

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 24 NOVEMBER 2009</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOM - TOWN HALL</b>
CONTACT:	Gemma George <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>16 November 2009</i>

### AGENDA

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1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting held on 27 October 2009** 1 - 8
5. **Development Control and Enforcement Matters**
  - 5.1 **09/00078/MMFUL - Grosvenor Resources Ltd, Fourth Drove, Fengate, Peterborough** 9 - 38
  - 5.2 **09/00970/FUL - Rise and Shine Day Nursery, 108 Ledbury Road, Netherton, Peterborough** 39 - 46
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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

## **MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

Councillor North (Chairman), Councillor Todd, Councillor Ash, Councillor C Burton, Councillor Kreling, Councillor Lane, Councillor Thacker, Councillor Winslade and Councillor Lowndes

Subs: Councillor Sharp and Councillor C Day

### **CASE OFFICERS:**

Planning Delivery Team: Nicholas Harding, Theresa Nicholl, Dale Barker, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Emmanuel Allanah

Minerals and Waste: Susan Marsh

Enforcement: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

### **NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning Services 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.

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the  
Town Hall, Peterborough on 27 October 2009

Members Present:

Chairman - Councillor North

Councillors – Lowndes, C Burton, Todd, Kreling, Ash, Lane and Harrington

Officers Present:

Nick Harding, Planning Delivery Manager  
Jez Tuttle, Senior Engineer  
Ruth Lea, Lawyer  
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Winslade and Councillor Thacker.

2. Declarations of Interests

09/01038/FUL Councillor Todd declared that she knew the registered speaker, Mr Branston, but this would in no way affect her decision.

3. Members' Declaration of intention to make representation as Ward Councillor

Councillor Todd declared that she would be making representation as a Ward Councillor for agenda item 5.1, 37 Glenton Street

4. Minutes of the meeting held on 13 October 2009

The minutes of the meeting held on 13 October 2009 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

Councillor Todd left the meeting for the following item.

5.1 09/00999FUL – Construction of three bedroom dwelling at 37 Glenton Street, Eastgate, Peterborough

Permission was sought for the erection of a detached two-storey, three-bedroom property in a traditional Victorian style on land at number 37 Glenton Street. The proposal would remove a large single storey office unit on the site. It was noted that planning application reference 09/00470/FUL, for the erection of a three-bed dwelling, was refused for the reasons detailed within the committee report.

Following negotiation, the applicant had redesigned the scheme to provide a one metre wide access to the rear garden which would separate the proposal from number 35 Glenton

Street. The scheme proposed a dwelling house with a footprint of approximately 45sqm. No in-curtilage car parking was proposed.

Members' attention was drawn to additional information contained within the update report. A further consultation response from the Environmental Protection Officer had been received and two additional conditions had been proposed.

Councillor Todd, Ward Councillor, addressed the Committee in objection to the application.

Clarification was sought by Councillor Todd from the Planning Officer on whether the application had been presented to the Committee on a previous occasion. The Planning Officer clarified that this was the first time the application had been presented to the Committee. The application had previously been refused at officer level.

Councillor Todd responded to questions from Members and in summary, the concerns highlighted to the Committee included:

- The distress of the local people, the problems they faced with regards to off road parking and the overall increase in pressure this development would pose
- The new development would be no more in keeping with the local surroundings than the original proposal was?
- The problems faced by vehicles manoeuvring in and out of the street, namely dustcarts and emergency service vehicles
- Dustcarts had, in the past, not been able to access the street at all because of the parking problems
- People who worked in the city centre were parking down the street, this made the parking situation worse
- Councillor Todd had requested a single yellow line to be put on the south side of the street, as the houses on that side all had off road parking. However, a response had been received stating that a single yellow line could be put on the north side of the road restricting the hours of parking from between 8.00am until 6.00pm. This would have a terrible effect on all of the terraced houses on that side of the road and would in no way appease the parking problem in the area
- If the development was set back slightly it would help with the parking situation. This had originally been proposed by the applicant but had been refused at officer level
- The application was contrary to DA1 and DA2

Mr Pooley, an objector and local resident, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The problems with traffic
- The problems faced by emergency services vehicles. On occasions the parking had been so bad that residents had been woken at night and asked to move their cars out of the way
- The lack of space for any more cars and the importance of providing off road parking
- The unwillingness of the local residents to agree to residents only parking. This would prove to be costly
- The original application, which had incorporated space at the front of the building for parking, would have been more beneficial to the area

The Planning Officer stated that if the building was to be set back to allow parking at the front, this would have a negative effect on number 45 Glenton Street.

The Highways Officer stated that he did not believe the parking issues which had been sited were strong enough for application refusal. The site was relatively close to the city centre,

therefore the parking standards were maximum as stated within policy, making refusal on parking grounds inappropriate.

The Legal Officer requested for the Committee to note that when debating the proposal, consideration should not be taken for the past refused application or the situation with the through road, as this was dealt with by road traffic.

After a lengthy debate, a motion was put forward and seconded to approve the application. The motion was carried by 5 votes with 2 against.

**RESOLVED:** (5 for, 2 against) that the Head of Planning Services be authorised to approve the application subject to:

1. the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 (as amended) for a financial contribution to meet the infrastructure needs of the area
2. the conditions numbered C1 to C7 as detailed in the committee report
3. the additional conditions number C8 to C9 as detailed in the update report
4. if the S106 has not been completed within three months of the date of this resolution, the Head of Planning Services is authorised to refuse the application for the reason numbered R1 in the committee report.

#### **Reasons for the decision:**

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

- The proposal represented redevelopment of brownfield land within the urban area of Peterborough and would contribute to the provision of a range of housing within the City in accordance with policy H7 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal had been designed to ensure it made a positive contribution to the character and appearance of the streetscene and would not appear unduly obtrusive or overbearing, in accordance with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement);
- The proposal would not have a significant overshadowing or overbearing impact on the amenity of surrounding occupiers, would not result in a loss of privacy to primary habitable rooms due to overlooking and would ensure a good level of amenity for future occupiers in accordance with policies DA2, DA6 and H16 of the Adopted Peterborough Local Plan (First Replacement); and
- Given the sustainable location of the application site, the lack of off-road car parking would not cause undue stress on the public highway, in accordance with policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement).

Councillor Todd re-joined the meeting.

#### **5.2 09/01025/FUL – Construction of 52 unit extra care facility and 2 close care bungalows plus associated parking and landscaping at land off, Thorney Road, Eye**

The application sought planning permission for the construction of a total of 64 extra care and close care units for the elderly / infirm. The proposal consisted of the following:

- 52 socially rented extra care units with communal gardens
- 6 shared ownership affordable close care bungalows
- 6 market sale close care bungalows

The 52 extra care units would be located in a large block situated on the front part of the site, facing Thorney Road and opposite Fountains Place and would be mostly 3 storey in height with the 'end wings' on either side of the building being 2 storey. This would give the effect of the building rising from a height that was actually lower than the two storey dwellings which had been granted planning permission either side of the proposed development, to 3 storey.

Access to the proposed development would be via the two accesses that already had the benefit of planning permission.

21 car parking spaces (of which 3 were of disabled standard) were proposed to serve the 52 extra care units and 5 of the proposed bungalows. The remaining 7 bungalows were to be served by 14 parking spaces.

The Planning Officer addressed the Committee and gave an overview of the main issues surrounding the proposal, namely the appearance of the streetscene, the increase in traffic and the impact of the likelihood of discovering reptiles within the site.

Members were informed that part of a hedgerow was due to be removed as the first ten metres of it affected the proposal. It was highlighted that the hedgerow could contain hibernating common lizards therefore a fingertip search of the first ten metres had been proposed. If any lizards were found then works would have to be halted until spring. Members were further advised that if permission was granted to the Head of Planning Services to grant planning consent, a revised lizard mitigation condition would be agreed with the applicants and if that was not possible, the application would be brought back to the Committee.

Members' attention was drawn to additional information contained within the update report. The Committee was advised that there had been a subsequent response received from neighbours on 21 October consisting of a letter and a 34 name petition. Numerous objections and issues had been raised and were highlighted.

The Committee was further advised of several conditions which had been altered and these revised conditions were detailed within the update report.

Mr Goodsell, an objector and member of Eye Parish Council, but speaking as a resident and on behalf of the local objectors, addressed the Committee and responded to questions from Members. He wished it to be noted that although he did not object to the application in principle, there were numerous issues that he wished to highlight. In summary, these issues included:

- There were no other three storey buildings in Eye. This would be a three storey building in a hole
- The building would be considerably higher than surrounding properties
- There had been a previous application for a three storey hotel on the site which had been refused
- Would there be sufficient parking at the site?
- Thorney Road was a busy through road and although traffic going into the site may not cause a considerable increase in overall traffic flow, the speed limit should be decreased to reflect any increase and to help avoid any future accidents

Mr Alan Lewin, the applicant and the Chief Executive of Axiom housing, and Mr Giles Nursery, the agent, addressed the Committee and responded to questions from Members. In summary, the issues highlighted to the Committee included:

- Extra care housing, which was staffed 24 hours a day 7 days a week, was provided for extremely vulnerable people and provided meals, recreation facilities, chiropody services and facilities for doctors and nurses to visit residents on site

- There were already two extra care schemes in Peterborough, and both were a great success and the result of collaborative effort
- The proposed application was a collaborative effort. Axiom would be the landlord and owner of the scheme, but the scheme would be supported by the Strategic Housing Body , Adult Social Care and the Primary Care Trust
- There was a significant need for more extra care accommodation within Peterborough
- The Strategy stated that there were 400 units to be provided by 2011, and even if the proposed scheme was successfully developed, there would still be a significant shortage of units
- The accommodation could not be provided without government grant, and a three million pound grant had been secured for the scheme. However the government funding regime had a deadline that the scheme had to be completed by 2011. This had to be taken in consideration. The government grant would not be available if the proposal was not approved
- The scheme would be a flagship, providing homes and jobs
- The development would be the greenest scheme that Axiom had ever built, including solar panels and the possibility of water recycling
- The scheme would mean added amenities for the city
- A large amount of work had gone into the 'sensitive' design of the scheme
- A Full and robust analysis of existing storey heights within the village of eye had been undertaken and several examples of two and a half storey and three storey buildings had been identified
- The application would sit within a residential setting that already contained two and a half storey buildings
- The building would sit one metre below the level of Thorney Road

The Highways Officer addressed the Committee and stated that the traffic flow down Thorney Road would surely increase during peak times, but not substantially. This would be due to the nature of the proposed development. The parking head had been designed to act as a turning point for refuse vehicles, so there would be no problems specifically relating to that particular area and with regards to the parking situation, confidence was high that there would be enough parking spaces to accommodate staff and visitors at the centre throughout the day. Members were further informed that a condition had been requested to put a footway and drainage scheme along Thorney Road to tie in with the site. This would ensure pedestrian safety and make access to the site safe.

After a lengthy debate, a motion was put forward and seconded to approve the application. The motion was carried by 7 votes with 1 not voting.

**RESOLVED:** (7 for, 1 not voting) that the Head of Planning Services be authorised to approve the application subject to:

1. the entering into of a legal agreement in respect of a contribution toward Bereavement Services and Waste Management
2. a satisfactory reptile and mitigation proposal being submitted
3. the conditions numbered 1 to 19 as detailed in the committee report
4. the informatives as detailed in the committee report
5. the alterations to conditions as detailed in the update report

**Reasons for the decision:**

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

- The proposed development was considered acceptable because the proposed three storey building would not adversely spoil the character and visual amenities of the appearance of the area and would not lead to unsatisfactory living condition of existing or developments granted planning permission by virtue of overlooking, overshadowing, loss of privacy or by being overbearing. This was in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement). The proposal would improve extra care homes facilities and the provision of affordable housing within this part of Peterborough. It would assist to achieve the Strategic Housing priority of the provision of care homes housing strategy for Peterborough City Council and National Health Service. This was therefore in accordance with policies H20 and H23 of the Peterborough Local Plan (First Replacement).
- Access to / from the site was safe and adequate provision had been made for the turning and parking of vehicles. Cycle parking was to be provided and the proposal was located on a bus route. The proposal therefore was unlikely to generate adverse traffic to the area; therefore in accordance with policy T1 of the Peterborough Local Plan (First Replacement).
- The mitigation measures to safeguard any existing reptiles within any part of the application site would assist to safeguard life of any reptiles that were likely to be found through the confirmatory survey. Such mitigation measures would be secured through the recommended planning condition. This was in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).
- The proposal would impact on the future provision of bereavement services and waste management and a contribution toward mitigating the impact was proposed and this was in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

5.3 09/01038/FUL – Conversion of existing HMO to three separate flats (1 x 1 bedroom and 2 x 2 bedroom) – revised application at 653 Lincoln Road, Peterborough

Planning permission was sought for the conversion of an existing house in multiple occupation (HMO) to three separate flats (1 x 1 bedroom and 2 x 2 bedroom). The application scheme also proposed cycle storage, bin storage and a private amenity area. The application was part-retrospective, and had been amended from a previously refused scheme under application reference 09/00777/FUL. Members were advised that the scheme had been refused due to the reason detailed within the committee report.

Following negotiation, the applicant had amended the scheme to provide private rear amenity space for each separate flat and had relocated the bin store for the existing retail units to prevent noise disturbance to occupants of the ground floor unit.

The Planning Officer addressed the Committee and stated that revised plans had been submitted following discussion with the applicant. The revisions related to an amendment in the red line site area which was now in line with those parts of the site in the ownership of the applicant. This revision had removed the three car parking spaces from the scheme. Members were advised that the committee report had been finalised after receipt of the revised plans and was therefore based on them and not on the initial submission

Members' attention was drawn to additional information contained within the update report. A further consultation response had been received from the Head of Transport and Engineering which raised no concerns to the application, an email from Councillor Swift had also been received in objection to the application and an alteration to condition C3 was highlighted.



Mr Branston, the agent, responded to questions from Members. He had registered his interest to speak at the meeting, however as there were no objectors present he did not feel it necessary to address the Committee further regarding the application.

The Highways Officer addressed the Committee and stated that whilst it was not ideal to approve a flat/dwelling without off road parking, the proposed use of the property for three flats would not place a greater burden on the highway network or residents parking bays than the use of the property as a house in multiple occupation.

After brief debate, a motion was put forward and seconded to approve the application. The motion was carried by 7 votes with 1 not voting.

**RESOLVED:** (7 for, 1 not voting) that the Head of Planning Services be authorised to approve the application subject to:

1. the conditions numbered C1 to C3 as detailed in the committee report
2. the alteration to condition C3 as detailed in the update report

**Reasons for the decision:**

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

- The principle multiple occupancy of this former residential dwelling had already been established.
- There would be no detrimental impact on the amenities of neighbouring residential or retail properties.
- There would be no unacceptable impact on the highway network or car parking.

The proposed development was therefore in keeping with Policies H7, H16, T1 and DA2 of the Peterborough Local Plan (First Replacement).

