



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 23 JULY 2019

1.30 PM

Bourges/Viersen Rooms - Town Hall

SUPPLEMENTARY AGENDA

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| 6. | Urgent - 19/00168/FUL - The Fenman , Whittlesey Road, Stanground, Peterborough | 3 - 20 |
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Committee Members:

Councillors: G Casey (Vice Chairman), C Harper (Chairman), P Hiller, R Brown, Warren, Hussain, Iqbal, Jones, B Rush, Hogg and Bond

Substitutes: Councillors: N Sandford, E Murphy, Yurgutene and Simons

Further information about this meeting can be obtained from Karen Dunleavy on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk



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CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Chris Mohtram

Minerals and Waste: Alan Jones

Compliance: Nigel Barnes, Julie Robshaw, Glen More, Andrew Dudley

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

Urgent Item

Planning and EP Committee 13 July 2019

Application Ref: 19/00168/FUL

Proposal: Demolition of existing public house and erection of new children's nursery (D1 use) with associated car parking and landscaping (resubmission).

Site: The Fenman , Whittlesey Road, Stanground, Peterborough

Applicant: Mr Dan Slipper
Alpha Kindergarten Stanground Ltd.

Agent: Mr Tim Slater
3D Planning Ltd.

Site visit: 04.04.2019

Case officer: Mr D Jolley

Telephone No. 01733 453414

E-Mail: david.jolley@peterborough.gov.uk

Recommendation: That Committee resolves NOT to contest the air quality reason for the refusal of the application.

1 Report

At its meeting on 11 June 2019, the committee resolved (contrary to the officer recommendation to grant permission) to refuse planning permission for the planning application that sought permission for the demolition of existing public house and erection of new children's nursery. The main part of the committee report from that meeting is in Appendix 1.

One of the reasons for refusal related to air quality and was as follows:

The nursery is located near to a petrol filling station and to a road junction which is very busy during peak periods with slow and standing traffic and consequently it is considered that the children attending the facility are likely to be subject to a lower air quality (than would be experienced away from such sources) to the detriment of their health and wellbeing. The proposal is therefore considered to be contrary to Policy LP17: Amenity Provision in the Peterborough Local Plan 2019 (version pending adoption at Council in July 2019) and the objective of paragraph 91 of the National Planning Policy Framework (2019).

Officers have been advised that the applicant wishes to appeal the decision. Consequently officers have liaised with the Environmental Health Team on the evidence available to help defend the reason for refusal.

The advice given is as follows:

1. That the site does not fall within any air quality management area and for this reason, the issue of air quality was not specifically referred to in the Environmental Health comments on the application.
2. There are no exceedences of the air quality objectives for Benzene (associated with the loading and unloading of petrol fuel) in all of England and Wales.
3. That the petrol filling station is in compliance with the latest government standards in

- terms of fuel vapour recovery (Stage Two Petrol Vapour Recovery, PVRII)..
4. There are specific national screening criteria for the review and assessment of air quality. Using these screening tools, the following are screened out and do not require further assessment or monitoring:
 - Petrol stations fitted with PVRII
 - Junctions with less than 10,000 vehicles per day, Whittlesey Road/Coneygree Road junction has less than 10,000 vehicles per day (LAQM TG.16)
 5. The air quality standards (as referred to above re air quality management areas, air quality objectives for benzene / vapour recovery and vehicle pollution on roads) take into account the effects of each associated pollutant on human health including the effects on sensitive subgroups such as children.
 6. Consequently, although the site will perform worse in terms of air quality compared to a location away from either a traffic junction or a filling station, there is little evidence to suggest that the proposal is unacceptable on air quality grounds.

Should an appeal against the refusal of planning permission be formally submitted to the Planning Inspectorate, the applicant would be entitled to apply for an award of costs to be made against the Council (even if no such application for costs is made the Inspectorate may elect to make an award) . Officers consider that in the light of the additional advice from Environmental Health and in order to avoid an award of costs against the Council (or at least keep it to a minimum), the air quality reason for refusal should not be defended.

2 Recommendation

That Committee resolves not to defend reason 1 (relating to air quality) given in the refusal of planning permission ref: 19/00168/FUL.

