

## NOTICE OF MEETING

|                |  |
|----------------|--|
| MEETING        | <b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>   |
| DATE:          | <b>TUESDAY 14 APRIL 2009</b>   |
| TIME:          | <b>2.00 pm</b>   |
| VENUE:         | <b>COUNCIL CHAMBER - TOWN HALL</b>   |
| CONTACT:       | Martin Whelan<br><b>Telephone: 01733 452323</b><br><b>e-mail address martin.whelan@peterborough.gov.uk</b> |
| Despatch date: | <i>2<sup>nd</sup> April 2009</i>   |

### AGENDA

|   | PAGE NO |
|---|---------|
| 1. Apologies for Absence  |         |
| 2. Declarations of Interest   |         |
| 3. Members' Declaration of intention to make representations as Ward Councillor                         |         |
| 4. Minutes of the meetings held on 17 February 2009   | 1 - 4   |
| 5. Development Control and Enforcement Matters  |         |
| 5.1 07/01296/FUL - Construction of Monument to Commemorate War Dead at The Green, Thorney, Peterborough | 5 - 12  |
| 5.2 08/01392/FUL - Fitzwilliam House Bushfield Orton Goldhay Peterborough                               | 13 - 20 |
| 5.3 08/01504/REM - 157 - 161 Fletton Avenue Fletton Peterborough PE2 8DB                                | 21 - 28 |
| 5.4 08/01577/MMFUL - Proposed Integrated Materials Recycling Facility, Storeys Bar Road, Fengate        | 29 - 50 |



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 Martin Whelan on 01733 452323.

|           |  |                |
|-----------|--|----------------|
| 5.5       | <b>09/00114/R3FUL - Adjacent Footpath North East Of Bretton Park Pavilion Flaxland Bretton - Provision of Water Facility</b> | <b>51 - 60</b> |
| 5.6       | <b>09/00170/FUL - Retrospective Revised Scheme at 78-80 Welland Road, Peterborough</b>                                       | <b>61 - 68</b> |
| <b>6.</b> | <b>Design Review Panel</b>   | <b>69 - 80</b> |
| <b>7.</b> | <b>Planning Performance Agreement Charter</b>  | <b>81 - 94</b> |

In accordance with standing orders, Members are asked to determine whether agenda item 8 – Enforcement Action in West Ward, which contains exempt information relating to individuals as defined by paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972 should be exempt and the press and public excluded from the meeting when it is discussed, or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

|           |  |                |
|-----------|--|----------------|
| <b>8.</b> | <b>Enforcement Action in West Ward</b> | <b>95 - 96</b> |
|-----------|--|----------------|

**MEMEBRS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

Councillor M Todd (Chairman), Councillor P Hiller (Vice-Chairman), Councillor C Ash, Councillor C Burton, Councillor M Cereste, Councillor P Kreling, Councillor S Lane, Councillor P Thacker, Councillor I Walsh and Councillor C Day

Subs: Councillors: F Benton and K Sharp

**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  
Bourges/Viersen Room - Town Hall  
on 17 February 2009

**MEMBERS PRESENT:**

Councillors M Todd (Chairman), P Hiller (Vice-Chairman), C Ash, F Benton (Item 7 only),  
C Burton, M Cereste, P Kreling, S Lane, I Walsh and C Day

**OFFICERS PRESENT:**

Barry Fagg - Interim Head of Planning  
Matt McConville - Planning Officer  
Carrie Denness – Principal Lawyer  
Chris Reynolds – Highways  
Martin Whelan – Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Cllr Thacker.

**Declarations of Interest**

Cllr Lane declared a personal and prejudicial interest in item 6a and withdrew for the item.

**2. Members' Declaration of intention to make representations as Ward Councillor**

**3. Minutes of the meeting held on 18 November 2008**

The minutes of the meeting held 18 November 2008 were agreed subject to the alteration of the declaration made by Cllr Burton to refer to the tennis club instead of the citizens group.

**4. Minutes of the meeting 16 December 2008**

The minutes of the meeting held 16 December 2008 were agreed subject to the alteration of the declaration made by Cllr Burton to refer to his late wife's mother instead of late wife.

**5. Development Control and Enforcement Matters**

**5.1 08/01471/FUL - Werrington Centre Staniland Way Werrington, Peterborough**

The committee received an application for consideration which proposed the demolition of a number of the existing buildings including the supermarket (2845.5 sq.m), some of the retail units, the petrol filling station and the public house.

Permission was sought for the construction of a new supermarket comprising some 7014 square metres gross floor space on the western part of the site, a new public house with a floor area of 395 square metres and a new retail unit comprising 237 square metres of floorspace. The new unit and the public house would be located adjacent to Goodwin Walk off which the service access is proposed. A group of retail units to the south side of the site would be retained.

The proposed store would have a maximum depth of 80 metres, a width of 95 metres and maximum height of approximately 10 metres. The section of the building adjacent to Goodwin Walk would have a length of 65 metres.

In connection with these works, alterations are proposed to the layout of the main car park and the car parking areas for Sundance and Olympus Houses. This would result in an overall on site increase in the available car parking provision to 673 spaces. The alterations would include the consolidation of the retail parking element into one area comprising 537 spaces (an increase of 187 spaces), a 45 space car park for Sundance House (a reduction of 4 spaces) and a 65 space Olympus House car park (an increase of 21 spaces). Access to the car park and these office buildings would continue to be from Staniland Way. The 26 bay element will be retained. In addition 8 motorcycle spaces and 104 cycle spaces would be provided.

The bus lay-by on the eastern side of the site would be removed with new bus stops incorporating real time information and a zebra crossing provided on Goodwin Walk.

The committee received representations from the Ward Councillors, representatives of the Neighbourhood Council and a member of the public. The concerns covered;

- Scale of development in relation to the area and other district centres
- Continued public access to the car parking and skate boarding.
- Noise pollutions and associated issues with the service yard
- Narrow road access to the site and other traffic management issues in the vicinity to the site.
- Issues with access to the public house
- Loss of local District Centre identity
- Design of building.

The applicant also addressed the committee and addressed concerns that were raised by members.

**Resolved** (8 for, 0 against, 1 not voting) to authorise the Head of Planning Services to grant planning permission subject to;

- a) Conditions as outlined in the committee report
- b) To all service yard activities ceasing by 10pm
- c) Car park to remain available beyond five years if the 100 new spaces have not been provided.
- d) The conditions in relation to the roundabout are altered to include demolition as well as construction.

### **Reasons for the decision**

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

- a) The principle of retail development is considered to be acceptable in accordance with PPS6 and Policy R1 of the Peterborough Local Plan (First Replacement).
- b) The highways impacts arising from the proposed development can be acceptably mitigated. The proposal is therefore acceptable in terms of highway safety and convenience. The site is also a sustainable location accessible by a range of transport modes and a Travel Plan will be secured. As such the proposal accords with policies T1, T3, T5, T7 and T8 of the Peterborough Local Plan (First Replacement).
- c) The proposed car parking provision is acceptable in accordance with the maximum standards set out in policy T10 of the Peterborough Local Plan (First Replacement).

- d) Although the design of the proposed new buildings would be different from the surrounding residential dwellings this distinction is considered to be appropriate given the District Centre function of the site. The design details are also acceptable. As such the proposal is considered to accord with policy DA1 of the Peterborough Local Plan (First Replacement).
- e) Given the proposed mitigation measures (e.g. noise management plan) it is considered that the development can be satisfactorily accommodated without significant adverse impact upon the amenity of the neighbouring residents. The proposal therefore accords with policy DA2 of the Peterborough Local Plan (First Replacement).
- f) The proposed layout allows for the protection and retention of higher quality trees on the boundaries of the site. A detailed landscaping scheme will also be submitted. The proposal therefore accords with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- g) The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

## **6. Design Review Panel**

The interim Head of Planning Services introduced the report and sought approval from the committee for the creation of a Design Review Panel.

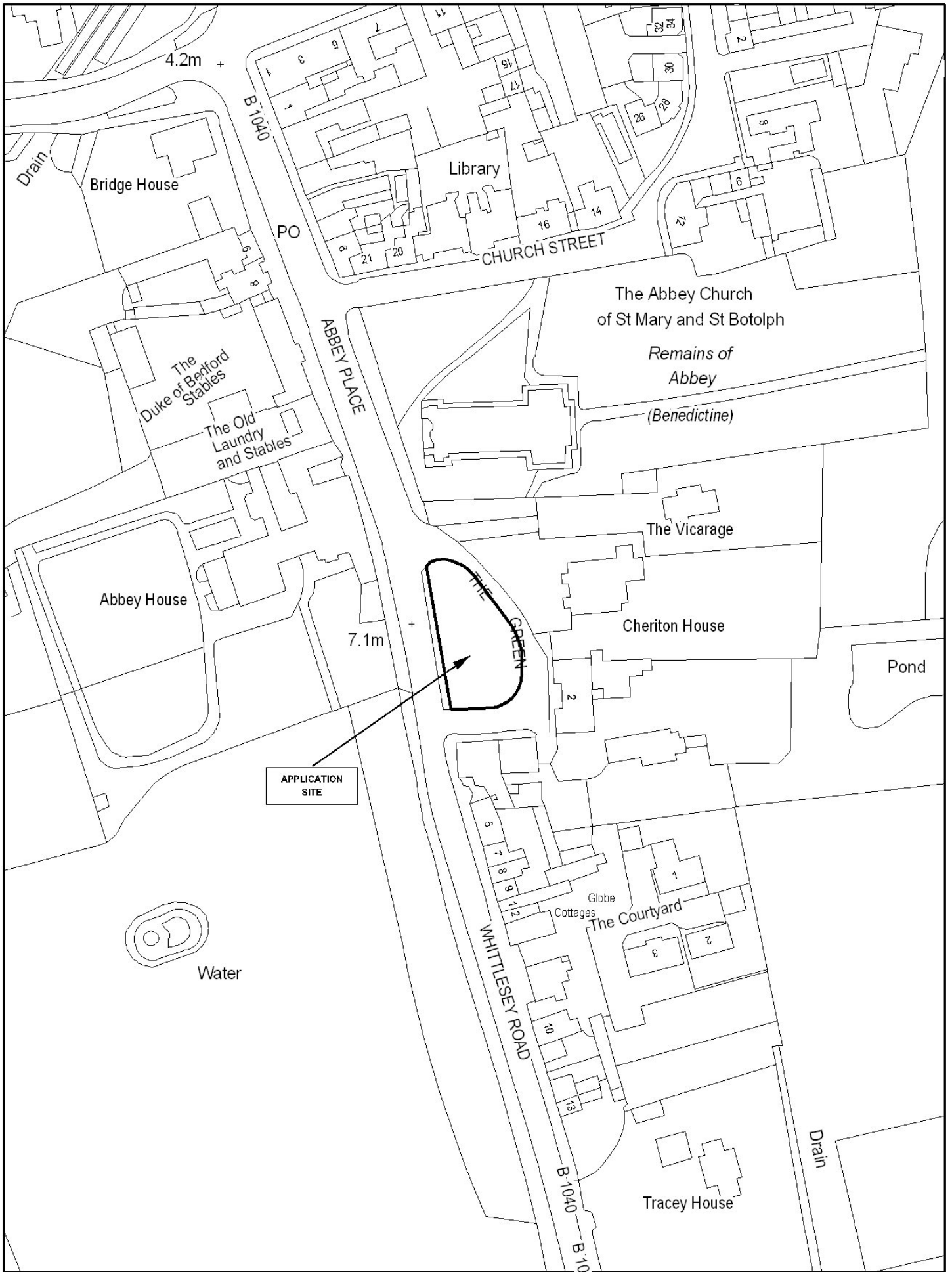
Members supported some elements of the proposals however highlighted a significant number of concerns. These included;

- The need to involve local ward councillors at an early stage in the process. Members also expressed concerns regarding the proposed lack of member involvement in the structure. It was noted that there were other opportunities for members including PEP members to be involved in early planning discussions.
- The size of panel was suggested to be too big, however it was clarified that in normal circumstances a panel would be made up of only some members of the overall members on the panel.
- The need to involve other key departments in the discussions, particular emphasis was given to the involvement of Highways Officers.
- Objection to just the Chairman receiving an honorarium, particularly if the panel was going to meeting in smaller groups for each item.
- That the proposed structure was overly formal.
- The need to carefully manage the expectations of developers in order to avoid the assumption that reviewed applications will be automatically approved by PEP.
- The need for greater transparency, and a unique solution for Peterborough.

Following discussion it was agreed that a revised version of the report would be presented to a future committee for approval.

CHAIRMAN  
1.30 - 4.00 pm

This page is intentionally left blank



**LOCATION PLAN** 07/01296/FUL

The Green, Thorney, Peterborough

**Scale 1:1250 Name MKB Department** Planning Services



This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2009.

**PCC GIS**

This page is intentionally left blank



07/01296/FUL: CONSTRUCTION OF MONUMENT TO COMMEMORATE WAR DEAD AT  
THE GREEN, THORNEY, PETERBOROUGH  
VALID: 28 AUGUST 2007  
APPLICANT: MR R S JARY  
AGENT: ABO (STRUCTURAL) LTD  
REFERRED BY: CLLR SANDERS  
REASON: VISUAL IMPACT  
DEPARTURE: NO

CASE OFFICER: DALE BARKER  
TELEPHONE: 01733 454411  
E-MAIL: dale.barker@peterborough.gov.uk

---

---

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

The main considerations are:

- The siting, scale and design of the proposed memorial
- The impact on the Conservation Area and surrounding Listed Buildings

The Head of Planning Services recommends that the application is APPROVED.

## **2 BACKGROUND**

Members will recall that this matter was reported to the meeting on 27<sup>th</sup> November 2007 when Members resolved to defer the matter to allow time for the Parish Council to carry out further public consultation. This covering report sets out the results of the public consultation. The original report is attached as Appendix 1.

## **3 UPDATE**

The Parish Council sent a questionnaire around the village which secured 236 responses, of which 145 were in favour of the proposal and 91 against. The proposal was discussed again by the Parish Council when the principle and alternative locations were discussed, but the strength of feeling by the Parish is that a further memorial is appropriate for those people who are not religious.

Since the previous report, the status of some of the policies in the Local Plan has changed and as such Members will note that reference to policy DA3 has been omitted from the recommendation.

## **4 CONCLUSIONS**

There is clearly a substantial body of opposition to this proposed memorial within the village; however there is a larger body of support, not least of which is the Parish Council, who own the site.

The fundamental planning issue here is whether this memorial will be detrimental to the character or amenity of the area, or the setting of the nearby listed buildings.

For the reasons given in the previous report, officers consider that the design, function and materials are appropriate in this setting and thus the proposal complies with Policies DA1, DA2, DA9, T1, CBE3 and CBE7 of the Peterborough Local Plan (First Replacement).

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- 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 stone and paving set materials to be used in the construction of the external surfaces of the monument and paving surround 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 of the Peterborough Local Plan (First Replacement).
- C3 No development shall take place until details of the paving layout and the chain link fence 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 of the Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the approved plans the proposed plaque shall be positioned on the north elevation and not the west elevation as shown, unless otherwise agreed in writing by the Local Planning Authority.**  
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Sanders, Dobbs

P & EP Committee: 27 November 2007

ITEM NO 01

**07/01296/FUL: CONSTRUCTION OF MONUMENT TO COMMEMORATE WAR DEAD AT THE GREEN, THORNEY, PETERBOROUGH**  
**VALID: 28 AUGUST 2007**  
**APPLICANT: MR R S JARY**  
**AGENT: ABO (STRUCTURAL) LTD**  
**REFERRED BY: CLLR SANDERS**  
**REASON: VISUAL IMPACT**  
**DEPARTURE: NO**

**CASE OFFICER: MISS A MCSHERRY**  
**TELEPHONE: 01733 453418**  
**E-MAIL: amanda.mcsherry@peterborough.gov.uk**

---

---

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

The main considerations are:

- The siting, scale and design of the proposed memorial
- The impact on the Conservation Area and surrounding Listed Buildings

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

Relevant policies are listed below with the key policies highlighted.

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

- CBE3 Development affecting conservation areas should preserve or enhance the character or appearance of that area**
- CBE7 Development must not be detrimental to the setting of a listed building
- DA1 Development must be compatible with its surroundings and not create an adverse visual impact**
- DA2 The density, layout, massing and height should be compatible with the site and not adversely impact on nearby properties or the character of the area.
- DA3 The external finish of development should harmonise with the established building materials of the locality
- DA9 A green space serving an important visual or amenity function should not be lost to development**

**Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

The Village Design Statement identifies the site as an area of open space, which contributes to the visual impact, the historic character and appearance of the village.

### **3 DESCRIPTION OF PROPOSAL**

Planning permission is sought for a war memorial to commemorate the people who lived in Thorney and died defending their country. The monument's base will measure approximately 1.9m x 1.9m with a total height above ground level of approximately 2.5m and will be constructed of natural stone. A paving area and a chain link will surround the monument measuring externally approximately 3.75m x 3.75m.

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

The site is located within the limited rural growth settlement of Thorney and within its Conservation Area. The site is a protected green space in a village, as defined by the Local Plan. The site is positioned to the south of the Abbey Church of St Mary and St Boltoph, and adjacent to the residential properties of The Green. The Green is currently an area of grass open space, with a bench facing out on to the main road.

### **5 PLANNING HISTORY**

No planning history

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – Raises no objections to the proposal. Whilst there are no proposed parking facilities, the majority of the visitors to the site will be residents of the village. The busiest day is likely to be Armistice Day, which will generate lots of visitors; however these will be linked with the neighbouring church where the Service of Remembrance will be held. The attendees of the service are likely to walk from the church to the proposed war memorial to lay wreaths, with many of them having already walked initially to the church from their properties in the village.

#### **EXTERNAL**

**Thorney Parish Council** – Support the application. They have however received 4 complaints concerning this application.

**English Heritage** – Comments awaited.

#### **NEIGHBOURS**

16 Letters of objection have been received raising the following issues:

- The lack of community involvement/discussion/agreement
- No need for the development there are already two war memorials in the village/additional financial costs of providing more wreaths to this third memorial site within the village
- Ex servicemen/women have not been consulted
- Thorney Historical Society have not been consulted
- The location will conflict with the location used for the maypole
- The site of the memorial is used for wedding receptions, fetes and events
- The siting, design and materials of the structure
- Unacceptable visual impact
- Impact on this area of open space
- Impact on the Conservation Area/out of character
- Lack of car parking
- Possible attraction for vandalism and anti-social behaviour
- The grass surfacing of this area could be problematic for access particularly in November if the weather is wet/a hard surfaced access would be a shame
- There are more appropriate locations within the village for this structure

- Potential disruption to village events held on The Green by prohibiting the erection of marquees

## **COUNCILLORS**

Cllr Sanders referred the application raising concern about the visual impact of the development.

## **7 REASONING**

### **a) The siting, scale and design of the proposed memorial**

The principle of the erection of a war memorial monument is considered to be acceptable.

Due to the nature of the development proposed, a prominent accessible location within the village is required, and one where any proposed structure can benefit from a high quality visual setting that can accommodate a number of visitors, particularly on Remembrance Day.

The proposed monument will be positioned centrally upon The Green to allow the monument to have visual prominence and to ensure it is positioned adequately from the surrounding residential properties, so as not to affect their residential amenities. This position also allows people to gather around the structure without blocking any of the surrounding roads. The land is owned by the Parish Council, and so their consent as landowner will also have to be sought which is separate and independent of the planning application process.

A natural stone material is proposed which is considered to be appropriate in this Conservation Area location and in the proximity of many Listed Buildings built of local stone. The structure is squat and sturdy in its design, comprising a solid 1.8m square plinth with a tapering column above, capped with a small cross. Although the Green is quite small, the scale and design of this structure are considered to be acceptable as are the materials which are not uncommon to other such war memorials. It is not considered to be visually out of scale or overly dominant in its context and surrounding area setting.

### **b) The impact on the Conservation Area and surrounding area**

It is not considered that the proposed development will have any detrimental impact on the character and appearance of the Conservation Area, or the setting of any of the surrounding Listed Buildings. The structure will not have any detrimental visual impact on the character of the surrounding area, and will provide a focal structure on this Village Green.

Residents have raised concerns that the erection of this structure could prohibit the use of The Green for village fetes/events and any erection of marquees on the land. Whilst this is not a planning matter and should be disregarded, it is also evident that the central position and maximum height above ground level of 2.5m will not prohibit use of this area of open space for village events and should a single marquee be erected over this land the central head height where the monument will sit will almost certainly be in excess of its 2.5m height.