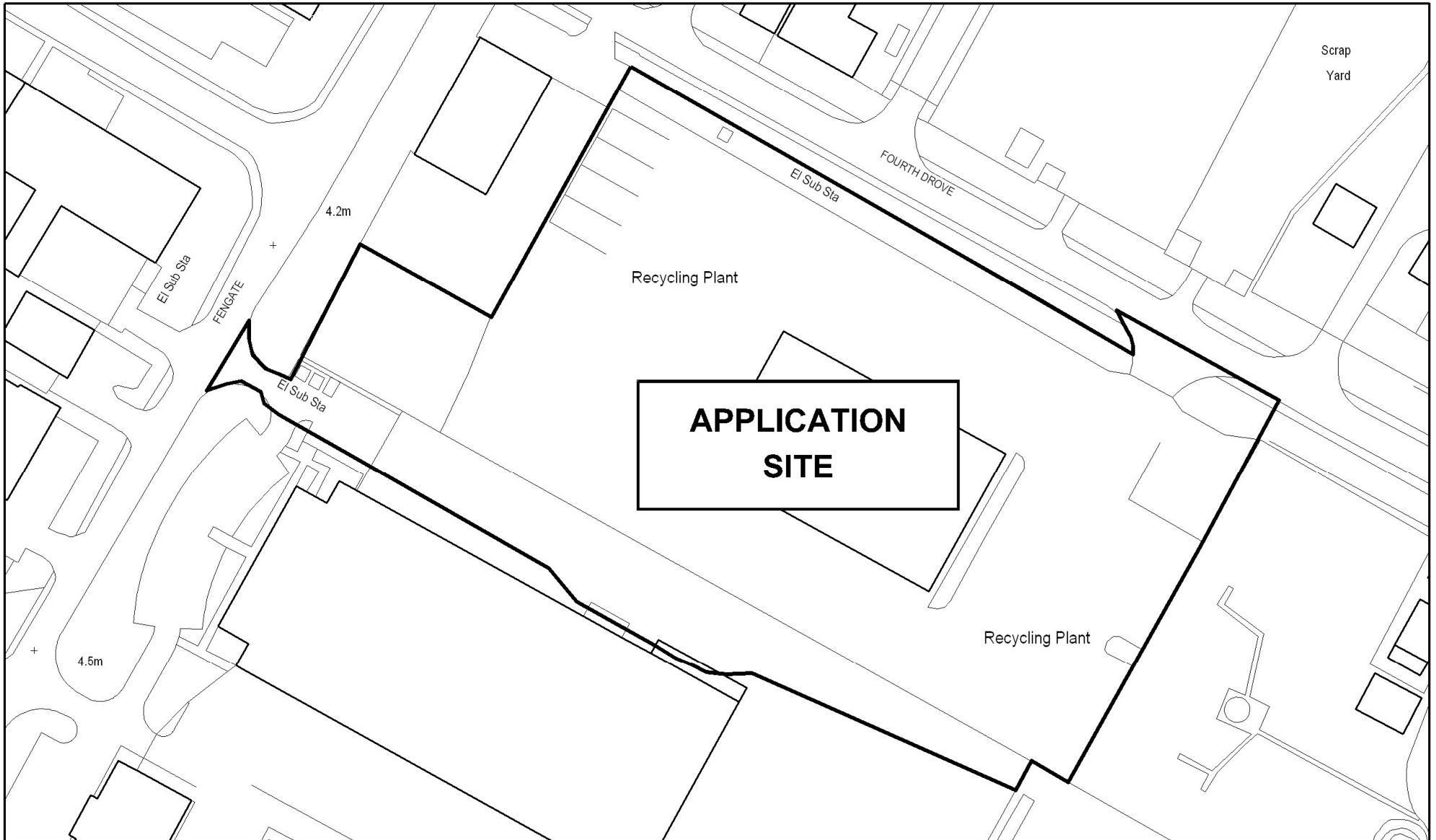
6. Planning Appeals Report

The Planning Officer presented a report to the Committee which outlined the appeals performance from January 1 2009 to September 30 2009 and provided an overview to the quality control in respect of appeals and decisions.

Members were advised that going forward, details of appeals performance would be presented to the Committee on a regular basis.

Chairman  
13.30 – 15.15

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**APPLICATION  
SITE**

**LOCATION PLAN 09/00078/MMFUL**  
Grosvenor Resources Ltd. Fourth Drive, Fengate

**Scale** 1:1250 **Date** 13/11/2009 **Name** MKB **Department** Planning Services

PCC GIS



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**09/00078/MMFUL: CONSTRUCTION OF ENERGY FROM WASTE FACILITY INCLUDING ACCESS FROM FOURTH DROVE AND EXIT ON TO FENGATE, FOURTH DROVE, FENGATE, PETERBOROUGH**

**APPLICANT: MACE LIMITED**

**AGENT: AXIS**

**REASON FOR REFERRAL: COUNCIL DEVELOPMENT AND PUBLIC INTEREST**

**DEPARTURE: NO**

**CASE OFFICER: SUSAN MARSH**

**TELEPHONE: 01733 863851**

**E-MAIL: susan.marsh@peterborough.gov.uk**

## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

This application is being considered by the Planning Committee as it is for an Energy from Waste facility which is part of the Council's longer term plans to provide an integrated waste management facility at this location in Fengate to treat and dispose of the city's waste, to increase recycling and to divert as much residual waste as possible from landfill. The site is in Council ownership. There has been public interest in the proposal. The application was submitted with an Environmental Impact Assessment statement. This has been taken into account in the consideration of the application.

The Dogsthorpe landfill site, where the City's municipal waste is currently taken for landfill is due to close in 2013. This together with a number of national and EU drivers is requiring the Council to consider other means of dealing with its non-recyclable waste that would normally go to landfill. The Council, as waste management authority, has decided that an Energy from Waste facility is the most appropriate way forward.

An Energy from Waste (EfW) facility is where waste is burnt at high temperature to reduce its weight and volume and to produce heat and/or electricity. The incineration process produces emissions including acid gases, particulates, dioxins and heavy metals to air and ash residues. There are currently 18 energy from waste plants in England and Wales. Since 2005 all EfW plants have been subject to stricter controls on emission limits through the European Waste Incineration Directive.

The **main considerations** are:

- Policy issues relating to the location of the site
- Policy issues relating to the volume and sourcing of waste
- Landscape and visual impact
- Archaeology and potential impact on Flag Fen visitor centre
- Highways
- Amenity of nearby occupiers
- Flood Risk
- Pollution risk
- Health impact
- Biodiversity and potential impact on areas of national / international conversation value

Due to the scale of the proposal, and in the interests of ensuring that the recommendation is based on informed and impartial advice, the Council has employed consultants, Entec UK, to review the Planning Statement and Environmental Statement and to advise on the fit of the proposal with national, regional and local policy and the efficacy of the Environmental Statement.

This report considers the development against national, regional and local planning policy; considers site specific issues; the views of consultees and the representations of the public and makes a recommendation.

It should be noted that some objectors have requested Go East to call the application in for determination by the Secretary of State at an inquiry. A copy of the application and this report has been provided to Go East. It is hoped that this authority will be informed prior to the committee meeting whether or not the application will be called in but a decision cannot be issued until the view of Go East on this matter is known.

## **Recommendation**

That the Head of Planning Services be authorised to grant planning permission (with conditions) subject to:

- There being no call in of the application by GoEast
- The resolution of the Environment Agency objection to the proposal on flood risk grounds
- A legal agreement being entered into in respect of the monitoring of ground water levels (relates to the preservation of buried archaeological remains).

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Relevant national policy documents:**

Waste Strategy for England 2007 (Waste Strategy)  
Planning Policy Statement 1: Delivering Sustainable Development (PPS1)  
Planning Policy Statement: Planning and Climate Change Supplement to PPS1 December 2007  
Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7)  
Planning Policy Statement 9: Biodiversity and Geological Conservation (PPS9)  
Planning Policy Statement 10: Planning for Sustainable Waste Management (PPS10)  
Planning Policy Statement 13: Transport (PPS13)  
Planning Policy Guidance 16: Archaeology and Planning (PPS16)  
Planning Policy Statement 22: Renewable Energy (PPS22)  
Planning Policy Statement 23: Planning and Pollution Control (PPS23)  
Planning Policy Statement 25: Development and Flood Risk (PPS25)

### **Relevant Regional Planning Documents**

The relevant policies are set out below:

#### **East of England Plan 2008**

SS1 – Achieving Sustainable Development  
ENG1 – carbon dioxide emissions and energy performance  
ENG2 – renewable energy targets  
ENV2 – landscape conservation  
ENV3 – biodiversity and earth heritage  
ENV7 – quality of built environment  
WAT1 – water efficient developments  
WAT4 – flood risk management  
PB1 – Peterborough Key Centre for Development and Change  
WM1 – waste management objectives  
WM2 – waste management targets  
WM3 – reduction in imported waste  
WM4 – waste to be managed in sub regions  
WM6 – sustainable waste management procedures in construction projects  
MW7 – hazardous waste and other regionally significant facilities

## **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

### **The Peterborough Local Plan (First Replacement) 2005** (the 'Peterborough Local Plan')

DA1 – townscape and urban design  
DA2 – Effect of development on Amenity and Character of an area  
DA3 – Materials  
DA7 – Design of the Built Environment  
DA11 – Design for Security  
DA12 – Light Pollution  
DA13 – Noise  
DA15 – development in the vicinity of hazardous installations  
DA18 – protecting waste disposal and treatment facilities  
CBE1 – Archaeological remains of national importance  
CBE2 – other areas of archaeological importance  
LNE4 – Layout and design to safeguard landscape character  
LNE9 – landscaping implications of development proposals  
LNE10 – Detailed elements of landscaping scheme  
LNE13 – Ponds, wetlands and watercourses  
LNE14 – Sites of International nature Conservation Importance  
LNE15 – Sites of National Nature Conservation Importance  
LNE17 – Other sites of Nature Conservation Importance  
LNE19 – Protection of Species  
OIW1 – General Employment Areas (includes OIW1.03 Eastern General Employment Area)  
T1 – Transport Implications of new development  
T3 – Accessibility to development by pedestrians and those with mobility difficulties  
T5 – accessibility to development – cyclists  
T7 – Public transport accessibility to development  
T8 – connections to the existing highway network  
T9 – cycle parking requirements  
T10 – car/motorcycle parking requirements  
U1 – Water supply, sewage disposal and surface water drainage  
U2 – Sustainable surface water drainage  
U3 – Development in the Padholme Surface Water Catchment  
U5 – Floodland and Washland  
U6 – development at Risk of Flooding  
U8 – Access to Watercourses  
U12 – Protection of Utility Mains and Plant  
U13 – Efficient use of Energy  
U14 – Energy from renewable sources  
U15 – Site for Renewable Energy Production  
IMP1 – Securing satisfactory development

Approval is currently being sought for pre-application consultation and submission of the Peterborough Core Strategy DPD to the Secretary of State. The Site Specifics DPD is at the Issues and Options stage.

### **Cambridgeshire and Peterborough Waste Local Plan 2003** (the 'Waste Local Plan')

WLP1 – sustainable waste management  
WLP2 – Resource Recovery – Materials and Energy  
WLP3 – Need for waste facilities, and restrictions on catchment areas  
WLP4 – highways  
WLP5 – transport of waste – proximity principle  
WLP7 – protection of landscape character  
WLP9 – protecting surrounding occupiers  
WLP11 – protected species  
WLP12 – archaeology and the historic environment  
WLP15 – water resources and pollution prevention

WLP16 – land drainage and floodplain protection  
WLP18 – major waste management facilities  
WLP19 – protection of existing waste management sites and safeguarding waste management sites from development that would prejudice future use for that purpose  
WLP23 – non-inert materials recovery facilities  
WLP27 – Energy from Waste  
WLP37 – permission will be granted only where operations can be carried out as to minimise disturbance, mitigate any adverse impact of the development, and where appropriate restoration can be achieved to beneficial after use

The Cambridgeshire and Peterborough Minerals and Waste Development Plan Documents – Core Strategy and Site Specific Proposals are now being considered by the relevant committees of both Councils to seek authority for pre-submission consultation in February/March 2010 prior to the formal submission of both documents to the Secretary of State in June 2010 with a view to adoption in late 2010 or early 2011.

### **Other Material Planning Considerations**

Location and Design of Major Waste Management Facilities SPD

## **3 DESCRIPTION OF PROPOSAL**

The proposed Energy from Waste facility (EfW) would be contained within a single building with a footprint of approximately 96m. by 37m. Its height, excluding the stack, would be approximately 35m.

The main elements of the facility would be:

- Waste reception area,
- Bunker hall,
- Process hall,
- Turbine generator hall,
- A chimney stack (approx. 60m in height)
- Metal and ash recycling area,
- Bulky waste shredding area,
- 3 storey offices including staff welfare and mess facilities, offices for manager and admin staff and the control room, and
- A workshop

The EfW building would be a steel framed construction and metal clad. Translucent panels on the front and side elevations would allow natural illumination into the process hall and would enable the 'internal workings' to be visible to the outside especially when illuminated at night.

The plant would have a maximum throughput of 65,000 tonnes of waste per annum and the capacity to generate approximately 34,000 MWh/yr of electricity, of which 28,000 MWh/yr would be available for export to the national grid with the remainder being used within the plant itself. The plant would have the ability to produce approximately 127,000 MWh/yr of heat with 102, 000 MWh/yr available for export.

The EfW would be accessed from the main entrance on Fourth Drove and egress would be on to Storeys Bar Road/Fengate. New weighbridges and associated offices would be provided at the entrance and exit to the site. There will be a one way traffic system for vehicles associated with the EfW and the IMRF proposed on the adjacent site.

The EfW process would operate continuously, 24 hours a day for 7 days a week with the exception of shutdown periods for essential maintenance.

Waste would be delivered to the facility between 6.00 and 20.00 Monday to Saturday inclusive and 8.00 and 16.00 on Sundays and Bank Holidays. However, the facility itself would operate 24hours/day.



Approximately 30 staff would be employed at the site. This would include 16 shift operators, an Operations Team Leader, a Plant Manager, a Maintenance Manager, a Systems and Quality Manager, 4 Maintenance fitters, a Process Engineering Apprentice, 2 admin staff, a site manager, a plant cleaner and a vehicle and plant driver – operative.

The EfW would accept residual waste collected by the Council and also some residual waste from Cambridgeshire and other adjoining local authorities. All waste would be non hazardous (mixed municipal waste or waste with similar characteristics) - hazardous waste would not be accepted.

Part of the waste stream would come from the household waste recycling facility at Dogsthorpe and some of this waste would be oversized. A dedicated waste crushing facility would be located in the north eastern section of the main building and would deal with this. Over sized waste would be delivered by 'roll on roll off' skip lorries and would deposit the over sized waste into a dedicated bay. The operative would sort through the waste for non combustible and recyclable materials. Then a grab crane would pick up the remaining bulky waste and deposit it into the crusher/shredder and, once crushed, it would be conveyed to the waste bunker by a series of conveyors.