APPENDIX 1 – COMMITTEE REPORT OF JUNE 2019 (From Section 4)

4 Consultations/Representations

Early Years & Child Intervention Team

No comments received

Cambridgeshire Fire & Rescue Service

No comments received

Waste Management

No comments received

Lead Local Drainage Authority (12.03.19)

As it stands, we are objecting as we require a full sustainable drainage strategy to be submitted.

PCC Peterborough Highways Services (20.03.19)

No objection subject to condition.

PCC Tree Officer (29.03.19)

Object - impact on adjacent TPO trees has not been assessed.

PCC Wildlife Officer (21.02.19)

No objection subject to condition.

PCC Pollution Team (12.03.19)

No objection subject to condition.

Archaeological Officer (05.03.19)

I can confirm that there are no known archaeological implications.

Councillor Ray Bisby - Stanground South

No comments received

Councillor C Harper - Stanground South (04.04.19)

Object - see report.

Councillor B Rush - Stanground South (19.03.19)

Object - see report

Local Residents/Interested Parties

Initial consultations: 37

Total number of responses: 25

Total number of objections: 13

Total number in support: 12

13 Objections and a 48 Signature petition have been received in relation to the proposal stating;

Objection from Cllr Harper stating;

I write as a ward councillor for Stanground South to object to this planning application to demolish the public house formally known as the Fenman and replace it with a nursery. The main reasons for my objection are the serious potential effects on resident amenity due to noise and increased

exhaust gas pollution due to additional traffic to an already busy junction and road network.

This application is contrary to planning policy because it will cause unacceptable increase in noise in what is currently primarily a very quiet retirement area. Almost every resident within a reasonable distance of the proposed nursery site is retired and at home during the daytime. They wish only to continue to be able enjoy their homes and gardens in peace. A large increase in noise levels and disturbance along with substantial increases in air pollution caused by exhaust gases will I believe cause serious mental and physical health effects to nearby residents, not to mention to young lungs too.

It is very disingenuous to try to compare the noise levels generated from the previous public house to that of a 78 place nursery. The hours of use were very different, the vehicles movements of a nursery will be much higher, and the majority of the year those using a public house are inside the premises.

The application is clearly at odds with Peterborough's City Council's aspirations of becoming the Environment Capital of the UK because it does not promote a reduction in the need to travel and as has already been said, will lead to an increase in pollution in the local area and would detract from the quality of the environment for local residents indeed, the application documents themselves suggest the majority of parents will arrive to drop off their children by car.

The nursery entrance will be very close to an already extremely busy traffic light controlled junction and one that at peak times is regularly gridlocked due to the sheer volumes of traffic passing through Stanground on route to the City Centre and back out towards Whittlesey. See evidence of such congestion in the pictures below.

In addition, during high rainfall periods, Whittlesey Road experiences a huge increase in traffic due to the closure of North Bank which causes almost gridlock conditions.

The application is contrary to Planning Policy PP3 line 'C' which states that - 'Planning permission should not be granted which would result in unacceptable noise and or disturbance for the occupiers or users of any nearby property or land'.

The application is contrary to Planning Policy PP3 line 'F' which states that - 'Planning permission should not be granted which would result in unacceptable odour and/or pollution'.

The application is contrary to Policy CS14 in that - 'The transport strategy for Peterborough is to : reduce the need to travel, especially by private car'.

In summary.

Whilst I accept there is a need for nursery places, that need is primarily for areas populated by residents with younger children such as the newly created Cardea development but almost every resident living near the proposed nursery site are retired and have no need for such a facility but are being as asked to accept the likely negative effects.

I therefore request that planning permission is refused for the reasons given so as the residents in the local vicinity are allowed to continue to enjoy their current quality of life, peace and quiet.

Objection from Cllr Rush

I write to object to this planning application.

The site is located on a busy junction. Vehicles will park on the grass verges, on Upton Close and the cul-de-sac opposite the site. Noise generated from the nursery will affect the properties on Upton Close that are right on the boundary. The junction is controlled by traffic lights so pollution levels will be high. Children inhaling toxic air, at such a young age, will be extremely vulnerable to

its effects.

