



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 26 JANUARY 2016**

Members Present: Councillors Harper (Chair), Serluca (Vice Chair) Hiller, Stokes, Martin, Sylvester, Okonkowski, Harrington, Rush and JR Fox

Officers Present: Nick Harding, Head of Development and Construction
Vicky Hurrell, Principal Development Management Officer (item 5.1)
Alan Jones, Senior Officer Minerals and Waste (item 5.2)
Simon Ireland, Principal Engineer (Highways)
Ruth Lea, Planning and Highways Lawyer
Pippa Turvey, Senior Democratic Services Officer

1. Apologies for Absence

Apologies for absence were received from Councillors North and Lane. Councillors Rush and JR Fox were in attendance as substitutes.

2. Declarations of Interest

No declarations of interest were received.

3. Members' Declaration of intention to make representations as Ward Councillor

No Member declarations of intention to make representations as Ward Councillor were received.

4. Minutes of the Meeting Held on 8 December 2015

The minutes of the meeting held on 8 December 2015 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 15/01363/DISCHG, 15/01771/WCPP and Deed of Variation – Paston Reserve, Newborough Road, Paston, Peterborough

The planning application was for the renewal of planning permission 91/00001/OUT – Housing, local facilities, open space and infrastructure at Paston Reserve, Newborough Road, Paston, Peterborough, the discharge of conditions 2 and 3 of planning permission 91/00001/OUT, and a deed of variation.

It was officer's recommendation that planning permission 15/01771/WCPP be granted, application 15/01363/DISCHG be approved and the deed of variation be approved, subject to the completion of relevant S106 Agreements the conditions set out in the report. The Principal Development Management Officer provided an overview of the application and highlighted a number of key issues within the report.

Councillor Yonga, Ward Councillor, addressed the Committee and responded to

questions from Members. In summary the key points highlighted included:

- It was suggested that to support the application, basic infrastructure would need to be provided and more community facilities such as shops, medical clinics, play areas and public transport systems;
- Concerns were raised over the confusing nature of the application. It was commented that it was difficult to understand whether the applications were individual or came together as a package;
- It was suggested that whatever the outcome of the application, a school and community centre were necessary basic features which must be provided. It was stated that there was no community centre in Manor Drive and residents had to cross a dangerous road to access community facilities. An agreement to these requests was sought; and
- It was suggested that the lack of replies throughout the consultations was due to the belief that the Council would not deliver on these requests due to past experience.

Nolan Tucker, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- It was shown within the report that work had been undertaken to secure consent for the development to proceed and to meet the aspirations of the Council to find land to build a secondary school. A combination of these efforts had resulted in these applications;
- Within the S106 Agreement, it was stated that open space would be brought further forward and that there would be land for a primary and a secondary school;
- Community centres as standalone facilities were not often provided anymore. It was more likely that they would be provided alongside another function, for example an educational facility. Within the S106 Agreement, financial provision was provided to deliver these facilities;
- The drainage problem had been identified during the second phase of development when the Drainage Strategy was reviewed. Consent was granted to ensure that the drainage problem would be fixed and a strategy to do so had been agreed; and
- Mr Tucker was not aware of any problems with the foul water drainage system. A condition would be included within any permission granted to ensure drainage was fit for use.

In response to a number of points raised, the Head of Development and Construction advised that the original S106 Agreement proposed individual community buildings but these had been held to be undeliverable. As a result, the facility would be provided through the primary school and the potential secondary school. Development of the primary school had been delayed due to the recession however it would be completed earlier than under the original development proposals. It was also advised that a full bus service could come into force once the subsidy was enough to self-sustain it but this was a long way off on this development. A contribution of £462,000 is being made in three staged payments for bus provision. The first payment will be made at the 150th dwelling. If the Committee wish to increase this payment, that would have to be taken away from something else within the S106 Agreement.