### **c) The concerns of residents**

In respect of the concerns of residents that the planning application was not given adequate publicity, various means of notifying residents were carried out for this planning application, a site notice was put up, an advert placed in the Herald & Post, and the neighbouring properties and Parish Council were consulted, this is consistent with normal procedure, consultation requirements and achieved a high level of response.

The concerns raised by residents about whether there is a need for the development in view of there being two war memorials already in the village, and the additional financial costs of providing wreaths at the site are not material planning considerations. Members should consider the planning merits of the development on this site only, and the availability or possibility of there being other more suitable sites within the village cannot be a reason for refusal of this application should the proposal be found to be acceptable in planning terms.

In respect of the potential for attracting vandalism and anti-social behaviour, war memorial structures will always be susceptible to attracting such behaviour. However this site does benefit from some natural

surveillance as it is overlooked and surrounded by residential properties, which should help to act as a deterrent.

## **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 siting, scale and design of the war monument is considered to be acceptable on this site without any adverse visual impact. The proposal is therefore in accordance with Policies DA1, DA2, DA3 and DA9 of the Peterborough Local Plan (First Replacement).

- It is not considered there will be any detrimental impact on the Conservation Area or setting of the surrounding Listed Buildings in accordance with Policies CBE3 and CBE7 of the Peterborough Local Plan (First Replacement).

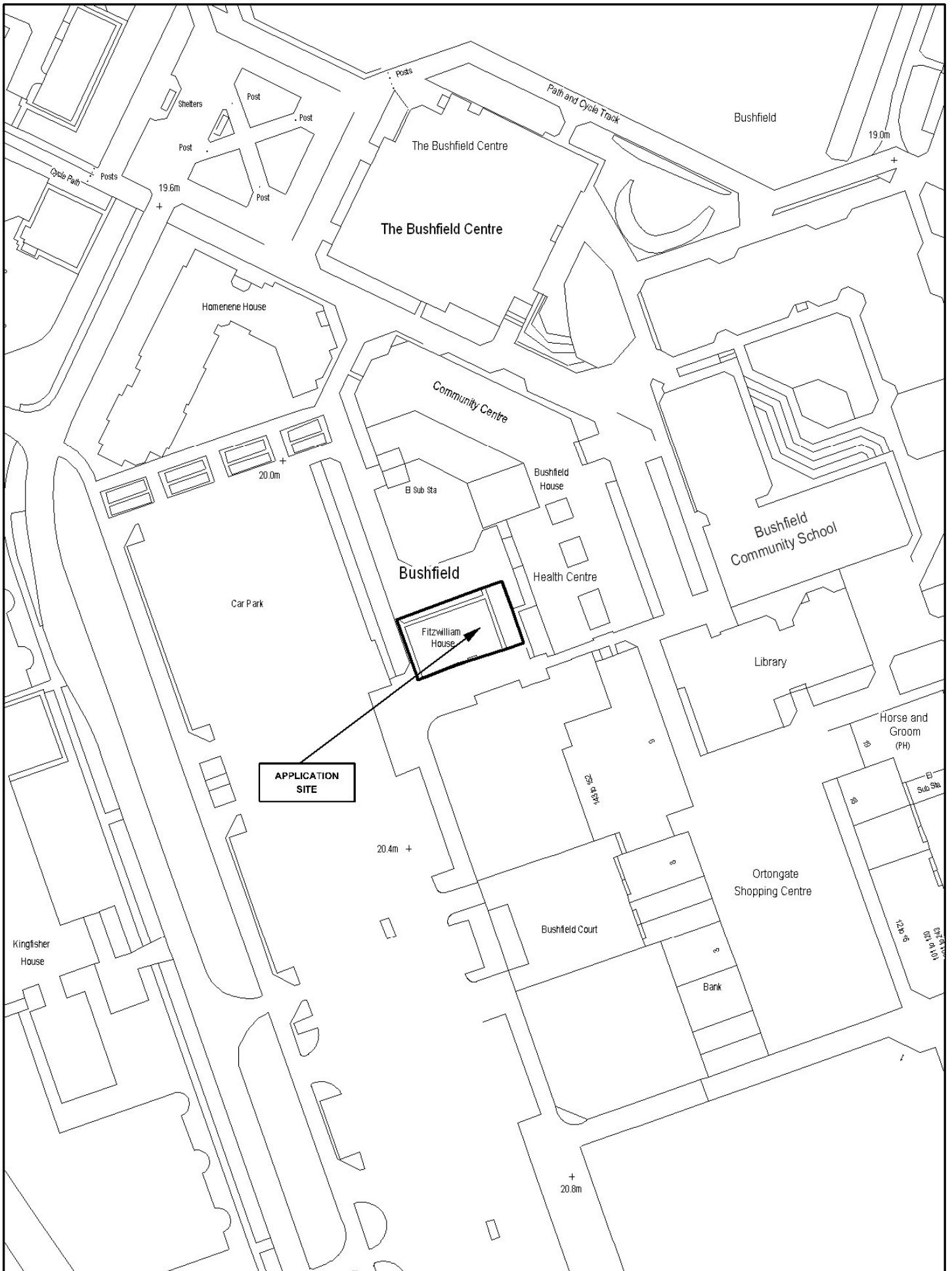
- It is not considered that the proposed development will harm this protected green space in the village which has an important visual and amenity function. The development is therefore in accordance with Policy DA9 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- 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 stone and paving set materials to be used in the construction of the external surfaces of the monument and paving surround 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 No development shall take place until details of the paving layout and the chain link fence 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).
- C4 Notwithstanding the approved plans the proposed plaque shall be positioned on the north elevation and not the west elevation as shown, unless otherwise agreed in writing by the Local Planning Authority.**  
Reason: In the interests of Highway safety, in accordance with Policy T1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Sanders and Bartlett



**LOCATION PLAN**      **08/01392/FUL**  
 Fitzwilliam House, Bushfield, Orton Goldhay, Peterborough  
**Scale 1:1250 Name MKB Department Planning Services**



**PETERBOROUGH**  
  
 CITY COUNCIL

This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2009.

**PCC GIS**

This page is intentionally left blank



08/01392/FUL: CHANGE OF USE FROM D1 TO A1, A2 OR A3 AT FITZWILLIAM HOUSE  
BUSHFIELD ORTON GOLDHAY PETERBOROUGH  
VALID: 19 FEBRUARY 2009  
APPLICANT: ORTON SHOPPING CENTRE LLP  
REFERRED BY: PARISH COUNCIL  
REASON: DETRIMENTAL TO THE NEIGHBOURHOOD  
DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS  
TELEPHONE: 01733 454412  
E-MAIL: louise.lewis@peterborough.gov.uk

---

---

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

The main considerations are:

- Need for the proposed development
- The provision of local health care services
- Highway safety

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

Relevant policies are listed below with the key policies highlighted.

#### **The Adopted Local Plan 2005 (Saved Policies)**

**R1 – allows new retail development in centres where it would not put at risk the retail strategy or the city centre strategy and would be of a suitable scale and nature for the centre and would not be better located in the city centre, because of it's scale and nature.**

R7 – allows restaurants in centres where they would not generate unacceptable levels of traffic or congestion, would not have a detrimental impact on the amenities of neighbours and would not conflict with policy R9.

R9 – allows other non-retail uses (i.e. A2) in centres where it would not be inappropriate, would not contribute to a deficiency in local shopping facilities, would not generate dangerous levels of traffic and would not have an unacceptable detrimental impact on neighbours.

CF7 – allows the establishment of new primary care facilities provided certain criteria are met.

T1 – requires that suitable access is available to a site for all user groups, and that development does not have an unacceptable impact on the transportation network.

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

PPS6 – Planning for Town Centres

### **3 DESCRIPTION OF PROPOSAL**

The building is currently in use as a Dental Surgery, within use class D1 (non residential institutions). Permission is sought for change of use to A1, A2 or A3 (retail, financial and professional services open to visiting members of the public, and restaurants).

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

The building is detached from the main Centre complex and faces out to the car park. The existing shopping area is centred on the pedestrian precinct; also accessible from within the precinct are the library and Bushfield College.

### **5 PLANNING HISTORY**

| Application Number | Description   | Date     | Decision |
|--------------------|---|----------|----------|
| 99/00983/FUL       | Change of use of offices (class B1) to dental surgery/medical centre (use class D1) | 14/10/99 | Consent  |

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – Initially recommended refusal as the plan does not show a specific area within the site curtilage for the loading and unloading of vehicles (i.e. a delivery yard) which could impact upon the public highway. The applicant has submitted a further plan showing an area that could be used for deliveries, and is within the same ownership. Highways have no further objection.

#### **EXTERNAL**

**Cambridgeshire Local Dental Committee** – is an organisation that represents all General Dental Practitioners within Cambridgeshire. Comments that the Bushfield practice treats about 6000 NHS patients. The Practice has the facility to take on extra patients from the new developed surrounding area (egg Showground).

The Bushfield practice is the only practice in the Greater Peterborough area to offer intravenous sedation to very nervous patients, and is well situated to do so as it is important that patients do not have to walk far to their vehicles when collected by their escort. It is for this reason that Bushfield Practice was chosen to offer this service.

Understand that the Orton Centre retail section has recently been expanded and most of the floor space remains unoccupied. A further expansion of the retail area at the expense of a well established Dental Practice makes no sense.

The Cambridgeshire Local Dental Committee therefore opposes this application.

#### **NEIGHBOURS**

A letter of objection has been received from the **Parish Council** expressing concern about the provision of services (especially health care) within the Parish. The PC opposes any change from the existing class of use on this building unless and until permission for a dental service of comparable size has been granted on another building in the Orton Centre, on the grounds that this service is an essential service to the local community.

Neighbours and patients of the practice have also objected on the following grounds:

- loss of the practice
- the only other practice in the ward is in Matley which is only half the size and could not take on all the Bushfield patients
- the health centre and this practice were in the plans when the Ortons were built
- it would be disastrous for the community if the service was lost

#### **COUNCILLORS**

Cllr Trueman has made the following comments:

I oppose the application on the following grounds: it will effectively mean the end of the local dentists and force local people (families/elderly residents) to transfer elsewhere thereby increasing a higher work load on fewer local dental practices notwithstanding the added hassle of changing dental practices for residents. It may even mean (in extreme cases) that some patients may decide to give up on dental care altogether and this could create a burden on the NHS if they cannot afford private dental charges. This has been a successful dental practice for the Orton Centre and has been for many years, most of them when the Orton Centre was in decline. Last year the four full time dentists treated over 8000 patients so, in my view, this planning application does not make any sense at all.

## **7 REASONING**

### **a) Introduction**

The Orton Centre was planned as a Centre to provide services for the township when it was laid out and functions as a second tier service centre for the area..

### **b) Policy issues**

The relevant Policies are R1, which controls retail development within District and Local centres; R7, which controls food and drink outlets; R9, which controls non-retail development in Centres; CF7, which controls Primary Health Care facilities, and T1, which requires that development is not detrimental to highway safety.

Policy R1 allows for new retail development where it would not put at risk the retail strategy or the city centre strategy and would be of a suitable scale and nature for the centre and would not be better located in the city centre, because of its scale and nature. This proposal is for an additional 243 square metres of retail floor space, which in the context of the post-redevelopment provision at the Orton Centre (over 17,000 square metres of retail floor space) will not have a material impact on the retail strategy.

Policy R7 allows for restaurants in centres where they would not generate unacceptable levels of traffic or congestion, would not have a detrimental impact on the amenities of neighbours and would not conflict with policy R9.

Policy R9 allows for other non-retail uses (i.e. A2) in centres where it would not be inappropriate, would not contribute to a deficiency in local shopping facilities, would not generate dangerous levels of traffic and would not have an unacceptable detrimental impact on neighbours.

Policy CF7 allows for the establishment of new primary care facilities provided certain criteria are met. All of the criteria are met in this case. However, and importantly, Policy does not require the retention of existing facilities.

Policy T1 requires that suitable access is available to a site for all user groups, and that development does not have an unacceptable impact on the transportation network.

### **c) Principle of A class use**

The District centres were designated to provide services for local residents, and as such the Centre is the correct location for new retail development to serve Orton. Use of the site for A1, A2 or A3 is in principle acceptable.

### **d) Loss of dental practice**

There is no specific Policy which seeks to retain primary care facilities.

Representations have been made on behalf of the practice which refer to central government guidance, specifically PPS6 – Planning for town centres. The letter refers to PPS6 and a requirement to demonstrate need for new retail development and the absence of unacceptable impact, the aim to secure a diversity of uses within centres, and the need for local authorities to seek to protect existing facilities.

Need: PPS6 states that “It is not necessary to demonstrate the need for retail proposals within the primary shopping area or for other main town centre uses located within the town centre”.

The Statement does not say that need must necessarily be demonstrated in other cases.

Need must be demonstrated where a main town centre use is proposed in an edge of centre or out of centre location. There is nothing in this application to suggest that such a use is proposed, and the size of the unit would not allow for a large use with a city-wide catchment.

The Orton Centre is a District Centre, which in the hierarchy of Centres within PPS6 is below Town centre.

Impact: PPS6 requires an impact assessment to be carried out “for any application for a main town centre use which would be in an edge-of-centre or out-of-centre location and which is not in accordance with an up-to-date development plan strategy”. This application does not fall within that category.

Diversity of uses: the quote referred to applies to local centres, and is discussing site allocations at local plan level, not development control. This site is in a District Centre.

Protection of existing facilities: the quote referred to applies to the local plan stage, not development control.

It would appear that the provision of a dental surgery in the Centre is entirely suitable and desirable. Notwithstanding this, there is no policy that allows for refusal of the current application on the grounds that the dental surgery should be protected.

This representation also makes the point that the employment figures have been understated on the application form and that the practice employs twelve full time members of staff and two part time and that the premises support six full time district and school nurses

The representation has also referred to PPS12, Local Spatial Planning, however this Statement gives guidance on the formulation of local development plans.

e) **Impact of an A class use**

Without further information on what exactly is the use proposed, this cannot be fully assessed. However the site is within the centre, adjacent to the car park, and A1 or A2 use should not have any detrimental impact on neighbours. A3 use, which is likely to be open later and to involve cooking with the attendant requirement for extraction equipment, may have more of an impact. However it is considered that this could be controlled by Condition if necessary. A condition requiring details of extraction and filtration equipment to be submitted to the LPA for written approval prior to any A3 use being commenced is therefore proposed. Should these (or any other) works have a material impact on the external appearance of the building, a planning application would be required.

In terms of noise, it is considered that given the nature of the area and the distance to the nearest residences no Conditions need to be appended.

f) **Highway safety**

The Local Highway Authority initially recommended refusal of the application on the grounds that no delivery area had been shown. A further plan has now been submitted showing a delivery area and the Highway Authority has no further objection.

## **8 CONCLUSIONS/REASONS FOR RECOMMENDATION**

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 site is located within an allocated District Centre, where A-class uses are in principle acceptable
- the building is of a size and scale appropriate to the Centre
- the proposed change of use would have no material impact on the retail strategy
- any A2 or A3 use would not contribute to a deficiency in convenience shopping
- impact on nearby residents arising from any A3 use could be adequately controlled
- parking and delivery space is provided
- the proposal is therefore in accordance with Saved Policies R1, R7, R9 and T1 of the Peterborough Local Plan 2005 (First replacement)

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following Conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

**C2. Prior to any A3 use being established details of any filtration and/or extraction equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

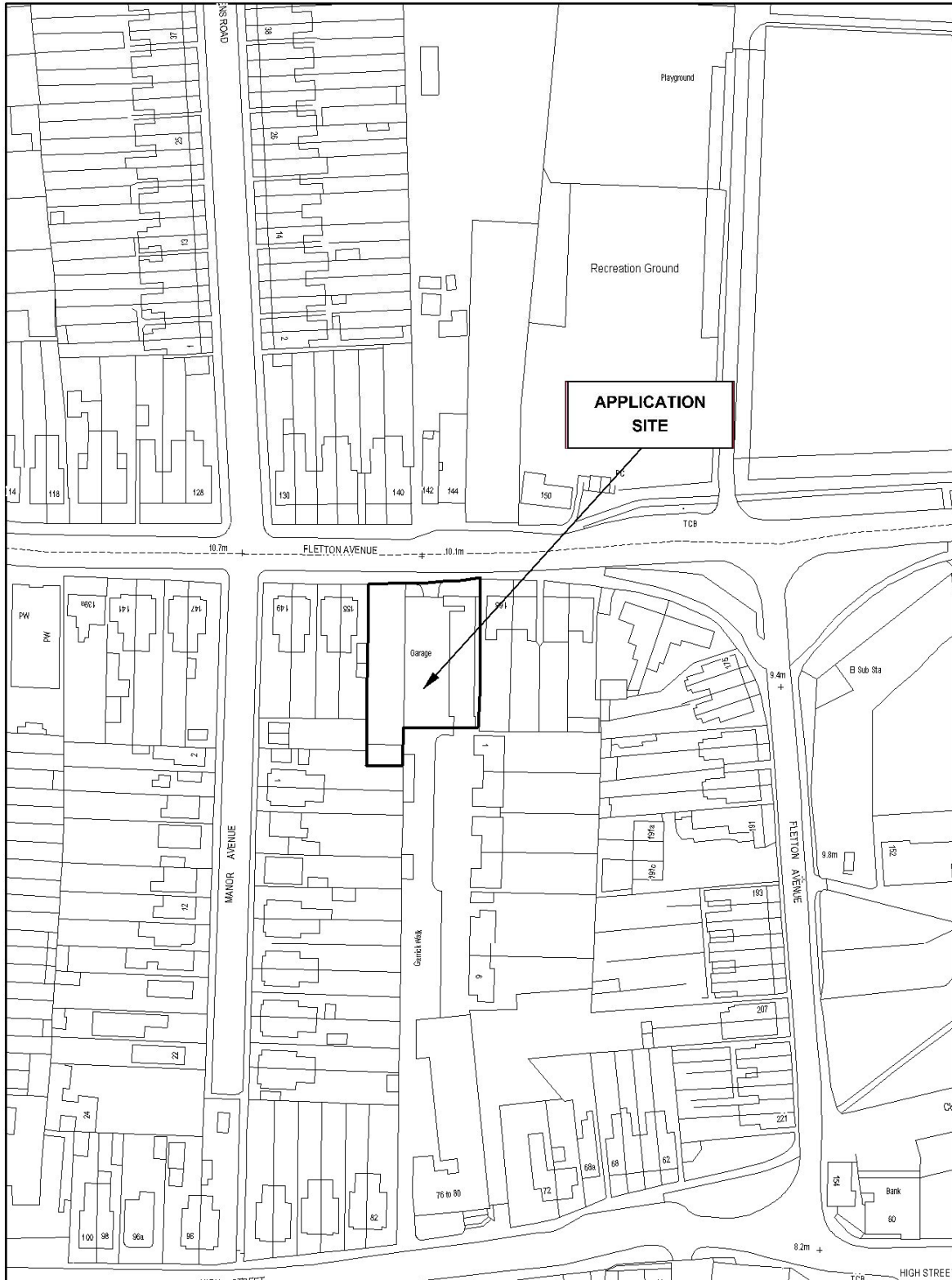
Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control), Planning Policy Guidance (PPG24 Planning and Noise), and Policy DA2 of the Peterborough Local Plan (First Replacement).

The following informative is also suggested:

The applicant is advised that any works materially affecting the external appearance of the building, including installation of an external flue or filtration equipment, will require planning permission under separate application.

Copy to Councillors Allen, Trueman, Elsey

This page is intentionally left blank



**LOCATION PLAN** 08/01504/REM  
 157 - 161 Fletton Avenue, Fletton, Peterborough

Scale 1:1250 Name MKB Department Planning Services



This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2009.

**PCC GIS**

This page is intentionally left blank



08/01504/REM: CONSTRUCTION OF 10 X 2 BED AND 4 X 1 BED APARTMENTS IN 2 BLOCKS AT 157 - 161 FLETTON AVENUE, FLETTON.  
 VALID: 15 JANUARY 2009  
 APPLICANT: HERITAGE HOMES  
 AGENT: H A ARCHITECTURAL  
 REFERRED BY: CLLR RUSH  
 REASON: OVERDEVELOPMENT OF THE SITE, OUT OF CHARACTER WITH THE AREA.  
 DEPARTURE: NO  
 CASE OFFICER: AMANDA MCSHERRY  
 TELEPHONE: 01733 454416  
 E-MAIL: amanda.mcsherry@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The impact of the development on the streetscene
- The impact of the proposal upon the residential amenities of adjoining occupiers

The Head of Planning Services recommends that the application is 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

Relevant policies are listed below with the key policies highlighted.

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

**DA1 Development should be compatible with its surroundings, with no adverse visual impact.**

**DA2 Development should have no adverse impact on the amenities of occupiers of nearby properties.**

T9 High quality off-street cycle parking should be provided

LNE9 Development should make adequate provision for landscaping of the site.

### Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

**PPS 3 Housing- Advises that good design is fundamental to the development of high quality new housing.**

## 3 DESCRIPTION OF PROPOSAL

Reserved Matters planning permission is sought for the appearance, scale and landscaping only, following approval of outline application 05/01449/OUT, which included the reserved matters of access and siting.

The proposal is for the provision of a two storey block of flats to the rear of the site, and two blocks of two and a half storey blocks of apartments fronting Fletton Avenue. Access to the site would be via a central access from Fletton Avenue to a central courtyard with 14 car parking spaces. Ten of the apartments are two bed roomed, and four one bed roomed.

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

The site is at present vacant and was previously used as a used car sales garage with parking. The area surrounding the site is predominately two storey residential housing.

#### **5 PLANNING HISTORY**

| Application Number | Description   | Date       | Decision  |
|--------------------|---|------------|-----------|
| 08/00892/REM       | Erection of 4 one-bed and 10 two-bed apartments in two blocks (amended elevations rec'd 8/9/2008)   | 02.10.2008 | Refused   |
| 08/00070/REM       | Erection of 10 x 2 bed and 4 x 1 bed apartments in 2 blocks   | 27.05.2008 | Withdrawn |
| 05/01449/OUT       | Residential development revised scheme comprising of 14 flats in 3 blocks with associated parking, communal open space including access and sitting | 21.02.2006 | Permitted |

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Head of Transport and Engineering** – Recommend refusal on the grounds that safe and convenient access for pedestrians and cyclists to Block C has not been shown. Access and siting were issues that were considered under the outline application, therefore not matters that can be addressed under this application.

**Historic Environment Manager** – The site falls within an area of archaeological interest in the historic core of Fletton. Buried medieval remains that are associated with the development of the village are expected to survive at this location. An archaeological mitigation condition was imposed on the outline planning consent 05/01449/OUT.

**Head of Environmental Health Services** – Due to the site's previous usage as a garage the possibility of contamination should be assumed. The responsibility for providing information on whether the site is contaminated rests primarily with the developer. An unsuspected contamination condition was imposed on the outline planning consent 05/01449/OUT.

##### **EXTERNAL**

**Senior Architectural Liaison Officer** – The car parking layout whilst not gated and secured is well overlooked and restricted to a single point of entry. Therefore the security of car parking is considered adequate. Details of the height and design boundary treatments, car park lighting, and cycle storage should be agreed.

##### **NEIGHBOURS**

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

- The development is out of character with the immediate area
- Overdevelopment of the site
- Height of the development and subsequent impact upon the adjoining area
- Accommodation in the roof not acceptable
- Appearance of the development not acceptable
- Too close to existing properties
- Loss of privacy to the adjoining neighbours
- Would create extra parking and traffic problems in the immediate area

- Refuse collection areas not practical
- No development should be allowed via Garrick Walk even construction traffic as it is a private road
- Wall to Garrick Walk is a party wall
- Height and material of boundary treatments
- Drainage
- Noise pollution
- Planning history refused application 08/00892/REM

## **COUNCILLORS**

Cllr Rush objects on the grounds that it is out of character with the area, and overdevelopment of the site.

## **7 REASONING**

### **a) Background**

It is important to note that the site does have an extant outline planning permission granted in 2006 for 14 flats and at that time the siting of the flats and access was also approved.

The current planning application is a revised proposal, following the refusal by Planning Committee of the previous reserved matters application, planning reference 08/00892/REM on 23<sup>rd</sup> September 2008. Application 08/00892/REM was refused on the grounds that:-

‘The development by virtue of the design and height of the proposed buildings would impact harmfully upon the street scene, character of the area and the amenities of the occupiers of neighbouring properties. Furthermore, the layout of the car parking and bin storage areas would create a cramped and awkward environment harmful to the residential amenity of future occupiers. Hence the proposal is contrary to policies DA1, DA2 and DA6 of the Peterborough Local Plan (first Replacement).’

The main differences between this and the previously refused reserved matters application are:

- Alterations to the heights of Blocks A and B
- Alterations to design and fenestration Blocks A and B
- Change from dormer to velux style roof windows

This application is based upon the footprints approved at the outline stage and thus only matters of scale, appearance, and landscaping can be considered as part of this application.

### **b) Introduction**

The key issues with regard to this proposal are the planning history of the site, the proposed design and appearance, and its impact upon the residential amenities of the surrounding residents.

### **b) Design**

Three blocks of accommodation are proposed on site to provide the 14 apartments.

Block C to the rear of the site which backs onto Garrick Walk, would be a two storey high block and contain 4, 2 bedroomed apartments. A gabled appearance is proposed, similar in appearance to the adjacent properties. The scale and appearance of this block is considered to be acceptable, and not out of keeping with surrounding development.

The two proposed blocks on the site frontage facing Fletton Avenue (Blocks A and B) have been amended since the previous application and are now both two and a half storey blocks, with velux style rooflights to provide light the accommodation within the roofspace. The design and appearance of these blocks streetscene elevations is now one of two pairs of semi-detached properties, which is characteristic of the area.

Bay window detailing has also been introduced, which is also similar to some surrounding properties. The heights of these frontage Blocks are now approximately 9.5m to ridge. Under the previous application the heights of these blocks which were a mixture of 2 and 2.5 storey were 8.5m and 10.5m respectively. This 9.5m height is approximately 1m higher than the adjacent two storey residential properties. The design and appearance of these two blocks of accommodation has improved since the previous application and are now considered to be generally in keeping with the character of the surrounding area. The additional 1m height of these buildings and the proposed velux windows are not characteristic of the surrounding area. However on balance these differences are not in this instance considered sufficiently harmful to justify refusal of the proposal.

### c) Residential Amenity

This reserved matters application can only consider the issues of scale, appearance and landscaping, all other matters were considered under the outline planning application.

Block C, would be two storey in height and similar to the properties on Garrick Walk. This block would be positioned to the north of the properties on Garrick Walk, therefore there would be no harmful overshadowing impact and their sunlight levels would not be adversely affected. The block will be at right angles to those properties and the windows to the rear elevation are bedroom, bathroom and kitchen windows with the main habitable rooms to the front facing the internal courtyard.

The positioning and heights of Blocks A and B on the site frontage will not adversely affect the light and outlook to adjacent neighbouring properties.

The concerns expressed by residents to the boundary treatment, in particular the brick wall to Garrick Walk, are acknowledged and a condition requiring details of these is recommended. Similarly the concern of residents at the refuse collection areas, is also covered by a condition imposed at the outline stage.

The issues raised by residents in respect of parking and traffic problems, noise pollution, and drainage were considered as part of the outline planning application. It is not proposed to take any form of access to the site from Garrick Walk.

## 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 appearance, scale and landscaping of the 14 apartments are considered to be compatible with their surroundings with no adverse impact on the amenities of occupiers of nearby dwellings. The proposal is therefore in accordance with Saved Policies DA1, DA2 and LNE9 of the Peterborough Local Plan 2005 (First Replacement).

## 9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

**C1 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings; 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 Policy DA2 of the Peterborough Local Plan (First Replacement).

**C2 The development shall not commence until details of all boundary walls and fences have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority. In particular the attention of the applicant is drawn to the retention of the boundary wall to Garrick Walk**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 Notwithstanding the approved plans details of the proposed cycle parking and lighting for the car parking areas shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Prior to the first occupation of the development, the cycle parking and lighting shall be full provided in accordance with the approved plans and retained as such in perpetuity.**

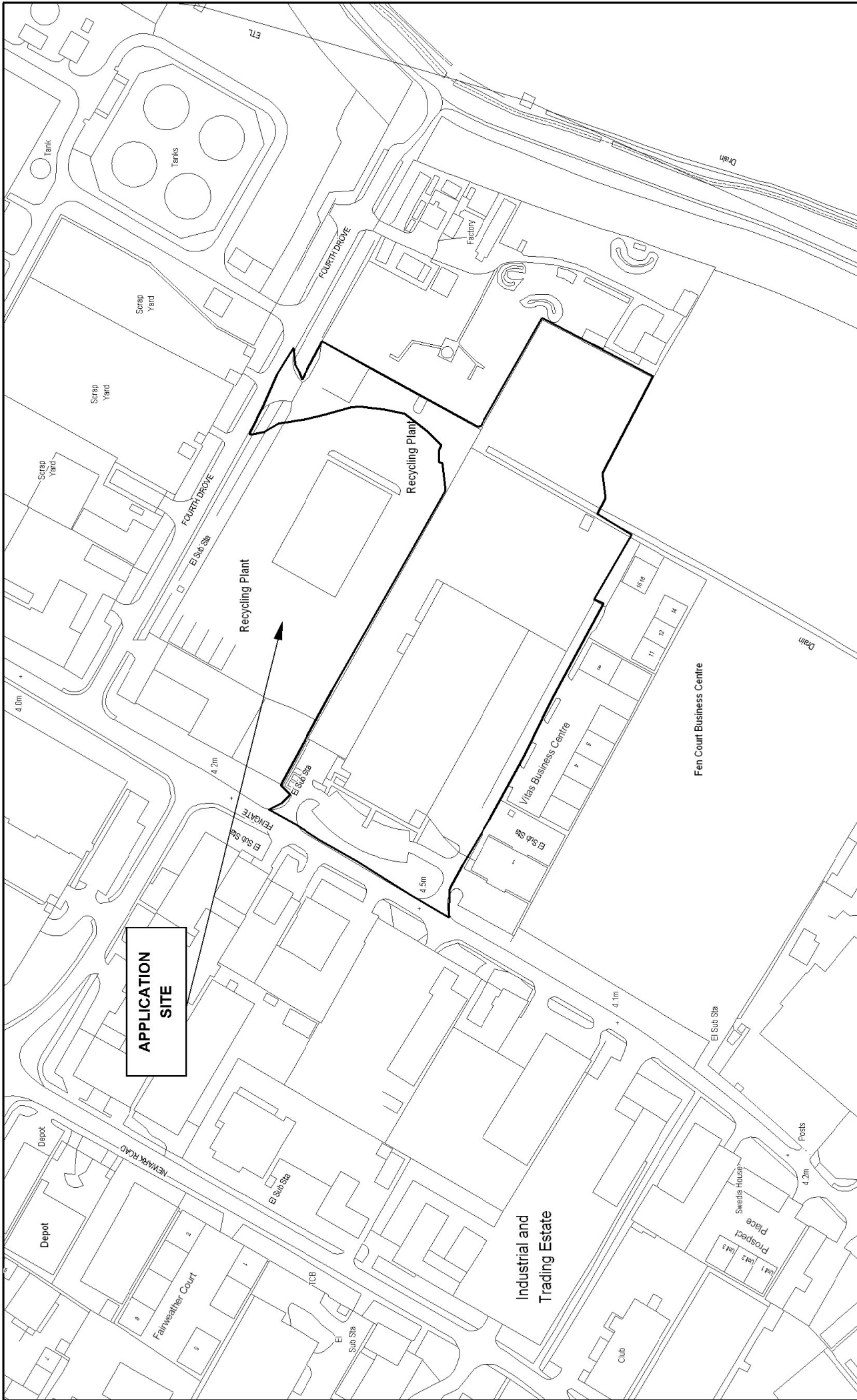
Reason: In order to provide facilities for sustainable travel modes for residents and ensure appropriate lighting levels on site, in accordance with Policies T9 and DA11 of the Peterborough Local Plan (First Replacement).

#### Notes Relating to this Decision

- 1 The attention of the applicant and any future owner of the site is drawn to the need to comply with all the conditions which were the subject of the outline approval given in February 2006 (05/01449/OUT).
2. Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).

Copy to Councillors Rush, Walsh, Cereste

This page is intentionally left blank



**LOCATION PLAN** 08/01577/MMFUL

The Ray Smith Group, Fengate, Peterborough

**Scale 1:2500 Name MKB Department Planning Services**

This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office.  
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2009.

PCC GIS



**PETERBOROUGH**  
CITY COUNCIL

This page is intentionally left blank



**08/01579/MMFUL: PROPOSED INTEGRATED MATERIALS RECYCLING FACILITY FOR THE SEPARATION AND PACKING OF CO-MINGLED DRY RECYCLABLES, TOGETHER WITH AN INTEGRATED ELECTRICAL APPLIANCE RECYCLING PLANT AND TEMPORARY TRANSFER STATION, STOREYS BAR ROAD, FENGATE, PETERBOROUGH**

**VALID: 18 DECEMBER 2008**

**APPLICANT: E C HARRIS**

**AGENT: AXIS**

**REFERRED BY: HEAD OF PLANNING SERVICES**

**REASON: COUNCIL DEVELOPMENT**

**DEPARTURE: NO**

**CASE OFFICER: SUSAN MARSH**

**TELEPHONE: 01733 8638521**

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

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

This application is being considered by the Planning Committee as the application is for a modern Integrated Materials Recycling Facility which is part of the Council's longer term plans to provide a facility for the treatment and disposal of the city council's waste, to increase recycling and to divert as much residual waste as possible from landfill. The site is also in Council ownership.

The main considerations are:

### Policy Issues

- National and Regional Waste Planning Policy
- Local Waste Planning Policy
- Other relevant policy considerations

### Site Specific Issues

- Highway and Access Issues
- Landscaping
- Archaeology
- Amenity Issues – noise, dust, litter etc

### Issues raised by Objectors

The Interim Head of Planning Services recommends that the application is APPROVED subject to appropriate conditions.

## **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 (PPS 1)

Planning Policy Statement: Planning and Climate Change Supplement to PPS1 December 2007 (PPS1 Supplement)

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 Guidance 13: Transport (PPS13)

Planning Policy Guidance 16: Archaeology and Planning (PPG16)

Planning Policy Statement 22: Renewable Energy (PPS22)

Planning Policy Statement 23: Planning and Pollution Control (PPS23)

## **Relevant Regional Planning Documents**

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

The relevant policies:

- SS1 – Achieving sustainable Development
- ENG1 – carbon dioxide emissions and energy performance
- ENG2 – renewable energy targets
- ENV2 – landscape conservation
- ENV3 – biodiversity and earth heritage
- ENV4 – agricultural land and soils
- 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 of imported waste
- WM4 – waste to be managed within sub regions
- WM5 – capacity to manage apportioned waste
- WM6 – sustainable waste management procedures in construction projects
- WM7 – hazardous waste management
- MW7 – possible hazardous waste and other regionally significant facilities

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

#### **Cambridgeshire and Peterborough Structure Plan 2003**

There are no relevant policies remaining in force

#### **Cambridgeshire and Peterborough Waste Local Plan 2003**

- WLP1 – regional self sufficiency, proximity and waste hierarchy.
- WLP2 – proposals to contain resource recovery from waste
- WLP3 – proposals for major waste development or extensions to will only be permitted where there is a demonstrated need. To ensure that there is not excessive provision leading to unacceptable importation of waste catchment area or tonnage restrictions may be imposed.
- WLP4 – acceptable highway network and associated traffic would not cause unacceptable harm
- WLP5 – disposal of waste near to point of generation
- WLP7 – protection of landscape character
- WLP9 - compatibility with neighbouring land uses and no unacceptable harm to environment or human health
- WLP12 – archaeology
- WLP15 – no significant adverse impact or risk for ground water resources
- WLP16 – no unacceptable risk of flooding and floodplain protection
- WLP17 – no hazard to air traffic
- WLP18 – preferred sites for major waste management facilities
- WLP19 – protect existing waste management sites and safeguarding waste management sites from development that would prejudice its future use for that purpose
- WLP22 – waste transfer stations acceptable in B2 areas
- WLP23 – non inert recovery facilities acceptable in B2 general industrial areas
- 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

Consultation on the Preferred Options 2 stage of the Cambridgeshire and Peterborough Core strategy and Site Specifics DPD's was undertaken in September/October 2008.

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

DA1 – townscape and urban design  
DA2 – Effect of development on Amenity and Character of an area  
DA3 – Materials  
DA7 – Design of the Built Environment for full accessibility  
DA11 – Design for Security  
DA12 – Light Pollution  
DA13 – Noise  
DA18 – protecting waste disposal and treatment facilities  
CBE1 –Archaeological remains of national importance  
CBE2 – other areas of archaeological importance  
LNE9 – landscaping implications of development proposals  
LNE10 – Detailed elements of landscaping scheme  
LNE14 – Sites of International nature Conservation Importance  
LNE15 -Sites of National 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  
U12 – Protection of Utility Mains and Plant  
IMP1 – Securing satisfactory development

Consultation has recently been completed on both the Preferred Options stage of the Peterborough Core strategy DPD and the Issues and Options stage of the Peterborough Site Specifics DPD.

### **Other Material Considerations**

Location and Design of Major Waste Management Facilities SPD

#### **c) Planning Obligation (S106)**

As the council is landowner in this instance an internal agreement needs to be made to address the financial issues that would normally be dealt with by a Section 106 agreement.

The matters include the following:

- Contribution towards strategic highway network,
- Contribution towards public transport including local link bus service
- Contribution towards Padholme Catchment Flood Alleviation Scheme

A catchment area restriction is also required to limit the area from which waste can be sourced in the interest of sustainability. In this instance it is dealt with by planning condition.

## **3 DESCRIPTION OF PROPOSAL**

The Integrated Materials Recycling Facility (IMRF) scheme requires the relocation of the existing Materials Recycling Facility (MRF), currently located off Fourth Drove, into an adjacent industrial building formerly occupied by Ray Smith which is accessed off Storeys Bar Road, and the extension of that building to house associated waste management uses.

The existing Ray Smith building would house the offices, the MRF and the Electrical Appliance Recycling Facility (EARP) which is currently located in Newark Road. The proposed extension would provide space for a reception hall for discharging materials and for storage of recyclables following bulking up and the temporary waste transfer facility.

This building is a large industrial profiled metal clad building of 58,278 sq.m. with a metal clad roof. The frontage contains office accommodation with the remainder being open to the roof and used for industrial purposes. Access is currently solely to and from Fengate/Storeys Bar Road.

It is proposed to extend this industrial building in the following ways:

- an extension of some 2024m. to the rear (south eastern elevation) to house the MRF, offices/welfare facilities, waste transfer station and to provide storage area for the baled recyclables.
- A minor extension to the south west elevation providing 264 sq.m. to house the compressor and plant room associated with the EARP facility; and
- A minor extension to the north east elevation providing 180 sq.m. to housed the granulator, parts store and workshop associated with the EARP facility; and

Part of the roof of the building will also need to be increased in height to enable plant and equipment to be accommodated.

The MRF would be fully enclosed and would be fitted with the process lines from the existing facility augmented with new equipment as required. The relocation of the MRF would increase recycling capacity by 25,000 tonnes per annum as the new facility would be capable of processing 100,000 tonnes per annum of dry recyclables including mixed paper, card, plastic cans and bottles. This would include recyclables sourced from the municipal waste streams (20,000tpa); commercial and industrial sources (55,000tpa) as well as from other local authorities. There would be sufficient storage capacity to house all the baled recyclables prior to delivery elsewhere for processing. To provide maximum flexibility to collecting authorities/ companies and for receiving materials reprocessors it is intended to process materials 24 hours a day, seven days a week – as permitted at the current MRF.

The EARP would permit the recycling, recovery and safe dismantling of electrical appliances and would have a throughput capacity of 20,000 appliances per annum.

The temporary waste transfer station would provide three important functions, all of which are related to local landfill availability. Firstly, there could be a time lag between the closure of Dogsthorpe landfill site (currently permitted until 31<sup>st</sup> December 2013) and when the Energy from Waste (EfW) facility becomes operational during which time a bulking facility would be required to reduce the number of HGV trips to landfill elsewhere. Should the landfill not close in the currently permitted timescale the transfer station will not be required for this purpose. Secondly, there will be shutdown periods for maintenance when the EfW is not operational and the transfer station would be utilised during these periods for the storage of residual waste. This is unlikely to be for more than 20 days per annum. Thirdly, because the waste is being overtipped at Dogsthorpe landfill site, there may be occasions of extreme weather conditions when temporary closures occur and it is necessary to take the waste to more distant facilities. In which case the waste transfer station would be used for bulk transfer.

In addition to the above the proposals would include:

- Hardstanding for vehicle manoeuvring to the rear;
- A new vehicular access from Fourth Drove and egress from Fengate;
- New incoming weighbridges and gatehouses;
- Internal vehicle circulation area;
- A surface water attenuation system (including a flood compensation swale);
- Acoustic screen fencing (3m and 6m) along the south western boundary; and
- Ancillary infrastructure including a pump house, sprinkler tanks, diesel tanks, vehicle wash down area, cycle shelter and a smoking shelter.