If officers are minded to recommend approval I want it calling in and take it to committee.

Neighbour objections stating;

a) Access Safety

The applicant's scheme will certainly result in traffic accidents. 340 vehicle movements per day, through the entrance. We also haven't added in the lunchtime changeover movements.

The access to the site would need to be turned into a one way scheme using Upton Close as the probable 'entrance' with the 'exit' from the Coneygree Road aperture. This would eliminate the number of cross over manoeuvres. Just like Tesco's Express access 1km west along Whittlesey Road. The scheme guarantees accidents and injuries to children and parents will occur.

Drivers frequently take illegal short cuts on/off the garage forecourt when the lights are red and drivers can save minutes queuing at the traffic lights. They do this by overtaking cars at the lights on the wrong side of the road.

b) Noise and Disturbance

There will be life changing noise and disturbance from the development to the detriment of residents.

Dozens of screaming children, music and play and staff calling out all day long.

Constant noise from drop offs and pick-ups, slamming doors, parents calling out to their youngsters within a few feet of open residential windows and gardens etc, from early to late. It's a recipe for COMPLETE DIS-HARMONY with the local residential neighbours. In terms of type of use and proximity, these are acknowledged issues.

The applicants own Ofsted Report for their existing Fletton Avenue site operation actually remarks how 'MUCH NOISE IS generated by the Nursery' and 'the Noise Levels' are 'OFTEN TOO ELEVATED' in the outside Space.

Music and Dance activities are often added with an outdoor atrium event play area.... Sports Events, Outdoor 'games' involving larger numbers of children outside together at some nurseries with open air atriums Club and Private Party Events 'Out of Regular Hours, Including weekends' Catering facilities with 3 meals per day offered - again industrial scaled catering with its service provision implications.

For Residents a smaller scaled scheme, 50% the capacity could be deemed reasonable for the site.

To be acceptable, this would need to be a COMPLETELY ENCLOSED DESIGN, such that it created NO NOISE NUISANCE from the outdoor play areas.

In relation to the proposed development, it would not be possible to reduce the noise generated at source through engineering. No consideration appears to have been given to optimising the distance between the car parking and noise-sensitive properties. If the Council is minded to approve the application, appropriate physical measures should sought by condition.

D&A's conclusion that the site would have less impact than a pub is over simplified. The proposed nursery use which will generate a high number of short-term vehicle movements, creating a serious and sustained noise nuisance.

A nursery with similar arrangement was refused by planning inspectorate. There is also case law which supports these conclusions: most notably an appeal for a much smaller operation which was dismissed on the grounds of the noise and disturbance generated by vehicle movements adjacent

to a residential boundary.

The applicants comparison with the AlphaK Fletton is inappropriate as the latter is in an area that has high levels of foot fall arrivals because it's set in an area of high rise flats and Victorian terrace housing. Also the socio economic profile of the people who reside within the area is different.

The design and access statement attempts to pre-judge the entitlement of the applicant to create their revised scheme. It sets out, to tell the planners what is laid down under the local plan and 'tells the planners they MUST give the approval.'

What happened to the process and consultation already undertaken with the residents? Yet alone the fact that once again a new scheme has been under discussion with the planning department for months, but is notified to residents just a few days ahead of a make your objections known deadline. Complete manipulation of the process again.

We recognise that the local authority has some statutory requirement's to provide infant education places within its area. And no doubt there are 'powerful political winds' even within the upper echelons of the local authority that are seeking to shape provision.

However, the scheme is entirely unsuitable for the location. As we said previously, it's in the wrong location, it actually needs to be in Cardea. Councillors and officials allowed Nursery provision to be reduced, whilst simultaneously 'over years' allowed extension of the numbers of residential properties being built on Cardea. Nursery provision needs to be where it's needed. That's in the gateway of the new Cardea extension south! Not in the heart of a retirement community.

Previous comments from the above objector in relation to 18/00481/FUL which the objector has stated are still relevant to this application.

Transport

The applicants transport assessment is not accurate and the numbers do not add up. Fletton Avenue is surrounded by much higher density, lower cost housing. The area features some of the most populous and concentrated residential homes and 'high rises' within the whole of Peterborough. Concentration of local Millennial Parents within 800mtrs. There is a 'very high' concentration of young millennial parents within 800 metres.

