

**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1.30PM, ON
TUESDAY, 12 DECEMBER 2023
IN THE COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: Councillors Iqbal (Chairman), Jamil (Vice-Chairman), A Bond (13.37), Fitzgerald, Harper, Hogg, Hussain, Jones, Sharp, and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Phil Moore, Development Management Team Leader
Lucy Buttery, Development Management Officer
A Jones
Karen Ip, Development Management Officer
Colin Sweeney, Interim Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer
Chris Gordon, Planning Solicitor,
Sarah Hann, Principal Engineer (Highway Control)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Rush.

2. DECLARATIONS OF INTEREST

There were no declarations of interest received from Members.

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

None.

4. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Committee, held on 23 November 2023, were approved as a true and accurate record.

5. ORDER OF BUSINESS

At the request of the Chair, the Committee **RESOLVED** that Agenda Item No. 4.2 21/02004/MMFUL (Eye Landfill Site, Eyebury Road, Eye, PE6 7TH) be considered as the last application under Planning and Enforcement Matters.

6. PLANNING AND ENFORCEMENT MATTERS

6.1 23/00488/FUL - 16 Heath Road, Helpston

The Committee received a report, which sought permission for the erection of two detached dwellings with access from Heath Road, including associated hard and soft landscaping.

The application site lay to the north of the dwelling known as No.16 Heath Road and formed part of its domestic garden. Development along this part of Heath Road was largely confined to the western side and took the form of frontage development. There were fields opposite and an area of ancient woodland to the rear and the site was effectively an infill plot.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included:

- Removal of large, detached garage
- Impact on great crested newts.

Councillor A Bond arrived at 13.37pm following the commencement of this item. Accordingly, Councillor Bond was ineligible to vote on this matter.

Public Speaking

i) Parish Councillors Dobson and Cross addressed the Committee and responded to questions from Members. In summary, the key points highlighted included:

- Page 15 (site description). The Parish Council contested the description of an infill site in favour of a pond between two houses and that its prominence was debateable. There was no mention of a pond in the initial description.
- Policies A2 and LP20 – ambiguity surrounded the use of the word “should” rather than the mandatory word “must”. The Parish Council’s interpretation was that “should” require a criterion to be observed and therefore, the two houses proposed should not be the same but be given the same weight as any other policy plans.
- The Parish Council further contested that the application was unsound. It stated that the Agent had signed a statement of truth but that the Case Officer did not have to accept these documents. The PC stated that whilst it believed there were genuine options available for the site, the City Council could be party to something, which was unlawful.
- Certificates and ownership - Notice only just recently posted on the website and two certificates when there should only be one.
- Lack of engagement – The Parish Council claimed that the Applicant did not engage at the outset.

ii) Annabel Tighe, John Downey and Richard Astle, as objectors, addressed the Committee and responded to questions from Members. In summary, the key points highlighted included:

- It was contested that the application was non-compliant and said that this had been recognised by the Council’s Officers. They said that when a planning application was compliant, it should be passed and when it was not, it should not.
- Properties at the site were previously flooded in the 1960’s and recently, storm Babette had brought flooding down Heath Row. A video of the water that had flowed out of the pond had been made.

Members raised key points and questions to the objectors, which, in summary, included:

- A Member questioned the reference to non-compliance and why the Applicant had not gone for a compliant application as it clearly undermined public confidence in the system. The same Member touched upon the reference made to the word “should” being applied throughout the Policies highlighted as this suggested a degree of flexibility, however, whilst the Policies stated there should be two different sized houses, there were not.
 - In response to a question by the Chair to the objectors as to what their views were of the assessment being in favour of the development, Mr Astle said that this was a large pond, which covered both houses. He queried where the water would go and said it was important to recognise there was an important covenant on this site already and it was all about the principle.
 - A Member said he could not see any pipes coming out of the pond when on the site visit. In response, the objectors stated that the pond was served by underground pipework.
 - A Member sought clarification that the current pond was not live but that the new one, would be.
- iii) Mr John Dickie, the Agent, then addressed the Committee and responded to questions from Members. In summary, the key points highlighted included:
- The Agent said that, ordinarily, he would not have spoken where Officers had recommended that planning permission be granted. He said that the starting point for the application was well stated in the report and that the Applicant was entirely agreeable to the proposed planning conditions.
 - The Agent said that, from the outset, there had been a “brutal, devil’s advocate approach” to what was, in principle, an infill development and recognised there were two constraints – the pond and protective species’ habitat. He said that two developments would not change the land use whatsoever.
 - The Agent said that several stone house developments to the north have recently been built.
 - In respect of the pond being considered as a heritage asset, he said that this had not occurred to him.

