

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING
HELD AT 1:30PM, ON
TUESDAY, 24 SEPTEMBER 2019
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Hussain, Hiller, Warren, Rush, Jones, Hogg and Andrew Bond

Officers Present: Nick Harding, Head of Planning Peterborough and Fenland
Nick Greaves, Principal Engineer (Development)
Stephen Turnbull, Planning Solicitor
Alan Jones, Senior Minerals and Waste Officer
Dan Kalley, Senior Democratic Services Officer

Others Present:

23. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

24. DECLARATIONS OF INTEREST

Councillor Iqbal declared an interest in item 4.3 by virtue of having involvement with the applicant and would leave the room for that item.

Councillor Jones declared an interest in item 4.3 by virtue of having met the applicant in his capacity as a driving instructor, however he had not discussed the application at any stage.

Councillor Brown declared an interest in item 4.2 by virtue of being the Ward Councillor and of having made representation and would leave the room for that item.

25. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were no representations to make declarations as Ward Councillor.

26. DEVELOPMENT CONTROL AND ENFORCEMENT MATTERS

26.1 18/02185/WCMM - DOGSTHORPE LANDFILL SITE, WELLAND ROAD, NEWBOROUGH PETERBOROUGH

The Committee received a report in relation to seeking variation of Conditions 1, 2 and 4 in relation to extending the time period for completion of site restoration works and amending the approved restoration. No additional importation of waste to the existing area of landfill is being sought under this permission.

The variation sought for condition 2 related to the time period to complete restoration works. Approximately 400,000 tonnes of inert materials were still required to complete the restoration of the site. Additional time for the importation restoration material was sought until 31 December 2024, with an additional year to remove all structures and plant, and the establishment of the final after-uses.

The variation sought for conditions 1 and 4 related to amending the approved restoration plans. The consented scheme includes areas of biomass planting across part of the site, which was to provide the feedstock for an Anaerobic Digestion facility that has not been built out (the permission for this facility was not implemented and has subsequently lapsed). As such the applicant sought the removal of the areas of biomass crop from the restoration scheme.

The proposed restoration scheme had subsequently been revised again (and been subject to a further round of consultation), in particular to acknowledge the practical difficulties of establishing areas of woodland on former landfill, primarily due to the quality of available soils for restoration purposes and the presence of leachate and gas infrastructure (required to manage landfill emissions). The applicant also contends that such a proposal represents a missed opportunity to provide alternative habitat to maximise biodiversity gain. As such, the proposed restoration scheme, whilst maintaining the elements of peripheral planting, seeks to reduce the quantity of woodland planting over the fill area, and increase the areas of conservation grassland and open mosaic habitat (a Biodiversity Action Plan priority habitat). The open mosaic habitat proposed includes the provision of a nutrient poor soils suitable for early successional vegetation, deliberately compacting and / or 'roughing up' of some surface areas to provide variety, placing of specific materials including log piles, rubble, planting of some scrub species, natural colonisation and targeted seeding. A network of hedgerows to sub-divide the site have also been retained as a feature of this restoration proposal.

The proposal was an EIA development, under Schedule 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations, and is accompanied by an Environmental Statement. The Environmental Statement has been presented in such a way as to account for the proposal for infilling of the eastern lagoon, which was subject of a separate application as described below.

A second application had been submitted for the site, which seeks to de-water the waterbody at the eastern end of the site and infill with approximately 375,0000 cubic metres of construction, demolition and excavation waste, with restoration to grassland and a new surface water management system. This second application would be brought before the committee in due course, and could be determined separately to the proposal subject of this report.

The Senior Officer Minerals and Waste introduced the item and highlighted key information from the report.

Matt Nicholson, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The current end date of the contract had now expired. if the application was refused then no further work could be carried out and the site would be left as was. The delay in completing had been down to getting the required restoration materials.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There were no issues with the application and it reinforced why approval was needed. Looking at the situation it was beneficial to put the site back into use would be of greater benefit for local residents than leaving it in its current state.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimous) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

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

The material considerations focus on the proposed extension of time for completing restoration, the revised restoration proposals, and the need to secure a beneficial after use for the site. The conditions outlined below, which include relevant updates offer appropriate mitigation in line with policies CS25, CS32, CS33, CS34, CS35 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

In approving this application, and entirely new permission will be created. As such, conditions pertinent to permission 13/01562/WCMM have been reviewed and updated accordingly.

At this point Councillor Brown left the meeting.

26.2 19/00696/REM - LAND ON THE WEST SIDE OF GUNTONS ROAD, NEWBOROUGH, PETERBOROUGH

The Head of Planning informed members that a new recommendation had been put by officers for deferment so that amended plans could be requested from the applicant, if the plans were not forthcoming then the application would be recommended for refusal as the application was not currently legally compliant with the outline

permission.