Many households - no car or one car. There is a high percentage of parents who do not even own a car in this district because of economic circumstances. Higher service levels of public transport in the vicinity.

The applicant has put forward a data set that submits only the Highest Place to Space Ratio's to serve their purposes...irrespective of the local circumstances and without explaining the true circumstances surrounding local provision. The staffing numbers proposed are too low, it is likely to be between 19 and 21 staff. Deviation towards more younger children increases the required staff provision. Parking spaces are too small. Not enough room for LWB transit. 6.0m clearway is inadequate. Some of the spaces are unusable. Kids have no road sense.

More importantly, the lack of ability to manoeuvre their vehicles freely on site without impacting other users will doubtless cause significant bottlenecks onto and off the highway causing impact to traffic movement at an already busy and dangerous junction. At peak commuter hours this really is a busy location. Does anyone local question whether another 2200 + movements per week will pose Safety Issues to pedestrians as vehicles are forced to perform all sorts of weird and wonderful manoeuvres trying to gain and depart access from this badly designed scheme parking and access. Parents will doubtless soon learn what a difficulty it is to park and manoeuvre on the site and will then use the surrounding area as 'preferred parking'.

Data bases on false extrapolation. The applicant's submissions surrounding the number of users and the methods of access are evidentially wrong and misleading to Planners and this entire

Consultation Process. Twice now. A lot of Local Authorities appear to work to a ratio of 1 drop off space per 5 places where fixed slots operate. The applicant has applied for a 78 place.

Look at what a nightmare Little Stars Nursery has been... Scene of the Queens Drive debacle well documented within PCC and known as one of the most dangerous accident blackspots within Pboro. Shift changeovers have not been taken into account. There is no bus parking. Proposed access is on a bend. If You try and turn out across the traffic priorities, this can be even more challenging when it is busy because folks are trying to squeeze through the short time phase at the traffic lights and do not want to give way.

Dangerous turning provision when there is so much land available, why has the scheme not created proper access and turning provision whilst making use of the substantial structure of the existing Fenman Building ? Parent Control Management PLUS Parent Interaction 'takes time'.... The applicant recognises the issue of essential parent interaction with staff and controlled access guidance. They explain how they hand this process off to an App. Is this really what parents want in a high care human environment? Maybe it is.....The bigger question though surely is, where are the parking provision's when the system fails, updates or people's phone isn't working etc etc. The moment the automation goes wrong, 'Plan B is CHAOS'.

Air Pollution

Will result in huge amounts of pollution.

Support

12 Letters of support and 606 signature petition of support have been received in relation to the proposal stating;

Peterborough City Council have identified an under provision of childcare spaces in this part of the city - meaning that some children will not have the same access to learning opportunities as others. Policy OB6 of the Core Strategy DPD seeks to improve the quality and educational services and level of educational services and ensure that everyone has equal access to opportunities for learning.

This nursery would help to provide some of the spaces that are currently missing in Stanground, ensuring that those children who would otherwise miss out have the option of a local nursery place. This is especially relevant for lower income families who can take advantage of the Government's funded childcare schemes but who might not otherwise be able to travel outside of Stanground due to travel costs.

Paragraph 19 of the National Planning Policy Framework states that planning should support sustainable economic growth. The new nursery will replace an old pub which has been closed for sometime with a new nursery - creating jobs for local people. The provision of a nursery will provide better childcare options for local parents, helping them continue in work. Currently, Peterborough City Council have identified an under-provision of childcare spaces in this area.

The proposed nursery is sited in a convenient location for parents and workers, allowing more people to make use of the childcare and employment opportunities on offer. This will maximise the economic benefits of the site whilst ending the negative impact that an empty and abandoned building in a prominent location has on the local community.

We have no objections to the proposed nursery, our only concerns are the current traffic problems that exist on the Coneygree road Whittlesey road junction at peak times. The addition of up to 32 additional cars can only make the situation worse. If consideration is given to improving the traffic flow to reduce the risks with cars leaving the garage and the proposed nursery it should be an asset to the area.