In addition, the Head of Development and Construction advised that planning officers had worked with residents to find alternative ways to provide play facilities but faced challenges due to tabled solutions being rejected by residents. While shops had been included in the planning permission for the original development at Paston Reserve, permission for housing had been granted due to lack of interest. Shops had never been

included in this application and could not be inserted into the permission at this stage. Money towards health was secured through the S106. Similarly, under the terms of the existing legal agreement for planning permission, it was advised that that legal agreement rolled over to any other planning agreements and were still binding.

The Committee discussed the application and commented that the development had been ten years in the coming and had developed considerably over this period. It was further discussed that during consultations, there was very little objection to the development.

The Committee questioned the deed of variation request and was unhappy to have been put into a position where a choice had to be made between a school and affordable housing despite a desperate need for both.

In response to a question, the Head of Development and Construction clarified that if the land was utilised to build a secondary school then no further affordable housing would be built on site. If the Council did not wish to build a secondary school on the site then more affordable housing would be forthcoming.

A motion was proposed and seconded to agree that permission be granted for application 15/01771/WCPP, as per officer recommendation, including the delegation of authority to the Corporate Director of Growth and Regeneration to finalise the drainage strategy, to negotiate with the applicant on the S106 trigger points and form of the Agreement, and to adjust and amend the conditions to ensure that they are appropriately updated. The motion was carried unanimously.

RESOLVED: (unanimous) that:

- 1) Application 15/01771/WCPP is **GRANTED** subject to the completion of a S106 Agreement and the conditions set out in the update report; and
- 2) Authority be delegated to the Corporate Director of Growth and Regeneration to finalise the drainage strategy, to negotiate with the applicant on the S106 trigger points and form of the Agreement, and to adjust and amend the conditions to ensure that they are appropriately updated.

A motion was proposed and seconded to agree that application 15/01363/DISCHG be approved, as per officer recommendation. The motion was carried unanimously.

RESOLVED: (unanimous) that:

- 1) Application 15/01363/DISCHG is **APPROVED** and conditions 2 and 3 in respect of the amended master plan and phasing plan discharged; and
- 2) Authority delegated to the Corporate Director of Growth and Regeneration to agree any further adjustments to the master plan as may be appropriate, especially in relation to the drainage proposals.

A motion was proposed and seconded to agree that the deed of variation be approved, as per officer recommendation. The motion was carried eight voting in favour, two voting against.

RESOLVED: (eight voted in favour, two voted against) that:

- 1) The deed of variation is **APPROVED**; and
- 2) Authority be delegated to the Corporate Director of Growth and Regeneration to complete negotiations, including any changes to the S106 trigger points or form

of the Agreement.

Reasons for the decision

Paston Reserve was an allocated housing site the development of which would help meet the city's housing needs. As such the principle of extending the period of time within which reserved matters applications could be submitted is supported in principle. There had not been any changes in policy or in local circumstance which would render the current proposal unacceptable. The development was therefore considered to be compliant with policies CS1, CS3, CS5, CS12, CS13, CS16 and CS17 of the adopted Core Strategy, policy SA1 of the adopted Site Allocations DPD and policies PP4, PP12, PP16 and PP17 of the adopted Planning Policies DPD.

The proposed changes to the master plan and associated phasing of the scheme were considered to be acceptable in the context of securing land for a new secondary school, notwithstanding the comments from the Local Highway Authority regarding Newborough Road. The development was therefore considered to be comply with policies CS16 and CS17 of the adopted Core Strategy and policies PP3, PP4, PP12, PP14, PP16 and PP17 of the adopted Planning Policies DPD.

The proposed change to the affordable housing provision was considered to be acceptable in lieu of the provision of land for a secondary school.