Members raised key points and questions to the Agent, which, in summary, included:

- In terms of the Neighbourhood Plan, why was it that you chose to ignore the two properties having to be different? In response, the Agent said that it did not compel the Applicant to have two identical properties and that reference to “should” within the Policies supported this.
- In response to whether there was a dispute over who owned the land, the Agent said there was a strip of land, which was not a material planning consideration.
- The Chair reiterated that the Policies made references to “should” and said that if this had read “must” or “shall” then the Committee would have to have given it serious consideration.

Members raised key points and questions to Officers which, in summary, included:

- Adhering to Planning Law.
- Ambiguity surrounded the validity of “should” as opposed to “must” in determining applications.
- Whether officers were content that flooding would not take place.
- What was the reason for the officers’ recommending approval, bearing in mind the provisions of the Local Plan.
- When neighbouring properties were built and did they differ in any significant way to those being considered by the Committee today.
- Was encouraging development part of Officers’ consideration as well.
- Confirmation that all objections received had been addressed and that there were no outstanding concerns.
- Whether drainage strategy and flood risk assessment would have to be submitted before work commenced, if Committee was minded granting planning permission.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application.

Accordingly, the Committee **RESOLVED** (9 For, 0 Against and 0 Abstentions) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 - The development hereby permitted shall only be carried out in accordance with the following approved plans and documents:

Plans:

Site Location Plan - JDA/2022/820.LOCATION.001A
 Proposed Site Plan - JDA/2023/820.SITE.001C
 Proposed Drainage Strategy - JDA/2022/820.DRAINAGE 001E
 Proposed Soft Landscaping - JDA/2023/820.LS.001C
 Proposed Lighting - JDA/2023/820.LIGHTING.001A
 Proposed Elevations and Floor Plans - JDA/2023/820.LAYS.001
 Bird and Bat Boxes - JDA/2022/820.BOXES.001

Documents:

Schedule of Renewable Energy Assets (March 2023)
 Biodiversity Mitigation and Enhancement Plan (March 2023)
 Preliminary Ecological Appraisal and Preliminary Roost Assessment (31st May 2023)
 Flood Risk Assessment (July 2023, Version 2)
 Arbtech File Note: GCN at 16 Heath Road (27th October 2023)
 Landscaping Specification (V5, dated March 2023)

Reason: In the interests of proper planning.

C3 - No development shall take place until an ecological design strategy (EDS) addressing the creation and management of the ecotone area as an area of natural woodland being a habitat extension to the existing rice wood. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures. The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. The EDS should cover a period of at least 30 years.

Reason: In the interests of protected species in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C4 - No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to, and approved in writing by, the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Summary of potentially damaging activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period

strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C5 - Prior to the occupation of each individual dwelling, the 'ecotone' / 15m buffer in the garden of that particular dwelling (as indicated on Drawing No. JDA/2023/820.SITE.001C) shall be implemented in accordance with the approved details. It shall remain fenced off at all times and shall not be used for any purpose other than an ecotone / buffer zone. No structures whatsoever shall be erected in this area. No plant or animal not indicated on Drawing No. JDA/2023/820.SITE.001C shall be introduced to the ecotone / 15m buffer. The site shall be colonised naturally from the neighbouring woodland over the period of the management plan.

Any trees, shrubs or hedges forming part of the approved ecotone die, are removed or become diseased within five years of the implementation of this scheme, these shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C6 - The development hereby permitted shall be carried out in strict accordance with the recommendations set out in the Biodiversity Mitigation and Enhancement Plan (March 2023), as well as the mitigation measures for Great Crested Newts set out in the document entitled Arbtech File Note: GCN at 16 Heath Road (27th October 2023).

Reason: In the interests of protected species in accordance with Policy LP28 of the Peterborough Local Plan (2019).

C7 - The soft landscaping scheme indicated on Drawing No. JDA/2023/820.LS.001C (with the exception of the planting required by Condition 5) shall be completed during the first available planting season following completion of the development.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019).

C8 - The development hereby permitted shall be carried out in strict accordance with the approved plans and arboricultural report - BS5837:2012 -Trees in relation to design, demolition and construction. AIA, AMS & TPP in relation to trees at St 16 Heath Road, Helpston from East Midlands Tree Surveys Ltd dated 30th June 2023 (as amended).