Another nursery in Stanground would help so much especially as we have 4 schools so close together (Park Farm, Cardea, South Fields and Oakdale).

The proposed new nursery is in a residential area and would provide local parents with a new childcare option within walking distance of their homes - reducing the amount of traffic travelling away from the area to drop off their children. At the same time, I note that the nursery includes cycle storage spaces and is located close to public transport routes, meaning that sustainable transport options would be viable for parents.

5 Assessment of the planning issues

The main considerations are;

- The principle of development
- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The impact of the proposal on the amenity of the occupiers of highway safety

The principle of development

The application site is in the urban area on previously developed land and will bring an underused site back into use. The proposal will result in the provision of an additional pre-school education/care setting, reducing the need for local parents to travel out of the area to find childcare. In light of the above it is considered that the public benefit arising from the proposal outweighs any harm that may result.

The impact of the proposal on the character of the area

The application site is prominent within the street scene and currently contains the original Fenman Public house, an attractive C1930's building of brick and plain tile construction. The pub has been closed for some time and has been boarded up to prevent vandalism. The site is currently in a dilapidated state and overall no longer contributes positively to the character of the area. Although it is attractive, the building is not of sufficient quality to require its retention.

The proposed nursery is a significant departure from the existing public house. Of a more modern, angular design the nursery will become a statement building in wider views. The use of vertically planked rainbow cladding and flat and monopitch roof elements is a significant departure from the character of the surrounding area but is of a pleasant composition that is fitting for a children's education building and one which will add significant visual interest to wider views.

The associated landscaping, renewal of parking areas and general improvements associated with the construction of the nursery will significantly improve the appearance of the site and wider area.

It is also noted that there is a filling station directly adjacent, which is currently a focal point in wider views and it is hoped that the Nursery will draw attention away from the filling station. Providing the materials are of sufficient quality, it is considered that although striking, the nursery will not unacceptably harm the character of the area.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

Whilst it is likely that the site will generate noise significant levels of noise, the existing site is an unrestricted A4 public House. An objector has stated that the pub was a good neighbour in respect to noise, but the noise potential for this type of use is considered to be very high, with outdoor seating areas, music and sports events potentially continuing late into the night 7 days a week. Noise from the nursery will be limited to normal working hours, where noise must be expected and is generally less noticeable than that heard outside of working hours where there is an expectation of quiet. The applicant has proposed hours of Monday to Friday; 07:00 to 18:00. This is within what would be considered normal working hours and is during times when the adjacent highways are at their busiest.

The site is also directly adjacent to a busy road with its associated noise throughout the day and is at a signalised crossroads, meaning there is frequent revving of engines to pull away at the lights and from those leaving the petrol forecourt exiting onto Coneygree Road. Given the likely patterns of use of the site, noise from parents picking up and dropping off children will be focussed on those times of day when the adjacent roads are busiest, during the working day and at rush hour, meaning it will be less noticeable. This is opposite to that expected under the extant A4 use, where arrivals are more likely outside of the normal working day, during quieter times and therefore being more noticeable to neighbours.

The nursery has been designed to shield noise from outdoor areas as far as it possible. The proposed outdoor play area faces Coneygree Road and is sited behind railings. The Nursery building itself will sit between the play area and the adjacent houses in Upton Close and the adjacent flat to the north of the site. This arrangement will help limit noise disturbance from playing children

Therefore whilst the patterns of use of the existing pub and nursery are likely to be very different, the level of potential noise disturbance is considered to be comparable, in that they are both potentially noisy uses with possibility for disturbance. Given the above and despite the high level of activity expected for the site it is considered that the proposal is acceptable in regards to amenity impact.

Objectors have stated that the area is a retirement area where residents have an expectation of quiet surroundings. This is not a material consideration in the determination of the application as the LPA do not consider that any one group of people has any additional right to peace and quiet and a proposal is either acceptable or not in terms of impact on amenity.

Objectors have requested that if the application is permitted a scheme of noise mitigation measures is secured by condition. This is reasonable and a condition will be appended to the permission for the submission of acoustic measures. It is anticipated that this will take the form of an acoustic fence running along the eastern boundary of the site as the existing fence in this location is of mixed, generally poor quality and low height. It is considered that a slightly taller acoustic style fence would significantly reduce any disturbance caused to neighbours.