5.2 15/00721/WCPP – Land Off Storeys Bar Road, Storeys Bar Road, Fengate, Peterborough

The planning application was for the variation of condition 28 (catchment area restriction) of planning permission 08/01081/ELE – Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds, brown and green roofs, tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath / cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report, and that authority be delegated to the Corporate Director of Growth and Regeneration to issue a notice of refusal if the required Section 106 Legal Agreement was not completed within a reasonable period. The Head of Development and Construction provided an overview of the application and highlighted a number of key issues within the report.

John Dickie, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- An update was provided on the status of the Energy Park process highlighting delays, construction work beginning in 2014, the building of a new bridge and internal roadways and future builds;
- Material would not be able to be drawn from places such as Wisbech, Spalding or Thrapston because they fell outside of the current 32 kilometre restriction. In reality, much of that waste would be exported to mainland Europe or sent to landfill. A larger catchment earlier would enable this waste to be drawn and

- create additional commercial benefit for the EPP development;
- It was considered highly unlikely that residents of Peterborough would realise any appreciable difference between the two boundaries. There would be little effect on traffic movements or sustainability by increasing the catchment area; and
- 50km was granted for the Peterborough City Council application and this application was looking to mirror this.

The Committee considered that the application did not significantly alter the impact of the previously granted permission and, in light of the changes in approach to waste catchment areas, was appropriate.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the conditions set out in the report, and that authority be delegated to the Corporate Director of Growth and Regeneration to issue a notice of refusal if the required Section 106 Legal Agreement was not completed within a reasonable period. The motion was carried unanimously.

RESOLVED: (unanimous) that:

- 1) Planning permission is **GRANTED** subject to the conditions set out in the report; and
- 2) If the required Section 106 Legal Agreement was not completed within a reasonable period, that authority be delegated to the Corporate Director of Growth and Regeneration to issue a notice of refusal on the grounds that the development has failed to adequately mitigate its impacts.

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 accorded with the development plan without delay. The principle of development was in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS29.

The proposal was demonstrably sustainable and Historic England had no objections with regards to the changed status of Flag Fen. The increase in the area from which waste could be imported to the site was not considered to be detrimental to the overall provision of waste management within the plan area and was considered to be an acceptable compromise in light of the economic viability of such an operation.

The applicant had presented previously discharged conditions and non-material amendments for consideration, and a review of all conditions and obligations had been undertaken, resulting in appropriate updated conditions and obligations as required. The objections received had been considered and no issues had been raised by statutory consultees. There was no reason not to approve the application in line with Section 38(6) of the Planning and Compensation Act.

6. Planning Compliance Quarterly Report on Activity and Performance September to December 2015

The Committee received a report which outlined the Planning Service's planning compliance performance and activity which identified if there were any lessons to be learned from the actions taken. The aim was for the Committee to be kept informed of future decisions and potential to reduce costs. The Head of Development and Construction provided an overview of the report and highlighted a number of key issues.

In response to a question from a Member of the Committee, the Head of Development and Construction advised that a planning contravention notice had been served in relation to 55 Cherry Orton Road. Information was sought on who the owner of the property was, as this was a sticking point for the prosecution earlier in the year. It was commented that in response to two Planning Contravention Notices (PCNs), officers were advised that decisions relating to the property were in the hands of the court. Due to the owner's mental capacity issues, a draft enforcement notice had been provided to Peterborough City Council Legal Services along with a request as to how to proceed given that the court would be representing the owner in the event of an appeal or enforcement action.

It was questioned why the percentage of cases closed within 8 weeks if there is no breach was below target. The Head of Development and Construction advised that the service had been experiencing a high case load. It was further commented that closed cases made up the vast majority of this figure and so there was sometimes a slippage on closure if pressures were elsewhere.

RESOLVED:

The Committee noted past performance and outcomes.

The Head of Development and Construction discussed the Stanground Anaerobic Waste Plant and explained that Cambridgeshire County Council wished to delegate their planning powers to Peterborough City Council and make Peterborough City Council the only decision making body on the application. The application was not expected to come before committee before the elections.

Chairman
1.30pm – 2:39pm