Many of these elements will be utilised by all of the facilities proposed as part of the larger integrated waste management facility incorporating the Energy from Waste Plant and the Anaerobic Digester in addition to the MRF/EARF proposed in this application.

Visits to the facility are anticipated from members of the public, interested local bodies, school parties and others about once a month on an appointment basis. The anticipated numbers of visitors does not justify a dedicated education room and it is proposed that, as is currently the case, a business meeting room/education room will be used.

The building would be re-clad in dark grey, goosewing grey and silver metallic painted steel exterior cladding. Ancillary buildings would be similarly clad.

The workforce associated with the development would comprise 21 operatives transferred from the existing MRF; 6 staff transferred from the existing EARP; and 15 office staff from the existing MRF.

There are currently 37 car parking spaces and an additional 10 spaces, including a disabled space, are proposed along the southern elevation of the building. No specific lorry parking is proposed as short term parking can be accommodated within the service yards.

A flood compensation swale is also proposed to be constructed on currently unutilised land to the rear of the yard and adjoining the fireworks factory.

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

The MRF would be located on the Fengate Industrial Estate on the eastern fringe of the urban area of Peterborough approximately 2.5km from the city centre.

The former Ray Smith building is bounded by the existing MRF development to the northeast, Fengate/Storeys Bar Road to the northwest, vacant brownfield land to the southeast and existing small industrial units to the southwest. Further to the north east, beyond Fourth Drove, is Peterborough Power station.

The nearest residential buildings are the mobile home park approximately 680m to the south west. The residential area of Parnwell lies some 2km to the north east.

#### **5 PLANNING HISTORY**

| Application Number |  |           | Decision   |
|--------------------|--|-----------|------------|
| 00/00943/ADV       | Illuminated name sign and logo                           | 6.09.2000 | Permission |
| 00/01056/FUL       | Installation of 4 intake and 4 extract flues on roof     | 3.09.2000 | Permission |
| 98/01372/FUL       | Erection of factory and offices for B1(c), B2 or B8 uses | 8.11.1999 | Permission |

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Building Control Officer** – Building regulation consent will be required but no application yet submitted.  
**Wildlife Officer** - The ecological scope and approach is acceptable and has gone into more detail than might be expected. The reference to the Nene Washes is noted and the possible need for Appropriate Assessment.

**Landscape Architect** – No objections to the extension/recladding. Suggests that the car parking is transferred from the front to the side of the building so that planting can be introduced here emphasising the Council's green aspirations. The tree planting should be continued from the adjoining frontage. This is an opportunity to commission a piece of art work celebrating the MRF.

**Head of Transport and Engineering** – The proposal is ideally situated in an industrial area and so no objection is raised in principle. However, the application is lacking in detail and clarification is required on a number of matters prior to determination.

**Travel Plans** – As the development will include PCC staff the travel plan needs to tie in elements of the PCC travel plan. The travel plan also needs to be more specific. Cycle parking should be installed and a contribution is sought towards the current Local Link bus service.

**Public Protection** – Implementation of Management Plan - Prior to commencement a method statement or construction management plan, including risk assessments, is required detailing measures to be taken to minimise noise and dust nuisance. A named environmental co-ordinator should be considered for controlling issues raised by authorities and the public. Community relations – noise is more readily accepted by local residents if steps have been taken to prevent unnecessary noise. A documented procedure is required. Noise is more likely to be an issue the longer the operations and noisier construction phases should be planned for when residents are likely to be spending greater periods indoors. Training is required. Regular monitoring required. Less noisy plant and machinery should be used when possible and enclosed, screened and regularly serviced

**Archaeology** – The proposed development falls within an area of high archaeological importance. However, archaeological excavations were carried out here in the 1970's, 1980's and 1990's so most of the archaeology has been recorded. Nevertheless pockets of archaeological interest survive on the site, notably the area of the proposed flood compensation swale and these should be fully investigated and recorded. A PPG16 condition should be imposed on a permission requiring this investigation to take place prior to construction.

It is also recommended that the scheme should be appraised in terms of its possible effects on the waterlogged archaeology preserved at Flag Fen and its effects on the operation of the visitor centre as a visitor attraction.

## **EXTERNAL**

**Natural England** – has no objection to the proposals in relation to legally protected/BAP species as it is considered unlikely that there will be any significant impacts to species as a result of the development. Precautionary measures are identified in relation to nesting birds, reptiles and invasive species and these should be pulled together in an Environmental Management Plan for the site and full details of any habitat creation in the south-eastern corner should be agreed in writing with the LPA including provisions for long term management.

**Environment Agency** – the development is located outside the floodplain and there is less than 0.5ha of new development. Accordingly the Agency does not wish to comment on the proposed surface water management plan. The development may require an Environmental Permit. A number of informatives are proposed in respect to pollution prevention, foul drainage and waste.

**Anglian Water** – no response received

**English Heritage** – no response received

**Atkins (Padholme catchment)** – some concerns regarding the flood risk assessment. Conditions recommended. Contribution required towards Padholme catchment scheme.

**HSE** – no response received

**EEDA** – no response received

**EERA** – the proposal is not considered to be of regional significance and so no comment made

## **NEIGHBOURS AND OTHER REPRESENTATIONS**

Letters of objection have been received from the Rural and Environmental Forum, 2 local residents and Peterborough for Responsible Waste Management (ProFoRWM) with 3 additional signatories, Peterborough Friends of the Earth and the Peterborough and Fenland Green Party. Objection is raised on the basis of the following matters:

- Contrary to development plan policies that seek to reduce the impact on the environment;
- Will not deliver the level of recycling indicated as co-mingled collection is ineffective and more waste should be sourced separated;
- Fails to show how waste generation is tackled at source;
- For the facility to run at capacity a large proportion of the recyclable waste will need to be brought in from elsewhere which conflicts with policies WLP1 and WLP5 and RSS policy WM3 that require sustainable waste management, reduction in transportation and in imported waste especially from London;
- Does not demonstrate self sufficiency or compliance with the proximity principle, the waste hierarchy or with the Waste Strategy 2007;
- Much granulised and pellettised waste finishes up in landfill and should not be counted towards recycling targets;
- It is unclear how much material from the MRF will finish up in landfill;
- Questions the way in which recycled materials are used i.e. glass used for road aggregate instead of making new containers;
- Adverse impact on the surrounding environment and on Flag Fen;
- Site is not allocated for major waste management development in policy WLP18;
- Unacceptable in design terms –an ugly warehouse;
- Reduction in local amenity – Eye, Thorney, Stanground, Fletton, the parkways and Parnwell will be particularly badly affected;
- Clarification sought on detailed matters such as proximity of parts of the site to the adjacent fireworks factory and details of travel plan including location of bus stops and provision of cycle parking;
- The impact of HGV's is 'significant' – unclear whether this applies to the whole site or this application;
- Queries whether the cumulative impact of traffic in the wider area has been taken into account;
- Questions whether the impact of the whole development (including the EfW and the ED plant) been taken into account in assessing environmental impacts;
- The relocation of the MRF and the EARF achieves nothing;
- Questions whether the Environment Lifestyle tool been used to assess criteria;
- How did the Council involve local communities and how representative are they?
- Need has not been demonstrated or that the Council checked with other authorities as to what other waste facilities are being provided;
- There is no need for the facility – kerbside is preferred to co-mingling;
- The MRF is too large;
- Excessive provision should not be made - contrary to policy WLP3;
- The RSG building would be better used to house the future MBT/Anaerobic Digester
- The proposal will not increase the range of materials recycled – there is already spare capacity in the existing MRF;
- The proposal will not assist in achieving municipal recycling targets;
- Proposals conflict with RSS policy WM4 – waste apportionment and need to manage waste within its own area;
- Conflict with PPS10 as it does not promote reduction and reuse of waste materials;
- Restrictions required on catchment area for sourcing waste, tonnages and waste types;

Objections have also been received from occupiers/landlord of two of the business units to the south of the site. For the following reasons:

- Perceived breach of covenant (*not a planning issue*) – this relates to storage within defined areas, maintenance of landscaped strips and tree planting for screening.
- Noise nuisance
- Odours
- Vermin
- Vibrations from plant and machinery
- Increased traffic on Dobson Way
- Potential development of their land

## **COUNCILLORS**

Cllr Todd and Goldspink – no comments received

### **7 REASONING**

#### **a) Introduction**

The proposal is part of a larger project for an integrated waste management facility in one area to provide a long term solution to managing Peterborough's municipal waste. The relocation of the Materials Recycling Facility (MRF) would be the first phase of this scheme which is also intended to include an Energy from Waste facility (EfW) on the site of the current MRF and a biological treatment facility for compostable waste on land to the rear of the Ray Smith site.

The intention is to move the current MRF facility to utilise a building on an adjacent site within the Fengate industrial area. As it is a larger building than the current one it will enable all the sorting, bulking up and storage operations, including the storage of baled recyclable materials awaiting transportation for processing elsewhere, to be accommodated within the building and a higher volume of waste to be processed. Co-location with other waste management facilities is also possible due to the larger area available.

#### **b) Policy issues**

##### **National and Regional Planning Waste Policy**

National planning policy guidance set out in Waste Strategy 2007 and PPS10 requires waste to be managed sustainably in accordance with the waste hierarchy and at the nearest appropriate facility. The MRF and the EARF deal with waste at the upper end of the waste hierarchy and enable either its reuse or recycling rather than disposal to landfill. In this instance there are a limited number of facilities for some types of recyclable waste, such as co-mingled recyclate which includes glass, and this will, therefore, be the nearest facility for managing some recyclables even though it is sourced some distance from this facility.

PPS10 also seeks the co-location of facilities and with complementary activities. In this instance the development currently proposed would provide the Council with an opportunity to co-locate several waste management facilities including the MRF as part of a larger integrated waste management scheme to deal with the city's waste management needs.

Regional waste policy is set out in The East of England Plan. Policy WM1 seeks the adequate and timely provision of facilities required for the recovery and disposal of the region's waste; minimising environmental impact of development; maximising reuse and recycling and giving weight to the locational needs of some types of waste management facility together with the wider environmental and economic benefits of sustainable waste management. It is considered that the proposal accords with this policy.

Policy WM2 sets out challenging targets for all authorities and commercial waste producers to minimise waste, to eliminate landfilling of untreated municipal and commercial waste by 2021 and to maximise recycling and recovering value from waste. It states that a step change in recycling, composting and recovery will be required. Policy WM4 sets out the apportionment of waste within the Region.

Policy WM3 states that there should be a progressive reduction in imported waste and that after 2015 imported waste from London, which is the primary source of waste imports to the East of England region, should be restricted to landfill of residual waste. It also states that allowance should only be made for non landfill facilities taking waste from primarily outside the region where there is a clear benefit which would not be viable without a wider catchment and would enable the recovery of more locally arising wastes. The explanatory information states that each region should take responsibility for managing its own waste, recovering maximum value from waste.



In this instance planning permission for the existing MRF, which was issued by the Development Commission, imposed no limitations either on the annual throughput or on the distance from which waste can be sourced. This facility operates on a commercial basis and has built up a wide business base over the years improving the viability of the facility and its ability to collect and sort a wide range of recyclables for the benefit of the residents of Peterborough. Therefore, whilst it is essentially a facility which bulks up recyclables from the Peterborough area it also sources recyclable waste from a much wider area and is able to manage some recyclates, such as co-mingled glass, for which there are few outlets available in the country. The proposed facility would take some 20,000 tonnes of recyclate from the municipal waste stream in Peterborough. It is anticipated that in the longer term the facility would take at least 50% of its annual throughput of commercial and municipal waste from within the Region. However, it is likely that recyclates will continue to be imported from a wider area because of market demand and the fact that it is able to handle a wide range of recyclates, some of which (such as co-mingled glass) cannot currently be handled at other facilities. It is considered that the proposal accords with policy WM3. It should be recognised that whilst the Region aspires to manage its own waste it is not reasonable or realistic for a development in Peterborough, which is on the very margins of the Region, to source all its recyclate from within the Region and that whilst overall the Regions may make sufficient provision for its own waste management needs there will be some transfer of wastes between regions which should not affect the overall policy aspirations. The East Midlands Regional Plan seeks to promote the management of waste up the waste hierarchy in accordance with the Waste Strategy 2007 and for the Region, with the exception of the Peak sub-region, to make provision for waste management capacity to meet its own waste management needs. However, there is currently a capacity shortfall of recycling and treatment facilities in the East Midlands region and most waste goes to landfill. This would indicate that there is a market opportunity in the East Midlands which may be more proximate to the facility than parts of the east of England area.

Policy WM5 states that Local Development Documents should identify the additional capacity reduced to manage wastes, the sites suitable for the facilities for the anticipated need. The Cambridgeshire and Peterborough Minerals and Waste Development Plan acknowledges the existence of the current MRF and the need for further recycling capacity over the Plan period.

It is concluded that overall the proposed facility meets policy aspirations to manage waste higher up the waste hierarchy by reuse or recycling, to send waste to the nearest appropriate facility and to co-locate complementary waste management facilities.

## **Local Waste Planning Policy**

### **Locational Policy**

In the context of current policy the MRF may be considered to be a 'major waste management' facility which contributes to the long term management of waste in the Plan area. Policy WLP18 sets out a number of sites where major waste management development would be considered favourably. The current or proposed site for the MRF are not within this list. When this list was produced the existing MRF had already been up and running for a number of years and any development here would need to be considered in the context of policy WLP19 which seeks to safeguard existing and proposed sites for waste management development.

The current proposal needs to be considered on the basis of policies WLP22 and WLP23. WLP22 states that waste transfer stations will be acceptable on land identified for general industrial use (B2). Policy WLP23 states that proposals for non-inert materials recovery facilities for source segregated or co-mingled materials will be considered favourably on sites identified in policy WLP18 as preferred sites or on land identified for general industrial uses. The proposed use of an existing building permitted for industrial purposes within the Fengate industrial area for waste management uses accords with these policies.

### **Need for the Development and Movement of waste**

The facility is replacing an existing facility on an adjacent site, improving its efficiency and increasing throughput from 75,000 tonnes per annum to 100,000 tonnes of which it is anticipated that at least half would be sourced from either the City Council area or the Region in the longer term.

The existing throughput is taken into account in the background work on existing waste facilities and future requirements for the Cambridgeshire and Peterborough Preferred Options 2 Development Plan Documents and there is an acknowledgement that further capacity will be required in the Plan area. Improving the capacity of the MRF and the recovery of 'white goods' will increase recycling rates.

Policy WLP1 seeks to achieve sustainable waste management taking into account regional self sufficiency, proximity and the waste hierarchy.

Policy WLP3 states that proposals for major waste management development will normally only be permitted where there is a demonstrated need. To ensure that there is not excessive provision restrictions may be imposed on area from which waste is sourced, tonnages or types of waste imported taking into account regional self sufficiency, proximity and waste hierarchy. It may be argued that as this facility is seeking to manage waste higher up the waste hierarchy it should not be subject to the limitations being imposed on waste being brought to a landfill site. This view is supported by guidance set out in PPS10 and the PPS10 Companion Guide paragraph 6.46 which states that authorities should not restrict the movement of waste across borders where this would meet other objectives (such as moving waste up the waste hierarchy) or otherwise be considered appropriate in planning terms. Paragraph 3 of PPS10 seeks to deliver sustainable waste management by driving waste management up the waste hierarchy and treating waste as a resource. The delivery of planning strategies should encourage competitiveness. In a recent planning appeal relating to an extension to an extension to the Eastcroft Energy from Waste facility in Nottingham the Inspector declined to impose a condition restricting the origin of incoming waste on the basis that it would conflict with the advice set out in PPS10 Companion Guide that Waste Planning authorities should not arbitrarily restrict the movement of waste across borders.

However, it may still considered appropriate in sustainability terms to ensure that the recyclables are sourced locally as far as possible, that transportation is limited and the facility does manage locally generated waste from within the Region. A catchment area is therefore put forward in condition 16 which seeks to restrict the area from which waste is imported whilst still allowing flexibility for handling recyclables for which this is the nearest appropriate facility and not unnecessarily restricting the commercial viability of the facility which would be to the detriment of local residents and could adversely impact on the provision of facilities in the Plan area. The imposition of a catchment area is in line with, although not the same as, the stance taken by Cambridgeshire County Council on the Dunarbon site which will handle the municipal waste including recyclables and with other MRF's in different parts of the country – some of which have very restrictive catchment areas imposed. The catchment restriction proposed recognises the wide spread nature of usage of the facility and the fact that it is close to the edge of both the Plan area and the Region is, potentially more likely to source recyclables from outside than is the case with Donarbon.

### **c) Site Specific Issues**

#### **Highways and Access issues**

Access to the facility would be from Fourth Drove and egress on to Storeys Bar Road/Fengate. This access would be used by staff and some visitors to the facility and some staff car parking is proposed to the northern side of the building together with a space for coach parking for visitors. It is also the access that would be used for the Energy from Waste facility and the Anaerobic Digester if planning permission is subsequently granted from these. Other staff and visitor parking is also proposed at the frontage of the building.

There are a number of matters of detail to be addressed. Revised plans have been produced and it is anticipated that outstanding matters can be resolved prior to the Planning Committee or addressed by condition.

A Travel Plan is also proposed which seeks to encourage staff and visitors to use alternative means, other than the car, to travel to the facility. Cycle parking would be provided and a contribution is required towards the local bus. The Travel Plan would be the subject of a planning condition as it is not possible to finalise the details until an operator is appointed to run the facility. This would ensure that policies T3, T5 and T7 which requires new development to be accessible by pedestrians, those with mobility difficulties, cyclists and public transport is complied with.

Subject to a contribution towards the strategic highway network the facility is considered to comply with policies WLP4 and T1 as the access and highway network serving the site are suitable and there is considered to be no overriding harm to the environment, road safety or amenity.

### **Landscaping**

The facility would be housed in an existing industrial style building with hardstanding to the side and rear. Part of the hardstanding at the rear will be lost as a result of the extension proposed and the remainder is required for vehicle turning. The only opportunity that there is for additional landscaping is on the grassed area in front of the car parking at the front. The applicant has agreed to tree and shrub planting in principle here and a landscape condition is proposed. However, there will be limited opportunity for planting due to the need to maintain visibility splays and the location of underground services.

The Council's landscape architect's suggestion of relocating the existing car parking at the front to the side of the building is not realistic as there is limited space to the side to be used for parking and this is now further restricted by the need to make provision for a coach parking space for visitors close to the rear pedestrian entrance to the facility.

A small area of new habitat is intended to be created in the south eastern corner of the development which would accord with policy LNE10. The long term management of this will be the subject of a condition requiring the submission of a scheme.

### **Archaeology**

The proposed development falls within an area of high archaeological importance. However, archaeological excavations were carried out here in the 1970's, 1980's and 1990's so most of the archaeology has been recorded. Nevertheless the council's archaeologist has said that pockets of archaeological interest survive on the site, notably in the area of the proposed flood compensation swale and these should be fully investigated and recorded. A PPG16 condition can be imposed requiring this investigation to take place prior to construction.

This is a site that has already been developed. There should not be any adverse impact on archaeological remains as most of the site has already been excavated and recorded as a result of previous development proposals. The proposal is considered to accord with policies WLP12 and CBE2 provided a condition is imposed requiring an investigation to take place of any remaining areas prior to construction of the flood swale.

### **Flooding Issues**

The site is within the Padholme catchment area. A contribution is required towards the scheme put in place for this area to prevent flooding. Atkins has raised issues in respect to the lack of a sequential test but as the development is located on that part of the site least vulnerable to flooding, as advocated by PPS25 and is entirely within Flood Zone 1, where there is no requirement to undertake a sequential test. Whilst part of the site falls within flood zone 2 this is limited to short sections of internal access road and there is an alternative access which is entirely in flood zone 1.

### **Impact on Local Amenity**

The main impacts on the amenity of local occupiers would be as a result of litter, dust, noise, vibration or vermin.

The proposed facility would have sufficient internal capacity to house the baled recyclable waste within the building. This means that there would be no external storage of this baled waste as is currently the situation with the current facility. This would improve the overall appearance of the MRF and there would also be no litter resulting from the storage of the baled waste. This accords with both the SPD 'Location and design of major waste management facilities' and policies WLP9 and LNE9.

All the processing and loading /unloading activities will take place within the building with the doors only being opened to allow the ingress and egress of vehicles. This will limit the amount of noise and keep it within acceptable limits.

There is no reason to suggest that vibration from machinery and plant should be any more of an issue from this facility than from any other industrial use to which the building might be put. The building previously housed heavy industrial equipment associated with manufacture of car parts.

Dust is normally associated more with inert builders waste. In this instance all waste being sorted, baled and stored before onward processing will be enclosed and it is not waste which particularly tends to generate dust. Should the yard become dusty then steps can be taken to dampen it down.