An objector has stated that a nursery with similar arrangement was refused by planning inspectorate and that there is also case law in which an appeal was dismissed on the grounds of the noise and disturbance generated by vehicle movements adjacent to a residential boundary. The case law is not considered to be relevant as the existing use of the site is not comparable to this application. In the Doncaster case mentioned the existing site use was a residential bungalow, not an unrestricted A4 use. Clearly a 28 place nursery would result in far greater noise disturbance than a moderately sized bungalow. However in this case the existing and proposed uses are considered comparable.

The impact of the proposal on the amenity of the occupiers of highway safety

The applicant has added 9 parking spaces to the proposal since the last application for a nursery (18/00481/FUL). The Local Highways Authority states that these spaces provide a good compromise between the competing needs of encouraging parents to use sustainable means of travel and reducing the congestion generated by the large number of pupil places available at the nursery.

Policy PP13 states that 1 space per full time member of staff, plus pick up and drop off facilities should be provided. The application form states that there will be 12 (FTE) members of staff. The applicant proposes 32 parking spaces, in effect giving 20 spaces for pick up and drop off. Although a formal drop-off area has not been provided the LHA considers that there is enough parking available to allow parents to park in a space and walk their children in and out of the building without undue congestion within the car park. There is a large turning area to east of the nursery and the 6.0 metres width to the rear of parking spaces is sufficient for manoeuvring.

The parking appraisal submitted by the applicant is the same as it was in 2018 but an additional "Phased parking scheme" document dated January 2019 has been included in the submission to further support the application. This seeks to address some of the assumptions made previously. The LHA felt that a more realistic percentage of parents who may arrive by car was 90% as opposed to 75%. The applicant believes that due to the social mix of parents, arrivals will be at different times rather than be concentrated within a narrow arrival window. Coupled with the short dwell time on site (typically 5 minutes) provides reassurance that the site can cope with the expected number of car drivers and the spread of arrival and departure times. The LHA have accepted this argument and are comfortable with the scenarios outlined in the parking scheme document.

The LHA has recommended that the nursery produce a travel plan in order to try to reduce the number of staff visiting the site by car. This will be added as an informative to the permission.

Objectors have raised concerns regarding the level of traffic that will need to cross Coneygree Road to turn right, and the number of vehicles that will need to queue in order to leave the site and the knock on impact this will have on car park circulation. The LHA have raised no concern in this regard and it is noted that the replacement access is 30 metres back from the Coneygree Road junction and 12 metres from the petrol station exit. These are considered to be acceptable distances with acceptable visibility of oncoming vehicles that are unlikely to result in undue conflict or danger of accidents. Notwithstanding this, the application site has an existing access in similar location serving a commercial use which would appear to have operated without undue danger to motorists for many years and this a material consideration in the determination of this application.

Objectors have also raised concerns regarding the use of nearby roads for parking and dropping off. This cannot be ruled out and is not controllable through planning condition. The car park provided is considered to be as good as can be provided for the building proposed and there is no reason to believe that nearby parking areas, further from the nursery itself will be used in preference of the onsite car park.

Other matters

The tree officer has objected to the proposal on the basis that the impact upon protected trees on adjacent land has not been assessed. However the Officer goes on to say as there is an area of hard standing on site already within the RPAs of the 2 Willow trees, the impact will be minimal. In light of this comment it is considered reasonable to condition the submission of an arboricultural assessment by way of condition rather than insisting upon provision of this information prior to determination.

The drainage team are objecting to the proposal on the basis that no drainage information has been submitted and a full drainage strategy is required. However the submitted Flood Risk Assessment states that the proposed development will reduce the level of impermeable surfaces on the site from circa 95% to approximately 85%, reducing the surface water discharges from the site. In light of this it is considered reasonable to allow submission of a drainage strategy by way of planning condition. Given the existing level of hardstanding within the site it would be unreasonable to refuse the application on the basis of the lack of drainage strategy.