## **EfW Process**

Waste would be brought to the site by refuse collection vehicles and bulk transport vehicles. A representative sample of vehicles loads would be inspected at the weighbridge (or in the reception hall) to confirm the nature of the incoming waste. After weighing in the vehicles would continue to the reception hall where they would be directed through roller shutter doors prior to discharging their load into the waste storage bunker. The refuse bunker would have a capacity for 1,275 tonnes of waste. Grabs would be used to mix and feed the refuse into furnace feed chutes and operatives would also check for the presence of unacceptable waste at this stage (which would be removed to a licensed facility) and keeping tipping bays clear for deliveries.

Following loading on to the feeding chutes the waste drops to the bottom where it forms a plug which is introduced to the kiln via a feed ram. The waste would then pass slowly through the furnace, which is subject to a rocking motion to maximise homogeneity of the waste, maximise turbulence and eliminate temperature inconsistency. The waste surface is constantly refreshed and the size fraction reduced, maximising burn efficiency. Combustion air channels between the kiln skins preheat the waste feed, increasing energy efficiency.

Hot gases from the combustion process would pass through the post combustion chamber and into a boiler which takes heat from the combustion process and creates steam and heats water. Steam would be passed to a turbine to generate electricity. The turbine hall would be located adjacent to the processing hall with an air-cooled condenser to the south of this.

The exhaust gases would pass through a flue treatment system to control emissions of dust, nitrogen oxides and other acid gases, dioxins/furans and heavy metals and to ensure that stack emissions comply with Waste Incineration Directive (WID) (which applies to the burning of waste in a thermal treatment facility – which includes pyrolysis, gasification or plasma processes where substances produced are then incinerated). The precise configuration would be detailed at the Environmental Permitting stage. However, there would be silos in the process hall for the storage of hydrated lime and activated carbon which is used to neutralise acid components. Following treatment the exhaust gases would be passed through filter bags to collect any excess reagent, powders or dusts. This would then be knocked from the bags and taken by enclosed conveyor to a residue storage silo. Cleaned gases are drawn through into the stack.

Approximately 13,000t of bottom ash is expected to be generated each year. This would be removed from the site by HGV to either a non hazardous landfill site or for use as a secondary aggregate in recycled products following treatment off site.

Ferrous metals (metals containing iron) would be removed from the bottom ash by magnetic separator and stored in a separate bunker. Approximately 2000 tonnes of ferrous metal is expected to be recovered each year and sold to recycling companies.

Approximately 3000 tonnes of flue gas treatment residues are expected to be produced each year. These would be classified as hazardous waste and would be removed from the site in an enclosed tanker and disposed of at a hazardous landfill site or sent for use in chemical neutralisation applications before going to landfill.

### Site Clearance and Construction

Once all the operations at the existing Materials Recycling Facility (MRF) have been transferred to the adjacent Ray Smith building ground clearance would be undertaken to remove any residues and the building would be demolished. Where feasible the fabric of the building would be removed to optimise the amount of recycling of construction and demolition wastes. Concrete foundations would be crushed and screened.

Because of the value of the project a waste audit would be required and a condition would also be applied requiring a construction management plan to be submitted and approved.

Construction activities would take place between 7.00am and 7.00pm though there may occasionally be some activities outside these hours.

## 4 DESCRIPTION OF SITE AND SURROUNDINGS

The overall site is some 1.95ha in extent and is located to the south of Fourth Drove within the Eastern Industry Estate. The site is currently occupied by the Council's Materials Recycling Facility which it is intended to relocate on to the adjoining Ray Smith site which was agreed by this committee at its meeting on 14<sup>th</sup> April 2009. Planning permission was issued in June 2009.

The site is approximately 5.2km south east of Peterborough town centre. To the east of the site lies a fireworks factory and beyond this the sewage treatment works, Flag Fen archaeological site and open undeveloped agricultural land. On the northern side of Fourth Drove are a number of scrap vehicle units and beyond this the power station. The nearest residential developments are Parnwell to the north and the mobile home park at Second Drove, off Fengate, about 800m to the south west. Redbrick Farm is approximately 1km north of the site and beyond this is the residential area of Newark. Also to the north is Oxney Grange approximately 2.1km away and beyond this is the village of Eye some 3.5km from the site. To the east, beyond Frank Perkins, is the residential area of Eastleigh. Within the fenland area to the east there are a number of houses and farms including Masons Farm, Poplar Farm and Northey Bungalow.

## 5 PLANNING HISTORY

All applications relate to the Materials Recycling Facility at the site and are not relevant to the proposal under consideration.

## 6 CONSULTATIONS/REPRESENTATIONS

### Consultees:

Name	Reply Date	Summary of Comments
Peterborough Primary Care Trust	01/04/09  15/9/09	Facility would not pose a significant health risk. However, reassurance was sought on three matters - the effect on AQMA, noise from the facility and that traffic emissions will be insignificant. Following receipt of further information - short term noise nuisance may be experienced during start-up periods. Otherwise, no further comments.
Building Control Surveyor	16/02/09	Building Regulations approval required.
Renewable Energy Systems UK Ltd		No comments received

Atkins (Padhome Catchment)	22/10/09	Contribution required towards Padholme Catchment area works
Archaeological Officer	15/9/09	<p>The direct impacts of construction excavations on archaeological remains within the application site should be mitigated by a PPG16 condition: 'No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority'. This work should be focused only on those parts of the site where significant construction intrusion is planned, and where comprehensive archaeological excavation has not already taken place.</p> <p>A condition should also be applied to planning consent to secure an assessment of the hydrogeological conditions at Flag Fen and their relationship to works at the application site (hydraulic continuity, etc.). The assessment should include the monitoring of water levels and water quality and soil characteristics at Flag Fen for at least 6 months prior to construction. A condition should be applied to ensure that monitoring continues for at least the first 5 operational years of the EFW Facility. It is understood that a monitoring programme associated with the recent Padholme Drain widening works (Peterborough City Council/Atkins) is about to get underway at Flag Fen. The results of this work could be used to help fulfil the requirements in respect of this application.</p> <p>Mitigation and remedial measures (recharging water levels, pollution control) should be agreed with this office and Flag Fen Bronze Age Centre management (Fenland Archaeological Trust) and then built into the Surface Water Management plan.</p> <p>Conditions should be applied to planning consent, or formal agreements secured, to avoid potentially excessive noise during construction and operation (start-up, venting, vehicle movements, etc.) on event days notified at least 3 months in advance by Flag Fen Bronze Age Centre management.</p> <p>The proposed EFW Facility presents new visual intrusion and other impacts at Flag Fen, which though individually might be considered to be slight, combine within this proposal (and potentially with other recent developments) to degrade the ambiance of the Flag Fen Bronze Age Centre and archaeological park. It would be appropriate to seek to mitigate these cumulative impacts by entering into a voluntary agreement with the Fenland Archaeological Trust to support interpretation of the local prehistoric landscape at Flag Fen and to enhance the visitor facilities.</p>
East Of England Development Agency (EEDA)	17/03/09	EEDA supports this application. It will make a positive contribution to the region's economic ambitions for employment and maximising the benefits of the environmental goods and services markets. At the same time, it should also impact positively on targets for CO2 reductions and renewable energy targets whilst potentially

	17/09/09	adding to the case for Peterborough's status as an Environment City. However, would urge the Council to be satisfied that any issues in relation to the location of the site close to Flag Fen be adequately addressed. No comment to make on additional information
Pollution Team	18/6/09	Conditions required for Construction Management Plan, reversing alarms, lighting limitations, odour management plan, unsuspected contamination and insects
Anglian Water Services Ltd	18/9/09	Obliged under the Water Industry Act 1991 to provide water and waste water infrastructure for domestic purposes for new housing and for employment developments within our area when requested to do so. A number of informatives suggested.
East Of England Regional Assembly	20/03/09	Virtually all policies of the East of England Plan were considered although particular attention given to policies WM1-7. The development of new facilities for the generation of renewable energy is welcomed and will contribute to meeting renewable energy and waste management targets in the east of England.
	15/9/09	No comment to make on additional information
Transport and Engineering Services	09/03/09	The proposed site is ideally situated in an industrial area and the LHA raise no objection in principal. However, the application is lacking in detail and clarification is required on a number of matters.
	3/9/09	20 car parking spaces acceptable based on explanation provided. Still issues as to whether there will be visitors and staff trips. No mention of cycle provision or clarity on throughput or residual output.
Environment Agency	12/03/09	Object. In the absence of an acceptable flood risk assessment as the FRA submitted does not comply with the requirements set out in PPS25. Also informatives for the applicant relating to Environmental Permit, Dewatering, Pollution Prevention, Waste Disposal and Climate Change.
	15/9/09	Objection is maintained pending the submission of full details of breach calculations carried out. These should show the implications for the site should a breach occur in the raised defences of the River Nene rather than the Padholme Drain. The location of the breach and the methodology used for the calculations should be included. If the site is shown to be affected by this breach then appropriate mitigation should be suggested i.e. raised floor levels and other flood resistance and resilient measures. Confirmation required that the flood level used for the 100 year event plus an allowance for climate change is the most up to date information. Confirmation that the LPA considers the development to conform to the Padholme Catchment Flood Protection Strategy.
Civil Aviation Authority - Safeguarding	03/03/09	Proposed structure will not formally present an aviation obstruction. There is a need to check aerodrome safeguarding maps for specific safeguarding issues. It is anticipated that the facility would not involve flaring or venting of gas routinely or as an emergency procedure so as to cause a danger to flying aircraft.
	11/9/09	The CAA has no role in assessing environmental factors other than at an aerodrome designated under the Civil Aviation Act for that purpose. The area in question does not contain an aerodrome and so no comment is made on environmental aspects. Structures of more than 90m in height should be discussed with the Directorate of

		Airspace Policy.
Landscape Architect	09/03/09	Landscape and Visual Impact Assessment are satisfactory. Mass of building similar to adjoining power station. Some concern that the building is oppressive and heavy. Design and Access statement indicates a desire for lightness and openness. Colour of upper cladding needs to be reconsidered. Block planting is appropriate but would wish to see off site planting on the road frontage to complete the hornbeam line which is shown in the visualisation.
	18/9/09	No comment to make on further details
Peterborough Local Access Forum	14/9/09	Support the application on the basis that the non motorised user parts of appendix 1 Local Highway response being dealt with in a satisfactory manner to the Local Highway Authority by the applicant.
Planning Policy & Research	07/04/09	Insufficient detail provided in relation to energy efficient design of the facility and how energy, particularly heat, will be distributed and utilised
Go East	07/04/09	no comments
Natural England (Government Team)	25/02/09	The proposed development is unlikely to have a significant effect either alone or in combination on the Nene Washes SPA/SAC. The air quality section only includes results of air dispersion modelling. NE considers that any deposit resulting from the development is unlikely to have any significant impact on the site. Unlikely to be any significant impacts on legally protected species. Precautionary measures identified in relation to existing vegetation, nesting birds, reptiles, invasive species and pollution prevention of adjacent water bodies. Would encourage the enhancements for reptiles and birds. No objection to the proposed development.
	24/8/09	The information briefly addresses concerns raised about the Review of the EIA regarding the lack of information on potential impacts to Orton Pits SAC. However, we have already advised that we do not consider it likely that the development either alone or in combination will have a significant impact on the site. Aside from this the information does not appear relevant to our interests and we refer to our previous comments
Police	05/03/09	Proposal will pose no risk to community safety or serious crime in relation to the holding of hazardous waste or by-products.
National Grid	05/03/09	Risk is negligible
Renewable Energy Systems UK Ltd	07/04/09	No comments received
Rutland County Council	17/03/09	No objection in principle to the proposal and no additional comments to raise.
Travel Plans	30/10/09	As this is an umbrella travel plan for the whole site, it should act as the framework for the detailed travel plans. Unit specific travel plans are required as many measures can only be implemented by the employer (e.g. salary sacrifice scheme for cycles, guaranteed ride home, pool bikes, employer induction packs, provision of personal alarms/high vis equipment etc). If the development is occupied by Peterborough City Council staff, the site specific travel plan should tie in elements of the PCC travel plan and promote the facilities, services and incentives available to all PCC staff.
Wildlife Officer	02/03/09	Please refer to comments made at pre-application stage.

		Cannot find fault with the ecological scope and approach outlined. Required survey work has already been carried out.
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### **Entec UK, consultants acting for the Planning Authority**

Entec UK has carried out a review of the application package and the Environmental Statement to consider the adequacy of the submitted information in respect to:

- policy, and
- compliance with the Electricity Works (Environmental Impact Assessment )(England and Wales) Regulations 2000 (the EIA Regulations) and EC Directive 85/337/EEC as amended by Council Directive 97/11/EC.

The review concluded that there were clarifications and information gaps that are considered to be mandatory for an Environmental Statement to be wholly fit for purpose and to be in accordance with best practice and to reduce planning risk.

The main information gaps were in respect to:

- traffic and transport
- air quality
- ground contamination
- water environment
- cultural heritage
- ecology and nature conservation

A further review was undertaken when additional information was submitted to address the issues raised by Entec and other consultees. Entec have concluded that:

- it may have been prudent to provide a fully comprehensive review of alternative sites although this is not a mandatory requirement of an ES;
- the need case now contains supporting numerical material. Recovery capacity is required within the authority area and other authorities within the region which the development will help to provide;
- as Entec have not reviewed the additional section 19 information in detail it is recommended that specialist advice is sought as to the extent to which the information enables the authority to determine the significance effects of the proposals;
- Entec notes that Natural England have indicated that an Appropriate Assessment will not be required;
- Entec acknowledges the reasons for not including the PREL development in terms of cumulative environmental impacts on the grounds that it is not yet permitted. However, there is inconsistency of approach as PREL is considered in terms of air quality assessment;
- The applicant has provided a robust argument to suggest that a catchment area restriction would not be consistent with national and regional planning policy and a recent appeal decision. There are apparent inconsistencies between WLP3 and national and regional policy although policy WLP3 was saved after PPS10 was published. Given that WLP3 is adopted policy then the authority must consider if and how it might be applied in this case. Whilst an argument could be made for not imposing a condition based on the applicant's need case, it would not be unreasonable for the authority to introduce a catchment area restriction provided it covers an appropriate area to ensure the key planning objectives of PPS10.

### **NEIGHBOURS**

Over 5000 neighbouring addresses within 2km of the site were notified by letter and a number of site notices were placed in the vicinity of the site. Additionally there were articles in the local newspaper about the proposal.

Some 50 letters of representation have been received. Many of these letters caveated their response for or against the proposal with particular concerns or provisos.

