

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 17 OCTOBER 2023
BOURGES/VIERSEN ROOMS, TOWN HALL, PETERBOROUGH**

Committee Members Present: Harper (Chairman), Iqbal (Vice Chairman), Casey, Hiller, Hogg, Hussain, Jamil, Mahmood, Sharp, and Warren.

Officers Present: Phil Moore, Development Management Team Leader
Karen Dunleavy, Democratic Services Officer
Chris Gordon, Planning Solicitor
Joanne Turnham, Solicitor
Asif Ali, Senior Development Management Officer
Daniel Worley, Senior Conservation Officer

16. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dennis Jones and Jackie Allen. Councillor Mahmood and Casey were in attendance as substitutes.

17. DECLARATIONS OF INTEREST

A declaration of interest was declared for agenda Item 5.1, 23/00251/FUL - Exhibition Hall, East Of England Showground, Oundle Road, Alwalton, Peterborough

Councillors Hiller and Jamil declared that the agent, Nick Harding was known to them by way of a previous working relationship but had not discussed the planning application with him.

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

There were no declarations from Ward Councillors

19. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 27 JUNE AND 18 JULY 2023

The minutes of the meetings held on 27 June 2023; and 18 July 2023, were agreed as a true and accurate record.

20. PLANNING AND ENFORCEMENT MATTERS

20.1 23/00251/FUL - EXHIBITION HALL, EAST OF ENGLAND SHOWGROUND, OUNDLE ROAD, ALWALTON, PETERBOROUGH

The Committee received a report, which sought permission to grant a temporary change of use from Sui Generis Showground and F1 exhibition hall to B8 car storage and

distribution with ancillary car preparation and maintenance and erection of two mobile office cabins, two paint booths/ovens and marquee (part retrospective).

The application was part retrospective in nature as the car storage and distribution use had operated on site since at least February 2023. The application sought a temporary permission for five years. The proposal included the following elements:

- Conversion of the exhibition hall (arena) for car repair and preparation, this would include the provision of paint booths inside the Arena building
- Change of use from open fields and car park area to car storage and distribution area
- Erection of temporary structures: 1no. Marquee, 2no. paint booths and 2no. portacabins which were proposed to be used for car repair and painting uses for a short-term temporary period until the works had been completed to the Arena building. The Marquee would measure 40.1m by 20.3m in terms of footprint.

The proposal stated the total number of employees on site would be 160.

There would be a total of eight HGV movements (four car transporters) as well as 160 delivery vehicle movements per day. The application stated that the proposed development would use the Orton Southgate access off Dunblane Drive. The existing Showground use would operate from 35ha of remaining land located to the north of the site accessed from the Orton Northgate access off Joseph Odam Way.

The Senior Development Management Officer introduced the item and highlighted key information from the report and the update report, which included a plan in relation to the HGV and staff traffic movements, which demonstrated that these could be conditioned and controlled in an acceptable way. Therefore, subject to relevant highway conditions proposed by Officers, the Officer recommendation was to Grant the application.

1.42pm - Cllr Bond arrived at the meeting and therefore was unable to vote on this item.

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

- There would be many more vehicle movements at the DHL and Asset Earing Power Group (AEPG) sites than reported in the application.
- Neighbours had conducted their own traffic survey as DHL and AEPG had not been truthful about the number of vehicle movements included in the highways report.
- The applicant had conducted themselves in an insincere way with little regard for residents' safety.
- The applicant had been operating in an unsafe way. It had also been demonstrated by the applicant that they had little regard for planning rules as they had operated outside of them.
- It had been alleged by the applicant that letters had been sent to all residents about the business operations and this was untrue.
- The companies, DHL and AEPG claimed they consulted with the local ward councillors, which was untrue. Furthermore, the Parish Council had not been contacted about the temporary use.
- There were concerns over HGV drivers backing down Dunblane Drive and Newcome Way and this was dangerous. Furthermore, little had been done to ensure that HGV drivers had not turned the wrong way towards the dead-end of Dunblane Drive, missing the showground turning.