Objections relating to the pollution in the area and its impact upon the health of the children attending the nursery are noted. However no evidence has been submitted which categorically demonstrates that this area suffers from unacceptable levels of pollution. Notwithstanding this the LPA do not consider that the policy framework exists to refuse an application based on levels of air pollution. The Environmental Health Officer has raised no objection to the proposal.

An objector has stated that an operation of 50% of the size or one with a completely enclosed design may be acceptable. The application must be determined on its merits based on the information submitted.

The Environmental Health department have requested a conditions relating to contamination which are considered acceptable. They have also requested conditions relating to a teaching area noise limit and insulation condition and conditions relating to ventilation. The sound insulation condition is considered to be acceptable as this is not specifically covered under building regulations approval and as such it is reasonable to append the condition to ensure that the building emits as little sound as possible, in order to mitigate potential noise nuisance for neighbours. The teaching area noise conditions is required in order to provide an acceptable outdoor teaching area for pupils and will be appended to the permission. The ventilation conditions are necessary in order to prevent noise and odour nuisance to neighbours.

Objectors have stated that a noise survey has not been carried out. A noise survey is considered to be unnecessary because the pub has been closed for some time and as such and background noise level readings taken would not be representative of when the pub was in operation. Notwithstanding this the LPA do not disagree with objectors, that the proposed use is likely to be noisy, rather that the proposed use is comparable to that of the sites existing use.

An objector has stated that there are issues with the applicants other nurseries in terms of noise. The Environmental Health department have no record of any complaints made to them in this regard.

The Wildlife Officer has requested landscaping and bird box conditions. Given the prominence of the site and the loss of a building that has been empty for some time this is reasonable and these conditions will be appended to the permission.

6 Conclusions

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

- The proposal will not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policies PP1, PP2, PP3, PP12, PP13 and PP16 of the Peterborough Planning Policies (DPD) 2012, policies CS14 and CS16 of the Peterborough Core Strategy (DPD) 2011 and policies LP1, LP13, LP16 and LP17.

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 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).

C 2 The development shall be carried out in accordance with drawings; 2505(08)001, 2505(08)003 rev B, 2505(08)E03, 2505(08)E02, 2505(08)E01 rev E.

Reason: For the avoidance of doubt.

- C 3 No development above slab level shall take place until details of the materials to be used in the external surfaces of the development hereby permitted 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. Samples shall be submitted for consideration. 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 CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 4 Prior to the development hereby permitted being brought into first use full details of the proposed car parking layout and surfacing materials shall be submitted to and approved in writing by the local planning authority. The approved details shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety in accordance with policies PP12 and PP13 of the Peterborough City Council Planning Policies DPD, adopted December 2012.]

- C 5 Prior to the development hereby permitted being brought into first use full details of the proposed vehicular access, including revised access details, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained thereafter in perpetuity.

Reason: In the interests of highway safety in accordance with policy PP12 of the Peterborough City Council Planning Policies DPD, adopted December 2012.

- C 6 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy PP12 of the Peterborough City Council Planning Policies DPD, adopted December 2012.

- C 7 Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become inoperative and a scheme for the cleaning of affected public highways;
a scheme of working hours for construction and other site works;
a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
a scheme for parking of contractors' vehicles;
a scheme for access and deliveries including hours.

The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with policy PP12 of the Peterborough City Council Planning Policies DPD, adopted December 2012.

- C 8 No development, shall take place until a Phase I Report to assess the actual or potential contamination at the site in relation to the proposed extension has been submitted to and approved in writing by the local planning authority. If actual or potential contamination and/or ground gas risks are identified, further investigation shall be carried out and a Phase II report shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. If the Phase II report establishes that remediation or protection measures are necessary, a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority.

For the purposes of this condition:

A Phase I Report consists of a desk study, site walkover, conceptual model and a preliminary risk assessment. The desk study comprises a search of available information and historical maps which can be used to identify the likelihood of contamination. A simple walkover survey of the site is conducted to identify pollution linkages not obvious from desk studies. Using the information gathered, a 'conceptual model' of the site is constructed and a preliminary risk assessment is carried out.

A Phase II Report consists of an intrusive site investigation and risk assessment. The report should make recommendations for further investigation and assessment where required.