30 Letters of objection or expressing concerns have been received from local residents raising the following issues:

- questions how much EfW is paying to push this through
- road system needs sorting out before more lorries are put on roads in Fengate
- too much traffic for road infrastructure - a traffic study needs to be undertaken
- increasing levels of congestion and pollution
- toxic fumes
- waste will be transported many miles
- increase in lorry movements
- feeder roads required between Perkins Parkway and Padholme Road for waste lorries
- Parnwell already badly served as a result of Tesco distribution centre
- Concern about lorries using Newark Road
- Bad odours especially with sewage works downwind
- Affect on property value
- Impact on general health
- Satisfactory emission levels being applied
- Traffic problems at Eye roundabout at peak times
- Emissions becoming a nuisance in Eye village
- Unsound – it has not considered energy from waste aspects of other technologies – that biogas or methane can be used as a fuel but instead seen as a waste product
- No sign of a co-ordinated approach to providing facilities
- Limit for recycling not yet met
- Biodegradable waste appears to be included in what will be taken into incinerator – whilst a useful product can be produced
- Poor air quality
- Site is near a river and a flood plain and when sea levels rise so will the river – which will be an environmental disaster
- Noise nuisance with noise reverberation. Independent noise assessment need to be carried out
- Increase in noise a possible health and safety issue for persons working and visiting industrial units on Dobson Way
- New plant and machinery should minimise noise pollution and all noise contained within buildings
- Additional background noise will affect rentability of units on Dobson Way
- Major concerns that, as the facility will be used to process raw household waste, there will be noxious and potentially toxic odours/vapours escaping from the building or from parked vehicles
- Concerns regarding processed material/ash as to handling, storage and transportation
- A food supplier seeks assurance that no odours will permeate their premises on Dobson Way
- Waste will attract vermin including rats, sea gulls and insects and there will be potential health issues
- Noise implications of birds
- Vibrations from plant and machinery operating on site as soil is peat and gravel
- Too close to residential areas especially to north and west of the site (Eastgate, Eastfield, Parnwell and Newark and residents of caravan park)
- Noise of start up procedures, odour pollution and fugitive dust emissions
- Construction will impact adversely on local residents
- Impact on Flag Fen
- Concern about the impact on the environment
- Some major pollutants cannot be destroyed by burning and will escape into the environment unless separated from the waste
- Less objectionable than PREL
- Views of Health Authority should be made public
- Release of incinerator gases
- Untried technology
- If given planning permission then steps should be taken for safer exit for Keys Park/Finchfield and improving traffic flow on Parnwell Way and to Eye roundabout

- Applicant believes that climate change objectives override other considerations
- Burning plastics should not be described as renewable
- Peterborough should be considering smaller scale energy production such as wind and solar power
- Transport needs of the proposal have not been considered
- Building is unprepossessing and likely to increase the negative social impact on nearby residents and workers in an already industrialised area of the city. Conflicts with DA2, DA12 and LNE9
- Application does not seek to protect animal and plant species
- The plant will not contribute to existing or planned opportunities for decentralised and renewable or low carbon and energy supply of development
- Whether there is realistic access other than by car
- Proposal does not achieve an overall reduction in waste volumes or reduction of waste at source or waste minimisation
- Proposal conflicts with RSS policy WM3 and local plan policy WLP5 (transport/proximity)
- Capacity of existing infrastructure to cope
- Proposal is likely to disturb existing hydrology as foundations are deep and slab is large
- No market for warm water
- Will spoil nearby nationally important archaeological sites – Flag Fen – and so contrary to WLP12
- Significant effects beyond the immediate locality (up to 40 miles) for emissions, gases and dust and long term effect on large numbers of people

17 Letters have also been received in support on the basis:

- Recycling is a good thing
- Inability to continue with landfill
- A positive and viable alternative to landfill
- Action is required now to address the waste issue
- Will save finance and land
- With the current employment situation can ill afford to turn down prospective employers – but there is a balance to be met
- Production of ‘green’ electricity and reduction in landfill

3 letters expressing neither support nor objection.

## **COUNCILLORS**

No comments received from councillors

It should be noted that the council, as Waste Management Authority, has undertaken wide ranging consultation on the development of its future waste services and infrastructure since 2001. This has included consultation on the wider waste management strategy including the ‘65% Plus’ recycling initiative but also on specific development proposals including the Peterborough EfW facility.

## **7 REASONING**

### **a) Introduction**

The Planning Authority has employed consultants, Entec UK Limited, to provide an independent assessment of the proposal. A resume of their comments is set out above.

If the Energy from Waste facility is granted permission it will also be necessary to obtain an Environmental Permit from the Environment Agency which will ensure that the facility meets all the standards in respect to emissions, water pollution, that the risk of flooding has been addressed and the detail of the day to day operations at the site.

- Policy issues relating to the location of the facility
- Policy issues relating to the volume and sourcing of waste and catchment restrictions
- Building, Landscape and visual impact
- Building design and energy and waste minimisation issues



- Archaeology and potential impact on Flag Fen visitor centre
- Highways, Access Issues and Travel Plan
- Amenity of nearby occupiers and the wider area
- Pollution risk
- Health impact
- Biodiversity and potential impact on areas of national / international conservation value
- Flood Risk

b) **Policy issues**

***Policy issues relating to the location of the site***

A site is some 1.95ha in extent and is situated within the Fengate Industrial Estate, to the south of Fourth Drove and east of Storeys Bar Road. The site is not a designated within the Waste Local Plan specifically for waste management purposes and is not, therefore, identified in policy WLP18 – major waste management facilities. However, it is the site of an existing waste management facility, the Council's Materials Recycling Facility. The proposal must, therefore, be considered under policy WLP27. This states that proposals for energy from waste will be considered favourably where such sites are located on preferred sites within policy WLP18 and that other sites will be considered favourably on land identified for general industrial uses (B2) where there is a good fit with other policies of the Plan. On this basis the site may be considered acceptable provided it meets the various environmental and site specific policies of the Plan.

Additionally national planning guidance relating to planning and waste management set out in PPS10 seeks to co-locate waste management development. It is the Council's intention to locate this facility adjacent to the upgraded Materials Recycling Facility, for which permission was recently granted, in the former Ray Smith building. It is also intended to develop an anaerobic digestion facility as part of the overall waste management complex. In this respect the proposal accords with PPS10.

***Policy issues relating to need and the volume and sourcing of waste***

PPS1, PPS10 and PPS22 states that it is not necessary to establish a case for need for the development if it accords with the statutory development plan. In this instance, whilst the proposal is not on an allocated site within the adopted Waste Local Plan it is considered to accord policy WLP27 of the Waste Local Plan provided the environmental and site specific criteria are met.

One of the overriding principles in the Waste Strategy 2007 and PPS10 is that waste should be managed in accordance with the waste hierarchy. Landfill is at the bottom of this hierarchy with energy recovery above followed by reuse and recycling with waste prevention at the top.

The Waste Strategy 2007 sets challenging targets for the recycling or composting of waste and also to recover value from municipal waste. This rises from recover value from 53% of municipal waste by 2010 to 75% of municipal waste by 2020. There are financial penalties if these targets are not met. The balance of municipal waste that cannot be recycled or composted must be dealt with by other than landfill in order to ensure these targets are met. The facility, the subject of this application, is being proposed to meet the need for alternative facilities to reduce the volume of biodegradable waste going to landfill and to meet government targets on energy recovery and is part of a suite of facilities proposed to manage municipal waste in its totality.

Policy WM2 of the RSS sets out similar targets for composting, recycling and recovery of value from municipal and commercial waste to be applied to forecast tonnages within each waste planning authority area. The overall objective being to eliminate the landfilling of untreated municipal and commercial waste by 2021. The RSS acknowledges that there will need to be a step change in the provision of waste management facilities to achieve these targets. The emerging Minerals and Waste Plan for Cambridgeshire and Peterborough acknowledges the part that would be played by the permitted MBT plant in Cambridgeshire to manage its municipal waste and the proposal for an energy from waste facility to meet the needs of Peterborough City Council. The emerging Plan indicates that the average annual throughput of an EfW would be some 250,000 tonnes.

This facility is expected to have a maximum throughput of 65,000 tonnes. If this is added to the throughput stated (650,000 tpa) for the proposed Energy Park proposal, currently being considered by DECC, then this throughput would be exceeded in the Peterborough area. However, much of the throughput of the Energy Park is likely to be commercial waste or biomass so that there is not necessarily a conflict or over provision of EfW capacity. If both facilities were operational then the anticipated landfill requirements for putrescible waste up to the end of the Plan period can be revised downwards if additional EfW capacity is provided in this part of the Plan area together with the already permitted MBT plant. It should be noted that, at the time of writing this report, that DECC have not yet issued a decision on the Energy Park proposal and should this not be approved there will still be a shortfall in anticipated EfW capacity in this part of the Plan area.

PPS10 also seeks to have waste disposed of at the nearest appropriate facility. This is met by this proposal as it is required primarily to deal with the municipal waste generated in the Peterborough area. In the short term, whilst there is spare capacity available, waste is likely to be sourced from an adjacent authority for whom this facility would be the nearest appropriate facility.

Policy WM3 of the RSS states that *'provision should only be made for new non landfill waste facilities dealing primarily with waste from outside the region where there is a clear benefit such as the provision of specialist processing or treatment facilities which would not be viable without a wider catchment and which would enable the recovery of more locally arising wastes.'*

It is intended to impose a condition limiting the area from which waste to feed the facility can be sourced. It is considered that this can be done under Waste Local Plan policy WLP3 and seeks to ensure that the majority of the waste is sourced from the Peterborough area, Cambridgeshire or within 50km of the facility. This latter provision would enable waste to be taken from Rutland County Council, which whilst being in the East Midlands region is considered to be proximate to Peterborough. The restriction would not completely preclude taking waste from London (the RSS requires that provision be made in the area for London waste) or the rest of the country but would limit the amount to a maximum of 25% of the weight of waste taken to the facility each year. It is considered that this is desirable in limiting the distance that waste travels and in general sustainability terms. In any event it accords with the primary purpose of the facility to manage the municipal waste from Peterborough. The agent, on behalf of the applicant, has objected to such a restriction being imposed on the basis that it does not fully accord with national policy.

The proposed facility is sized to meet the eventual residual waste needs of the City Council with some spare capacity. It is proposed that initially the facility would also manage the municipal waste from Rutland County Council. Whilst policy WM3 of the RSS states that the Region should seek to manage its own waste it should be acknowledged that Peterborough is on the very edge of the Region and it may well be more sustainable to take waste in from adjoining authorities, which happen to be within another Region, than from elsewhere in the Region – which may be many miles distant.

Size of the facility – this is based on a number of factors, and specifically:

- The existing waste flows and recycling rates in the area
- Predicted increase in residual waste due to housing growth and increases in recycling rates
- The thermal capacity of EfW plants and the assumed calorific value of Peterborough's waste
- Provision of additional capacity to manage all residual waste available for thermal treatment
- An allowance for future waste growth above predications and the possibility of third party waste from neighbouring authorities

Taking the above factors into account it was concluded that a facility of 21.4MW thermal capacity with a nominal throughput of 65,000 tonnes of residual waste per annum met the authority's requirements.

If residual waste was coming from Rutland CC then this would be in the order of 11,000 tonnes per annum. The EfW would have 26,000 tonnes of surplus capacity for third party waste in 2012/13 reducing to 16,000 tonnes by 2016.

It is concluded that there is a need for this facility, the size of which and the sourcing of waste can be justified by national, regional and local policy. However, in the early years of operation there will be spare capacity which can be taken up by municipal and commercial waste arising largely within a 50km radius of the facility.

## **Other Issues**

### ***Building design, Landscape and visual impact***

The proposed development is located within the Eastern Industry area of the city to the south of the power station but also close to open countryside and the Flag Fen archaeological site. The cladding of the upper part of the building has been proposed in a bronze brown to reflect the proximity to the rural area whilst the front of the building is open to reveal the function of the building and to relate more to the industrial/urban context of the site. Potentially this part of the building will be lit to provide more visual interest. The lower part of the building (approximately 9m. height) is intended to be clad in grey so as to better relate to the adjoining industrial buildings.

The Council's landscape architect has expressed some concerns about the proposed colour of the facing material and, in particular, the use of the brown cladding on the upper part of the building. However, the applicant feels that the design and colour scheme of the building reflect its 'fringe' location and the need to relate to both the urban and rural areas, provide a 'landmark' building which is distinctive and accord with the requirements of the adopted SPD on the Design and Location of Major Waste Management Facilities. It is your officers view that the use of dark brown in the drawings may make the building appear more oppressive than it actually would be and that the use of bronze cladding would provide a building of interest in an area where much of the development is of utilitarian design. It is acknowledged that the nearby power station is a significant feature and this is grey in colour. However, there are many buildings in the general vicinity that are faced in brown materials and there is no clear approach to design or materials for development within the industrial area. The use of the bronze brown and grey facing materials is an attempt to fit the building to its location and to acknowledge both its urban and rural faces and is considered to accord with the aspirations of policy DA1 and the adopted Design and Location of Major Waste Management Facilities SPD.

It is considered that the use of lighting as an architectural device at the front of the building should be conditioned so that there is some control over this element of the design.

A landscape and visual impact assessment has been undertaken identifying the visual impact in an urban fringe location as well as the effects on residential property and the effects of night time lighting. The key conclusions of the assessment are that the proposed development will be similar in mass and height to the power station which is an existing dominant feature in the landscape. The cladding materials will not be dissimilar to those used for the power station but will identify the structure as a landmark building close to visual receptors at Fengate and will form a visual extension to the mass of the power station. The distinctive reflective cladding will result in the building being more visually prominent in the wider landscape than a structure clad in matt grey. The photomontages show a building raising above tree level but, arguably, blending in with the trees because of its colour.

There is a small area in the front of the proposed building where there is opportunity for some limited landscaping – grass, a raised planting bed and possibly some trees. However, the proposed building is large and it would be difficult to effectively screen it. Fortunately there are mature trees between the edge of the industrial area and the rural area and in particular the Flag Fen visitor centre and these will provide significant screening of the proposed development. However, it will still be possible to see the upper part of the building above the tree line when viewed from the east. Indeed the Council's Historic Building manager has expressed some concern about the increasing level of development, to which this development would contribute, in the vicinity of Flag Fen and the potential impact of this on the historical value of the site and as a visitor attraction.

Due to the screening qualities of the development in the industrial and city area and the parkway the assessment concludes that there will be a neutral effect on the townscape. In Fengate the construction of a landmark building may provide a catalyst to gradually improve the overall townscape character although the immediate impact will be negligible. However, it is considered that there should be planting of trees on the highway land in front of the proposed building if this is possible – this could be conditioned. The proposed development will have a slightly adverse effect on the Flag Fen visitors centre, Masons Farm, Poplar Farm, Northey bungalow, Park Farm residential area and the Connect 21 residential development although views are screened or partially screened by existing shelter belt vegetation.

### ***Building Design and Energy and Waste Minimisation Issues***

The building would be designed to have a high recycled content of at least 20-30% in the materials used. This includes the steel and ceiling tiles. Recycled aggregate and other products containing recycled materials would also be used in the construction and wood would be from managed woodlands. The roadbase would also contain recycled glass. Overall the building would be constructed to minimise waste and material use through economic design and management.

It is intended to impose conditions requiring a Construction Management Plan to be submitted which would include a requirement for a waste audit to ensure that demolition materials are dealt with sustainably. A condition would also be imposed requiring the building to be constructed to minimum BREAMM energy requirements.

The facility has a 25 year design life. The design and layout of the building is based on the capacity requirements of the development and the desire to produce a 'landmark' building.