- Reason:** In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 of the Peterborough Local Plan (2019).
- C9 - The development shall be carried out in accordance with the external lighting details shown on Drawing No. JDA/2023/820/LIGHTING.001A and no other external lighting shall be erected other than that so approved.
- Reason:** In the interests of biodiversity in accordance with Policy LP28 of the Peterborough Local Plan (2019).
- C10 - Prior to its installation, details of the height of any proposed closeboard fencing shall be submitted to, and approved in writing by, the Local Planning Authority. The fencing shall include 13cm x 13cm holes at the base of the fence in order to facilitate the movement of hedgehogs. The fencing shall be erected in accordance with the approved details and retained as such in perpetuity.
- Reason:** In the interests of biodiversity and in order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policies LP17 and LP28 of the Peterborough Local Plan (2019).
- C11 - No above ground development shall take place unless and until details of the proposed external materials have been submitted to, and approved in writing by, the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.
- Reason:** For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- C12 - Prior to commencement of development, details of the temporary facilities that shall be provided clear of the public highway for materials storage and for the parking/turning/loading/unloading of all vehicles visiting the site during the period of construction shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason:** In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- C13 - The dwellings hereby permitted shall not be occupied until a means of access for vehicles has been constructed in accordance with plans to be submitted to, and approved in writing by, the Local Planning Authority. Details should include levels, drainage and methods of construction. The accesses shall be constructed in accordance with the approved details and retained thereafter in perpetuity.
- Reason:** In the interests of highway safety and to ensure satisfactory access into the site in accordance with Policy LP13 of the Peterborough Local Plan (2019).
C14 Prior to the first occupation of any dwelling, vehicle to pedestrian visibility splays shall be provided in accordance with the details shown on the approved layout plan and kept free of any obstructions over 600mm in height above ground level. Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).
- C15 - Car parking, including garages and turning, shall be provided in accordance with the approved layout plans prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained and not used for any other purpose other than the parking and turning of vehicles.

Reason: To ensure that sufficient car parking and turning remains available on site in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C16 - A wheel cleansing system for construction vehicles (i.e. a portable wheel wash), including a contingency measure should this facility become inoperative, shall be installed on-site. The wheel cleansing equipment shall be capable of cleaning the wheels, underside and chassis of all construction vehicles that shall visit the site during the construction/demolition process.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C17 - Prior to their installation, full details of the location and specification of the proposed air source heat pumps shall be submitted to, and approved in writing by, the Local Planning Authority. The air source heat pumps shall be installed in full accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

The Meeting stood adjourned from 14.42pm to 15.00pm

6.3 23/01310/FUL - 1 Grove St Woodston

The Committee received a report, which sought permission for a proposed change of use to the car sales/showroom (sui generis) and external alterations.

The site contained a vacant building with an existing use for commercial and light industry. The building was positioned on the rear part of the site and set back from the road by 28.3m and was a two-storey flat roof building in the front and a single storey pitched roof building behind. There was a large parking area to the front of the site.

To the north, west and south of the site were residential dwellings. To the east of the site was Grade II listed 'Fletton Tower', with the listed building curtilage, which extended along the southern and eastern boundaries of the application site.

The application site had received planning permission for a change of use to workshop, offices and stores for a hot and cold drink vending machine business under planning permission reference P0136/82. Condition 1 of that planning permission was as follows:

“The site shall only be used for light industrial purposes as defined in the Town and Country Planning (Use Classes) Order 1972 and not for any general or special industrial purposes as so defined.”

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included:

- The site could be utilised without local authority consent (no restrictions) for light industry, such as shops, cafes, employment agencies, gymnasiums, creches etc.
- Plot outlined in red. This had changed significantly since permission was first granted.
- Currently a vacant site in Grove Street.
- Would a change of use be more harmful than current use?

- The site is currently vacant and an application for change of use would allow the Council to influence opening hours and its purpose.
- Resident concerns had been raised in relation to traffic, especially on match days.
- The proposal met with Local Plan Policy and therefore approval was recommended.

