

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 24 NOVEMBER 2009 AT 1.30PM

Items Attached

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**UPDATE REPORT &
ADDITIONAL INFORMATION**

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors to address the meeting and ask questions, if any, with Officers responding.
3. Chairman to invite Parish Council, Town Council or Neighbourhood representatives to present their case.
4. Members' questions to Parish Council, Town Council or Neighbourhood representatives.
5. Chairman to invite objector(s) to present their case.
6. Members' questions to objectors.
7. Chairman to invite applicants, agent or any supporters to present their case.
8. Members' questions to applicants, agent or any supporters.
9. Officers to comment, if necessary, on any matters raised during stages 2 to 8 above.
10. Members to debate application and seek advice from Officers where appropriate.
11. Members to reach decision.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Parish Council, Town Council or Neighbourhood representatives.
2. Objectors
3. Applicant or agent or supporters.

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 27 OCTOBER 2009 AT 1.30PM
LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent /Supporters/Parish Council/Town Council/Neighbourhood Representatives
5.1	9	09/00078/MMFUL: GROSVENOR RESOURCES LTD, FOURTH DROVE, FENGATE, PETERBOROUGH	<p>Mr Richard Olive (Friends of the Earth)</p> <p>Mr Richard Pearn (PCC Programme Manager, Waste 2020 Programme)</p> <p><i>*Mr Pearn will be accompanied by Mr Martin Pollard, the Planning Consultant from Axis, the Agent. Mr Pollard will not be speaking but will be available to answer questions*</i></p>	<p>Objector</p> <p>Supporter (Speaking on behalf of the Applicant)</p>
5.2	39	09/000970/FUL: RISE AND SHINE DAY NURSERY, 108 LEDBURY ROAD, NETHERTON, PETERBOROUGH	Mr Tim Laws (PCC, Childcare Market Facilitation Manager)	Supporter (Speaking on behalf of Ms Kelly-Ann Dunn, Deputy Manager of the Nursery)

BRIEFING UPDATE

P & EP Committee 24 November 2009

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	09/00078/MMFUL	Grosvenor Resources Ltd Fourth Drove Fengate Peterborough , Construction of an 'Energy from Waste' facility including access from Fourth Drove and exit onto Fengate

A) The legal agreement referred to in the recommendation will cover the following:

- A scheme of monitoring ground water levels (for a maximum of 4 boreholes the precise siting to be agreed) to be submitted to be LPA for approval in writing with a view to establishing a monitoring regime to commence at least 6 months prior to the commencement of development and to continue for a period of up to five years following commencement of the monitoring regime;
- A strategic highway contribution;
- A contribution towards the monitoring of the travel plan
- A contribution towards the Padholme Catchment Flood Protection Strategy

B) Reword the proposed condition 27 in respect to hydrological monitoring to read as follows:

A borehole shall be constructed and hydrological monitoring shall commence at least 6 months prior to the commencement of construction or other works associated with the development and shall continue for a minimum period of 5 years.

The exact location of this borehole and details of the nature and duration of the monitoring regime shall be set out in a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the construction of the borehole and shall be fully implemented in accordance with the approved details.

Reason: To assess the effect of the construction of the development and in particular those elements below existing ground level have an adverse effect on local hydrological conditions in order to prevent damage to the archaeological remains at Flag Fen by as a result of changes to the hydrological environment resulting from the implementation of this development in accordance with policy CBE1 of the Peterborough Local Plan (First Replacement) 2005.

C) Scope of the proposed legal agreement in respect to the submission of a hydrological monitoring scheme:

A scheme shall be submitted to the Local Planning Authority to:

- Identify the exact location of the borehole proposed to be located within the boundary of the land forming the Council's integrated waste management facility
- Determine the nature of the hydrological monitoring (i.e. analysis of water levels and water quality)
- Determine the frequency and duration of monitoring

A desk top study shall be undertaken to assess the output of the monitoring data and the correlation of the results with the stages of development on the site. The monitoring programme associated with the Padholme Drain widening works by Peterborough City Council/Atkins shall all be used to assist with the fulfilment of these requirements. The conclusions of this assessment (as to whether there is a correlation between changes to water levels and water quality at Flag Fen as a result of this development) shall be submitted to the Local Planning Authority on an annual basis.

The scheme shall be submitted to the Local Planning Authority to enable the scheme to be approved and the borehole constructed on site to enable hydrological monitoring to commence at least 6 months prior to the commencement of construction or other works associated with the development and to continue for a minimum period of 5 years. The date at which monitoring commences shall be notified to the Local Planning Authority within one month of such commencement.

D) Environment Agency

No longer has and objection subject to the Council applying the Sequential Test and the following condition being attached to a subsequent approval of planning permission.