### ***Archaeology and potential impact on the Flag Fen visitor centre***

Flag Fen, a Bronze Age archaeological site, lies to the east of the site and is considered to be of national significance. The Council's Historic Environment Manager has continued to express concern about the impact that any changes to hydrology and drainage in the area would have on Flag Fen given the fragility of the archaeological and paleobotanical (plant fossils) remains here. There is evidence that some of the important remains at Flag Fen are slowly drying out and are highly vulnerable to further damage. The preservation of the archaeological remains at Flag Fen is partly due to relatively high water levels but also reliant on perched water levels above ground water levels and the moisture content, anaerobic conditions and general composition of the river and fen deposits above the Pleisocene gravel beds (relating to the last glaciation about 10,000 years ago) are critical. Changes to the local drainage regime that result in lower water tables may have a catastrophic impact on the preservation of remains. It is critical that all proposed on-site or off-site drainage or flood attenuation works resulting from the development are assessed on the basis of their potential effects on the remains at Flag Fen. If a condition is proposed to this effect it will be possible to require one or more monitoring points within the site to ensure that this development does not result in further damage to the remains at Flag Fen due to changes to the hydrological regime. However, a unilateral undertaking with the Waste Management Authority would enable monitoring to take place outside the site itself - possible a monitoring point to be located within the Flag Fen site – which is the case with the agreement reached on the proposed Energy Park on Storeys Bar Road. This matter will be considered further in the period leading up to the Planning Committee and whether or not a condition (C28) is sufficient in this instance as it would not cover matters such as the potential impact of off site drainage works or require a monitoring point to be placed within the Flag Fen site.

A standard condition is also proposed requiring a programme on archaeological works on the site itself prior to development taking place.

### ***Highways, Access Issues and Travel Plan***

The proposed facility is located within an industrial area and so the Highway Authority raises no objection in principle to the proposal. The distribution and type of traffic arriving and leaving the facility each day has been assessed.

It is estimated that the majority of traffic will impact upon the Frank Perkins Parkway via Boongate or Parnwell Way. A strategic highway contribution will be required to help mitigate the impact of the additional traffic at peak periods.

Access would be gained off Fourth Drove, taking the form of a simple priority junction, and would utilise the existing access to the Materials Recycling Facility currently operating at the site. Egress would be via Fengate and vehicles would be able to travel northwards or southwards from here. These access/egress points would be shared with the Materials Recycling Facility to be developed on the adjacent site.

Pedestrian access would be via Fourth Drove. 20 car parking spaces are proposed and there will be storage facilities for 16 bicycles.

A sustainable travel plan is proposed and staff will be encouraged to use sustainable transport modes including bus and rail as well as cycling and walking. A Travel Plan would be put in place. The details of a Travel Plan would be the subject of a planning condition. A contribution would also be required towards the management and monitoring of that Plan. A contribution has been agreed that relates to the development as a whole with the level of contribution split between the different facilities on the basis of staffing levels.

### ***Potential Amenity and Health Impacts***

#### ***Odour***

The main source of odour is that which comes naturally from municipal waste. The main area of concern is, therefore, the waste reception area. Odour may also, potentially, arise from the stack or wet bottom ash. In practice odour from the waste reception area should not be an issue as it would be an enclosed area. There may be waste in the storage bunker particularly if there is any unplanned shutdown. In which case no air would be extracted from the reception hall and so any odours released from the waste will not be extracted. Odour will also be prevented by reducing the level of waste before planned shutdowns; deliveries of fresh waste would be diverted to the baling facility; mixing of waste in the bunker would stop during breakdowns; and a portable deodorising spray would be placed in the reception area during the shutdown period if these other measures are not fully effective. In respect to the bottom ash this has a slight odour when fresh from the combustor but its effect is very localised and no an issue outside the building.

The roller shutter doors of the reception hall would close automatically once the refuse vehicle has gained entry and the hall would be kept under negative pressure to control emissions of odours by drawing combustion air from the bunker hall and waste reception area.

Potential emissions of odour and dust from the tipping hall and refuse bunkers would be controlled by forced draught fans located above the refuse bunkers. These would draw air from the bunker hall and reception area into the furnace to feed the combustion process, creating a slight negative pressure.

#### ***Dust and noise***

Roller shutter doors would be closed during crushing operations to facilitate control of noise and dust emissions.

The furnace is completely enclosed and sealed so there can be no fugitive emissions of smoke or dust.

Construction activities are likely to have no effect on sensitive receptors due to the distance to residential properties. Mitigation measures can be put in place to minimise the production and dispersion of dust.

#### ***Litter***

Waste materials would be delivered into a fully enclosed reception hall and deposited into the waste storage bunker within the hall. The likelihood of litter escaping is considered to be minimal.

### ***Birds, vermin and pests***

Municipal/household waste contains biodegradable and putrescible materials (waste that contains organic matter capable of being decomposed) that attract scavenging birds, vermin and pests and can result in fly infestations.

As the operations in this facility would be fully enclosed the potential for scavenging birds and other infestations is considered to be low. Additionally there will be regular pest control inspections under the Environmental Permit.

### ***Health impact***

The proposal has been considered by the Peterborough NHS Primary Care Trust (PCT) who has sought advice from the Health Protection Agency (HPA). The HPA assessment indicates that the EfW would not pose a significant health risk. However, as the application does have the level of detail expected in an Environmental Permit application the PCT has sought further reassurance from the City Council on three matters. These are:

- The proposed facility will not have a negative effect on the nearby Air Quality Management Areas that were declared in 2007 by the City Council;
- The noise from the facility will not cause an unacceptable public nuisance; and
- The City Council agrees with the conclusion that total traffic across the surrounding highway network will be slight and that the traffic emissions will be insignificant.

Assurances have been received on these matters and, as a result, the PCT has confirmed that it is satisfied that there is no significant health risk associated with the proposed facility.

Additionally the Environment Agency is required to issue an Environmental Permit which would restrict the level of emissions and pollution. The Agency will not issue this Permit if it considered that the EfW would cause significant pollution to the environment or harm to human health. The Agency would compare emissions with best industry practice and strict limits set by regulations as well as expert scientific opinion, research reports and seeking advice from specialist bodies such as the Food Standards Agency and the local PCT. PPS23 states that there should not be duplication in controls. The Planning Authority is also required to assume that adequate and sufficient consideration will be given to any potential impact or harm to human health by the EA, as a competent authority, before a Permit can be issued for the operation of the facility and if this cannot be done then the plant will not be able to operate. Following the issue of a Permit the Environment Agency would require continuous emissions monitors to be used to measure concentrations of some pollutants and twice yearly monitoring of others. There would also be check monitoring by contractors employed by the Agency and sites will be inspected regularly.

It is concluded that there would be no significant health risks or amenity issues associated with the facility and that sufficient controls can be put in place through the planning permission and the Environmental Permit to manage potential issues.

### ***Biodiversity***

An ecological impact assessment was undertaken using best practice. The assessment concludes there is unlikely to be a significant effect on the Nene Washes, a site of both national and international importance for its washland habitats, and Natural England have confirmed that an Appropriate Assessment will not be required – in other words it is content that there would be no significant impact as a result of the development on this habitat. Therefore, whilst air emissions, noise and changes in hydrology and hydrogeology have the potential to have an adverse effect it is concluded that these are unlikely to be significant. This is also the case with the Dogsthorpe Star Pit Site of Special Scientific Interest (SSSI).

The site is already developed and the assessment also concludes that whilst the development has the potential to cause adverse impacts on a range of species including nesting birds and reptiles it will have a negligible impact on habitats and legally protected species within the site provided mitigation measures are fully implemented and managed appropriately and pre-construction checks are undertaken. The proposal is, therefore, considered to accord with PPS9.

## ***Flood Risk and Hydrological Issues***

A flood risk assessment was undertaken in accordance with the requirements set out in PPS25. This has demonstrated that the site is not a functional floodplain due to the presence of flood defences on the River Nene. The Environment Agency has requested that a scheme for surface water drainage for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development be submitted which must conform to the Padholme Strategy and must ensure that there is no increase in the risk of flooding post development, both to the site and third parties. Assuming that the applicant is able to comply with this requirement it is considered that the scheme will comply with PPS25 and local plan policies U3, U5 and WLP16.

Additional information has been submitted by the applicant to the Environment Agency to address their outstanding concerns. It is anticipated that these will be addressed and the Agency's objection lifted. An update on this issue will be reported to the Planning Committee.

## ***Climate Change and Renewable Energy***

Policy ENG2 of the RSS supports the development of new facilities for all forms of renewable power generation and, in accordance with PPS22, sets regional targets to be achieved from renewable sources.

The supplement to PPS1 on climate change requires Local Planning Authorities (LPA's) to set a policy framework that promotes and encourages the provision of low carbon and renewable sources of energy and supporting infrastructure. It states (para 20) that applicants for renewable energy development are not required to demonstrate either the overall need for renewable energy and its distribution nor question the energy justification for why such a proposal must be sited in a particular location.

The primary purpose of this facility is not the production of renewable energy but the development of a facility for the disposal of the Council's residual waste as an alternative to landfill.

EEDA acknowledges that the facility would be capable of contributing to the challenging targets for resource efficiency as it has the capacity to generate 34,000 MWh/yr of electricity of which 28,000 MWh/yr would be available for export to the national grid. Additionally heat (102,000 MWh/yr) could also be exported to surrounding businesses. Overall the facility could make a positive contribution to renewable energy targets for the Region.

The local energy provider has confirmed that a power connection to the national grid is feasible. A switch room/substation would be required to be provided to connect to the national grid. A 'Phase 1 Energy Study' has been undertaken to identify potential heat users within the vicinity of the site. This is an important consideration that will be pursued through a 'Phase 2 Study' during the ongoing development of the project to investigate potential for heat off-take and the practicalities of developing a heat distribution network. A planning condition is proposed to secure heat off take from the facility and to require the submission of an annual report setting out how the heat will be used and timetables.

The above situation is currently complicated by the viability of heat utilisation. At present there are no Renewable Obligation Certificates (ROC's) payments in respect to heat use only and the requirements for third parties to use renewable heat are also not established. Therefore, there is currently little financial value in selling heat and no great demand for it. It is considered that policy will evolve over the next few years to facilitate the use of heat from electricity generating facilities. However, currently the majority of EfW facilities in the UK do not export heat and only generate electricity. Nevertheless PCC, as client, is committed to developing heat off-take as set out above. The maximum potential output is 16MWh and there is enough potential heat users within 2.5km of the facility to take 3 times the maximum heat output of the plant.

Any residual heat not distributed would be cooled to produce water.

Whilst users of the heat that would be generated by the facility have not yet been identified the facility has the potential to provide an energy source for export to businesses in the surrounding area and this would be investigated in more detail nearer to the time of the commencement of operations. The development of this facility will, provided that a need can be demonstrated in the immediate area and met, contribute towards the sustainable energy targets set out in RSS policy ENG2.

### **Airport Safeguarding**

Policy WLP17 states that any waste management development within the safeguarding zones of airports or aerodromes will only be permitted where it can be demonstrated that the development and associated operations would not constitute a hazard to air traffic. The Civil Aviation Authority (CAA) has confirmed that the proposed structure would not constitute an aviation on-route obstruction. The view has also been sought, on the advice of the CAA, of the view of local emergency services air support units and no particular issues have been raised by them.

### **Alternative Sites**

The site selection process involved a qualitative appraisal process. An initial screening was undertaken to consider site size, planning restrictions, abnormal costs and unacceptable traffic or environmental impacts. The Fourth Drove site scored highest for both EfW and MBT technologies as it was in an industrial area, not greenfield, already owned by the Council, good transport infrastructure, unlikely to be significant environmental effects and close to potential heat and energy users.

## **8 CONCLUSIONS**

The Dogsthorpe landfill site, where the City's municipal waste is currently taken for landfill is due to close in 2013. This, together with a number of national and EU drivers, is requiring the Council to consider other means of dealing with its residual waste (following the removal of recyclable materials) in the longer term. The Council, as waste management authority, has decided that an Energy from Waste facility is the most appropriate way forward.

The site selected for the proposed facility is already in waste management use and is within an industrial area. It is, therefore considered to be acceptable in locational terms, subject to relevant environmental and site specific considerations being met.

It is considered that all environmental concerns such as a potential impact on biodiversity and archaeology have been met and that any outstanding issues can be addressed by condition. The exception to this, at the time of writing the report, is the Environment Agency's outstanding objection to the Flood Risk Assessment which requires the submission of additional information and which, it is anticipated can be addressed.

In respect to such matters as air quality, odour, litter management and storage of waste on site there will be additional controls through an Environmental Permit which the Environment Agency will be required to issue before the facility can become operational.

It is considered that there would be no significant health risks or amenity issues associated with the facility and that sufficient controls can be put in place through the planning permission and the Environmental Permit to manage potential issues.

The building is designed as a 'landmark building' which seeks to address its location at the edge of an industrial area and close to its rural environs. It will be distinctive in the local area. There is limited opportunity for landscaping, apart from a small area at the front of the building, but in any event it is a large building that would be difficult to screen.



It is concluded that there is a clear need for the facility to manage the waste generated within the City Council area and that the facility proposed is acceptable in locational, environmental and amenity terms.

## **9 RECOMMENDATION**

That the Head of Planning Services be authorised to grant planning permission (with conditions) subject to:

- There being no call in of the application by GoEast
- The resolution of the Environment Agency objection to the proposal on flood risk grounds
- A legal agreement being entered into in respect of the monitoring of ground water levels (relates to the preservation of buried archaeological remains).

### **C 1 Commencement**

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

### **C 2 Approved Plans**

The development hereby permitted shall be carried out in complete accordance with the following submitted documents and plans:

Environmental Statement and Regulation 19 submission of additional information ref 5075275/PCC EfW ES August 2009

Statutory Plan no. 15898/A1/100 Rev.A dated 22.1.09

Existing Site Layout 15898/A1/101 dated 5.1.09

Proposed Site Layout no. 15898/A1/102 Rev B dated 8.6.09

Proposed Building Layout no. 15898/A0/110 rev A dated 20.1.09

Proposed Roof layout no. 15898/A1/111 dated 6.1.09

Proposed Office Layouts no. 15898/A1/115 dated 28.11.08

Proposed South West Building Elevation no. 15898/A1/120 rev A dated 23.12.08

Proposed North East Building Elevation no. 15898/A1/121 rev A dated 13.1.09

Proposed North West Building Elevation no. 15898/A1/122 rev A dated 13.1.09

Proposed South East Building Elevation no. 15898/A1/123 rev A dated 13.1.09

Proposed Site Elevations 15898/A1/140 dated 15.12.08

Proposed Boundary Treatment Layout no. 15898/A3/150 dated 13.11.08

Air Cooled Condenser no. 15898/A3/160 rev A dated 08.01.09

Proposed Gatehouse Plans and Elevations no. 16030/A0/170 rev A dated 12.05.09

Proposed Cycle Shelter General Arrangement no. 15898/A1/175 dated 07.01.09

Proposed Feature Raised Bed General Arrangement no. 15898/A1/180 dated 06.01.09

Proposed Drainage Layout no. 5075275/DRA/GA/311 dated 21.1.09

letter from Atkins ref. 5075275\_ Peterborough EfW Response to PCT\_ Issue dated 1st June 2009

letters from Axis Planning dated 28<sup>th</sup> May 2009, 5<sup>th</sup> June 2009, 4<sup>th</sup> August 2009, 11<sup>th</sup> August 2009, 17<sup>th</sup> September 2009,

Reason: In accordance with the application and for the avoidance of doubt of the nature and extent of the development hereby permitted.