Noise and vibration, dust and litter can be managed through planning conditions or the Environmental Permit.

There is no reason why the facility should attract rats and other vermin if the waste is contained. If this was an issue it would be dealt with through a site management plan under the Environmental Permit.

It is likely that there will be noise and dust generation during construction of the extensions and the relocation of machinery from the current building. A construction management plan will be required by condition of the permission and this will provide controls on dust management, noise generation and hours of operation amongst other matters of relevance at this stage.

#### **d) Issues brought up in representations**

Many of the representations raise objections on the basis of the Council's waste management strategy and type of waste management facilities that are proposed as a whole to manage the municipal waste generated within the City Council area in the future. The type of facilities to be developed as part of an integrated waste management scheme have been subject of wide ranging and ongoing public consultation since 2001 and extensive investigations by a councillor-led cross-party Members' Waste and Recycling Working Group (MWRWG). The City Council approved the plans, now submitted to the council as planning authority, on 28 February 2007. There has been subsequent involvement of local communities in the development of the IWMF proposals. There has been ample opportunity for environmental groups and members of the public to participate in the consultation process.

Further objection has been raised on the basis that co-mingled waste is not an efficient way to collect recyclables and that much of the value of the materials is lost because of contamination. Kerbside collection has been put forward instead. The applicant has indicated that the granulator is primarily required to deal with the carcasses of electrical appliances (generally white plastics) and is a more efficient way of transporting this material. The use of glass for road surfacing material is also questioned and yet it is only one of the many ways glass is recycled. The Waste Management Authority has been pro-active in promoting recycling, finding markets for recyclables and finding ways of improving both recycling rates and types of materials to be recycled. It is of the view that collected co-mingled waste is the most effective way of collecting recyclables even if this results in some contamination and reduction in value of this material.

The application is also criticised for not setting out how the Council is dealing with waste minimisation and reducing waste at source. This is part of the Council's commitment to managing waste and part of the 65% strategy. However, the function of the proposed MRF is to separate and bulk up recyclable waste prior to processing elsewhere. Waste minimisation is largely tackled by education.

These issues are not directly relevant to the consideration of this application which is for a new facility to deal with the recyclables collected and for the co-location of other waste management facilities. It is not the remit of this Committee to consider the principle of how the Council has chosen to manage the collection, recycling and disposal of its residual waste arisings.

***Impact on industrial units to south of site*** – It is considered that the occupiers of the industrial units should not be adversely affected by odour, noise or vermin as the operations, including the tipping, storage and sorting of the waste will take place within an enclosed building. There would also be conditions imposed through either the planning permission or the Environmental Permit to require schemes to be in place to ensure that there is positive management of odour and litter and that noise remains within acceptable limits. The building was previously in industrial use with heavy plant and equipment in the building, some storage outside and the yard being used by HGV's and other vehicles.

It is intended to construct fencing between 3 and 6m in height along the boundary with Dobson Way which should provide visual and acoustic screening for the industrial units from the activities taking place at the IMRF. Some tree planting may take place along this boundary though this is not considered necessary from a planning point of view and would only be undertaken if required as part of the terms of the covenant. Additionally, some works are proposed to the building to remove the roller doors on the elevation facing Dobson Way and also ventilation openings will be faced away from the business park as far as practicable which should further limit noise or dust affecting those located to the south of the site.

The proposal would not result in the generation of additional traffic on Dobson Way as the side access to the facility, would only be used to provide emergency access for vehicles although there will be pedestrian access. The 10 staff car parking spaces and coach parking space on the south side of the building can be accessed via the main entrance off Fourth Drove with egress on to Fengate. Dobson Way would not, therefore, be affected by day to day vehicle movements.

## **8 CONCLUSIONS**

The proposal is considered to be acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The building was constructed for B2, general industrial purposes, and is considered suitable in policy terms as a location for waste management development.

The proposal relates to the relocation of an existing facility currently located on an adjacent site. The building is large enough to enable all the activities relating to the recycling operations to be contained within it thereby minimising the impact on the surrounding area and potentially improving amenity by reducing or preventing litter, noise, dust and other amenity impacts. It will also allow the co-location of some other waste management operations - the waste transfer station and the EARF – essential to the effective management of waste in the city and increasing recycling rates.

The facility will facilitate sustainable waste management by increasing recycling in accordance with the waste hierarchy. It is acknowledged that the throughput of the facility will be greater than that generated as recyclable municipal waste within the Council area. However, other waste will be commercial waste generated here or municipal waste which is being sent to the 'nearest appropriate facility' for the particular waste type due to the paucity of waste management facilities throughout the country. The current facility has no restrictions on its operations but the applicant has agreed to a catchment area restriction to be applied to the new facility.

Overall it is considered that the proposal complies with national planning guidance and regional and local development plan policies and will be beneficial in environmental terms. It is essential to the Council's integrated waste management plans to increase recycling of as wide a range of materials as possible and to increasing recycling rates. It is recommended that the application be approved.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

### **C1 Commencement**

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended.

### **C2 Approved details**

**The development hereby permitted shall be carried out in accordance with the details submitted by way of the application:**

#### **Planning Application Document**

- 1. Planning Application**
- 2. Design and Access Statement**

3. Supporting Statement
4. Planning Application Drawings

**Drawings:**

Land Ownership Plan no. 16030/A1/100 rev B dated 10.11.08  
Existing Site Layout no. 16030/A1/101 rev.B dated 26.09.08  
Proposed Site Layout no. 16030/A1/102 rev. E dated 24.03.09  
Existing Building Elevations no. 16030/A0/120 rev.A dated 30.10.08  
Proposed Building Elevations no. 16030/A0/121 rev.C dated 02.10.08  
Existing Building Layout no. 16030/A0/110 rev.A dated 02.10.08  
Proposed Building Layout no. 16030/A0/111 rev. G dated 24.03.09  
Proposed Gatehouse Plans and Elevations no. 16030/A1/130 rev B dated 28.10.08  
Proposed Site elevations no. 16030/A1/140 rev A dated 31.10.08  
Proposed Boundary Treatment Layout no.16030/A3/150 rev. A October 2008  
Proposed Acoustic Fence Details 16030/A1/151 rev A dated 29.10.08  
Proposed Drainage layout no. 5077375/DRA/GA/310 rev. A dated 25.2.09  
Transport Addendum produced by Atkins March 2009 dated 24.03.09

Letters from Martin Pollard at Axis dated 5<sup>th</sup> March 2009, 11<sup>th</sup> March 2009, 20<sup>th</sup> March 2009 and 25<sup>th</sup> March 2009.

**The details of which are approved except as may be amended by the following conditions.**

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

**C3 Maximum Throughput**

**The annual throughput of the materials recycling facility shall not exceed 100,000 tonnes.**

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

**C4 Hours of Operation**

**During construction**

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

**7.00 – 19.00 hours Monday to Saturday**

**During normal operation**

**The movement of materials shall be restricted to:**

**06.00 – 20.00 hours Monday to Saturday**

**06.00 – 18.00 hours Sundays**

**unless otherwise agreed in writing by the Local Planning Authority**

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

**C5 Landscape details (hard and soft landscaping works)**

**No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include any planting at the frontage of the site, the means of enclosure of the site; trees, shrubs and hedges to be retained and planted; car parking areas, vehicle and pedestrian circulation areas; hard surface materials; minor artefacts and structures; proposed and existing functional services above and below ground (e.g. drainage power, communication cables, pipelines etc indicating lines, manholes, supports etc); retained historic features and proposals for restoration, where relevant.**

**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.

#### **C6 Landscape Management Plan**

**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.**

Reason: In order to protect and safeguard the visual amenity of the area in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005 and policy WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

#### **C7 Flood Resilience Measures**

**Details of flood resilience measures, including long term maintenance measures to ensure that the building is adequately protected from flooding, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in accordance with the approved details.**

Reason: To ensure that adequate measures are taken so that there is no unacceptable risk of flooding in accordance with policy WLP16 of the Cambridgeshire and Peterborough Waste Local Plan 2003 and policy U3 of the Peterborough Local Plan (First Replacement) 2005.

#### **C8 Design of Fencing**

**All new and replacement fencing shall be designed to allow free flow of floodwater to ensure that the floodplain can be utilized 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 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 Flood Evacuation Plan**

**A flood evacuation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Plan shall be implemented on site in accordance with the approved details.**

Reason: To ensure that occupants of the building can safely gain access/egress during flood conditions in accordance with policies U3 and U5 of the Peterborough Local Plan (First Replacement) 2005 and policy WLP16 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

#### **C11 Contaminated Land**

**No development shall take place until a risk assessment, to identify the likelihood of contamination mobilisation and spread, has been undertaken and submitted to the Local Planning Authority for approval in writing together with mitigation measures to be undertaken if contamination is identified and the timing of those measures. The scheme shall be implemented in accordance the approved details.**

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

### **C12 Noise**

**A noise management plan shall be submitted to include steps to be taken to ensure that plant and machinery to 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 should give 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 the plant operating, noise levels measured at the site boundary shall not increase by more than 3 dB LAeq,1hour above ambient.**

Reason: To protect the amenity of local residents or occupiers 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.

### **C13 Lighting**

**Lighting shall only be used during the operational hours of:**

**06.00 – 20.00 Monday to Saturday, and  
06.00 – 16.00 Sundays and Bank Holidays**

**when natural illumination falls below safe working levels.**

**The lighting shall comprise high-pressure sodium flat glass lanterns and shall be angled downwards and designed not to spill materially beyond the site boundary. Details of this lighting and of the low level lighting to be used to illuminate walkways and car parking areas during the hours of darkness shall be submitted to and approved by the Local Planning Authority prior to the commencement of development.**

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

### **C14 Lighting**

**The use of columns for lighting the facility shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document 'Guidance Notes for the Reduction of light Pollution (Revised)(2005) or such standards that replace them in whole or in part when the development is implemented.**

**The applicant shall be required to demonstrate compliance with this requirement by measurement or calculation should reasonable concern arise from resultant lighting levels.**

Reason: In order to protect the amenity of local residents and highway safety in accordance with policy DA2 and DA12 of the Peterborough Local Plan (First Replacement) 2005 and policy WLP9 of the Cambridgeshire and Peterborough Waste Local Plan 2003.

### **C15 Site Waste Management Plan**

**No development including demolition or enabling works shall take place until a Site Waste Management Plan for the demolition and construction phases of the development setting out how waste arising from the construction phase of the proposed plant is to be managed has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full.**

Reason: To ensure that waste arising from the development is minimised and that which is produced is handled in such a way that maximises opportunities for re-use or recycling in accordance with policy WLP2 of the Cambridgeshire and Peterborough Waste Local Plan 2003 and the Site Waste Management Plans Regulations 2008.

### **C16 Environmental Management Plan**

**An Environmental Management Plan, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development.**



**The scheme shall set out how the ecological enhancement of the features specified in the habitat creation in the south eastern corner of the site in the application will be implemented and maintained.**

**The plan shall be carried out as approved for a period of five years from implementation unless otherwise agreed in writing with the Local Planning Authority.**

Reason: To protect features of nature conservation importance and to enhance the nature conservation value of the site in accordance with Planning Policy Statement 9.

#### **C17 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.

#### **C18 Waste catchment area restriction**

**At least 50% by weight of the consented capacity of the materials recycling 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.

#### **C19 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.

#### **C20 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 15 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.

#### **C21 Provision of Footpath along Fengate**

**Development shall not commence before full details of a 2m wide footway along the east 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, T3, T5, T7 and T8 of the Adopted Peterborough Local Plan (First Replacement) 2003.

**C22 Cause danger or inconvenience (highway safety)**

**Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.**

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement) 2003.

**C23 Provision of temporary facilities (turning, parking and loading)**

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

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement) 2003.

**C24 Access details before commencement - layout**

**Development shall not commence before full details of the “access only” from Fourth Drove and “egress only” on to 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 highways are adequately constructed, drained and lighted, in accordance with Policies T1, T3, T5, T7 and T8 of the Adopted Peterborough Local Plan (First Replacement) 2003.

**C25. Construct pedestrian/cycle access before occupation**

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

Reason: In the interests of Highway safety, in accordance with Policies T3 and T5 of the Adopted Peterborough Local Plan (First Replacement) 2003.

**C26. 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 during construction operations and monitoring thereof,**
- 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. measures to be undertaken to minimise and monitor construction noise;**
- 6. a scheme and programme of measures for the monitoring and suppression of dust for the control of dust arising from building construction and site works during construction and normal plant operation. 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;**
- 7. 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;**
- 8. 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;**

**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.

#### **C27 Bunding of Tanks**

**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.

#### **C28 Soakaways etc**

**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.

### **Informatives**

#### **Environment Agency Informatives:**

##### **Waste**

In accordance with the Site Waste Management Plans Regulations 2008, the developer will need to produce a Site Waste Management Plan setting out how waste arising from the construction phase of the proposed plant is to be managed. It is recommended that waste from the development is re-used, recycled or otherwise disposed of in accordance with Waste Management Legislation, and in particular the Duty of Care under Section 34 of the Environmental Protection Act 1990. Further information is available on request from the Environment Agency – contact the Environmental Management Team on 01522 785541 (please ask for Richard Williams).

##### **Foul Drainage**

It is recommended that the sewerage undertaker is consulted regarding the availability of capacity within the foul water sewer. If there is not capacity in the sewer then the Environment Agency should be reconsulted with alternative methods of disposal.

##### **Environmental Permit**

This development may require an Environmental Permit under the Environmental Permitting Regulations 2007. The applicant is advised to contact the Environment Agency on 08708 506506 to discuss this potential requirement further.

## **Local Highway Authority Informatives**

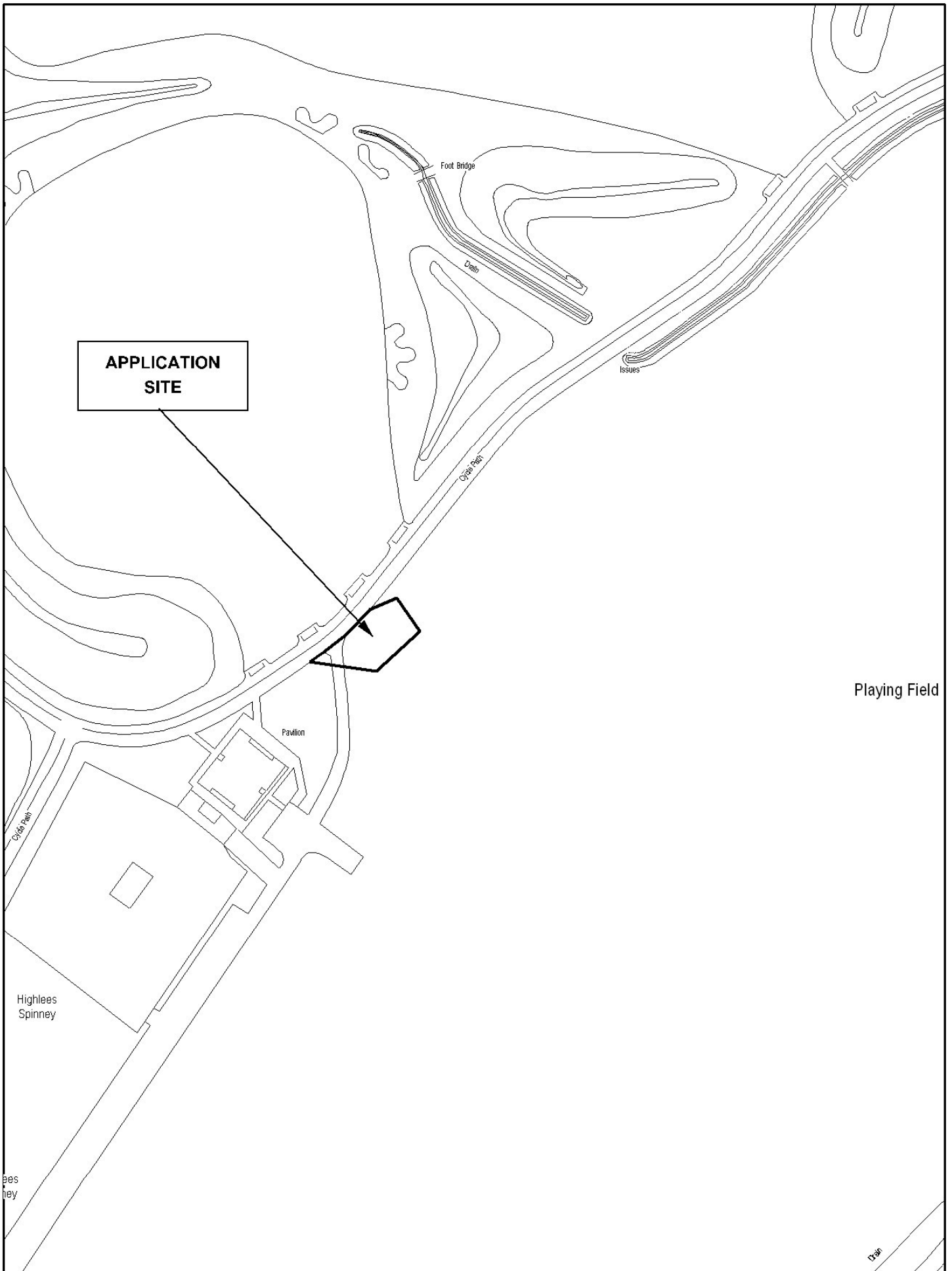
### **INF15 NR&SWA 1991**

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.

### **INF16 Off-site Highway Works S278 highway works agreements**

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.

Copy to Councillors Collins, Goldspink, Todd



**LOCATION PLAN**      **09/00114/R3FUL**  
 Adjacent Footpath North East of Bretton Park Pavillion, Flaxland, Bretton, Peterborough  
**Scale 1:1250 Name MKB Department Planning Services**



This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2009.

**PCC GIS**

This page is intentionally left blank

09/00114/R3FUL: PROVISION OF WATERPARK FACILITY AT BRETTON PARK, NORTH BRETTON  
VALID: 25 FEBRUARY 2009  
APPLICANT: PETERBOROUGH CITY COUNCIL  
AGENT: CITY SERVICES, PROPERTY DESIGN AND MAINTENANCE  
REFERRED BY: HEAD OF PLANNING SERVICES  
REASON: COUNCIL'S OWN DEVELOPMENT  
DEPARTURE: NO

CASE OFFICER: EMMANUEL ALLANAH  
TELEPHONE: 01733 454413  
E-MAIL: emmanuel.allanah@peterborough.gov.uk

---

---

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

The main considerations are:

- The principle of the proposal
- The impact of the scale, design and location
- The impact on Health and Safety
- The impact on pedestrian footpath and Public Right of Way
- The impact on traffic

The Head of Planning Services recommends that the application is 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)**

**T1-The Transport Implications of New Development:** Planning permission will 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.

The proposed water facility is accessible through public transport, hence it is acceptable.

- (b) it will not result in unacceptable impact on any element of the transportation network: The proposed development will not have any impact on existing transportation network in the area.

**T2- Development Affecting Footpaths and Public Rights of Way:** Planning permission will only be granted for development that affects a footpath or public right of way if the route is satisfactorily incorporated into the development or diverted, unless:

- (a) there is no prospect of the footpath or right of way serving a beneficial purpose;

(b) in the case of a footpath, its closure would be in the best interest of crime reduction; proposed development will not lead to closure of footpath and the proposal will not induce crime.

The proposal will not affect the existing footpaths or public rights of way.

**T4- Development Affecting the Cycle Route Network:** Planning permission will not be granted for any development that would prejudice the safety of, or cause significant inconvenience to, cyclist using any element of the cycle route network, as shown on the Proposal Map.

The proposed water facility will not prejudice the safety of the existing nearby cycle routes.

**LT9- Development of Leisure Facilities :** In all locations other than those covered by policy CC4, proposals for leisure development ( including extensions to existing leisure facilities) will be subject to the following policy: (a) If the site of the proposed development is within a District Centre or Hampton Township Centre as defined on the Proposal Map, planning permission will be granted provided that the nature and scale of the development would be appropriately related to the catchment area served by that Centre. If the nature and scale of the development would be such that it would serve a larger catchment area, planning permission will be granted if the applicant has demonstrated that a sequential approach to site selection has been applied in accordance with Appendix V1 and that there is no alternative site which is higher in the sequence. If there is such an alternative site, or if the applicant has failed to demonstrate that a sequential approach has been applied, planning permission will be refused.

The proposed water facility is within District Centre catchment area and the proposed scale is appropriately related to the catchment area served by the Centre, hence the proposal is not in conflict with this policy criterion. The proposed water facility is of a limited scale and is located within an existing park. There is no material change of use involved and it is considered that there is no need for the applicant to demonstrate that a sequential approach has been followed.