Public Speaking

- (i) Councillors Thulbourn and Coles, as Ward Members, spoke against the application and a summary of the key points was as follows:
- Grove Street, and that part of the city, was largely residential and had large levels of traffic flow.
 - A change of use would make a significant impact with safety concerns surrounding the flow of school children at the S bend there (previous businesses there were very mindful of their responsibilities to the local community.)
 - Concerns around five car showrooms that had opened in the vicinity recently.
 - Constraints seemed to be ignored and there were multiple pinch points and multiple issues.
 - Community impact of multiple car showrooms and sale of second-hand cars.
 - In terms of highway safety, there had been some near misses.
 - The community there was unhappy and not supportive of the proposals but seemed content with previous proposals for residential properties there.
- (ii) Two non-registered speakers, as objectors, had been granted permission to address the Committee:
- Strongly objected, not only to the business but the nature of the business and the traffic going through the narrow road every day = going to be very hard on the local community.
 - Customer parking off-site.
 - Pedestrians would have to go into the middle of road to see what was coming, as vision was blocked.
 - Traffic movements to and from the business would be numerous each day and would not be policed.
 - 16 cars on site would not be viable.
 - Test drives and resultant noise, seven days a week.
 - Road was unsuitable and inappropriate for this type of business and that this was supported by the Highways Authority, hence the no loaders conditions.
 - There would be a negative impact on the community and local amenities arising from pollution.

Members raised key points and questions to the objectors, which, in summary, included:

- In response to a question as to whether the applicant's business would be the same as other similar businesses there in terms of noise and safety issues, it was noted that all such businesses were noisy, and each brought about their own traffic issues.
- In response to a question as to the level of mechanical works carried out at the area of the site, Officers advised that one did undertake such work with the other three being showrooms with no mechanical work being undertaken.
- Whether previous owners of the plot had carried out industrial business.
- Councillors, speaking as objectors, disagreed with the Council's Officers' views as granting planning permission would have a significant adverse impact on the community since the matter was about the trading of vehicles and the impact on the street.
- In response to a question as to whether a small business there would impact neighbours more, Officers advised that the impact would be significantly less than a car showroom.

(iii) The Applicant:

The Applicant advised Committee that there would be no work undertaken but that transporters would be on site. He said he did not wish to upset the local community and confirmed there would be no parking on the road and no speeding there.

Members raised key points and questions to Officers which, in summary, included:

- Reference to "By Appointment Only" meant that all appointments would be made online.
- In response to a question, it was anticipated that up to 120 cars would be on site on any given day.
- Officers confirmed that there were conditions to be applied, if granted, which were enforceable in the event of loaders turning up on site.
- In response to a question around the process of enforcement, Officers would set up an enforcement case, make a judgement about what should happen next and whether then to take enforcement action or impose STOP Notices, which if breached, could be pursued as a criminal offence via the courts. Officers also advised that enforcement was discretionary and that it was for the Council's Enforcement Team to decide whether to take action, or not.
- In response to a question as to whether any permission granted could be temporary, Officers confirmed that it could however, the Committee had to be mindful of potential fallback given that the site could be used for a multitude of trades in any case.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application.

Accordingly, the Committee **RESOLVED** (10 For, 0 Against, 0 Abstention (unanimous)) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 - The development hereby permitted shall be carried out in accordance with the following drawings:

- Existing and proposed elevations and location plan 231407 - 02 Rev A
- Proposed plans 231407-03 Rev A
- Existing and proposed site plan 231407 - 04 Rev A

Reason: For the avoidance of doubt and in the interest of proper planning.

C3 - The car sales/showroom use hereby permitted shall only be carried out between the hours 09:30 - 18:00 Monday to Saturday and 10:30 - 16:00 on Sundays and Bank Holidays.

Reason: To ensure that the operation of the use is such that no undue harm results to neighbouring occupants in accordance with Policy LP17 or the Peterborough Local Plans (2019).

C4 - No vehicle transporters or low loaders shall be used for the delivery of vehicles at any time to and from this site. The initial stocking of the vehicles shall not take place during peak times, such as school runs or match days to avoid added congestion to the roads that serve this area. The re-stocking of vehicles shall operate as detailed in the Design and Access statement Rev B (received 25 Oct 2023), on a one-by-one basis and cars delivered individually.

Reason: To ensure the development would not give rise to unacceptable harm to the amenity or highway safety of the area, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019)

C5 - The parking and forecourt area shall be laid out in accordance with plan 'Existing and proposed site plan 231407 - 04 Rev A', and retained in perpetuity.

