

- The impact upon neighbour amenity.
- Design and impact upon the character and appearance of the Conservation Area.
- Highway implications and car parking.
- Ecology.

It was officer's recommendation that planning permission be granted, subject to conditions.

The Planning and Development Manager provided an overview of the application and raised the following points:

- Originally permission was granted for extended hours for 12 months. After 12 months, the permitted hours would decrease.
- One detailed objection had been received, however it was considered that properties in the vicinity were sufficiently separated from the tennis courts.
- The extended hours were not considered to be of significant harm.

Mr Graham Walker, Architect, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The lights did not shine light anywhere, apart from directly onto the tennis courts.
- All the lights automatically shut down when the permitted hours of operation ended.
- The lights were mainly used for fixtures against other clubs and not casual use.
- The club had not received any complaints regarding the lighting in the past 12 months.

The Committee were pleased to see the tennis club working well, within the previously permitted hours and believed that the club had shown support to local residents in the this regard.

A motion was proposed and seconded to agree that permission be granted, against officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that planning permission is **GRANTED** subject to the amended conditions.

Reasons for the decision

Subject to the imposition of the attached conditions, the proposal as acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposed permanent increase in usage of the lights will not result in any unacceptable impact upon neighbour amenity, either by virtue of noise disturbance or light intrusion, in accordance with the Nation Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);

- the proposal would allow an existing sport / recreational facility within the City to expand and develop, in accordance with the National Planning Policy Framework (2012) and Policy CS18 of the Peterborough Core Strategy DPD (2011);
- the proposal would not result in any unacceptable impact upon the visual amenity of the surrounding area or the character, appearance or setting of the Longthorpe Conservation Area, in accordance with the National Planning Policy Framework (2012), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012);
- the proposed increase in operating hours would not in itself generate any further significant demand for car parking, or increased vehicular movements to and from the site and as such, no harm would result to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not result in any additional impact upon the ecology of the site and its surroundings, in accordance with the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

5. Peterborough Draft Developer Contributions Supplementary Planning Documents (SPD)

The Committee received a report which outlined changes to the way local authorities could collect and distribute developer contributions and the proposed introduction of a Community Infrastructure Levy (CIL). The report sought the views of the Committee of the before the report was presented to Cabinet on 28 July, for approval.

The Principal Strategic Planning Officer provided an overview of the application and raised the following points:

- The current Planning Obligations Implementation Scheme (POIS) would become unlawful as of April 2015.
- The CIL would cover most contributions but not all (e.g. Affordable housing).
- Planning Obligations would still be used in those instances.
- For developments of over 500 dwellings a lower CIL charge would be sought, and a Section 106 Legal Agreement would be used.
- The CIL scheme would ensure that developers knew what they would be charged and no double charging would occur.
- No CIL charge would be imposed on officer developments, as this would make such developments unviable.
- CIL charges were placed on the land, so would be passed on to buyers if the land was sold.
- Concern had been raised by some developers regarding the different charging zones across the Peterborough area. These zones had been a result of an independent viability study.

The Committee commented that a glossary of terms would be useful, for such reports. In response to a question raised, the Principal Strategic Planning Officer clarified that CIL was a fixed charge, which is non-negotiable. No other comments were made on the Peterborough Draft Developer Contributions Supplementary Planning Document (SPD).

RESOLVED that:

The Committee considered the Peterborough Draft Developer Contributions

Supplementary Planning Document (SPD) before it was presented to Cabinet on 28 July for approval for public consultation.

Chairman
1.30pm – 3:50pm

This page is intentionally left blank