- There had been illegal vehicle movements into the Showground site with no registration plates, which had been reported to the police. Therefore, planning enforcement should be initiated as a result.
- The activity on the Showground was not a particular concern to residents, however they had not expected to live next door to a car spray/repair operation.
- Insufficient information had been provided to the local authority by the applicant to demonstrate that there would not be an adverse impact on highway safety.
- The Applicant AEPG and DHL had not acted as a good neighbour to residents of Orton Southgate.
- There had been a DHL open day organised by the applicant, however all residents wanted was for the owners to operate in a safe and respectful way to them.
- A letter had been sent by MP Shailesh Vara supporting the residents' concerns.
- Residents should not have to be detectives to monitor how the business operated.
- There had been unauthorised encampments on the Showground since AEPG had taken over management of the site.
- There had already been damage to the infrastructure of Dunblane Drive, and damage to people and children was unacceptable.
- The new conditions were unacceptable to residents and if they were agreed to by Committee, the residents would not have been consulted. There would also be diggers due to the proposed road improvements, which residents would not be informed about.
- Residents would be happier for the operation to access the site from the A1, the industrial estate or into Joseph Odam Way.
- Residents were used to events such as Truckfest and the traffic movements created by that, however, they were always prepared and would plan accordingly. These proposals would be on all days.
- The unsafe working practices were in relation to the car transporters going into the showground via Dunblane Drive and this should not happen. The security guard had reported to residents that they had been told to divert the HGV traffic down Dunblane Drive due to the numbers of vehicles exceeding the agreed operations.
- Another alternative access could be on Culley Court off Bakewell Road, but there were also issues with that due to an existing car transporter business.
- None of the alternatives should be made without consultation with residents.
- The concern with residents was not the operation of the business, it was to do with the danger from large vehicles movements.
- A meeting was arranged by AEPG and DHL, however it was very combative in telling residents that these things were going to happen to them. There was a strong lack of trust in AEPG and DHL because of their behaviour.
- The site needed to be marshalled and the directional signs would not make the proposals more acceptable for residents.
- Car transporters were parking in various locations in the light industrial estate area of Orton Southgate to offload the cars without licence plates on them.

Mr Howard Dunn, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Dunblane Road Showground entrance had always been gated and had been marshalled well when events were on. However, DHL were not doing this well.
- There were 16 to 20 HGVs arriving per day, with 500 cars being offloaded.
- A road sign had been knocked off recently with a lorry trying to avoid a car.
- These vehicles needed a different access point, such as Bakewell Road off Culley Court. However, the applicant would not accept this proposal because it formed part of Milton Estates, which they would not have access to.

- The applicant had not been honest about their operation and timesheets submitted to the Council of daily car deliveries. However, there was video evidence to discredited what the applicant had stated.
 - The objector read out a letter from the MP Shailesh Vara, which outlined concerns about conflicting data in relation to the number of vehicle movements, the applicant's operation and treatment of residents.
 - The transporters were arriving at the Barnack Estate buildings, Lynchwood for the car deliveries and these had been registered as SORN.
 - If there were eight HGV car transporter vehicles with 160 car deliveries, then this might be acceptable.
 - It was believed that Milton Estates had attempted to open dialogue with AEPG.
 - The applicant's additional information had not been received in a timely manner.
- Ashley Butterfield AEPG (applicant), Mike Bristow DHL (business operator) and Nick Harding (agent), , addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The original tenancy for the DHL operation in Alconbury, Huntingdon was due to expire with very short timescales, which also posed a threat to 160 jobs.
- A retrospective application was agreed with Peterborough City Council (PCC) Officers to secure the use of the Showground site for the DHL operation and save 160 jobs. As the employment situation was confidential, it was not possible to advertise the fact sooner.
- There were larger highways movements because of the urgent DHL move from Huntingdon and it was appreciated that this had unsettled residents, for which AEPG apologised for.
- There had been an existing highways permission for over 40 years for the Dunblane Drive entrance due to Showground events such as Truckfest which saw circa 2000 HGV traffic movements per day. Furthermore, no traffic accidents had been reported since the entrance was used by HGVs and digger trucks.
- AEPG asked for consideration to be given not to reduce the permission to three as a five-year period was needed to secure DHL jobs.
- DHL were proud to bring the operation to Peterborough, which had exemplary operating and safety processes.
- There had been no warning that AEPG could know that the vehicle movements would be exceeded as the DHL had to move quickly. However, both companies were prepared to work with residents despite the lack of engagement at that start of the process.
- It was unsure how many staff were Peterborough based people; however, it was believed that 70% of the 160 jobs were living in the PE postcode. Members noted that the PE postcode covered a large area well beyond the city.
- The landlord at the Alconbury DHL site had changed the dates of the termination notice, due to residential development plans changing at the last minute.
- As part of the DHL business continuity plan an alternative location had been used to park HGVs for car deliveries onto the site with trade plates.
- There were sale spikes in trade plate figures at certain times of the year. Furthermore, the traffic figures included in the highways submission for the off-site deliveries had not been exceeded.
- The cars seen with no trade plates being driven around the light industrial area would not necessarily be the cars being delivered by DHL. Furthermore, DHL would want to know unlawful operations, so they could take the appropriate action.
- The applicant had explored alternative access points to drive cars onto the Showground site. The A1 and to the north of the showground options mentioned