The parking and display spaces, as designated on the plan for staff, visitor and for the display of cars shall be made available for that use at all times and for no other purpose. The manoeuvring space adjacent the parking areas shall be kept clear of vehicles at all times.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

6.4 23/01386/FUL - 43 Viney Close, Eastfield, Peterborough, PE1 5LS

The Committee received a report, which sought permission for the change of use from a residential dwelling (C3) to a children's home (C2) for two children between the ages of 8-18 years old.

The application site was a semi-detached dwelling located on Viney Close, within a residential cul-de-sac. The plot had off road parking spaces to the front and an enclosed rear garden. In addition, there was on street parking with no parking restrictions.

The immediate area was predominately residential, mostly semi-detached dwellings of the same era, around 1950s. Nearby facilities included a variety of shops (at Hill Close), open space areas (Board Close and Reeves Way), two primary schools (Newark Hill and St Thomas More) and two secondary schools (City of Peterborough Academy and St John Fisher). Viney Close was accessed off Reeves Way, which was on a bus route and there were bus stops located close to the application site within walking distance.

The Head of Planning introduced the item and highlighted key information from the report and the update report.

Public Speaking

- (i) Councillor Jackie Allen, as Ward Member, spoke against the application and a summary of the key points was as follows:
- Any child with special needs would be chaperoned to their own school.
 - Children Services Commissioning contacted to see if there was any need for this home.
 - Staff accommodation was required and asked if this impacted on the amenities for the occupiers.
 - She doubted whether the corridor in the premises could be adapted for wheelchair access and that such conversations should have taken place beforehand.
 - The Council should be considering the application from a corporate parent perspective.

Members raised key points and questions to Councillor Allen, as objector, which, in summary, included:

- Children's Commissioning had not acknowledged the need for this home.
- The home and the space within it had to be made fit for purpose.

Members raised key points and questions to Officers which, in summary, included:

- How staff at the home would access the toilet there.
- Whether there would be a requirement for four parking spaces to be provided to allow for a shift change amongst staff.
- No mention of cycling provision.
- Whether the home was acceptable given the need for wheelchair access etc.
- Whether two staff would be adequate for the needs of the children.

- Day shift ran from 7am to 10pm (15 hours) and it was asked whether there would be a handover with nightshift staff. It was felt that, in terms of vehicle movement, it was a valid consideration for the Committee.
- It was a question of need and suitability and whether the question as to its suitability was a matter, which the Committee could not consider now.
- Whether the Council had its own set of guidelines or criteria for acceptable living standards.
- Provision of overnight accommodation for staff.

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

- OFSTED would decide who lived there. The premises were entirely suitable, and the decisions lay with the Regulator.
- As corporate parents, the adequacy of the space as a home for children was questioned.
- Quite oppressive with a narrow and steep staircase and the rooms were small.
- Corporate responsibility for these children with SEND etc.
- This was a change of use planning application from a C3 to C2 and was no more than “a box for four people!”
- Some disagreement with the design and outline of this property. Mindful to support the officers then let OFSTED do its best to get it to the standard it required.
- The issue the Committee was being asked to determine was whether the site was an acceptable residential amenity for children with SEND.
- The home would be a much-regulated place. The Council’s Officers had made recommendations and residents would be considered by OFSTED.
- OFSTED would not consider residency until valid planning permission had been granted.
- The application was for a change of use, and it was the Committee’s duty to consider it as a change of use and to determine whether the property was acceptable and suitable for future use for four people in this way.
- If the Committee was minded refusing planning permission, then it was required to provide reasons for doing so, which could be challenged.
- Whether consideration could be given to Officers to write a report seeking further information, then grant permission under delegated powers, subject to receiving clarification and further advice.

Officers advised that whatever decision the Committee made, it needed to be based upon evidence and substantiated. They added that it would be very tenuous for the Committee to refuse the application on any of the grounds under LP17.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application. Accordingly, the Committee **RESOLVED** (6 For, 3 Against, 1 Abstention) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 - The development hereby permitted shall be carried out, including the materials to be used, in accordance with the following approved plans:

- o Existing Site and Location Plan Drawing No. 537SD03
- o Proposed Plans REV C rawing No. 537SK01
- o Proposed Elevations Drawing No. 537SK02
- o Proposed Site Plan Drawing No. 537SK03

Reason: For the avoidance of doubt and in the interest of proper planning.

C3 - There shall be the presence of at least one staff member at the development hereby permitted 24 hours a day and 7 days a week.

Reason: In the interest of neighbour amenity in accordance with Policy LP17 of the Peterborough Local Plan (2019).