A Remediation Statement details actions to be carried out and timescales so that contamination no longer presents a risk to site users, property, the environment or ecological systems

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy and the NPPF (2012).

- C 9 All remediation or protection measures identified in the Remediation Statement referred to in Condition 2 above shall be fully implemented within the timescales and by the deadlines as set out in the Remediation Statement and a Site Completion Report shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any part of the development hereby permitted.

For the purposes of this condition: a Site Completion Report shall record all the investigation and remedial or protection actions carried out. It shall detail all conclusions and actions taken at each stage of the works including validation work. It shall contain quality assurance and validation results providing evidence that the site has been remediated to a standard suitable for the approved use.

Reason: To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development, in accordance with Core Strategy and the NPPF (2012).

- C10 No development shall take place until a detailed scheme of noise insulation measures for the D1 use of the proposed development has been submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233: 2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In order to safeguard the amenities of adjoining occupiers and the details are needed prior to the start of work so that measures can be incorporated into the build, in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3 of the Peterborough Planning Policies (DPD) 2012. This is a pre commencement condition as these measures need to be incorporated into the build.

- C11 Prior to the commencement of the development a scheme for the mitigation of noise emitted from the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved mitigation scheme.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C12 Prior to the first occupation of the building hereby permitted, full details of the proposed bin store shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C13 No development shall take place until a drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved drainage scheme.

Reason: In order to prevent flood risk; in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011). This is a pre-commencement condition because drainage is an integral part of the design of the dwelling(s) and therefore must be agreed before development begins.

- C14 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall include full detail of the following:

- Implementation, supervision and monitoring of the approved Tree Protection Scheme
- Implementation, supervision and monitoring of the approved Treework Specification

Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

Timing and phasing of Arboricultural works in relation to the approved development.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP14 of the Peterborough Planning Policies DPD (2012).

This is a pre-commencement condition because the approved construction specification must be in place and adequate prior to development commencing to ensure the trees are protected.

C15 No development shall take place above slab level until a scheme for the hard of soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments only)
- Details of any boundary treatment

The approved hard landscaping scheme shall be carried out with regard to the dwelling to which it relates, prior to the occupation of that dwelling and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Reason: In the interests of visual amenity and then enhancement of biodiversity in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.

C16 Prior to the first occupation of the development a scheme for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

C17 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C18 Details of post completion testing of the internal teaching areas shall be submitted to and approved by the Local Planning Authority. The testing needs to demonstrate that depending on the use of the space, noise levels will not exceed 40dB or 35dB, with noise levels not regularly exceeding 55dB LA1, 30min in accordance with Building Bulletin 93 - School Acoustics standards for indoor ambient noise.

Reason: To ensure that the development provides a suitable teaching and learning environment.

- C19 Details of a scheme will be submitted that ensures that the noise level in the external play area will not exceed LAeq 55dB (30mins).

Reason: To ensure that the development provides a suitable teaching and learning environment.

- C20 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.

The document prepared for the Department for Environment, Food and Rural Affairs (DEFRA) recommended best practice for 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2005). The objective of the guide is that for new premises, or premises covered by planning conditions restricting the impact of odour, the system shall be designed to prevent harm to the amenity. The document advises that to achieve these objectives the odour control system shall include an adequate level of odour control and stack dispersion. The overall performance of the odour abatement system represents a balance of these two factors.

The guidance recommends that the discharge stack shall:

Discharge the extracted air not less than 1 m above the roof ridge of any building within 20 m of the building housing the commercial kitchen.

If the above cannot be complied with for planning reasons, then the extracted air shall be discharged not less than 1 m above the roof eaves or dormer window of the building housing the commercial kitchen. Additional odour control measures may be required.

If neither of those dispersion requirements can be complied with for planning reasons, then an exceptionally high level of odour control will be required. The efflux velocity, position of extraction and location of sensitive receptors should be stated to enable a risk assessment of odour.

Condition: Prior to installation details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.

Reason: to ensure protection to residents from noise and odour from the use of the kitchen in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C21 The rating level of noise emitted from the extraction system shall not exceed 40dB LAeq, (5 minutes) at any time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Reason: to ensure protection to residents from noise from kitchen extract equipment in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

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