### **C3 Facing Materials**

The external facing materials used shall be as set out in section 4.18 (Materials Schedule) of the Design and Access Statement. Any alternative materials proposed, and details of the additional lighting proposed on the frontage of the building shall be submitted to and approved in writing by

the Local Planning Authority prior to the commencement of development. The development shall be constructed in accordance with the approved details.

Reason: In order to encourage attractive development that makes a positive contribution to the urban design of the District in accordance with policies DA1 and DA3 of the Peterborough Local Plan (First Replacement) 2005 and the Design and Location of Major Waste Management Facilities SPD (April 2006).

**C4 BREAMM Rating**

A scoping submission shall be submitted to the Building Research Establishment (BRE) to establish the most appropriate BREEAM standard for the proposed EfW and associated buildings. A BREEAM assessment should then be undertaken based upon the BRE's recommendations.

The building shall be developed to the BREEAM standards, or such standards that replace BREEAM in whole or in part at before the start of construction of the EfW.

The precise BREAMM rating to be achieved shall be agreed in writing with the Local Planning Authority following the submission of a predicative assessment at the outline design stage

Reason: To ensure the energy efficiency of the development in accordance with policy U13 of the Peterborough Local Plan (First Replacement) 2005

**C5 Annual Throughput**

The annual throughput of the Energy from Waste Plant shall not exceed 65,000 tonnes at a calorific value of 9,400 kJ/kg or equivalent.

Reason: To accord with the details of the application and policy WLP3 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C6 Hours of Operation**

During Construction

Construction works including the delivery of materials and removal of waste materials from the site shall only take place between:

07.00 - 19.00 hours Monday to Saturday unless agreed in writing with the local planning authority.

During operation of the development

Deliveries to the site shall only take place between:

06.00 - 22.00 hours Monday to Saturday

08.00 - 16.00 hours Sundays, Bank and Public Holidays

unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of local amenity in accordance with policies DA2 AND DA13 of the Peterborough Local Plan (First Replacement) 2005 and policy WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C7 Landscaping Works**

The hard and soft landscaping works at the frontage of the site shall be implemented in accordance with approved drawing no. 15898/A1/180 unless otherwise agreed in writing by the Local Planning Authority.

A landscape management plan, including long term design objectives for 5 years following implementation, management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development for its permitted use. The landscape management plan shall be implemented in accordance with the approved details.

Any shrubs dying, being severely damaged or becoming seriously diseased within 5 years shall be replaced with trees and shrubs of such size and species as may be agreed with the Local Planning Authority in the planting season immediately following any such occurrences.

Reason; In order to improve the visual amenity of the areas in accordance with policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005 and policies WLP7 and WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C8 Fencing**

All new and replacement fencing shall be designed to allow free flow of floodwater to ensure that the floodplain can be utilised during a flood event unless it can be demonstrated that adequate flood plain mitigation is in place.

Reason: To ensure that adequate measures are taken to mitigate the impact of flooding in the vicinity of the development in accordance with policies U3 and U5 of the Peterborough Local Plan (First Replacement) 2005.

**C9 Retention of Flood Swale**

The proposed flood swale shall be retained in perpetuity or unless or until other measures are put in place for floodplain compensation.

Reason: To ensure that adequate measures are taken to mitigate the impact of flooding in the vicinity of the development in accordance with policies U3 and U5 of the Peterborough Local Plan (First Replacement) 2005.

**C10 Contamination**

If, during development, contamination not previously identified in the risk assessment set out in chapter 11 of the Environmental Statement, is found to be present at the site then no further development, unless otherwise agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted to and obtained approval in writing by the Local Planning Authority, an addendum to the Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: In order to protect and safeguard the amenity and health of local residents or occupiers of nearby industrial units in accordance with Planning Policy Statement 23 and policies DA14 and DA15 of the Peterborough Local Plan (First Replacement) 2005.

**C11 Noise Management Plan**

A noise management plan shall be submitted to include steps to be taken to ensure that plant and machinery minimise the noise created, including plant modification, enclosures, screening, location and maintenance and the monitoring of noise from the facility.

Any assessment of noise levels shall given consideration to low frequencies which, unless suppressed to a low energy level, can cause resonant excitation of windows and lightweight building panels at considerable distances.

The noise management plan shall ensure that with plant operating, noise levels emitted from the site shall not exceed 51dB LAeq, 15 minutes as determined at the nearest noise sensitive receptor (Vitas Business Park). The requirement is to be waived for start up periods.

In the event of a reasonable complaint, as perceived by the local authority officer, monitoring in accordance with an agreed scheme shall be carried out by the operator and the results shall be

submitted to the Local Planning Authority. The noise levels shall be determined at the nearest noise sensitive receptor. The measurements shall be made in accordance with BS4142:1997."

Reason: To protect the amenity of local area in accordance with policies DA2 and DA13 of the Peterborough Local Plan (First Replacement) 2005 and policy WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C12 Reversing Alarms**

Prior to the commencement of the development details of the reversing alarms to be fitted to all mobile plant (excluding short term visiting vehicles) shall be submitted to and approved in writing by the Local Planning Authority. The approved reversing alarms shall be utilised on mobile plant for the duration of the development unless the use of other alarms is agreed in writing by the Local Planning Authority.

Reason: In the interest of the amenity of the local area in accordance with policy WLP 9 of the Cambridgeshire and Peterborough Waste Local Plan 2003 and policy DA13 of the Peterborough Local Plan (First Replacement) 2005.

**C13 Lighting**

Prior to the commencement of development a scheme for the provision of lighting shall be submitted to and approved by the local planning authority. The lighting scheme will identify:

1. That lighting that is needed to provide low level night time background lighting
2. That lighting that is needed to provide lighting to enable safe operations on the site
3. The hours in which the lighting in 1 and 2 will be operational
4. A specification for the light levels on site including off site / upward light spill and

Reason: To prevent glare and minimise light pollution to the surrounding area in accordance with policies DA2, DA12 and T1 of the Peterborough Local Plan (First Replacement) 2005 and WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C14 Programme of Archaeological Work**

No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of mitigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance 16 and policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement) 2005 and policy WLP12 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C15 Waste Catchment Area Restriction**

At least 75% by weight of the consented capacity of the Energy from Waste Facility shall be sourced from the following area:

1. the administrative area of Peterborough City Council
2. the administrative area of Cambridgeshire County Council, and
3. a radius of up to 50km from the site.

Weighbridge records shall be submitted to the Local Planning Authority annually, on a date to be agreed with the operator, and shall set out the originating location and type of waste imported to the facility or shall be made available to the Local Planning Authority within one week of such request.

Reason: To limit the area from which waste can be imported to seek to ensure that waste is treated at the nearest appropriate facility and that transportation is limited as far as practicable in accordance with policy WM3 of the East of England Plan 2008 and policy WLP3 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C16 Travel Plan**

Prior to the commencement of operations a detailed travel plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In accordance with policies T1 and T7 of the Peterborough Local Plan (First Replacement) 2003.

**C17 Provision and Retention of Cycle Parking**

No building shall be occupied until space has been laid out within the site in accordance with the approved plan for 16 bicycles to be parked, and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policy T9 of the Peterborough Local Plan (First Replacement) 2005.

**C18 Construction of footway**

Development shall not commence before full details of a 2m. wide footway along the eastern side of Fengate from Dodson Way to Fourth Drove, including pedestrian crossing points, have been submitted to and approved in writing by the Local Planning Authority. The footway shall be constructed in accordance with the approved plans prior to occupation of the site.

Reason: In the interests of highway safety in accordance with policies T1, T2, T3, T7 and T8 of the Peterborough Local Plan (First Replacement) 2005.

**C19 Access details**

Development shall not commence before full details of the 'access only' from Fourth Drove and 'egress only' from Fengate have been submitted to and approved in writing by the Local Planning authority. Part closure of the existing access off fourth Drove shall be included within the design. The accesses shall be fully implemented prior to occupation of the site in accordance with the approved plans.

Reason: In the interests of highway safety and to ensure that the new highway access points are adequately constructed, drained and lighted in accordance with policies T1, T2, T5, T7 and T8 of the Peterborough Local Plan (First Replacement) 2005.

**C20 Swept Path Analysis**

Development shall not commence before swept path analysis of all routes in to, around including loading areas and out of the site by the largest anticipated vehicle is submitted to and approved in writing by the Local Planning Authority. The resultant access road widths shall be fully implemented in accordance with the approved plans prior to occupation of the site.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement) 2005

**C21 Construction Management Plan**

Prior to the commencement of development a construction management plan, including risk assessments, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

The scheme shall:

1. Detail measures to be undertaken to minimise noise and dust arising from building construction and site works and normal plant operation and monitoring thereof. Such scheme shall accord with the requirements of Minerals Planning Statement 2 Annex 1 or such requirements that replace them in whole or part when the development is implemented. A summary of Best Practice Site Management Measures for the control of dust shall be provided as part of the submitted scheme;

2. Specify whether a named environmental co-ordinator is to be employed or in the absence of such a person the competent person who will deal with issues raised by authorities and the public.
3. Specify measures to be taken to foster good community relations set out in a documented procedure,
4. Specify duration of construction operations and hours of operation,
5. Provide a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
5. Provide a scheme to demonstrate that all construction vehicles can enter the site immediately upon arrival, there is adequate space within the site to enable contractors vehicles to park, turn and load and unload clear of the public highway and details of the haul routes across the site; and
6. Provide a Site Waste Management Audit for the demolition and construction phases of the development setting out how waste arising from the construction phases of the proposed plant is to be managed

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 interest of highway safety and to ensure that adequate measures are taken to minimise the impact of construction operations on the amenity of local residents and workers in accordance with policy WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003 and policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

**C22 Bunding etc**

Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system should be sealed with no discharge to any watercourse, land or underground strata. Any associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: To prevent pollution of ground and surface water resources in accordance with policy WLP15 of the Cambridgeshire and Peterborough Waste Local Plan 2005.

**C23 Surface Water Drainage Scheme**

Prior to the commencement of development details of the proposed surface water drainage system shall be submitted to the Local Planning Authority for approval in writing and shall be implemented in accordance with the approved scheme.

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies, with an overall capacity compatible with the site being drained unless otherwise agreed in writing with the Local Planning Authority.

The applicant shall ensure that any existing oil interceptors at the site have sufficient capacity to operate effectively when taking into account any additional discharge of surface water from the proposed development. No contaminated runoff shall be discharged to the surface water drainage system.

Reason: To prevent pollution of surface waters in accordance with policy WLP15 of the Cambridgeshire and Peterborough Waste Local Plan 2003 and policy U3 of the Peterborough Local Plan (First Replacement) 2005.

**C24 Heat Distribution Strategy**

Prior to the Energy from Waste Plant becoming operational a study detailing the feasibility and commercial viability of exporting heat from the Energy from Waste plant for use by domestic,

commercial and/or industrial users (together with the demand for such heat) and a timetable/strategy for expanding this network to distribute residual heat shall be submitted to and approved in writing by the Local Planning Authority. If at the time the Energy from Waste Plant becomes operational the study concludes that exporting heat from the Energy from Waste Plant is not feasible or commercially viable then a timetable for the review of the study shall be agreed in writing with the Local Planning authority.

Reason: To ensure the energy efficiency of the development in accordance with policy U13 of the Peterborough Local Plan (First Replacement) 2005.

**C25 Operation of Weighbridge**

Details of the means of operation of the unmanned weighbridge shall be submitted to and approved in writing by the Local Planning authority prior to the commencement of the development. The unmanned weighbridge shall not be operated except in accordance with the approved details.

Reason: In the interest of highway safety in accordance with policy T1 of the Peterborough Local Plan (First Replacement) 2005.

**C26 Local Liaison Panel**

Prior to the commencement of operations at the site a Local Liaison Panel shall be established in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The Panel shall meet regularly for the duration of the lifetime of the facility in accordance with the submitted terms of reference unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that there is a channel for interested parties to consider matters of mutual concern in accordance with policy WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

**C27 Monitoring of Hydrological Impact on Flag Fen**

Monitoring of the hydrological impact of the development on Flag Fen shall be undertaken commencing 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 following the commencement of operations at the site. The assessment shall include the analysis of water levels, water quality and soil characteristics at Flag Fen. The monitoring programme associated with the Padholme Drain widening works by Peterborough City Council/Atkins shall be used to assist with the fulfilment of these requirements.

Mitigation and remedial measures including mechanisms for recharging water levels and a construction scheme, based on the principles set out in Section 7.1 and demonstrating that the local hydrological conditions will not be adversely affected by the development, shall be submitted to and agreed in writing by the Local Planning Authority in consultation with the Fenland Archaeological Trust and shall be implemented fully in accordance with the approved schemes.

Reason: To ensure that the construction of the development and in particular those elements below existing ground level do not 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.

**C28 Decommissioning**

Prior to the decommissioning of the facility hereby approved a scheme for decommissioning, demolition, site clearance and decontamination shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

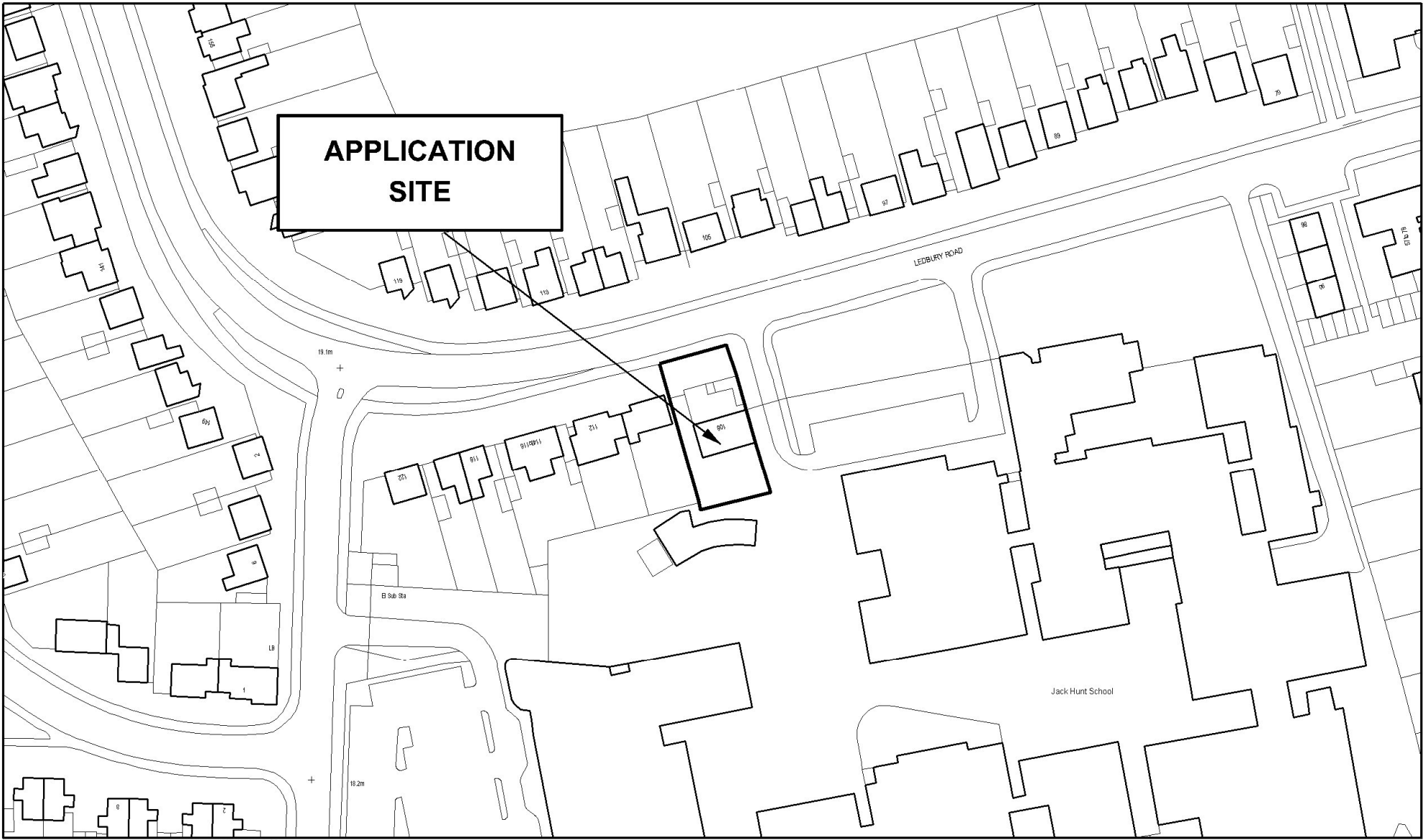
Reason: To ensure that the land is capable of beneficial use as advised by Circular 2/90.