in the meeting were not acceptable by national highways standards for HGV movements.

- The applicant AEPG had held meetings, which could be evidenced to back up what consultation had taken place. In addition, one meeting held with residents was so chaotic despite the highway's experts being in attendance to alleviate residents' tensions. There had also been other social media consultations made such as contact through LinkedIn.
- The applicant had tried to alter the proposal to move gates, install extra signage, reduced transporter entry and a marshal to mitigate the issues raised about HGV movements. Furthermore, the entrance was not a residential road until it moved past the Showground entrance.
- It would be worse to mix the Showground traffic with DHL traffic at the original site entrance of Joseph Odam Way (JOW). Furthermore, all entrance options had been analysed given the contentious entrance of Dunblane Drive, however, there were no other safe highway options available. In addition, the JOW could be a fallback position if needed.
- The applicant was unsure of what future events had been organised for the Showground.
- As well as consultation with residents there had been dialogue held with two other ward councillors who were in support of the application.
- There had been repeat single objections, where 31 were received from one household. In addition, there had been other multiple objections from same households.
- There had been an invite local sent to the Parish Council to attend the consultation meetings.
- It was unsure how many HGV car transporters were arriving at the off-site location during peaks times and data could be provided. However, the number of car traffic movements to the site had been included in the highways report and these figures would not exceed the proposed amount.
- The entrance gate on Dunblane Drive had been moved back to avoid HGV stacking. In addition, the permanent marshal would be stood at the gate to direct the vehicles.
- There would be a booking system in operation for HGV arrivals to avoid delivery through the night and would start from 6am in the morning.

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

- The conditions on traffic movements imposed would be absolute and enforcement action taken if they were breached.
- Condition 5 included improvements to Dunblane Drive and any barrier option would need to be sanctioned by the Highway Authority. Furthermore, the road improvements proposed were felt sufficient to stop HGVs travelling the wrong way.
- Any damage caused to the highway would need to be resolved by way of Highway Agency sanctions under the relevant Highways act.
- The motivation for Condition 5 was to achieve effective signage and visibility for HGVs.
- The application for the main access was Dunblane Drive and the alternative Joseph Odam Way (JOW) was suggested by officers, but not considered by the applicant. The agent had confirmed when questioned that they had included Joseph Odam Way in the red line as a fallback in case Dunblane Drive was deemed unacceptable.