C4 - The application site shall be used only for the semi-independent provision for two young people aged between 8-18 within Class C2 Residential Institution of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 2015.

Reason: To ensure that any future change in use is assessed by the Local Planning Authority, particularly with regard to car parking provision and amenity considerations and in accordance with Policies LP13, LP16 and LP17 of the Peterborough Local Plan (2019).

C5 - Prior to occupation of the care home, a drawing shall be submitted to show the site access and parking arrangements along with all available visibility splays (vehicle-to-pedestrian and vehicle to-vehicle) clear from any obstructions over 600mm in height. The access, parking and visibility shall be provided in accordance with the approved details prior to the occupation of the care home, and thereafter retained.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the adopted Peterborough Local Plan (2019).

C6 - Prior to its implementation a scheme of cycle parking including details of its location, along with details of the type of cycle stands and shelters to be provided shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be installed in accordance with the approved details prior to first occupation of the dwelling/building to which it relates and thereafter retained.

Reason: In order to ensure that sufficient and suitable cycle parking is available in accordance with Policy LP13 of the adopted Peterborough Local Plan (2019).

The meeting stood adjourned from 17.28pm to 17.33pm.

6.2 21/02004/MMFUL - Eye Landfill Site, Eyebury Road, Eye, PE6 7TH

With reference to Minute No.5 herein, the Committee received a report, which sought permission to compost approximately 50,000 tonnes per annum (tpa) at an Open Windrow Composting facility (OWC). Biodegradable wastes, but not catering waste or waste containing any other animal by-products, would be imported to site, and placed on a concrete pad of some 200m x 128.5m with shallow gradients and kerbs to contain and control surface water, which would drain to two new lagoons, to the northeast and southwest of the pad. Such water may be used to irrigate windrows or be sent off site for disposal. It was expected that the storage tank for off-site disposal of compost liquor would also be capable of storing excess leachate from the wider landfill site if required.

The existing site reception area would be retained to service the operation, and the 'recycling shed' at the site would also be retained for the storage of plant and equipment.

Incoming waste would be placed on the pad prior to shredding and screening and being placed in elongated piles (windrows). Over a minimum of five weeks, each batch, or windrow, would be mechanically turned, with the waste decomposing naturally under aerobic (i.e. with oxygen) conditions, during which compost temperatures would reach 65-80 degrees Celsius during the first two weeks as part of a sanitisation process to destroy weed seeds and reduce any human and animal pathogens. Further to the initial two-week sanitisation period, temperatures would be maintained to at least 45 degrees Celsius by managing moisture levels (using water from the lagoons) during a stabilisation phase. It was anticipated that the site would support approximately 30 windrows, each of which would be approximately 7m wide at the base, reaching to a height of some 3.5m.

A final phase of maturation could be utilised if required, to enable temperatures to decrease further, prior to screening to provide a finished compost product. Temperature and moisture content was monitored throughout the process. Producing compost to PAS 100:2018 (Specification for Composted Materials) required careful control of the incoming green waste streams, details of which would be recorded upon delivery to the site; any unsuitable, or oversized materials would be removed and placed into skips for onward transportation to a suitably licensed recovery or disposal facility.

Finished compost product (produced to quality standard PAS 100:2018), comprising approximately 25,000tpa (which reflected a reduction of approximately 50% of original feedstock material)) would be exported in bulk by Heavy Commercial Vehicles, with smaller bagged compost despatched on pallets. Compost would not be available for sale to members of the public.

Operations at the site, including green waste delivery, composting operations, maintenance and despatch of compost product, were proposed to be carried out between 0700 - 1800 Monday to Saturday, and at no other times or on Sundays, Public, or Bank Holidays.

No fixed or mobile lighting was proposed.

The site comprised an area to the west and centre within the Eye landfill complex, which lay to the southeast of Eye Village. Restored former quarry working lay to the north, beyond which lay the Green Wheel adjacent to a dwelling at Tanholt Farm. The eastern boundary of the wider landfill site was formed by Cat's Water Drain. The "southern extension" lay to the south of the proposal site and open fields lay to the west beyond the site reception area.

The wider site was an operational landfill site, (with a former quarry adjacent to the northwest that had been restored and was in aftercare) and had an appearance typical of such workings; in the central area there was an 'environmental compound' (which included gas management systems), lagoons and a 'recycling shed' and operational storage area. To the south of the southern extension sat an area of leachate management through a series of *Miscanthus* beds.