## Notes Relating to this Decision

- 1 Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991, or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.
- 2 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water also recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps at all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industries Act 1991.
- 3 Surface water discharge will be into Racecourses Drain adjacent to the site. Any works to the Racecourses Drain, including culverting/piping will require the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991. Due to the recently completed scheme within the catchment, preference would be for a clear span bridge to facilitate maintenance and to retain capacity and flow area. Access must be considered for maintenance of the channel i.e. for the maintaining authority and the riparian landowner.
- 4 The operators are requested to notify the management of Flag Fen Bronze Age Centre of any potentially excessive noise during construction and operation of the facility at least 3 months in advance, or as soon as practicable, in order to ensure that this does not adversely impact on events to be organised at Flag Fen.
- 5 The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering – Street Works Co-Ordinator on 01733 453467.
- 6 The development involves extensive works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. It is essential that prior to the commencement of the highway works, adequate time is allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from Transport & Engineering - Development Team on 01733 453421.
- 7 Highways Act 1980 - Section 184, Sub-Sections (3)(4)(9)  
This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.  
These works MUST be carried out in accordance with details specified by Peterborough City Council.  
Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.  
Contact is to be made with the Transport & Engineering - Development Team on 01733 453421 who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

Copy to Councillors Collins, Goldspink, Todd





**LOCATION PLAN 09/00970/FUL**

Rise and Shine Day Nursery, 108 Ledbury Road, Netherton

Scale 1:1250 Date 10/11/2009 Name MKB Department Planning Services

PCC GIS



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09/00970/FUL: SINGLE STOREY SIDE/REAR EXTENSION TO RISE AND SHINE DAY NURSERY,  
108 LEDBURY ROAD, NETHERTON, PETERBOROUGH  
VALID: 10 SEPTEMBER 2009  
APPLICANT: JACK HUNT SCHOOL, LEDBURY ROAD, PETERBOROUGH  
AGENT: PDG ARCHITECTS  
REFERRED BY: CLLR M J DALTON  
REASON: THE EXTENSION WOULD CAUSE ADDITIONAL NOISE, PARKING PROBLEMS,  
LITTER AND A REDUCTION OF LIGHT INTO THE GARDEN OF NO. 110 LEDBURY  
ROAD  
DEPARTURE: NO  
CASE OFFICER: MIKE ROBERTS  
TELEPHONE: 01733 454410  
E-MAIL: mike.roberts@peterborough.gov.uk

## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the proposed extension upon the amenities of the adjacent residential property and the general streetscene
- The impact of the use of the extension upon the amenities of the adjacent residential property
- The impact of the use of the additional floorspace for the nursery upon highway safety

The Head of Planning Services recommends that the application be **APPROVED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

- DA1** Planning permission will only be granted for development if it:
- (a) is compatible with, or improves, its surroundings in respect of its relationship to nearby buildings and spaces, and its impact on longer views; and
  - (b) creates or reinforces a sense of place; and
  - (c) does not create an adverse visual impact
- DA2** Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:
- (a) can be satisfactorily accommodated on the site itself; and
  - (b) would not adversely affect the character of the area; and
  - (c) would have no adverse impact on the amenities of occupiers of nearby properties.
- T1** Planning permission will only be granted for development if:
- (a) appropriate provision has been made for safe and convenient access to, from and within the site by all user groups taking account of the priorities set out in the Transport User Hierarchy of the Local Transport Plan; and

- (b) it will not result in unacceptable impact on any element of the transportation network.

**T10 Planning permission will only be granted for car and motorcycle parking outside of the City Centre if it is in accordance with the parking standards set out in Appendix V. Car and motorcycle parking in the City Centre will be assessed against policy CC15.**

### **3 DESCRIPTION OF PROPOSAL**

The building has an 'L' shaped footprint and the proposal seeks to square off the footprint by infilling the existing open area to the North West corner. The overall increase in the floor area would equate to approximately 52sq.m, with a proposed width of 6.7m and a depth of 7.8m.

The extension is to have a flat roof that will match the height of an existing flat roof of the building. The proposed brick north elevation will replace an existing single skin brick wall that forms a part of the northern boundary of the site. The western elevation of the proposed extension is to project 1.3m closer to flank boundary with no.110 Ledbury Road such that the separation distance is to be 2.6m to the common fenced boundary. This will provide a simple pedestrian access from the extension towards the rear outside play area. The western elevation is to contain two adjacent 0.9m wide full length windows with narrow top openings. The northern elevation of the extension is to include two similarly designed windows but will be 1.1m clear of ground level. The elevations are to be rendered.

The extension is to improve the general accommodation standards for the nursery to replace an existing outdoor soft play area. For example the areas for quiet and the one to two's/two's activity areas.

The applicant has confirmed that the additional floor space would also help in accommodating children with disabilities for which the existing configuration of the rooms cannot readily accommodate.

The nursery currently accommodates a fluctuation of between 20-25 children although there was no restriction imposed on the number of children when planning permission was originally granted for the use in 2002. At present the nursery caters for 6 children between 3 months – 2 years, 8 children each within the ages of 2 – 3 years and 3 – 5 years respectively i.e. 22 children. The nursery benefits from a parking provision for a total of 11 cars, 8 spaces of which are located within the parking area to the front of the Jack Hunt School.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site fronts towards Ledbury Road and is located immediately to the west of a vehicular and pedestrian access to Jack Hunt School. The building is set back approximately 7m from the pavement of Ledbury Road with mature shrubbery and areas of grass in-between. The building was formerly the school Caretaker's residence. The building has a generally squat appearance with a flat roof area for the front half and a shallow mono-pitched roof to the rear area.

There is an open uncovered outdoor play area immediately to the north-west of the building that abuts onto the building. This is enclosed on all sides to a height of 2.5m. The building's 'L' shaped footprint has a maximum width of 12m and a length of 15.6m. The separation of the building to the common flank boundary with No.110 Ledbury Road is 4m at its nearest and 9.3m at its furthest. The western boundary comprises 1.8m high fencing with a length of the mature trees overhanging from the curtilage of No.110 Ledbury Road.

The space between the nursery and the residential properties comprises a small garden area. The rear garden of the nursery is generally used as a grassed play area with planting on the boundaries. The use has 3 parking spaces along the entrance to the building within its east facing elevation and also has the use of 8 parking spaces within the adjacent school car park. There are 2 established trees i.e. a mature Lawson Cypress and a clipped Yew tree in a strip of open space to the front of the building. The flank

elevation of No.110 Ledbury Road comprises a ground floor secondary window with an obscure glazed bathroom window and what would appear to be a fuller length landing window, also obscure glazed.

## **5 PLANNING HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Date</b>	<b>Decision</b>
02/00142/FUL	Change of use from Caretakers Office to Children's Day Nursery	28 March 2003	Permitted
05/01603//FUL	Single rear extension to Day Nursery	20 Dec 2005	Withdrawn
06/00343	Rear extension to Day Nursery	28 April 2006	Permitted

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Education Dept - Early Years and Childcare Team** – The proposed extension would have the floorspace to potentially allow for an additional 10 children to attend the nursery. The number of additional children that could attend the nursery would be down to how the space is used. The fact that there is an increase in floorspace would not necessarily mean that it would be filled.

**Head of Transport and Engineering Services** – In terms of traffic generation the increase in the number of staff to 8 from the existing 6, with the retained number of parking spaces i.e. 11 the proposal would comply with the Peterborough Local Plan (First Replacement) parking requirement. However the increase in floorspace could permit a greater number of children to be able to attend the nursery. Further information has been requested from the applicant to show the locations used for the delivery/collection of children by parents/carers. This will be reported to the Committee in the Update Report.

### **EXTERNAL**

#### **NEIGHBOURS**

No.110 Ledbury Road – Strong objection. The conversion from the Caretaker's bungalow to the nursery should not have been allowed and has devalued the dwelling price. Noise generated within the garden of the nursery, by the children, has caused the occupier of no.110 to have to go away from home for periods during the day. The expansion of the Jack Hunt School has not benefitted the residents.

#### **COUNCILLORS**

**Cllr Matthew Dalton** – Concern has been expressed that the proposal would give rise to additional noise, parking problems, litter and the reduction of light into the garden at No.110 Ledbury Road.

## **7 REASONING**

### **The impact of the proposed extension upon the amenities of the adjacent residential property and general streetscene**

The extension would have a height of just 0.3m above the height of the existing front boundary wall facing towards Ledbury Road and the adjacent residential property at No.110 Ledbury Road.

The proposed front elevation will match that of the existing adjoining property in terms of scale. The presence of the mature landscaped frontage area will minimise the impact of the proposal upon the general street scene and cause no detrimental visual harm.

There are 2 established trees i.e. a mature Lawson Cypress and a clipped Yew tree immediately to the north of the nursery building. It is assessed that both trees offer moderate amenity value within the street scene but are worthy of retention. Tree protection measures will be necessary to avoid any machinery, equipment etc being placed within close proximity of the trees for the duration of the works.

The new flank wall would extend the building closer to the adjoining residential property by 1.3m. This, and the small increase in height of the building would, due to the retained separation distance to No.110 Ledbury Road, not lead to any loss of light to that property either within the dwelling or the rear garden.

The planning permission for the extensions to the nursery granted in 2006 did expire earlier this year. However the approval has to be considered as material to the determination of the current application. The 2006 approval granted an increase in the floor space to the Nursery of 112sq.m. The proposed increase the subject of the current application is 52sq.m. The approved extension was to extend the depth of the nursery building by 6m with the existing open play area being retained.

### **The impact of the use of the extension and the use upon the amenities of the adjacent residential property**

The area proposed for the extension is currently used as an outdoor soft play area when the weather would permit. Whilst it is enclosed on all sides there could be the potential from its use to generate noise that may be a source of nuisance to the adjoining occupier. The proposal however seeks to completely enclose this area and thus any noise generated within the extension would be contained. This should improve the current relationship with regards to the noise that may generated by the nursery in this area of the site.

Two small window top lights are proposed in floor to ceiling windows in the west elevation of the extension. Whilst this may permit sounds from within the extension to be audible on occasions, given the separation distance from that elevation to the rear sitting out areas of the adjacent dwelling disturbance to the amenities of the occupiers of the dwelling would be significantly less than that which could currently be possible.

The applicant has confirmed that there are no plans to increase the number of children at the nursery although the Early Learning Child Care Team have confirmed that the increase in floor area could permit such an increase from the current limit of 25 up to a potential 35 children. Given the proximity of the adjacent residential property and the fact that an increase in the numbers of children could be expected to be a possibility in future years, given that the extension would provide more floor space, it could give rise to more continual activity within the main garden play area. The 2006 planning permission effectively granted permission for up to 52 children as clearly proposed in the application details.

### **The impact of the additional floorspace for the nursery upon highway safety**

The nursery currently benefits from the provision of 3 parking spaces adjacent to the entrance to the building and the adjacent Jack Hunt School permits the nursery the use of 8 of its parking spaces as agreed under the proposals for the enlargement of the school premises. The original planning permission required that the nursery was to make available 6 parking spaces in total and the 2006 permission required a total of 14 spaces.

In the morning the majority of the children are dropped off between 8 – 8.30am. A number of the children at the nursery are those of teaching staff at Jack Hunt School resulting in journeys terminating for the day at the school. Since opening the nursery has consistently had 10-20% of its children from teachers at the school.

In the evening the parents generally collect their children between 5 – 5.30pm. At such times the peak traffic generated by the school has ended thus the impact of the traffic generated by the parents collecting their children and the staff (expected to increase from 6 to 8 as a result of the proposal) going home would be negligible.

The 2006 planning permission required by condition that a total of 14 parking spaces were to be provided on site and within the Jack Hunt School prior to the occupation of the extension. The existing nursery use has the benefit of 11 parking spaces. Considering the ratio of nursery floorspace to parking provision, the approved, but now lapsed planning permission to extend the nursery building rearwards that was to have 14 spaces, a lower ratio to that of the current supply of parking provision serving the nursery which is to be retained as a part of the current proposal. In any case the parking provision for the nursery will satisfy the Peterborough Local Plan (First Replacement) of one parking space per member of staff.

The nursery staffing level would be 8 members of staff, one of which is to be part-time. The applicant has confirmed that of the current members of staff only 3 drive to work. The remainder either walk or travel by public transport.

The delivery and collection of the children to/from the nursery by parents/carers has not resulted in public safety implications and it must therefore be assumed that the current arrangements to deliver/collect the children has not resulted in issues with highway safety. The additional number of children could reach a maximum of 35, according to the Learning Child Care Team although the applicant has advised that only 31 spaces would be accommodated. Such an increase in numbers would not be expected to give rise to public safety/highway safety matters.

## **8 CONCLUSIONS**

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

The extension would be compatible with the design of the existing building and its siting and use would not be detrimental to the amenities of the occupiers of the adjacent residential property nor would it give rise to conditions that would be prejudicial to highway safety in accordance with policies DA1, DA2, T1 and T10 of the Peterborough Local Plan (First Replacement)

## **9 RECOMMENDATION**

The Head of Planning Services recommends that the proposal be **APPROVED** subject to the following conditions and informatives:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**  
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policies DA2 and DA3 of the Peterborough Local Plan (First Replacement).
- C3 The parking provision (11 spaces) to serve the nursery (drawing no. 09008/PL02A refers) shall be retained and be used solely in connection with the nursery Use at 108 Ledbury Road.**  
Reason: In the interest of highway safety in accordance with policy T10 of the Peterborough Local Plan (First Replacement)
- C4 Prior to the implementation of the extension hereby approved details of the location of the parking, turning, loading and unloading of vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority.**

**Thereafter these facilities shall be kept available throughout the period of the construction of the extension for vehicles generated by the implementation of the extension.**

Reason: In the interest of highway safety in accordance with policy T10 of the Peterborough Local Plan (First Replacement).