- The access at Dunblane Drive would be from the parkway or industrial estate, which would be the expectation for HGV traffic.
- The delineation line outlined on the map for the application had travelled up towards JOW, however, the applicant had only applied to use Dunblane Drive and this was the only option for consideration.
- The Committee could not condition use of JOW as that option had not been applied for and assessed by the Highways Team.
- The revised transport assessment submitted by the applicant had been made available on the public access website although provided at short notice.
- The agent was advised in May by officers that an alternative access point should be considered when concerns were raised about the use of Dunblane Drive.
- There was a condition to provide extra width in the junction on Dunblane Drive and Newcombe Way to avoid any side swiping or overrun of the kerb by HGVs. Furthermore, improvements to the road markings could be explored to enhance vehicle movement safety.
- The HGV transporters drivers should wait in the right-hand lane on Newcombe Way and wait to ensure they could manoeuvre safely onto Dunblane Drive; however, the Council could not control driver behaviour.
- The applicant was aware that there needed to be a short notice move from Alconbury and it was agreed that they could submit a retrospective proposal at their own risk.
- There had been no formal notification of any other Ward Councillor in support of the application.
- Condition 5 would restrict large HGVs on the Dunblane Drive access point and this would be enforced by the Council. However, other vehicles would be able to use the access point.
- Conditions 4 and 5 would exclude every large HGVs.
- Members felt that if there was another access through JOW that option should be considered by the applicant as HGVs missing the turn could cause safety issues for the residential area of Dunblane Drive and therefore presented an amenity loss.
- The method of consultation with residents and the Parish Council used by the applicant was not felt adequate.
- Residents had bought their house based on HGV moving in and out on an ad hoc basis. The application would see four lorries per day.
- The entrance at JOW was a longer road and would be safer to use.
- Concerns were raised about the use of offsite locations being used to hold the HGV car transporters and the figures had not been confirmed by the applicant.
- Additional vehicle movements could cause more traffic incidents, and this had been demonstrated recently as a telegraph pole had been knocked over because of HGV movements.
- The concerns of the residents should be listened to as the Showground site had been turned into industrial site.
- Some Members commented that the applicant had tried to engage and consult with residents. Furthermore, businesses would want to use the shortest route to transport their goods.
- It was felt that improvements to the junction, gate and traffic management by a marshal, should stop HGVs travelling down Dunblane Drive into the residential area.
- The fact that alternatives to use an option B of Joseph Odam Way had not been provided by the applicant showed a lack of credibility.
- Some Members felt that the use of alternative junctions and lack of consultation was hearsay. Information had been provided to state the Dunblane Drive entrance would be safe for the proposed vehicle movements and officers were satisfied with this.
- The junction modifications would undergo a lengthy tender process and it was questioned how long residents would have to put up with an unsafe situation.

- Some Members commented that the alternative access of JOW was included in the map delineation, furthermore the applicant had stated that they would need to consider the option because the Dunblane Drive access was contentious.
- The relationship between Conditions 4 and 5, if accepted, would send the car transporter vehicles down a cul-de-sac.
- There had been no reasons stated under planning policy how the application could be refused.
- Concerns were raised in relation to amenity loss to the residents of Dunblane Drive. Until the applicant had submitted the junction improvement plans anything vehicle larger than 3.5k would not be permitted to enter the site through the Dunblane Drive access. Furthermore, concerns were raised about whether C4 and C5 would be enforced as breaches were already happening.
- Members were not convinced that the number of HGV movements quoted by the applicant were accurate. The current HGV movement permissions were for events held at the Showground and therefore strengthened the argument of amenity loss should the application be implemented
- The Ward Councillor had spoken passionately against the application.
- The application was not just about saving jobs and should not be the only consideration.
- Even though there was no strong policy reason for refusal, the loss of amenity such as LP17; causing noise and other disturbance should be considered.
- An appeal process would take a year, but the applicant could submit an alternative proposal to use the entrance JOW.
- The applicant could offload cars at an alternative location until the junction was improved, currently the junction was being used without formal approval.
- Officers were asked whether it would be reasonable for Committee to refuse on highway or amenity grounds. Officers advised that a highway reason would be difficult to defend given the expert advice of the Local Highway Authority was that the proposal would be acceptable subject to conditions. However, amenity was a matter of judgement and that it would be reasonable for Committee to take a different view from Officers.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against the Officer's recommendation to **REFUSE** the application. The Committee **RESOLVED** (7 For, 3 Against, 0 Abstention) to **REFUSE** the planning permission.

REASON FOR THE DECISION:

Members felt that the application was unacceptable under LP17 due to additional noise, amenity loss, and disturbance, to the residents of Dunblane Drive from traffic entering and leaving the site.

4.37pm - At this point the Committee took a comfort break and returned at 4:53pm.