**DA2- The effect of development on the Amenities and Character of an Area-** Planning permission will only be granted for development if, by virtue of its density, layout, mass, height it: (a) can be satisfactorily accommodated on the site itself; (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.

The proposed water facility will not adversely affect the amenities of the nearby properties and it will not spoil the character of the area. The proposed water facility can be satisfactorily accommodated within North Bretton Park. It will not affect the character or amenities of the area.

**DA11- Design for Security:** Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

The applicant has confirmed that CCTV will be installed and water park facility will be supervised. Such measures will assist to overcome the concerns raised by the Police Constabulary Architectural Design Officer.

**LNE9-Landscaping Implications of Development Proposal:** It is considered that there is adequate landscaping in the park and no additional landscaping will be required.

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

**Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation:** The proposed water facility will improve recreation facilities for Children within the District area. It is therefore in accordance with PPG17- Planning for Open Space, Sports and Recreation.



### **3 DESCRIPTION OF PROPOSAL**

Peterborough City Council is proposing to construct a 500sq.m water play facility incorporating 3 water features of various sizes and shape set in multi coloured rubberised soft fall material and treatment and recycling systems for the water used in the facility. The proposal also includes a 2.4m high green powder coated Betafence Securifor 3D security fencing with 2 pedestrian gates (1200mm wide) and a pair of vehicular access gates (3500mm wide). The project will also include connecting into the mains sewage at the front of the existing Pavillion.

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

The proposed site is located within North Bretton Park near to the football and rugby pitch. It is also bounded to the immediate western side by a footpath and open space area and recreation ground.

### **5 PLANNING HISTORY**

There is no recent relevant planning history in connection with the site although the aim of the proposed water facility is to replace the current Bretton Park paddling pool which has come to the end of its useful life.

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – In consultation with Highway Engineers they have raised some concerns regarding the likely traffic generation that could be associated with the use of those visiting the water park facilities. However, in your officer's opinion, given that the site is easily accessible by public transport, cycle routes and pedestrian footpaths the proposed water park facility will not generate any adverse traffic to the area.

**Wildlife Officer** - I consider that this proposal is unlikely to have an impact upon the features for which this site has been designated a County Wildlife Site.

**The Wildlife Trust** - The wildlife Trust has no comments on this application, as although it is within 25 metres of Grimeshaw Wood and Highlees Spinney County Wildlife Site there should be no adverse impact on the wildlife resulting from this proposal.

**Natural England** - No objection.

#### **EXTERNAL**

**Senior Architectural Liaison Officer** – Has supported the proposal in principle. However the local officers who would have the responsibility of policing the site are warning that it is likely to become a gathering point for teenagers. They are particularly concerned of the danger of anti-social behaviour and damage (broken bottles thrown onto play area) etc, particularly if the site is accessible and un – supervised and at times of low usage by young children. Is there an intention that the site will be formally managed at all times when open? If not then the provision of Citylink, CCTV should be considered. When closed the fencing and gates proposed appear to be to a standard which should provide protection for the site to all but the very determined miscreant. Care must be taken to ensure that locking mechanisms, latches and hinges do not provide climbing aids. The details supplied to me do not show the precise location of fencing design and gates. Perhaps this could be conditioned, giving me the opportunity to make comment when precise details are provided?

This fence should be placed a sufficient distance away from the play area to deter glass bottles being thrown over the fence onto it water area. If CCTV is to be considered than an appropriate lighting scheme should also be designed.

**Environment Agency** – Has not made any comment and any advice or comments that will arrive later will be included in the update report.

**Anglian Water** - Has not made any comment and advice or comments that will arrive later will be included in the update report.

**ROSPA (Leisure Safety Information Officer)** - would like the City Council to consider the following points:

- Dogs – once the play feature is operational it will become an invitation for dogs particularly on hot days, the two main risks you will need to consider are dog bites and dog fouling. This may result in an approach to ban them in this area; however systems will need to be put into place to police this.
- Water Quality - Weil's disease has already been addressed in the documentation, however a process will need to be developed that allows you to shut down the features if the water becomes contaminated, this will obviously incur regular water testing. Additionally, cryptosporidium will also need to be considered as this can be particularly contagious to young children. This is a form of bacteria that is carried in young children and infects the water via diarrhoea and vomit. Waterproof nappies or stopping infected children in the water could be approached to consider.
- Drainage - children can drown in water a shallow as an inch, obviously this is dependent on a number of factors but it is worth noting. With this in mind it is important to have a sustainable drainage system. Obviously if problems do occur with this and bodies of water are formulating, again systems will need to be adopted to shut down the feature.
- Bikes, skateboards and skates – due to the feature being situated in a park and close to other attractions children may at times visit with bikes and skateboards. Consideration will need to be given to how this could be reduced or stopped.
- Wild fowl - similar to dogs a system will need to be put into place to reduce wild fowl particularly Canada geese.

## **NEIGHBOURS**

One letter of objection has been received from local residents at the time of writing this committee report: The issues raised include the following:

- The parkland that we had for recreation has in the past year been lost with the sale of a large piece of Parkland to the Rugby Club.
- The cost associated with the plan for the waterpark would be a disgraceful waste of public money.
- Currently there is a waterpark at the Silver Jubilee pub area, which should be developed if a waterpark is seen as necessary.
- The waterpark will attract anti-social behaviour, graffiti
- The parkland must remain otherwise we will be living in an urban jungle.

## **COUNCILLORS**

No comments have been received from any Councillors at the time of writing this committee report and any comments that are received later will be added to the update report.

## **7 REASONING**

### **Introduction**

This is Peterborough City Council's own development. The City Council has identified the need for a new water park facility at North Bretton Park for children to play in and around water. One of the reasons for this water park facility is because the current Bretton park padding pool has come to the end of its useful life and the cost of it upkeep is becoming prohibitive and has been vandalised on a number of occasions. In consultation with the local ward councillors prior to the submission of this proposed planning application, it has been determined that water play facility would be the best option and can be linked in with any future schemes planned to improve facilities for the local community.

#### **a) The principle of the proposed water park facility**

In land use terms the proposed site is within the existing North Bretton Park comprising of open green space, football and rugby pitches and Bretton Park pavilion. Hence, the principle of water facility for children is considered acceptable because it is a use that will not be in conflict with the designated use of North Bretton Park and it will complement other existing land use within the park. It is therefore in

accordance with policy LT9 – in the Adopted Peterborough Local Plan (First Replacement) 2005. The acceptance of the proposed use in principle is also subject to the evaluation of the remaining planning issues below.

**b) The impact of the scale, design and location of the water park facility**

The proposed design will involve the construction of a 500sq.m water play facility which will be supplied by a specialist contractor with a number of water features set within a multi coloured rubberised soft play surface which is easily accessible for the disabled. The water park facility will incorporate water recycling facilities to minimise water wastage during its use and a series of soakaways to take care of water run off during periods of closure. The site will be surrounded by a high security fence and CCTV to protect the site when not in use.

There will be management supervision by the Park Rangers when the water park facility is in use in order to deter anti-social behaviour and to ensure children safety. The Architectural Design Liaison officer has requested such safety measures including consideration of the installation of CCTV. The character and amenities of North Bretton Park are characterised by vehicular access to the park, open green space, lined trees, foot paths, football and rugby pitches, Bretton pavilion and the green powder coated security fence separating the rugby pitch from the football pitch. The nearest residential properties to the location of the proposed water park facility are between 190m to 200m. Such distances are sufficient to reduce any likely impact such as noise that could be associated with the use of the water park facility. The proposed scale, design and location of the water park facility, are considered to be sympathetic to the character of North Bretton Park, hence, it is in accordance with policies DA2 and DA11 of the Adopted Peterborough Local Plan (First Replacement) 2005. Other measures to secure safety, preventing crime or anti-social behaviour such as the fencing, CCTV and supervision by the Park Rangers will be conditioned so that the Local Planning Authority will ensure that appropriate recommended safety measures are satisfactorily approved by the City Council in consultation with the Architectural Liaison Officer from the Cambridgeshire Constabulary.

**c) Health and Safety**

The contractor that will be responsible for constructing the water park facility has submitted their risk assessment and method statement that 'to minimise the chances of infection, the only way is to avoid contact with contaminated water and animals, thus avoiding exposure to the bacterium. Part of the construction will include a chamber containing 2 No. divert valves which will be constructed outside of the play area, these valves will divert wash down water to the foul sewer in the event of fouling during operating hours. Rain water will also be diverted during the winter months to a soak away if available or to the ground water system. It is indicated that the complete water system is to be installed in accordance with Health and Safety ACOP L8 and CIBSE guidelines, to minimise the risk of legionella. This ensures adequate provision for flushing, sterilisation and ensuring the systems are cleaned internally before being put into service. The Local Planning Authority is satisfied that health and safety has been addressed, nevertheless the operation of the systems and health and safety measures are controlled by other legislation.

**d) The impact on pedestrian footpath and public right of way**

The proposed location, layout and design of the water play facility will not affect the existing trees, football and rugby pitches. It will not encroach on the existing footpaths and public right of way within North Bretton Park. The location and design of the water facility has been carefully thought out in order to prevent any impact on the existing recreation facilities or footpaths. Instead the facility has been properly located in order to make it more easily accessible through the existing footpaths within North Bretton Park. Hence, the proposal is in accordance with policies T2 and T4 of the Adopted Peterborough Local Plan (First Replacement) 2005.

**e) The impact on traffic**

The existing vehicular access to North Bretton Park will not be affected instead the proposed water facility and vehicular access has been carefully designed and located in order to make it easily accessible through the existing vehicular and footpath access onto the Park. The location of the North Bretton Park is also ideal for easy access to public transport, cycle route and footpath hence, the proposed scheme is considered sustainable because it will not generate adverse private vehicles to the site. Given the easy access of the water park facility to public transport routes and footpath it will reduce the number of private car emissions from the site and make the proposal more environmentally

friendly and in accordance with Policy T1 in the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Statement (PPS1) Delivering Sustainable Development.

## **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 proposed water facility is considered acceptable because it is related to the type of land use that is considered acceptable within the existing North Bretton Park. It is therefore in accordance with both local plan and national policies such as LT9 (Development of Leisure Facilities) of the Peterborough Local plan and PPG17 (Planning Open Space, Sport and Recreation)
- The scale, design and location of the water facility will not distort or spoil the visual character or amenity of the area because such land use will blend with the existing land use within North Bretton Park. The proposed supervision by Park Rangers that will be put in place and the installation of CCTV will assist to reduce and deter crime or anti-social behaviour. The Proposal therefore is in accordance with both local plan policy and national policies such as policies DA2 and DA11.
- The scale and location of the proposed water facility will not affect existing vehicular access to the Park or the existing footpaths or public right of way within the North Bretton Park. It is therefore in accordance with policies T2 and T4 of the Adopted Peterborough Local (First Replacement).
- The proposed water facility will not alter the existing access to Bretton Park. Given that the park is accessible by cycle route, pedestrian footpath and public transport, the scheme is considered to be sustainable because it will attract limited use of private cars to the water facility. The proposal therefore is in accordance with both local plan and national policies such as policies T1, T2 and PPS1.

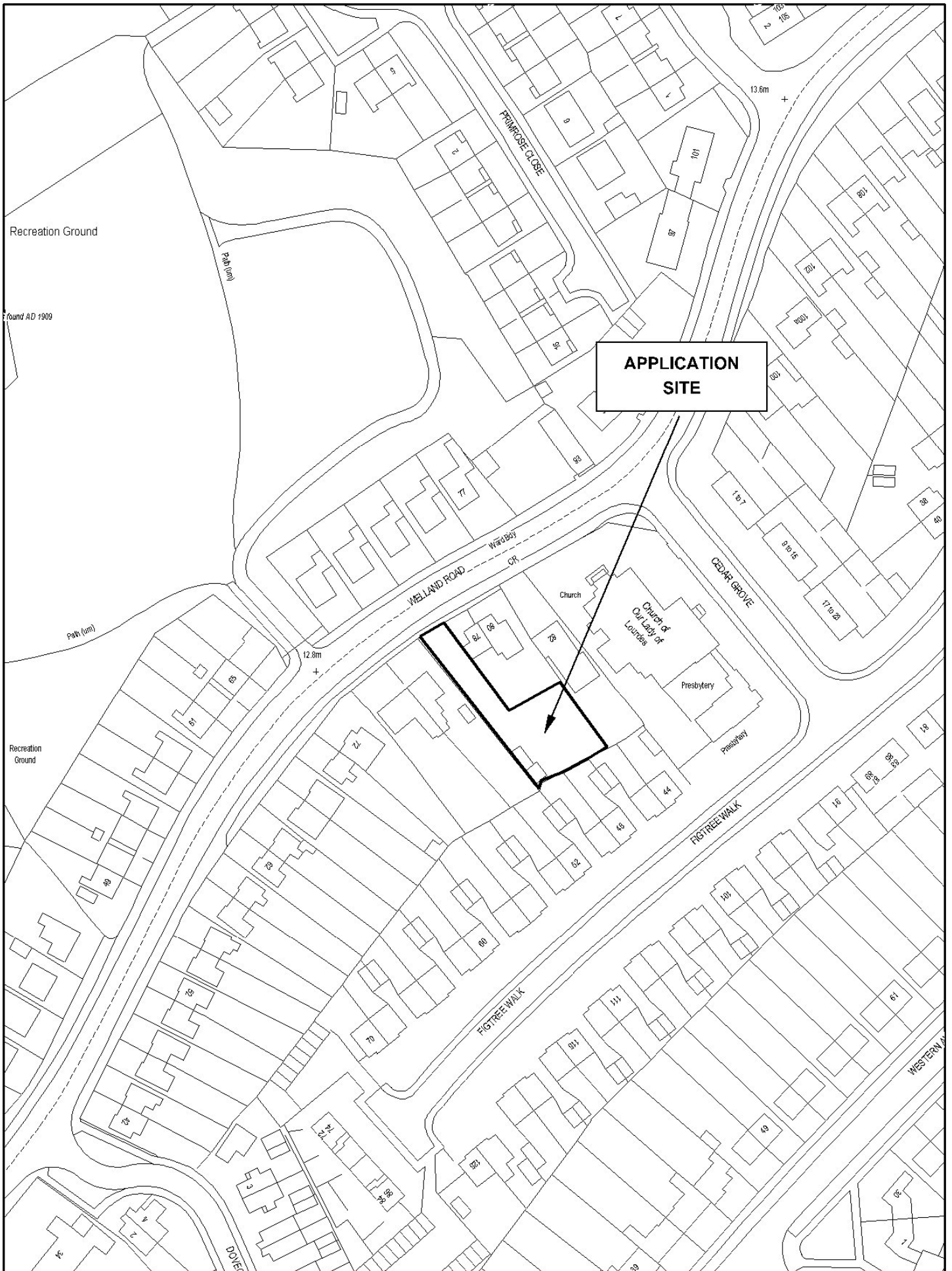
## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- 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 Prior to the water park being open for use by members of the public, the water park facility shall be gated and fenced with a 2.4m high green power coated Betafence Securifor 3D security fence with 2No. pedestrian gates (1200mm wide) and 1No. pair of vehicular access gates (3500mm wide). Details, included plans, of the location of the fencing and gates shall be submitted to and approved in writing by the local planning authority prior to its installation. The fencing and gates shall be retained as such thereafter and the gates shall be kept locked when the water park is not open for use.**  
Reason: In order to secure the safety of the children using the water park facility in accordance with Policy DA11 of Peterborough Local Plan (First Replacement).
- C3 Prior to the water park being open for use to members of the public, CCTV shall be erected at the site and shall be operational in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The CCTV shall thereafter remain operational in accordance with the approved scheme.**  
Reason: In the interests of security, safety and prevention of crime and ant-social behaviour in the locality of the water park facility, in accordance with Policy DA11 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Morley, Fitzgerald, Nash

This page is intentionally left blank



**LOCATION PLAN** 09/00170/FUL  
 78-80 Welland Road, Dogsthorpe, Peterborough

**Scale 1:1250 Name MKB Department Planning Services**



This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2009.

**PCC GIS**

This page is intentionally left blank



09/00170/FUL: ERECTION OF A THREE BEDROOM BUNGALOW AND SINGLE GARAGE WITH REAR BOUNDARY WALL – RETROSPECTIVE REVISED SCHEME AT 78-80 WELLAND ROAD, PETERBOROUGH

VALID: 27 FEBRUARY 2009

APPLICANT: MR P MILLER

AGENT: MR B SHEMELD

REFERRED BY: COUNCILLOR MINERS

REASON: NEIGHBOUR AMENITY OF PROPERTIES IN FIGTREE WALK, DEVELOPER HAS NOT ADHERED TO ORIGINAL PLANNING SPECIFICATION

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the development on neighbour amenity

The Head of Planning Services recommends that the application is 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)**

H7 Within the Urban Area residential development on any unallocated site will be permitted subject to criteria

H15 Seeks the highest residential density compatible with the character of the area and other considerations

H16 Seeks to ensure an adequate level of residential amenity

T1 Permission will only be granted if a safe and convenient access is provided and there is no unacceptable impact on the highway network.

**DA6 Tandem, backland or piecemeal development should be to an appropriate scale for the site, be in keeping with the character of the area; and have no detrimental impact on neighbouring occupiers**

## 3 DESCRIPTION OF PROPOSAL

The bungalow, which is complete and occupied, is situated at the rear of the plot, close to the boundary on two sides. A detached garage is close to the boundary on the south-west side.

There is access to the highway via a drive alongside 78 Welland Road.

The amenity space, driveway and boundary wall have not been completed.

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

The site was previously part of rear gardens to 78 and 80 Welland Road, a pair of semi-detached houses. To the north-east is part of the side wall and the rear garden to 82 Welland Road, and to the south east are the rear gardens of houses in Figtree Walk.

#### **5 PLANNING HISTORY**

| Application Number | Description   | Date    | Decision  |
|--------------------|---|---------|-----------|
| 01/01585/FUL       | Erection of dwelling  | 26/2/2  | Consent   |
| 08/00615/FUL       | Amendments bungalow design approved under application 01/01585/FUL  | 30/6/8  | Withdrawn |
| 08/01120/FUL       | Erection of a 4 bedroom bungalow and single garage with rear boundary wall – retrospective revised scheme | 23/12/8 | Refused   |

#### **6 CONSULTATIONS/REPRESENTATIONS**

##### **INTERNAL**

**Head of Transport and Engineering** – No highway objections. There are no proposed changes to the access, parking and turning arrangement approved under 01/01585/FUL and approved by Highways under 08/01120/FUL.  
Condition requested.

##### **EXTERNAL**

##### **NEIGHBOURS**

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

- Resubmission makes a mockery of planning regulations and law abiding citizens
- Applicant has ignored planning advice and regulations
- Waste of planning time
- This is the same as the plan that was rejected
- Size and imposing nature of building
- Out of character and built higher than nearby buildings
- Too high to be a bungalow
- Roof was originally constructed with dormer frames
- Too close to nearby resident
- Overlooks gardens and properties at the back
- Destruction of trees
- Infringes on privacy and human rights
- Windows at the back look straight into kitchen [of house in Figtree Walk]

##### **COUNCILLORS**

Cllrs Miners and Saltmarsh have both objected to the proposal on the following grounds

- Building is the same as that previously refused planning permission
- Building is not in accordance with the original permission granted
- Obtrusive visual impact on surrounding properties
- No privacy to Figtree Walk properties
- Outside lighting being installed

**a) Introduction**

The series of applications on this site were a result of an enforcement enquiry which established that the bungalow was not being built in accordance with the approved plans. The first application was withdrawn as the plans were inaccurate. The second application was refused by Members in December, however the plans for that application were not accurate either.

This application has been submitted with accurate plans.

**b) Policy issues**

The purpose of relevant policies in this case is to ensure that new dwellings do not have any unacceptably detrimental impact on neighbour amenity, the streetscene or highway safety; and provide a suitable level of amenity for occupiers.

**c) Impact of development on neighbour amenity**

In this case, as permission was previously granted for a bungalow, the issue is not how much the impact on neighbours has changed from that approved under 01/01585/FUL, but whether that impact is unacceptable.

The previously permitted bungalow had a smaller footprint and a lower ridge height in relation to the dwellings to the rear. The elevation along the southern boundary at the rear was the same length, about 14m, but previously the 4m closest to no 82, to the eastern part of this line, was set back from the main part of the rear elevation by about 2.5m. It was also set slightly further away from that boundary.

The side wing, running along the eastern boundary with No 82 Welland Road, was slightly shorter and lower. The ridge was lower by about 0.5m.

Impact on 82 Welland Road has not significantly changed.