The landfill operation was subject to planning permission and a permit from the Environment Agency for eight cells for non-hazardous landfill, and a separate area for inert waste (previously subject of planning application 15/00763/NONMAT to amend the contours to accommodate the previously approved, but not implemented, 'IVC' (In Vessel Composting) facility, subject of permission 14/01307/MMFUL). The proposal site broadly correlated with the area of the unimplemented IVC facility. The eastern strip of the southern extension had been restored as a wildlife corridor as required by previous permissions.

Access was provided via an internal haul road of some 700m on to Eyebury Road.

The area around Eyebury landfill was characterised by a fen edge appearance - large open fields and sporadic farmhouses and other dwellings. Willow Hall Farm quarry was located to the east of the site, separated from the landfill by the Cat's Water Drain.

The Head of Planning introduced the item and highlighted key information from the report.

Public Speaking

- (i) Councillors Simons and Steve Allen, as Ward Members, spoke against the application and a summary of the key points was as follows:
 - Concerns raised in relation to highways.
 - Pleased to see that the other application for an extension would be recommended for refusal.
 - 270 houses approved - outline planning permission. Road not fit for purpose for that site at all.
 - Concerns around odour and how the applicant could state that it would not travel beyond 250m.
 - Concerns also around noise, dust and an increase in vehicle movements. Single file country lane with spasmodic parking places – a congested “rat-run”.
 - Threat to the amenities of local residents via noise, dust and odour. The Committee was urged to recognise the concerns of residents of Eye.
- (ii) Chris Cutteridge, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:
 - Mr Cutteridge said he had nothing against a wish to recycle and make compost, however, his main fear was the risk of the bad smells (he lived approximately 257m from composting site).
 - He asked whether there were guidelines to reduce the effect to the community and whether a short-term agreement could be put in place to show that the applicant could and had addressed concerns around odour.

In response to a question regarding what, if any impact resulting from current noise from developments and current activities was, it was stated that there was no real impact, however the direction of the wind was quite important.

(iii) James Stewart - Irvine, (BIFFA) the applicant, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Welcomed and strongly supported the recommendations of officers.
- BIFFA fully managed a wildlife corridor.
- No. of open window compost facilities.
- Local demand for high-quality compost.
- Location provided excellent site with excellent access to compost products.
- No significant environmental impacts arising from construction of the facility.

Members raised key points and questions to Mr Stewart-Irvine, as applicant, which, in summary, included:

- In response to a question as to what the applicant would deem as amenable if a temporary contract was awarded, he replied, 10 years at least and that there were two separate regulatory regimes in place to come down on BIFFA if need be.
- Daily odour checks and how risks could be mitigated.
- In response to a question as to whether the applicant had used the same parameters of 250m in other sites and whether he had received complaints there, he replied that 250m parameters were used in other sites, however these tended to be largely rural.
- The Chair asked the applicant what he had to say about the concerns raised during the debate, in relation to noise, dust and traffic. In response, the applicant said that there would be a Dust Management Plan in place and that noise would be covered in planning conditions. He acknowledged that traffic was a sensitive issue in the area, but that BIFFA had considered the 270 new homes planned there and that Red Brick had raised no questions or concerns.

Members raised key points and questions to Officers which, in summary, included:

- In response to a question as to whether the granting of a temporary permission was viable, Officers said that they needed to consider whether it was necessary; what they knew about the site and its operation and that in terms of odour, this was an Environment Agency controlled process.
- There were expectations around traffic numbers, and it was acknowledged that these could change over the next year or two.
- In response to a question as to whether 30 movements a day was less than where the peak had been previously, Officers advised that it was a reduction and previously had been around 430 a day when quarry and landfill activities were undertaken.
- Whether the road would cope with the additional traffic expected to be using Ivy Road.

Having considered the report and representations, a motion was proposed and seconded to **GRANT** the application.

Accordingly, the Committee **RESOLVED** (10 For, 0 Against and 0 Abstentions) to **GRANT** the planning permission subject to the reasons for the decision and relevant conditions delegated to officers listed below:

C1 - The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 - The Open Windrow Composting facility hereby approved shall be carried out in complete accordance with the following plans:

- o Site Location and Land under Applicant's Control, Drawing No. 1 dated 16.12.21.
- o Planning Application Boundary and Site Layout, Drawing No. 2 dated 16.2.21.
- o OWC Facility Layout, Drawing No. 4 dated 16.12.21.