21. ARTICLE 4 DIRECTION FOR 1073 LINCOLN ROAD

The Committee received a report, which sought permission to confirm the Emergency Article 4 Direction at 1073 Lincoln Road, Peterborough

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

Mr Abbas Walji, the property owner addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The property was bought as a family home and due to subsidence, the property owner decided to redevelop the site however, received an article 4 Direction from Planning Officers as a result of his application.
- The imposition of an Article 4 Direction had created a longer process for improvement works, even for minor repairs.
- The property was currently beyond repair due to bowing walls and a dilapidated chimney.
- There had been a lack of engagement from PCC officers. A recent application to widen the junction had been refused on highway grounds and the property owner had not been made aware of this by email as suggested. The property owner felt he was being punished.
- Part 1 of the Article 4 Direction imposed had not distinguished between each of the buildings and historical value. This would mean that a broken bay window could not be repaired without permission, extensive surveys and extra cost.
- There was compensation through the Article 4 scheme, however the property owner needed to be able to afford the repairs too.
- The property owner had 30 days to decide whether to take the property due to an auction process and the original buyers rescinding their bid.
- If part 1 of the Article 4 Direction could be removed, it would make things easier for the property owner to apply minor modifications without having to undertake a lengthy application process.
- The revision of the directive boundaries should be in line with National Planning Policy Framework (NPPF) recommendations.
- The property owner wished to work in an active way with officers to modify the building.
- The owner was not looking to demolish the building, and just wanted to repair it.
- The imposition of the temporary Article 4 Direction provided little time for the property owner to work with the officers over the proposed renovations.

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

- Any minor or internal repairs would not need planning consent, only alterations made to the external building were applicable.
- The officer had discussed the Article 4 Direction implications with the property owner for over an hour on the phone, however, dialogue could be reopened to resolve any concerns.
- Underpinning the protected buildings was a material consideration and could require a planning application.
- The Article 4 Direction had been applied on over 100 buildings and this application was considered one of the most significant unlisted buildings of Peterborough.
- Permitted development rights referred to building works as outlined in the planning act and mainly related to the outside of a property. Changing the windows and repointing repairs would not necessarily require permission if the materials matched.
- The proposal of further discussions with the applicant would not change the recommendations by officers for the imposition of an Article 4 Direction and

therefore, would not warrant a deferral by Committee. This was because minor tweaks would not be conducive as it would be far more complex nature.

- It appeared that the property owner needed further dialogue about the requirements of an Article 4 Direction.
- Planning permission for alterations had a statutory timeline of eight weeks for material works.
- Members felt that the building was significant, and a deferral would result in the same position.
- The property was Georgian in nature and therefore, important to preserve.
- There needed to be a dialogue between the property owner and Conservation Officer.
- Officers advised Committee that they needed to consider the merits from a historic building point of view, of confirming the Article 4 Direction rather than any plans the owner may or may not have

RESOLVED:

The Planning Environment Protection Committee considered the report and **RESOLVED**, (unanimously) to:

- Note the outcome of the public consultation on the proposed Article 4 Direction for 1073 Lincoln Road, Peterborough
- Support the adoption of the Article 4 Direction at 1073 Lincoln Road, Peterborough

REASONS

Adoption of the Article 4 Direction for No.1073 Lincoln Road would:

- Have a positive impact upon the conservation of the heritage of Peterborough, by ensuring that development took into consideration the impact upon the relevant non-designated heritage assets; and
- The proposal would further the stated aim of Policy LP19 of the Peterborough Local Plan (2019).

22. Quarterly Appeals Report

The Committee received a Quarterly Appeals Report, which covered the appeal decisions received for the period from April to June 2023.

The purpose of the report was to enable the Committee to view the Planning Service's appeals performance and identify if there were any lessons that could be learned from the decisions made. In addition, the report intended to help inform future decisions and potentially reduce costs for the Authority.

The Development Management Team Leader introduced the report and asked Members to note past performances and outcomes.

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

Members congratulated the officers on the low number of appeal loses.

AGREED ACTION

The Planning and Environmental Protection Committee noted the quarterly appeals report.

Chairman 1.30pm - 5:40pm

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