The applicant has, as a result of negotiations, included a 2.5 metre wall along the entire southern boundary of the site to ensure no loss of privacy to those residents in Figtree Walk. The wall would be to the north of those properties ensuring no loss of light or privacy to those residents.

The issue of loss of view is not a material planning consideration and there is no right in planning law to a private view. Therefore these objections cannot be taken into consideration.

The installation of lighting to the rear of the property would not be a reason to refuse this application. Should such lighting cause a nuisance to neighbours, it could be controlled via relevant legislation..

**d) S106**

No S106 contributions have been requested as this is a revised application.

The original permission was granted without contribution.

**e) Other matters**

The following comments have also been made.

**Applicant has ignored previous permission / built without permission / lack of action from the Council**

It is not illegal for people to start building before they have planning permission, or to build something that is not in accordance with approved plans. The planning system allows for this, and the developer has the right to submit an application to regularise the unauthorised work which the LPA must evaluate on its merits.

The applicant has not broken any planning law.

The LPA has taken action by investigating the complaint and, as it considers that the revised bungalow may be acceptable, has requested a revised planning application.

The applicant is aware that development is at his own risk, that there is a chance that planning permission might not be granted, and that in the event of a refusal he would have the right to appeal to the Planning Inspectorate.

### **Waste of planning time**

It is a function of the planning system and of PCC Planning Services to provide planning advice to applicants and to process, assess and formulate recommendations relating to applications made in accordance with the relevant legislation, regulations and guidance.

The above processes and procedures have been applied with regards to this application.

### **Too high to be a bungalow**

The bungalow is approximately 5.5m high to ridge, and 2.5m to eaves. A house is usually about 8-9m to ridge, and about 5-6m to eaves. The eaves height to the bungalow is normal for a single storey building, the roof is steeply pitched and therefore higher than some bungalow roofs.

Comments have been made regarding the possibility of the applicant converting the roof space to accommodation at a later date. A condition is proposed to prevent the insertion of windows in the roof, but the use of the space need not be controlled, and light could be provided by sunpipes, which would prevent overlooking.

### **Infringes on privacy and human rights**

Provided that the boundary wall is high enough to block sightlines between the windows of the bungalow and the windows of the houses in Figtree Walk, privacy will be protected. The appropriate height will be established under condition.

Officers have assessed and considered the human rights of all parties involved and consider that no infringement or breach of human rights has occurred in relation to this application.

### **Destruction of trees**

Unless trees are protected, the landowner can remove trees without reference to the LPA.

## **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 bungalow is situated in a residential area on an unallocated site. Development is considered to be in keeping with the character of the area, providing adequate living conditions for residents and a suitable highway access.

The impact on occupiers of neighbouring properties is not substantially worse than the impact of the development permitted under 01/01585/FUL.

The proposal is therefore in accordance with Policies H7, H16, T1 and DA2 of the Peterborough Local Plan 2005 (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions: -

- C1 Within one month of the date of this permission a wall shall be erected along the south-east boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority**

Reason: In order to protect the privacy of occupiers of adjacent dwellings, in accordance with Policy DA2 of the Peterborough Local Plan 2005 (First Replacement).

- C2 The garage and turning shown on the approved plans shall be provided for use prior to the first occupation of the dwelling hereby approved and shall be retained thereafter for the parking and turning of vehicles in connection with the use of the dwelling**

Reason: In the interest of Highway Safety, in accordance with Policy T10 of the Adopted Peterborough Local Plan 2005 (First replacement).

- C3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any roof slope of the dwelling other than those expressly authorised by this permission.**

Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling shall be constructed other than as those expressly authorised by this permission.**

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Ash, Miners, Saltmarsh

This page is intentionally left blank

|  |                      |
|--|----------------------|
| <b>PLANNING &amp; ENVIRONMENTAL PROTECTION COMMITTEE</b> | AGENDA ITEM No.      |
| <b>14 APRIL 2009</b>                                     | <b>PUBLIC REPORT</b> |

|                                |  |  |
|--------------------------------|--|--|
| Cabinet Member(s) responsible: | Cllr W. Fitzgerald – Cabinet Member for Environment  |  |
| Contact Officer(s):            | Barry Fagg – Interim Head of Planning Services<br>Bonnie Kwok – Principal Urban Design Officer | Tel. 01733 453475<br>Tel. 01733 453402 |

## PETERBOROUGH DESIGN REVIEW PANEL

| R E C O M M E N D A T I O N S   |                        |
|---|------------------------|
| <b>FROM :</b> Barry Fagg – Interim Head of Planning Services                    | <b>Deadline date :</b> |
| The Council is requested to approve the establishment of a Design Review Panel. |                        |

### 1.0 PURPOSE AND REASON FOR REPORT

- 1.1 The purpose of this report is to seek approval for the establishment of a Design Review Panel.
- 1.2 This report is for the Committee to consider under its Terms of Reference (Attached below).

### 2.0 TIMESCALE

|   |            |   |            |
|---|------------|---|------------|
| Is this a Major Policy Item/Statutory Plan? | <b>NO</b>  | If Yes, date for relevant Cabinet Meeting   | <b>N/A</b> |
| Date for relevant Council meeting           | <b>N/A</b> | Date for submission to Government Dept<br><i>(please specify which Government Dept)</i> | <b>N/A</b> |

### 3.0 Peterborough Design Review Panel - Details

#### 3.1 Introduction

The Peterborough Design Review Panel (PDRP) is set up to raise design quality throughout Peterborough, by having a team of architects and other design professionals, assess schemes before and after they are submitted for planning permission, in response to National Planning Policy PPS1: 'Good design is indivisible from good planning'. The main purpose of the panel is to advise Peterborough City Council on the architectural merits of any large scheme proposed for Peterborough. The panel will consider a wide range of schemes within Peterborough and will follow procedures and guidelines established by the Commission for Architecture and the Built Environment (CABE).

#### 3.2 Benefits of a Design Review Panel

##### **For the Planning Committee Members:**

- Improving the built environment of Peterborough over time

- Gaining high quality design input to aid decision making
- Support to reject poor design

**For Planning Officers:**

- Gaining valuable design expertise input to help raise design quality and to validly insist on improvement or to reject poor design
- Assistance with advising Committee
- Resolving design conflict

**For Prospective Developers:**

- Assist with efficient processing of the application
- Achieving optimum value of the development
- Getting the best design
- Resolving design conflict

**For the Design Review Panelists:**

- Opportunity to share design skills with other design experts, as part of their CPD (Continual Professional Development)

3.3 Criteria for assessment

Cases referred to the panel will generally meet the following criteria:

**Category A**

Proposals which are significant because of their size or the uses they contain. These include:

- Large buildings or groups of buildings such as courts, religious buildings, museums, art galleries, hospitals, shopping and leisure facilities, and office / commercial buildings;
- Major changes in the public realm such as pedestrianisation schemes or proposals to enhance public squares and civic open spaces;
- Large regeneration schemes
- Infrastructure projects such as stations, and other transport interchanges, bridges and waste incinerators.

**Category B**

Proposals which are significant because of their location. These include:

- Proposals which may affect important views of Peterborough Cathedral
- Proposals that are sited in such a way that may give rise to exceptional effect on their locality: A relatively modest proposal can be of strategic importance if it is situated at an important street junction, in a square, along the River Nene corridor or on the approach to the urban area.

**Category C**

Proposals with an importance greater than their size, use or location would suggest. These include:

- Proposals which are likely to establish the planning, form or architectural quality for future large scale development of redevelopment;
- Proposals which are out of the ordinary in their context or setting because of their scale, materials or detailing;
- Proposals which are particularly relevant to the quality of everyday life and contain design features which, if repeated, would offer substantial benefits for society.



In general, the Panel will not review schemes that have been presented to other design review panels like the Inspire East Design Review Panel or CABE Design Review Panel. Applications will be referred to the Panel at the discretion of the Head of Service and the Planning Committee.

#### **4.0 FEEDBACK FROM LAST COMMITTEE MEETING**

The following DRP issues were raised by Members following the PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE took place in February 2009:

- a)** The possibility of having a level of Planning Committee Member involvement;
- b)** Planning & Environmental Protection Committee to have the ability to refer development proposals to the DRP;
- c)** The DRP is briefed on 'what the city wants' before they start considering schemes;
- d)** Panelists to be sourced as locally as possible; and
- e)** DRP to trial for 2 years, to be reviewed in May 2010.

Each of these issues were addressed by using results of research carried out prior to the DRP proposal, and resolved successfully by discussing the results of these research through a meeting with Councillor Wayne Fitzgerald, Councillor Marion Todd and Mr. Michael Tsoukaris, Design Manager who manages England's first Design Review Panel (Southwark DRP). Details are explained in **5.0** below.

#### **5.0 OUTCOME OF THE CONSULTATION**

- a)** Issue: The possibility of having a level of Planning Committee Member involvement.

Outcome: Both Councillor Wayne Fitzgerald and Councillor Marion Todd agreed that Planning Committee Members' involvement is not required for the DRP.

- b)** Issue: Planning & Environmental Protection Committee to have the ability to refer development proposals to the DRP.

Outcome: It was agreed that the Planning & Environmental Protection Committee will have the ability to refer development proposals to the DRP.

- c)** Issue: The DRP is briefed on 'what the city wants' before they start considering schemes.

Outcome: All Panelists of the DRP will receive a training prior to the first review to ensure that they understand the protocol of the DRP and are familiar with the national and local planning policies, and the emerging aspirations by the Councillors in terms of Peterborough's growth agenda.

- d)** Issue: Panelists to be sourced as locally as possible.

Outcome: Whilst both Councillor Wayne Fitzgerald and Councillor Marion Todd recognised that Panelists from areas other than Peterborough, such as London, who has experience of working on high profile building/regeneration schemes, will bring benefit to the Peterborough DRP, it was agreed that each Design Review meeting will include at least one architect from the East of England region to ensure the availability of local expertise.

- e)** Issue: DRP to trial for 2 years, to be reviewed in May 2010.

Outcome: It was agreed that the DRP should be reviewed in May 2010.

## **6.0 IMPLICATIONS**

- 6.1 Financial – The costs involved travel expenses for Panellists, room hire, lunch and a small honorarium to the Chair of the Design Review Panel.
- 6.2 Staffing – Within existing resources.
- 6.3 Statutory – Design is a material consideration within the development control process and access to independent design advice by the Council is a Best Value Performance Indicator.
- 6.4 Environmental and other – the establishment of a Design Review Panel will make significant improvements to the built environment, public open spaces and new architecture in Peterborough.

## **7.0 BACKGROUND DOCUMENTS**

- a) Peterborough Design Review Panel - Background Research - Appendix 1
- b) Peterborough Design Review Panel – Terms of Reference – Appendix 2
- c) Peterborough Design Review Panel – Presenting to the Panel – Appendix 3
- d) Peterborough Design Review Panel – Code of Conduct – Appendix 4

# Appendix 1

## Peterborough Design Review Panel

### Background Research

To allow for a successful set up and smooth running of the Peterborough Design Review Panel, a series of research including literature reviews, interviews, surveys and visits to other Local Authorities' Design Review Panels, were carried out between September 2008 and February 2009, to identify any potential issues relating to the set up of the Panel, prior to its formation.

#### I. Literature Review: *Review of Design Panels in Yorkshire and the Humber – Executive Summary* (Amelio Consulting Limited, 2008)

Completed by Amelio Consulting Limited in November 2008, this executive summary shows the results of the review of the nine Design Review Panels in Yorkshire and the Humber. The following findings are of particular importance to the effective formation and operation of Design Review Panels:

- The evaluation report suggests that with regards to the *Design Review Panel's structure and composition (P.7)*, where Design Review Panels are managed by Local Authorities, there is a perception that there are close links to the Planning system; where Design Review Panels are managed independently, there are perceived to be benefits in independence, transparency, objectivity and credibility of the Panel as a whole.
- Many of the Design Review Panels interviewed welcome the objectivity of involving predominantly non-local panel members in their DRPs, as suggested by CABE. However, it was suggested that having at least one panel member with some kind of local knowledge is beneficial for the Panel (P.7).
- The Managers of these Panels generally have between 0.5 day and 2.5 days a week to manage the DRPs. The consequent impact on quality and extent of service and reports is significant (P.7).
- Under the heading *Design Panel Governance, Management and Membership (P.8)*, the evaluation report suggests that the degree of independence that the DRPs have, can have a significant influence on the impact that they can have over the schemes: those panels that are populated by independent experts seem to operate more effectively and to have more impact on the schemes that are reviewed.
- Under the heading *Design Panel Governance, Management and Membership (P.8)*, the evaluation report recognized that there is understandably a concern from Planning Committee Members about the influence that the DRPs might have on a Planning Application and what would happen if the outcome of a Design Review conflicted with Committee Members views of a scheme. However, the DRPs that have independent experts, i.e. without Planning Committee Members' involvement, can generally demonstrate that this is not a real need for concern. There is consensus from DRP members that Design Review, if done well, can only support the Planning process.
- The factors that are inhibiting success or limiting the benefits of some DRPs were identified as follows (P.9):
  - a) A small number of local architects being the only external members Panel Members;
  - b) Small honorarium for Panel Members limiting caliber of Panelists as a result of low DRP budget;
  - c) Lack of urban design expertise by both the Panel Manager and Chair.
- The evaluation reports suggested the following Guiding Principles that are critical to the success of a DRP (P.18):
  - a) Fundamental to the success of a DRP is the independence, credibility, stature and composition of the DRP that delivers the service and its Chair who should be strong and effective in his/her duties.

- b) Remuneration of Panel Members – must be sufficient to attract the best caliber, accepting that the prestige of the DRP and the virtue of participating will play a part.

## II. Interviews and Surveys:

In order to test the viability of having only external members to be the Panelists for the Peterborough DRP, between October 2008 and February 2009, a series of interviews and surveys had been conducted with the following organizations that have a good reputation with their DRPs:

- Commission for Architecture and the Built Environment (CABE)
- Cambridge City Council
- North Lincolnshire Council
- Southwark Council
- Newham Council
- Eastbourne Borough Council

All of the organizations interviewed indicated that their DRPs have been a very useful in terms of obtaining design expertise input to help raise design quality. They all recognize that the DRP merely provides a technical appraisal for potential schemes, rather than functioning as a political or decision making body. With the exception of CABE, the rest of the DRPs are independent from the Council to avoid causing potential issues with conflict of interests from Members of the Planning Committee. The general perception is that allowing Planning Committee Members to be part of a DRP is inappropriate as they could be seen as having too closely involved with the Planning Approval process and obtaining two chances to determine an application.

## III. Visits to other DRPs:

The following visits were made between October 2008 and December 2008 to some of the most successful DRPs near Peterborough, in order to gain a clear understanding of how a DRP is facilitated and managed:

- Cambridge City Council
- Southwark Council

During the visits, the representative of Peterborough City Council was given the opportunity to speak to both the Local Authority's DRP Manager and the Chair of these DRPs. In summary, the visits show that one of the key factors that has brought real benefit to the LPA is that their DRPs are independent of the LPA, and consist of professionals who are genuinely interested and knowledgeable about architecture and urban design, not having vested interest in a scheme.

The prospective 'applicants', i.e. architects and designers who presented their schemes to these DRPs have been fully supportive of the advice.

## **Appendix 2**

### **Peterborough Design Review Panel**

#### **Terms of Reference**

##### **1. Panel Members**

The Peterborough Design Review Panel (PDRP) will have 20 panelists. The pool of experts will include innovative and distinguished architecture and design practitioners. They will be chosen locally and in areas that have significant numbers of high profile schemes, such as London. Internal advisors will include the Principal Urban Designer, the Principal Built Environment Officer, a Development Control Officer and the Access Officer.

Based on advice received from the Commission for Architecture and the Built Environment (CABE), in order to avoid any potential issues with conflicts of interests, it is paramount that the majority of the panelists are professional and external to the Council, to ensure high quality, independent advice.

The Chair of Peterborough Council's Planning Committee, however, under exceptional circumstances, can attend the PDRP meeting strictly as an Observer, subject to agreement by both the Chair of the DRP and the prospective applicant. The Chair of the PDRP must endeavor to ensure that the Chair of Peterborough Council's Planning Committee is made aware of any confidentiality issues related to the scheme concerned.

In order to avoid fettering the ability of Members to comment and vote on applications when reported to Committee and to avoid pre-determination of issues, Members of the Planning and Environmental Protection Committee will not be included in membership of the panel.

While the role of the Peterborough Design Review Panel (PDRP) is purely advisory, the panel's comments carry a lot of weight. Any comments from the PDRP are fed in to planning inspectors and any planning inquiry.

Panelists are selected every two years through invitation by Peterborough City Council. Membership of the panel will be limited to a period of two years. Panelists will be able to re-apply but there is a strong presumption that membership will change.

The Peterborough Design Review Panel (PDRP) will be composed of the Chair and at least 4 panelists. The Chair of the Panel will be selected and appointed every two years jointly by the Head of Planning and the Principal Urban Design Officer. The Principal Urban Design Officer will manage and administer the panel. A technical officer will assist the Principal Urban Design Officer in preparing draft reports following each Design Review meeting, which will be agreed by the appointed Chair and then circulated to the panelists.

Panelists must endeavour to attend all meetings that they have indicated they will attend. If they are unable to attend they should send an apology in advance of the meeting to the Principal Urban Design Officer. Membership of the panel is voluntary and unpaid, but it is recommended that the Chairman could be remunerated with an honorarium annually. The costs to the Council will amount to provision of meeting venue, refreshments and travel subsistence.

##### **2. Operation of the Peterborough Design Review Panel (PDRP)**

The PDRP will meet every two months, normally on the first Tuesday with each panel meeting lasting from approximately 14:00 until 17:00, always assuming that there is an appropriate scheme

to be considered.

### **3. Panel Meetings**

The meeting will commence with a briefing of the scheme(s) by the Principal Urban Design Officer. Each scheme will then be allocated a one-hour slot with a 20-minute presentation by the architect or the designer (See *Appendix 1 for guidelines for those presenting to the Panel*). Panelists will then have 20 minutes to ask the architect or the designer questions. The architect or the designer will then have to leave the meeting. The panel will then have 20 minutes to discuss and form views on the proposal. The discussion will conclude with the Chair summarising the Panel's advice.

### **4. Feedback from Panel Meetings**

Following the Panel Meeting, within 15 working days a written Design Review report will be produced by the technical officer, supervised by the Principal Urban Design Officer. This report will be checked and approved by the Chair prior to distribution. This report will contain comments on the architectural, urban design qualities and implications of each proposal, and recommending actions or options to improve the design quality of the proposal. These comments will be distributed to all those invited to the meeting.

The aim of the report is to assist and to encourage the potential to achieve high quality design. With regard to formal planning applications, the contents of the report should be conveyed to the relevant Planning Committee through the planning officer's report and will be regarded as a material consideration. The Panel's report on pre-application enquiries will be confidential until such time as a full application is submitted.

### **5. Information provided to the panel on schemes to be presented**

For each proposal considered by the panel, information will be sent at least two weeks in advance of the meeting to the Principal Urban Design Officer. The information generally includes:

- One A4 page written summary describing your scheme
- Four images
- Site plan
- OS extract

### **6. Conflicts / Declarations of Interest**

Panelists are expected to act in the public interest and adhere *to the seven Nolan Principles of Public Life (Appendix 2)*.

It is important that panelists avoid any conflict of interest that might arise from schemes they consider. Any panelist who in the preceding 12 months have been personally or professionally involved with a particular proposal under discussion, or who may otherwise be considered to have a conflict of interest, is required to notify both the Chair of the DRP and the Principal Urban Design officer in respect of the scheme concerned. The list of the projects to be reviewed will be provided up to a week prior to the meeting and panelists will be expected at this stage to declare any direct or indirect interests in the project. Panelists should declare an interest and not participate in reviews where they have an interest. In the case of a direct interest the panelist should leave the room during the panel's private discussion of the project, and takes no part in the forming of the panel's views. Conflicts of interest will be recorded in the minutes by the Technical Officer.

The panel will review proposals which may be refused by the Council. If any of the panelists are approached to become involved in sites that have been presented to the Panel which they sat on, they should not do so until at least 24 months after the Council has determined the scheme.

## **7. Schemes put forward by Panelists**

Panelists may attend meetings as part of a team presenting a project; however they should not attend any other part of the same meeting in their capacity as a Panelist.

## Appendix 3

### Peterborough Design Review Panel

#### Presenting to the panel

Projects at the panel are allocated an hour slot of which the architect or designer should allow a maximum of 20 minutes for the presentation, which will be followed by questions, comments and recommendations from the panel. The presentation should include a brief introduction to the scheme, background, aims, concept and describe the scheme with reference to the plans and drawings.