- C5 The Lawson Cypress and Yew tree immediately to the north of the building shall be retained and are to be adequately fenced, as described below, before any development begins on site, and shall continue to be so protected during the period of construction. The fencing shall be erected outside the outermost spread of the tree canopies and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.1m (three feet six inches). The fencing shall be inspected by the Local Planning Authority prior to the commencement of development, and development shall not commence until the Authority is satisfied that the trees are adequately protected. No work shall take place, and the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority. No materials shall be stored within the fenced areas at any time.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C6 The fenestration to the west elevation of the extension hereby approved and the west elevation of the existing building shall be retained in accordance with the approved designed details (drawing no.09008/PL01 refers)**

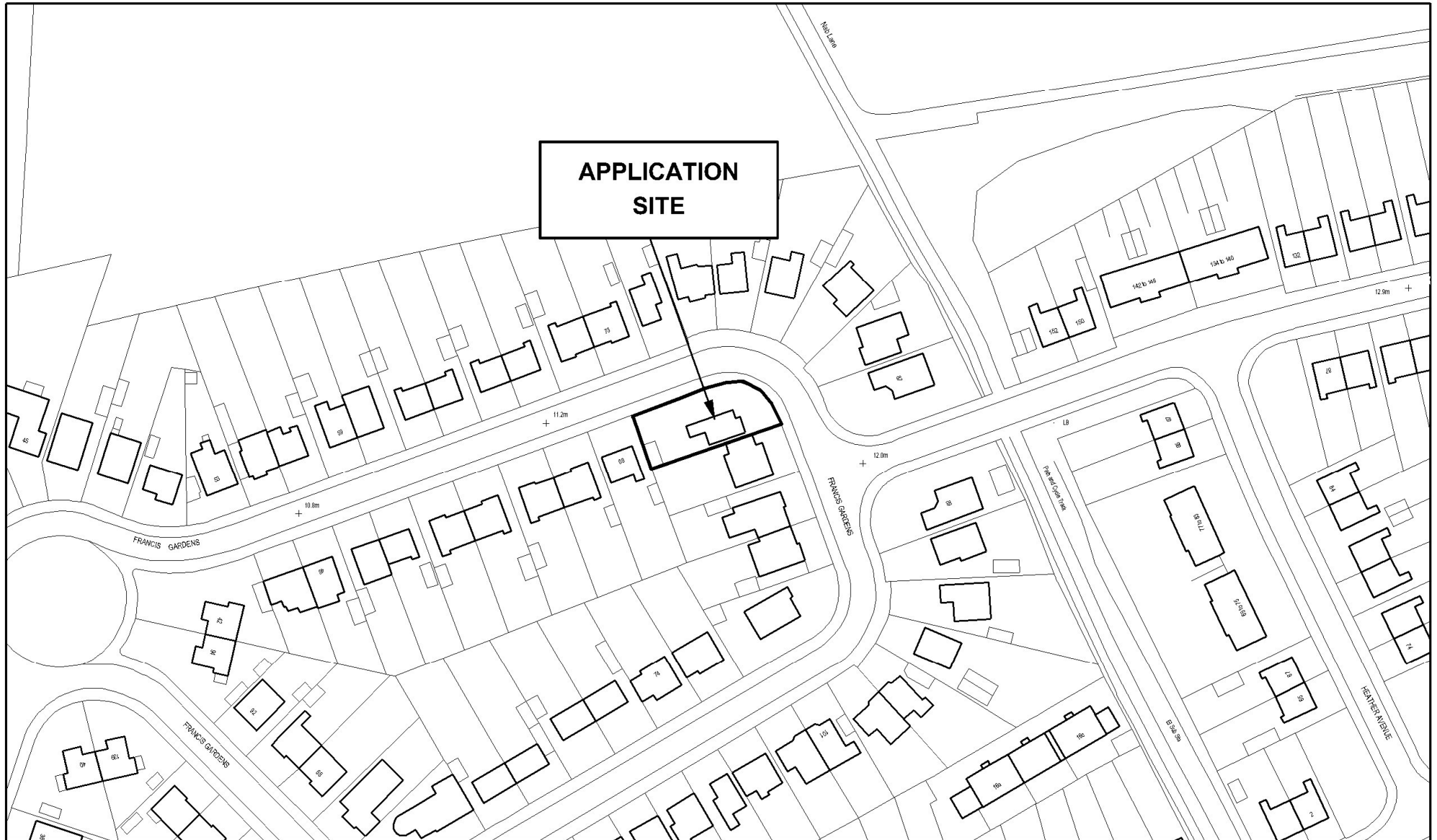
Reason: In the interests of the amenities of the occupier of the adjoining residential property i.e. no.110 Ledbury Road in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

- C7 No demolition or construction work shall take place on the site outside of the hours of 07.00 and 19.00 Mondays to Friday and 08.00 to 13.00 hours on a Saturday inclusive.**

Reason: In the interests of the amenities of the occupier of the adjoining residential property i.e. no.110 Ledbury Road in accordance with policy DA2 of the Peterborough Local Plan (First Replacement)

Copy to Councillors S J Dalton, M J Dalton





**LOCATION PLAN 09/01084/FUL**

62 Francis Gardens, Dogsthorpe

Scale 1:1250 Date 10/11/2009 Name MKB Department Planning Services

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09/01084/FUL: CONSTRUCTION OF SINGLE STOREY FRONT AND REAR EXTENSIONS AND TWO STOREY SIDE EXTENSION AT 62 FRANCIS GARDENS, DOGSTHORPE  
VALID: 1 NOVEMBER 2009  
APPLICANT: MR M PANJWANI  
AGENT: MR B SHEMELD  
REFERRED BY: CLLR C SWIFT  
REASONS: PROPOSAL SHOULD BE ALLOWED AS IT COMPLIES WITH POLICY  
DEPARTURE: NO  
  
CASE OFFICER: DAVE JOLLEY  
TELEPHONE: 01733 453414  
E-MAIL: david.jolley@peterborough.gov.uk

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact of the development on the street scene
- The impact on the character of the area
- The impact on the amenity of nearby residents
- The design of the proposals

The Head of Planning Services recommends that the application is **REFUSED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

#### **The Peterborough Local Plan (First Replacement)**

DA1 Townscape and urban design

DA2 The effects of development on the amenities and character of an area

## **3 DESCRIPTION OF PROPOSAL**

This application seeks planning permission for the construction of a front porch, two storey side extension and a single storey rear extension.

## **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site is a currently a detached dwelling in a prominent corner location within Francis Gardens. The house is situated to the south of the plot, leaving much of the curtilage free from development and allowing for long distance views through the plot providing an open character to the area. More generally Francis Gardens is a road of varying character and the majority of the dwellings would appear to be 1940's – 1960's in design, of varying sizes and types; and a mixture of detached, semi detached and bungalows.

## 5 PLANNING HISTORY

Application Number	Description	Date	Decision
09/00312/FUL	Two Storey side extension, single storey rear extensions, and detached 2 storey garage/gymnasium building	11.05.2009	Withdrawn

## 6 CONSULTATIONS/REPRESENTATIONS

### NEIGHBOURS

Letters of objection have been received from 4 local residents raising the following issues:

- The property will be too large and out of keeping compared to existing properties
- The size of the property will be doubled
- The extensions will block the views round the corner
- Location is close to two dangerous bends
- Concerns that the extension is to increase space for two businesses currently operating from the dwelling, leading to increased parking, creating a traffic hazard and causing disturbance
- No provision for additional parking

### COUNCILLORS

Cllr Swift believes that it blends in with the original 1950's style of the street and adds to the character of the building, it also enhances the surrounding area. The front extension gives the property symmetry. The site is on an end of row large corner plot which is 25-30% wider than similar properties. Revised plans show the width of the proposed side extension has been decreased. Concerns regarding the garage have been addressed. The development of two bungalows on Francis Gardens (Nos. 139 and 42) are out of character with the area and set a precedent. The erection of a 1<sup>st</sup> floor extension to the bungalow at 64 Francis Gardens is not in line with the original style and out of character with the surrounding area. Nos.109 and 121 Francis Gardens are detached with two storey side extensions, setting a precedent.

## 7 REASONING

### a) **Introduction**

This application has been submitted following the withdrawal of a previous application 09/00312/FUL. The width of the side extension has been reduced by approximately 40cm and the new garage has been removed. The applicant has attempted to address some of the issues that were highlighted through consideration of the original application.

### b) **Principle of development**

The proposal to extend the dwelling would result in a dwelling that is approximately 100% larger than the current dwelling and would extend beyond the established 'building line' by approximately 4.0 metres when approached from the west. This is considered to be harmful to the character of the area and to the amenities of the occupiers of neighbouring dwellings.

The development is therefore considered contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement)

### c) **The impact of the development on the street scene**

The site occupies a prominent corner plot. At present the Northern side elevation of 62 Francis Gardens is in line with the front elevations of all dwellings to the west, meaning there is a continuous 'building line' from one end of the road to the other. If approved the side elevation of 62 Francis Gardens would project some 4.0 metres forward of this established building line, blocking cross corner views, and enclosing that area of the street when viewed from anywhere west of the development site. It is considered that this is harmful to both the character of the area and to the amenities of the occupiers of neighbouring dwellings who have enjoyed this open spacious corner view for over 50 years. The size of the dwelling is also out of character with the surrounding area.

There would appear to be only one other property close to the proposed size of 62 Francis Gardens, that property is harmonious in its design and would appear to be original and un-extended and does not occupy a prominent position within a corner plot.

d) **The impact on the character of the area**

The proposal would result in a dwelling that is effectively double its existing size and would be far bigger than any other property in the immediate vicinity and indeed the street as a whole.

The points raised by Cllr Swift are not considered to be valid in this instance. Whilst there are properties in Francis Gardens No's 109 & 121 (99/00636/FUL & 02/01400/FUL) that have had 2 storey side extensions built, they are:

- not sited forward of the established building line,
- are subservient to the host dwellings and
- are of a design that allows them to be integrated into the host dwelling and the wider street scene.

Whereas this proposal is:

- significantly forward of the building line,
- not subservient to the host dwelling
- out of character with the original design of the dwelling by turning it into a double fronted property,
- completely at odds with the dominant character of the rest of the street.

To argue that a development of two bungalows at 42 Francis Gardens (05/00054/FUL & 08/00193/FUL) sets a precedent for this development is again not valid and cannot be accepted by the Planning Authority. The two proposals cannot be compared to each other. The bungalows are not unacceptably large or dominant within the street scene or out of character with the surrounding area.

As stated above the proposal would also enclose that corner of Francis Gardens. Changing the open nature of that area and further harming the character of the area.

The proposal creates an adverse visual impact and does not improve the relationship of 62 Francis Gardens with its surroundings, causing an unacceptable impact on longer views. It is considered that the proposals are contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

e) **The impact on the amenity of nearby residents**

By:

- building forward of the established building line,
- doubling the size of the dwelling,
- changing the character and appearance of the dwelling
- enclosing the corner of the road, blocking cross corner views,

it is considered that the proposal would harm the amenities of the occupiers of neighbouring dwellings, who have enjoyed the current open nature of the street and uncluttered cross corner views for many years. This is contrary to both DA1 and DA2 of the Peterborough Local Plan (First Replacement).

f) **The design of the proposal**

The design of the proposal is not acceptable, changing a typically compact 1950's dwelling into a very large double-fronted dwelling that is almost, but not quite symmetrical. The proposed dwelling appears awkward from the front elevation due to this attempted symmetry. The porch is not in line with the central 1<sup>st</sup> floor window, the bay of the original dwelling is not repeated on the extension and the frontage of the extension is wider than the corresponding element of the original dwelling. When viewed from the north elevation the roof line appears very odd, with two sets of pitches, one higher than the other, with flat elements and a central gully. This elevation will be highly visible and is considered to be completely out of character with the area and of poor design.

Overall the design is poor and it does not appear that consideration has been given to either the host dwelling or the character of the area. The only consideration would seem to be in creating a dwelling that is as large as possible to fit within the plot.

## **8 CONCLUSIONS**

The proposed side extension would be approximately 4.0 metres forward of the established building line of Francis Gardens when viewed from the west of the development site, blocking longer views, enclosing the corner and setting an unwelcome precedent for subsequent front extensions, causing harm to the character of the area. By blocking corner views the open character of this part of Francis Gardens will be changed forever, harming the amenities of the occupiers of nearby dwellings. This is contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

The design of the proposed extension is poor, being neither symmetrical, subservient to the existing dwelling nor compatible with the character of the surroundings. The roof line, when viewed from the northern side elevation is awkward, with two pitched elements, one higher than the other, a flat section and a central gully. This is completely at odds with other dwellings in the immediate vicinity, giving undue prominence to 62 Francis Gardens. This is contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

The resultant size of the dwelling would be completely out of character with its surrounding modestly sized dwellings, being far larger than anything in the immediate vicinity and making 62 Francis Gardens unacceptably prominent within the street scene, a situation exacerbated by the dwelling's corner location. This is contrary to policy DA1 of the Peterborough Local Plan (First Replacement) which states that a development must be compatible with or improve its surroundings in respect of its relationship to nearby dwellings. This would not be the case as number 62 would dwarf the adjacent bungalow, number 64 Francis Gardens.

Given the number of elements of this proposal that are contrary to both policies DA1 and DA2 of the Peterborough Local Plan (First Replacement) it is considered that the only option available to the local planning authority is to refuse this application.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is **REFUSED**

1. The proposed side extension would be approximately 4.0 metres forward of the established building line of Francis Gardens when viewed from the west of the development site, blocking longer views, enclosing the corner and setting a unwelcome precedent for subsequent front extensions, causing harm to the character of the area. By blocking corner views the open character of this part of Francis Gardens will be changed forever, harming the amenities of the occupiers of nearby dwellings. This is contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
2. The design of the proposed extension is poor, being neither symmetrical, subservient to the existing dwelling or compatible with the character of the surroundings. The roof line, when viewed from the northern side elevation is awkward, with two pitched elements, one higher than the other, a flat section and a central gully. This is completely at odds with other dwellings in the immediate vicinity, giving undue prominence to 62 Francis Gardens. This is contrary to policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
3. The resultant size of the dwelling would be completely out of character with its surrounding modestly sized dwellings, being far larger than anything in the immediate vicinity and making 62 Francis Gardens unacceptably prominent within the street scene, a situation exacerbated by the dwelling's corner location. This is contrary to policy DA1 of the Peterborough Local Plan (First Replacement) which states that a development must be compatible with or improve its surroundings in respect of its relationship to nearby dwellings. This would not be the case as No. 62 would dwarf the adjacent bungalow, No. 64 Francis Gardens.

Copy to Councillors Swift, Sharp