'The development hereby permitted shall only be carried out in accordance with the supplementary flood risk information undertaken by Anna Butler (for and on behalf of Atkins Limited) and dated 5th November 2009. In particular all electrical equipment will (substitute shall) be mounted no lower than 2.7 metres above Ordnance datum and provided with water resilient housing. The applicant shall confirm completion of the approved scheme, in writing, to the Local Planning Authority within one month thereafter.'

Reason: To reduce the impact of flooding on the development in accordance with policy U3 of the Peterborough Local Plan (First Replacement) 2005

E) Local Highway Authority Comments

No objection

After submission of additional information in support of this application, the Local Highway Authority (LHA) can confirm that it raises no objection to the proposal. The LHA is content with the parking provision of 20 spaces. A condition was recommended and included within the main report to address cycle parking provision. The access, egress and internal roads will be formed to accommodate all vehicles entering and leaving the site in forward gear. A footway is required along the east side of Fengate from Dobson Way to Fourth Drove to accommodate pedestrian access to the site, see condition C18 of the main report. The proposal is likely to generate 8 additional vehicle trips during either peak hour, with 14 of those trips travelling through Junction 5 or Junction 8 of Frank Perkins Parkway (A1139), which are both currently at capacity. In order to mitigate against this impact, a contribution towards future improvement works on both junctions has been requested and agreed to.

Having read the main report, I note that a previously recommended condition has been omitted, which is fundamental in the view of the LHA as it provides safe pedestrian access through the site. It is respectfully requested that the following condition be appended should permission be granted:-

The building shall not be occupied until a means of access for pedestrians and/or cyclists has been constructed in accordance with plans to be approved by the Local Planning Authority.

Reason: In the interests of Highway safety, in accordance with Policies T3 and T5 of the Adopted Peterborough Local Plan (First Replacement).

F) E-mail comments received from Matthew Clements on 23/11/09:

- Given developing technology, we should not tie ourselves into any contract of 20-30 years but one of 5-10 years.
- We should not commit ourselves to supplying any specific amount of waste. An incinerator needs to run continuously with a fairly fixed quantity of waste per day. If recycling should rise either the council will be tied into providing waste to burn or we will not reach our potential recycling rates. Target recycling rates are continuously being raised.
- Has the council allowed for what might happen to other parts of the waste stream in the future, anaerobic digestion for food waste?
- Both the amounts of waste and the length of the contract could leave us liable to missing further chances of recycling and limit our choices.
- Signing a long contract takes the risk away from the private contractor and passes it on to the rate payer.
- The proposal should not depend on commercial and industrial waste to make up the shortfall. Such organisations are economically driven to reduce their own waste.
- Has the council modelling considered a reduction in waste?

- Part of the increase in population will be due to an increasing proportion of elderly people. The retired are generally on lower incomes, and are therefore likely to produce less waste.
- If there are changes or costs during the life of the contract, or attempts to renegotiate the contract, who pays for those?
- What procedures has the council put in place to prevent later forced re-negotiation of the contract?
- Does the financial position of the council now allow it to make such a decision?
- With the council now finding it difficult to find the money, it could be better spent elsewhere and finances are becoming more difficult.

Note from planning officer; As the points raised are not planning matters but relate to the contract for managing municipal waste this was referred to the applicant for comment. Their agent has responded as follows:

'I have discussed this with my client and they have given due consideration to the questions Mr. Clements has put forward in his e-mail. Having done so, we consider that these points are not planning matters and therefore not relevant to the Waste Planning Authority in its consideration and determination of the application for the Energy from Waste Facility. As a consequence, we have not prepared a detailed response to his queries.

However, the issues raised will be given consideration within the Councils ongoing procurement process and our client would like thank the correspondent for bringing these points to their attention.'

2.	09/00970/FUL	Rise And Shine Day Nursery 108 Ledbury Road Netherton Peterborough , Single storey rear/side extension
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Additional comments from the Highways Development Control Team

The increase in staff from 6 to 8 is unlikely to have an adverse impact on the surrounding road network, especially given that only 3 existing staff drive to work. 11 parking spaces are provided, albeit 3 of substandard size, (now shown on plan 09008/PL02A) which is adequate for the proposed staff numbers. That said, the LHA are still unsure of how staff get to vehicles parked within the main Jack Hunt car park as the gates are locked during school hours. 22 children currently attend the nursery, although it is not clear how many children they can legally currently admit in total. Confirmation has now been received that the nursery intends to take 31 children in total, leading to a worst case scenario of 9 additional children if all parents drive. This impact will affect only the morning peak hour (8am – 9am) as the evening peak of the nursery does not coincide with afternoon peak of Jack Hunt School. The addition of a further 9 vehicles during the morning peak hour is not considered significant when comparing with the existing traffic generated for the nursery and Jack Hunt School. As such, the LHA raise no objection to the proposal.

3.	09/01084/FUL	62 Francis Gardens Dogsthorpe Peterborough PE1 3XT , Construction of single storey front and rear and two storey side extensions
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The application has been withdrawn by the applicant.