Case law had established that bedrooms in the roof void are within the definition of 'bungalow'. However it was considered that the first floor balconies are outside the definition. In this regard the application was not in compliance with the law.

Members were informed that the application had been approved at outline application were bungalows with a condition requiring a refuge in the roof void due to flood risk.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The refuge space in the roof voids were in place as the Environment Agency wanted to ensure there was a safe place if there was an incident with flooding.
- The legal definition of a bungalow was a single storey property that allowed for rooms to be built in the roof void. There was also no legal definition of a chalet bungalow.
- Allowing the application to be deferred meant the applicant had the opportunity to re-submit plans. However should they not submit revised plans then the recommendation would allow delegated authority to planning officers to refuse the application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **DEFER** the application so that amended plans could be requested from the applicant, if the plans were not forthcoming then the authority was to be delegated to officers to refuse the application. The Committee **RESOLVED** (Unanimous) to **DEFER** the application.

At this point Councillor Brown returned to the meeting

Councillor Iqbal left the meeting at this point for the next item.

26.3 19/00881/HHFUL - 120 PADHOLME ROAD, EASTFIELD, PETERBOROUGH PE1 5EN

The Committee received a report in relation to seeking planning permission for the construction of a two storey side extension, and both single and two storey extensions to the rear.

The two storey side element, at ground floor level, would consist of an open ended passage way structure with a new shower room beyond which links to the proposed rear extensions. At first floor level there would be an additional bedroom and bathroom. It would measure 8.5 metres height to ridge, 7.7 metres depth and 2.8 metres width.

The first floor rear element would also consist of an additional bedroom and would measure 6.8 metres height to ridge, 3.5 metres depth and 3.6 metres width.

The single storey ground floor element would contain a kitchen and living room and measures 3.5 metres height to ridge, 7.6 metres width and 6 metres depth.

The Head of Planning introduced the item and highlighted key information from the report and update report. The main reason for refusal was concerns that the proposed extension would create a detrimental effect on the street scene, causing a terracing effect on the street.

Mohammed Hussain, the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The extension was needed as the family were outgrowing the current living space, therefore the extension would allow the family to stay in the same property. The neighbouring property was also owned by the applicant and was currently being rented out. The applicant informed the Committee that when he was living in the neighbouring property he applied for insulation on the boundary wall, due to how cold the property was and the mould that had built up, however this application was refused. This left no other choice but to try and find alternative accommodation for the family.
- The property to the left had a garage extension which was not refused, and this was not in keeping with its design. The applicant questioned why the design of the building was so important now.
- There were other properties on the street that had been granted extensions previously. For example the properties at 222 and 224 Padholme Road were identical to the properties in question and they had a similar extension that was being proposed accepted. In order to satisfy the terracing effect the applicant was willing to increase the gap to the neighbouring property to one metre. The Committee were reminded that they could only make a decision on the application in front of them. Even though the extension of the first floor would be reduced in size this would still be acceptable and create further space for the family to grow into.
- It was difficult to understand why the application was recommended for refusal as there was no overall terracing effect on the street scene. The gap between the properties was still sufficient.
- The front wall was not a part of the planning application and was for the applicant to decide whether they wanted to remove this. If there were going to be more cars then the wall could be removed, but it was not going to be removed as it stood.
- The look of the property would not give the effect of the house being a terraced house and it would be clear from looking at the property from almost all angles that it was not a terraced house.
- Although the proposed extension was large in size it was felt that the extra space was needed in order for the family to be able to live comfortably.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The application was not dependent on the front wall being removed this was just on the drawings for illustrative purposes should the applicant wish to

remove the wall at a later date, but was not a part of the application in front of the Committee.

- If the application was to be granted a condition would be put in place that materials used had to match those of the street scene.
- There might be a different argument if the neighbouring property was owned by someone else, however as the applicant also owned this they would bear any depreciation on the property. There were also no objections from neighbours or local residents.
- As the extension was set back slightly from the other properties it reduced the terracing effect of the property from the street view.
- The Committee were informed that ownership of the neighbouring property was not a material planning consideration and could not be taken into account.
- It was felt by some Members that the application proposed in its current form did alter the street scene significantly and it did seem as if this adjoined the property next door.
- If the gap between the properties was to change this may resolve the issue but this would need to be submitted as a new application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (8 for, 2 against, 0 abstain) to **REFUSE** planning permission.

REASON FOR THE DECISION:

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reason given below. It is not considered that there are sufficient public benefits that outweigh the harm to the character and appearance of the surrounding area that have been identified.

Chairman
1:30 - 2.30pm