Reason: To clarify what is hereby approved.

C3 - No green waste or other compostable materials shall be deposited, processed or stored other than on the area labelled 'Compost Pad' on the 'Planning Application Boundary and Site Layout' Drawing No. 2 dated 16.12.21

Reason: In the interests of protecting the natural environment and in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 20 and 22.

C4 - The rating level of noise emitted from the site shall not exceed the values set out below.

The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be according to BS: 4142:2014

- o Location Noise Limit (operational hours, LAeq (1 hour))
- o Willow Hall Farm 40dB
- o Tanholt Farm 45dB
- o America Farm 45dB

Reason: In the interests of local amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C5 - Noise monitoring, measurements and assessment shall be carried out to BS:4142:2014 within four months of commencement of composting operations and be made available to the Local Planning Authority, alongside any requisite proposals for mitigation should it be required.

Reason: In the interests of local amenity in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C6 - Prior to the commencement of development details of reversing alarms to be fitted to all mobile plant shall be submitted to and approved in writing by the Mineral Planning Authority. The approved reversing alarms shall be utilised on all mobile plant throughout the period of the development.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C7 - The operations authorised, required or associated with the development hereby permitted shall only be carried out between the following times: 07:00 - 1800 Monday to Saturdays and at no other times or on Sundays or Public Holidays.

Reason: To minimise the risk of disturbance to the nearest residential property in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C8 - No lighting shall be erected or used until and unless a scheme of lighting has been submitted to, and approved in writing by, the Local Planning Authority.

The scheme must demonstrate that use of lighting the development shall not exceed the obtrusive light limits specified for environmental zone E2 in the Institution of Lighting Professionals document "Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:21".

The development shall thereafter be carried out in complete accordance with the approved scheme for lighting.

Reason: In order to protect ecology, the amenity of local residents, and highway safety in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policies 18 and 20.

C9 - There shall be no selling of composted materials to the public from the site or the public delivery of green waste to the site. Weighbridge records shall be kept for no less than a calendar year and presented to the Local Planning Authority upon request.

Reason: To minimise traffic movements to and from the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C10 - The total number of HCV movements for the purposes of all operations and development undertaken pursuant to Open Windrow Composting facility shall not exceed 30 per day between Monday and Saturdays inclusive, and none on Sundays, Public Holidays and Bank Holidays.

Reason: To minimise disturbance to residential or rural amenity from the development in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 23.

C11 - No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority. Those elements of the surface water drainage system not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the agreed Water and Flood Risk Assessment prepared by WSP Golder (ref: 21451275.605/A.1) dated July 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the Q BAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events.
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance.
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it).
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections).
- e) Temporary storage facilities if the development is to be phased.
- f) A timetable for implementation if the development is to be phased.
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants.
- h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems.
- i) Full details of the maintenance/adoption of the surface water drainage system.
- j) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

Reason: This is a pre-commencement condition to ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts, in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 22.

C12 - No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: This is a pre-commencement condition to ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts, in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 22.

C13 - The Great Crested Newt fence will be maintained around the southern edge of the Composting Pad as described within the Preliminary Ecological Appraisal dated 16 December 2021 unless varied by a European Protected Species licence subsequently issued by Natural England.

Reason: To ensure that the recommended mitigation is delivered with the scheme to protect biodiversity and in accordance with Cambridgeshire and Peterborough Minerals and Waste local Plan Policy 20.

C14 - All reasonable precautions to prevent the spread of litter from the working area shall be taken. Any litter from the site which is deposited on nearby land shall be removed and returned to the infill site.

Reason: In order to protect the amenity of nearby residential occupiers in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 18.

C15 - A scheme for the restoration, landscaping and aftercare of the site shall be submitted to, and approved in writing by, the Local Planning Authority within 12 months of the Open Windrow Composting Facility ceasing to be operational.

The restoration, landscaping and aftercare shall thereafter be carried out in complete accordance with the approved scheme.

Reason: To secure a beneficial afteruse for the site in the event of cessation of the approved use, in accordance with Cambridgeshire and Peterborough Minerals and Waste Local Plan Policy 19.

7. **Quarterly Appeals Report**

The Committee received a Quarterly Appeals Report, which covered the appeal decisions received for the period from July to September 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.

RESOLVED that the quarterly appeals report for the period from July to September 2023, be noted.

The meeting was declared closed at 18.34pm

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