#### Presentation materials

Presentation material must be clear and legible allowing the scheme to be clearly viewed and understood. Schemes should be presented using A1 design panels, these will allow flexibility in particular comparing various aspects with discussion taking place around the display boards. Ideally, the images shown on the A1 design panels should also be used for the compilation of a PowerPoint presentation so that everyone in the meeting can have a better grasp of the overall design idea of the scheme.

Supporting material including drawings, photographs, models is encouraged where they provide a greater understanding of the project. 3D Fly-throughs are also encouraged if they add value to the information that has already been provided.

The presentation should be clear on the aspirations of the project as well as the understanding of the context and how the projects sits and relates within its surroundings.

The following points can serve as a general guide of what is expected from a presentation:

- **Contextual analysis** showing the site in relation to its surroundings.
- **Movement** systems including pedestrian, cycle and road networks, e.g. connection to the Peterborough Green Wheel.
- **Accessibility** links to public transport.
- **Urban and street patterns** if relevant. (Usually applicable to masterplans and projects of larger scale).
- **Building context** including ownerships, conservation areas, existing buildings to be retained and/or demolished, listed buildings and new buildings.
- **Building mass** in particular new buildings with regard to their height, size, scale and relation to adjoining sites.
- **Open spaces** both existing and proposed, especially how they relate to the buildings and the public realm as well as movement patterns and orientation.
- **Public realm** treatment and orientation and site sections to show its relationship to the proposed building and adjoining areas.
- Plans, sections and elevations of proposed building sufficiently annotated to explain **purpose of spaces**, orientation and scale. These plans can be sketches or diagrams.
- **Views and panoramas** to and from the building (especially if it lies within a conservation area or if it can potentially have an impact on views of the Peterborough Cathedral). It is useful to show existing views and new views with proposed scheme.
- Detail drawings or visual examples of use and treatment of **materials** and if applicable, **energy efficiency** proposals.

#### Further Information

Peterborough Design Review Panel strongly advise seeing projects at an early stage so that any changes and recommendations can be taken on board. We are not looking for detailed plans, but an overall understanding of the project and its relationship with the context.

For further guidance on a project framework and a thorough explanation of key issues for quality projects the "Design Review" from CABE is available at: <http://www.cabe.org.uk/publications/>



## Appendix 4

### Peterborough Design Review Panel

#### Code of Conduct

##### 1. Key Principals underpinning this Code of Conduct

1.1. The Peterborough Design Review Panel will adopt a Code of Conduct based upon the best practice recommendations of the Nolan Report on Standards in Public Life.

1.2. ***The seven Nolan principles of public life***

**- Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**- Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

**- Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**- Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**- Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reason for their decisions and restrict information only when the wider public interest clearly demands.

**- Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**- Leadership**

Holders of public office should promote and support these principles by leadership and example.

##### 2. Breach of Code of Conduct

2.1. A breach of this Code of Conduct will be followed by:

2.1.1. A verbal warning from the Chair on behalf of the Panel

2.1.2. Ongoing failure to comply with the Code of Conduct will be followed by a written warning from the Chair on behalf of the Panel

2.1.3. If a panel member still fails to comply with the Code of Conduct and/ or cannot offer a satisfactory explanation for his/her behaviour a motion will be put to the panel to suspend the person from the panel. Future participation by that person will be dependent on a commitment being given in writing to the Chair, that such behaviour will not recur.

2.2. Any panel member can- and should- alert the rest of the panel to a breach in the Code of Conduct by raising this issue with the Chair and/or the Council officer either at the time or immediately after a meeting. A breach of this Code of Conduct is understood as follows:

- A breach of any of the nine rules outlined above as judged by a majority of the panel

embers.

**CASE OFFICER:** Theresa Nicholl  
**TELEPHONE:**  
**E-MAIL:** [theresa.nichol@peterborough.gov.uk](mailto:theresa.nichol@peterborough.gov.uk)

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

The main considerations are:

- The establishment of a protocol for dealing with pre-application enquiries
- The establishment of a scale of charges for non-householder pre-application enquiries
- The development of a PCC Planning Performance Agreement Charter following consultation with key stakeholders

The Head of Planning Services recommends that the Peterborough City Council Pre-Application Advice Protocol and Scale of Charges be approved. Additionally, Members are asked to endorse the establishment of a Planning Performance Agreement Charter following consultation with key stakeholders.

## **2 PRE-APPLICATION ADVICE**

The giving of planning advice on proposals that are not submitted as planning applications is not a statutory function that must be carried out by Local Planning Authorities (LPAs). In practice, the majority of LPAs will offer such a discretionary service and increasingly are being advised by central government that "front – loading" the system i.e. doing much of the work up front in the process, will provide greater clarity to developers and enable LPAs to be more effective in dealing with planning applications. Indeed the Government commissioned and has recently responded to the Killian Pretty Review into the effectiveness of the current planning system. Both the Review and Central Government recognise the pre-application stage is critical in the process of delivering good development and strengthening of early and effective engagement of stakeholders.

Planning Services at Peterborough do offer pre-application advice. Presently that advice is free to all and there are no set parameters as to the amount of resource that the LPA will commit to individual projects. Officers have been offering advice on some large schemes over long periods of time. The cost of providing that officer resource is not covered by planning application fees and is therefore met from the general budget. When a scheme is submitted for pre-application advice, there is no guarantee that this will be followed up by a planning application. As the service is free, there is no disincentive for speculators to submit schemes which are unlikely to come to fruition, enabling officers to concentrate on schemes which are more likely to be deliverable.

In order to address these types of issues, some Local Authorities have introduced charges for pre-application advice. The mechanism for doing this is Section 93 of the Local Government Act 2003 which allows Local Authorities to charge for non-statutory services. Such charges can only cover the non-statutory element of the planning application process – i.e. prior to the application being submitted and can only cover the cost of providing that service as such must be on a not for profit basis. Despite this, the fees charged by LPAs for pre-application advice varies considerably from £110 for each pre-application enquiry at East Hampshire Council to £2937 for 40 dwellings/1500 sq. metres commercial floor space at Westminster Council.

We have looked at the variations in levels of charging for various local authorities. It is estimated that taking into account the total costs to the City Council for providing pre-application advice, depending upon the complexity of the proposal, that the proposed charges as set out in Appendix A are fair and reasonable and will not result in profiteering. It is therefore proposed to use this model in Appendix A as the basis for the Pre-application Advice Protocol and Scale of Charges for Peterborough.

It should be noted that pre-application advice to householders seeking to extend or improve their own property, including occupiers of residential (single dwelling) listed buildings will continue to be free of charge.

The introduction of the Protocol and Charges will bring several benefits to both customers/potential applicants and the Council alike, the main ones being;

- A consistent approach to handling pre-application enquiries
- A timescale and clear steps that will be undertaken by officers as set out in steps 1 – 6 in Appendix A
- Clarity on what is expected to be provided to the Council to enable the officer to deal with the enquiry – see Appendix A
- Most likely a reduction in the more speculative requests for advice, enabling focus on more deliverable schemes
- Potential blockages to schemes are identified early on – potential further work indentified
- Potential saving of developer time and money on schemes that are unlikely to be approved

Members should also note that following the Killian Pretty Review, Government may make recommendations relating to pre-application advice including setting levels for charging. In any event, the charges will need to be reviewed from time to time to reflect actual costs to the Authority.

### **3 PLANNING PERFORMANCE AGREEMENTS**

Planning Performance Agreements (PPAs) are a project management tool that have been developed by the Advisory Team for Large Applications (ATLAS) and endorsed by the Government. (Further information about ATLAS is included at Appendix B).

PPAs can be agreed between the Local Authority and a prospective applicant as a means for setting out an overarching aim or “vision” for a particular development site, an agreed set of expectations/aims for each party and a timescale for achieving these aims. The PPA can be agreed at the outset of the development process i.e. at the beginning of the pre-application discussions and can run through the process in to post decision/conditions discharging phases if appropriate. It is a means for setting out a framework for who will lead the project from the developer and Local Authority sides, how and with whom consultation will take place and will identify other partners/consultees to be involved in the process.

PPAs are best used on larger or more complex developments i.e. those that might be more contentious and will need significant input from many partners/bodies. Such developments may also include those requiring Environmental Impact Assessments.

The benefits to the developer of entering into a PPA include;

- Certainty as to timescales
- A named project team form the Council

The benefits to the Council of entering into a PPA include;

- Ability to take the application out of the NI 157 target (usually 13 weeks) as long as the PPA is in place prior to an application being submitted.
- Will help to provide a framework for assessing proposals/setting up of steering and topic groups and the potential for improved partnership working
- Will set out a framework for engaging Members earlier on in the process without affecting the ability of Members of the PEP Committee to determine the planning application.
- The Council can charge for the pre-application stage of the PPA

The benefits to the wider community include;

- Better community engagement
- A more transparent system

- Where development does gain planning permission, a better quality of development

ATLAS recommends that Local Authorities adopt their own PPA Charters following consultation with Members and key consultees across and outside the Local Authority. Successful project management, whether it is at pre-application or application stage requires “buy-in” from other departments and partners whose input will be required. At present, project management is ad hoc and developers often might approach several arms of the Council and other bodies outside the Council with a view to discussing their proposals. Planning Services may only get involved relatively late in the process and it is considered that adopting a PPA Charter will help to address these issues through a co-ordinated project management approach.

ATLAS and CLG have published a Guidance Note “Implementing Planning Performance Agreements”, which sets out the following components that should be included in a PPA Charter. It is these aims that the proposed working group will be seeking to achieve in a Peterborough PPA Charter:

- State the LPA’s commitment to a collaborative process, good project management and achieving high quality sustainable development (agreed amongst parties therein)
- State the pre-agreed commitment of LPA departments, statutory agencies and service providers to the PPA process
- Set out the key requirements for the statutory application process and expected content of a PPA
- Set out an approach and actions applicants are expected to commit to
- Set out how the LPA will engage with Members
- State the LPA’s expectations for Community involvement
- Set out the LPA’s approach to resources and, if relevant, their expectations of support to deliver the PPA process from the private sector, and
- Set out any pre-application fee charges

It must be stressed that PPAs are voluntary and both the Council and the developer will both need to agree that a PPA is the best option for project managing a particular proposal.

## **9 RECOMMENDATION**

1. That the Pre-Application Advice Protocol and Scale of Charges as given at Appendix A, is approved and is to be implemented forthwith, following letters of notification being sent out to planning agents and relevant customers;
2. That the Head of Planning Services be authorised (and can delegate as appropriate) to lead on and set up a working group of key cross-departmental officers and including a Member of the PEP Committee (to be nominated by the Chair) to develop a Planning Performance Agreement Charter for Peterborough City Council. The draft PPA Charter produced by the group shall be put before the PEP Committee for approval. The Planning Officers can seek advice in this regard from ATLAS and in the meantime can negotiate PPAs on individual schemes in accordance with the Pre-Application Advice Protocol/Scale of Charges.

This page is intentionally left blank

## **APPENDIX A**

*(This will form the basis of a guidance note and application forms for requests to receive pre-application advice)*

### **PETERBOROUGH CITY COUNCIL PRE-APPLICATION ADVICE SERVICE PROTOCOL AND SCALE OF CHARGES**

#### **What is the pre-application advice service?**

Our pre-application advice service provides you with advice before you submit an application to help you with preparation issues.

The Local Government Act 2003 allows us to operate a scheme of charging for discretionary services e.g. pre-application advice on certain types of development so that the costs of providing the service do not fall to the Council Tax payer, and service can be improved. (The current statutory planning application fees do not cover the cost of pre-application advice).

---

#### **What we will provide as part of the service**

Seek to ensure that there is consistency in dealing with your pre-application advice and any subsequent applications for planning permission

Information on key planning policies and previous planning decisions

Named contacts

Advice in relation to all relevant planning matters and the planning merits of the proposal

Informal comments and guidance, which are without prejudice, on the content, construction and presentation of an application likely to satisfy the Council's planning policies

Advice on the documents to be submitted with your planning application and procedures as necessary

---

#### **Information we do not provide as part of the advice**

Detailed technical advice

Drawing up of plans

Design the proposal for you

---

*Please note: The Council cannot give any weight to pre-application advice more than 1 year old, or where there has been significant change in policy or circumstances since the advice was given.*

## **The Benefits of Pre-Application Advice**

It explains how planning policies and other requirements affect your proposals

It identifies at an early stage any need for specialist input (e.g. listed buildings, conservation areas, trees, noise, health, highway issues)

It gives an indication of the likely requirement for contributions to be made by a developer (e.g. levels of affordable housing, highways, education or any other payments)

It helps you to prepare your planning application and provided you take all the advice into account, your application will be dealt with without unnecessary delay

It reduces the time that you and your professional staff / consultants spend on working up your proposals

It highlights unacceptable proposals, thereby saving you the time and costs of submitting a formal application

---

***Please note: The pre-application advice you receive will help you to submit a complete and accurate application for planning permission which complies with the relevant policies, plans and guidance. The pre-application advice will be taken into account but it cannot guarantee that planning permission***



***will be granted, for example planning committees do not have to accept the officers' recommendations.***

***Where pre-application advice is not followed subsequent planning applications are likely to be determined without further negotiations.***

## **Fee Categories**

### **CATEGORY A- Major Projects (Large Scale, Complex Development)**

Residential units where the site area exceeds 1ha

2000 sq m or more commercial floor space

Mixed use developments on a site exceeding 1 ha

Development requiring an EIA

Telecommunications equipment and masts-composite proposals for 10 or more sites

Up to 2ha - £2,500

Over 2ha - This fee will be determined on a case by case basis

Planning Performance Agreements will be positively encouraged for all major projects and will form part of the negotiation starting at the pre-application stage.

---

### **CATEGORY B- Other Major Developments**

Provision of 10 or more residential units or where the site area is 0.5-1ha.

Provision of 1000m<sup>2</sup> - 2000m<sup>2</sup> of commercial floor space

Mixed use developments on a site 0.5-1ha

Change of use of buildings or land exceeding 500m<sup>2</sup>

The fee for these will be £1,500

---

## **CATEGORY C- Minor Developments**

Small scale residential (1-9 dwellings and where site is less than 0.5 hectares)

This is a sliding scale of:

1 dwelling - £50

2 dwellings - £150

3-5 dwellings - £400

6-9 dwellings - £750

Listed building and conservation area consent advice for non-domestic uses - £150

Small industrial / commercial developments or changes of use 250 sq m - 1000 sq m - £750

Large commercial advertisements - £750

Individual proposals for Telecommunications equipment and masts - £750

---

## **Exemptions**

The charging scheme will not apply to advice sought in connection with very small business premises, and related advertisement proposals, householder schemes (small extensions / alterations), listed building and conservation area consents affecting domestic property, certificates of lawfulness, enforcement or advice to any local resident affected by a development. Such advice at this time will continue to be provided free of charge.

## **Fees and Charges**

The fee covers all research time on a case (including a site visit) by a Development Officer, meetings and a final written response. For Category C proposals, a meeting will only be held at the discretion of the case officer.

Where additional Officers are required at meetings to give specialist advice, there will be an additional flat rate of £50.00 per hour or part thereof.

## **Payment Options**

Initially:

By cheque (made payable to Peterborough City Council)

OR

Following receipt of an acknowledgement letter containing a "Pre-App" reference number

By cheque (made payable to Peterborough City Council)

(We will set out other payment methods in our guidance notes/forms)

***THE FEE NEEDS TO BE PAID BEFORE A REQUEST FOR PRE-APPLICATION ADVICE WILL BE PROCESSED***

## **How will the pre-application advice service work?**

### **Step 1**

Submit pre-application request form and payment (if payment is made by cheque)

### **Step 2**

We will write to you within 5 working days to acknowledge your request, and give you a reference number stating the fee required if you have not already paid

### **Step 3**

We will contact you within 10 working days from receipt of payment to arrange a meeting (if necessary)

### **Step 4**

Research/meeting with a development officer if necessary/site visit

### **Step 5**

For minor developments, within 10 working days following step 4 above (or within 30 working days from receipt of payment if a meeting is not necessary) we will provide you with a full written response. For major projects and some major applications, target times for projects needs to be negotiated. We will also outline any actions you may need to take in order to make your applications valid and give details of any groups or organisations we think you may need to consult with.

## **Step 6**

Is further specialist advice required?

If YES, another meeting will be arranged but an additional fee will be required. You then submit a formal application/decide not to submit a formal application, in light of our advice.

If, NO, you decide whether or not to submit a formal application in light of our advice.

## **What the applicant will need to provide in order for the officer to be able to deal with the enquiry**

(We will provide appropriate forms and a checklist). Apart from the correct fee, the applicant must provide (essential), the following information:

- Site location plan at 1:1250 or 1:2500
- Drawings and sketch elevations at suitable scales eg. Floor plans at 1:100 or 1:50, elevations at 1:100 or 1:50, block plan at 1:500 and architectural detailing at 1:10 or 1:5 (particularly relevant with proposed alterations to listed buildings)
- Written details of the proposals
- Draft outline of a Design and Access Statement

Other material such as photographs, site surveys, transport assessment, Flood Risk Assessments will be optional at this pre-application stage. The more complex and large scale the proposal, however, the more detail will be likely to be required.

## **Contact Details**

If you have any questions, then please do not hesitate to contact us by telephone or email at:

Planning Services

Peterborough City Council

Stuart House East Wing

St John's Street

Peterborough

(telephone and email address to be added)

### **Further Reference**

The Planning Advisory Service:-

“A Material World – Charging for Pre-Application Advice”

[www.pas.gov.uk](http://www.pas.gov.uk)

Department for Communities and Local Government and Advisory Team for Large Applications:-

“Implementing Planning Performance Agreements” Guidance Note

This page is intentionally left blank

## **APPENDIX B**

### **ADVISORY TEAM FOR LARGE APPLICATIONS (ATLAS)**

ATLAS is part of the Homes and Communities Agency. Its role is to help unblock the issues holding up large applications, increase the knowledge and expertise of councils in handling such projects, share good practice across the sector and act as a partner to councils and independent reviewer of large applications and issues.

#### **HOW ATLAS OPERATES**

ATLAS will engage where requested by the council on a case by case basis at any stage of the development process. Sites will generally be large (at least 500 housing units).

Following initial discussions of the issues facing the project, the tasks requiring the input of the team will be identified and agreed. An 'engagement agreement' will then usually be put in place with the council including tangible targets and milestones.

ATLAS currently has 20 staff, comprising qualified planners with extensive planning and development experience and specialist expertise in specific areas such as transport planning, environmental sustainability and social infrastructure.

In addition, ATLAS is able to draw on the resources of the HCA's National Consultancy Unit on specialist issues. Consisting of a comprehensive group of development professionals, the Unit includes urban designers, policy planners, transport planners, civil engineers, community consultation experts, sustainable development experts and project managers.

To make the best and most efficient use of its staff, ATLAS provides advice rather than acting as an extra staff resource. Inevitably, there will be cases where it will be appropriate for focused pieces of work to be undertaken by ATLAS staff. However, in most cases the council would be expected to undertake the work supported by ATLAS guidance. This may mean ATLAS would also help local authorities identify and manage external consultants where work cannot be undertaken in-house.

#### **HOW ATLAS CAN HELP**

ATLAS can offer councils advice on a broad range of issues, including:

Policy and process

- development planning and the implications of current government policy
- brokerage, co-ordination and negotiation of major development proposals
- project management
- planning frameworks and development plans.

## Themes and outcomes

- urban design and density issues
- modern methods of construction and innovation
- building design and sustainable standards of design
- affordable housing negotiations and design
- flooding (including sustainable urban drainage), waste and energy
- transportation and access
- environmental impact assessment
- social, economic and health assessment.

ATLAS has had considerable success in providing independent advice and assistance on a variety of projects in the past year. Feedback from these projects suggests that the earlier ATLAS is engaged in the process, the greater the impact on the outcome of the project. Councils also appreciate ATLAS' ability to access government agencies at all levels to assist the outcome of a project.



P &amp; EP Committee 14 April 2009

## Enforcement Action in West Ward

REFERRED: HEAD OF PLANNING SERVICES  
 CONTACT OFFICER: NIGEL BARNES  
 TELEPHONE: 01733 453507  
 E-MAIL: [nigel.barnes@peterborough.gov.uk](mailto:nigel.barnes@peterborough.gov.uk)

**1 SUMMARY**

The committee is asked to consider appropriate enforcement action in relation to an unauthorised development in accordance with section 2.6.1.3 of the City Council constitution.

**2 NATURE OF EXEMPT INFORMATION**

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

| ITEM NO. | APPLICATION REF. | REASON   |
|----------|------------------|--|
| 9        | 08/00314/ENFEXT  | Disclosing the information is likely to identify an individual or company where prosecution is being considered. |

This page is intentionally left blank