

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 12 JANUARY 2010</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOM - TOWN HALL</b>
CONTACT:	Gemma George <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<b>4 January 2010</b>

### AGENDA

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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

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

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

Subs: Councillor C Day and Councillor Sharp

### **CASE OFFICERS:**

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

Minerals and Waste: Susan Marsh

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

### **NOTES:**

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

Minutes of a Meeting of the Planning and Environmental Protection Committee held at the  
Town Hall, Peterborough on 24 November 2009

Members Present:

Chairman - Councillor North

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

Officers Present:

Nick Harding, Planning Delivery Manager  
Susan Marsh, Principal Planning Officer (Minerals & Waste)  
Julie Smith, Senior Engineer (Development)  
Carrie Denness, Principal Solicitor  
Gemma George, Senior Governance Officer

1. Apologies for Absence

There were no apologies for absence received.

2. Declarations of Interests

5.1 Councillor Todd stated that she was the Ward Councillor for the item but she had no personal or prejudicial interest. Councillor Todd declared that she had also been on a visit to the Stallingborough Integrated Waste Management Facility in Grimsby, but this would not affect her decision.

Councillor Ash declared that he had taken part in discussions on this item within the Waste Recycling Group and in the interest of probity and public perception he would leave the room for this item.

Councillor Thacker declared that she knew Mr Olive who was speaking in objection to the item.

Councillor Kreling declared that she was a member of the Waste and Recycling Group but this would in no way affect her decision.

Councillor Lane declared that he had also attended the visit to the Stallingborough Integrated Waste Management Facility in Grimsby, but this would in no way affect his decision. He also declared that he had received emails from Friends of the Earth and Proforum.

The Legal Officer requested confirmation from the Committee that the same information had been received by all Members. All Members agreed that they had received emails from both Friends of the Earth and Proforum.

Councillor C Burton declared that he was the Chair of the Environment Capital Scrutiny Committee but this would in no way affect his decision.

Councillor North declared that he sat on the Environment Capital Scrutiny Committee but this would in no way affect his decision.

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

There were no declarations from Members of the Committee to make representation as Ward Councillor on any item within the agenda.

4. Minutes of the meeting held on 27 October 2009

The minutes of the meeting held on 27 October 2009 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

The Committee agreed to vary the speaking scheme for item 5.1, Construction of Energy from Waste Facility. A request had been submitted from an objector, Mr Olive, to allow eight minutes for objectors and in order to ensure a fair hearing, an equal amount of time was agreed for the supporters.

Councillor North advised the Committee that item 5.3, 62 Francis Gardens, had been withdrawn from the agenda.

Councillor Ash left the meeting for the following item.

5.1 09/00078/MMFUL – Construction of Energy from Waste Facility including access from Fourth Drove and exit on to Fengate, Fourth Drove, Fengate, Peterborough

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

The main elements of the facility would be:

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

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

The plant would have a maximum throughput of 65,000 tonnes of waste per annum and the capacity to generate approximately 34,000 MWh/yr of electricity, of which 28,000 MWh/yr

would be available for export to the national grid with the remainder being used within the plant itself. The plant would have the ability to produce approximately 127,000 MWh/yr of heat with 102, 000 MWh/yr available for export.

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

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

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

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

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

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

### **EfW Process**

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

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

Hot gases from the combustion process would pass through the post combustion chamber and into a boiler which takes heat from the combustion process and creates steam and heats

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

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

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

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

### **Site Clearance and Construction**

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

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

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

The Planning Officer addressed the Committee and gave an overview of the main issues surrounding the proposal, namely the location, the volume and sourcing of waste, the landscape and visual impact, archaeology, biodiversity, highways issues, amenity issues, health issues and flooding issues.

Members' attention was drawn to additional information contained within the update report. Clarification of what would be required within a legal agreement, which was included within the recommendations in the committee report, was highlighted. Members were also informed of a proposed condition rewording and a related proposed requirement within the legal agreement to require a scheme of hydrological monitoring to be submitted.

An update on comments received from the Environment Agency was also highlighted to the Committee. Members were advised that there had been an outstanding objection from the Environment Agency which had subsequently been withdrawn subject to this Authority applying the Sequential Test and attaching the condition included in the update report to any approval of planning permission.

Local Highway Authority updated comments were also set out in the update sheet and contained a condition to be added if permission was granted.

Additional comments had also been received from a local resident and were highlighted in the update sheet but, in essence, did not relate to specific planning matters.

Mr Richard Olive, an objector and Member of Friends of the Earth, addressed the Committee and responded to questions from Members. In summary the concerns highlighted to the Committee included:

- The frustration which had been experienced by Friends of the Earth over the application
- The fact that the Council had not officially identified the type of energy from waste treatment facility to be considered. There were at least eight or nine different options which could have been looked at
- The extensive research undertaken by Friends of the Earth and the dismay at the lack of comments from this research being included in the Committee report
- The refusal by the Council to identify in the Committee report the type of incinerator it intended to use
- The fact that Friends of the Earth had not been permitted to comment on the type of incinerator, the technology, any of the alternative waste treatment types, the extent of the types of emissions, the waste to be disposed of, the health aspects of the proposal or the costs. This was due to the comments all relating to the principles of the type of waste facility selected by the Council as Waste Management Authority and not the planning application
- The proposed size of the building was too large at 65,000 tonnes. Assuming that Peterborough achieved its 65% plus of recycling, even with an increased population combined with waste reduction, it would only need a maximum capacity of 36,000 tonnes
- The Friends of the Earth believed that the Council was incorrect in preventing discussions on incinerator principles because it did not endorse an incinerator at its full Council meeting, it agreed to proceed with “residual treatment with emphasis on energy resource recovery (energy from waste)”
- Friends of the Earth did not believe that the incinerator proposal accorded with the sustainable community strategy
- It was not in line with policy WLP1, Sustainable Waste Management
- It was not in line with the Waste Strategy of England, policy WSE2007
- It was not best the best practical environmental option for dealing with Peterborough’s waste
- It did not assist the waste hierarchy
- It did not accord with the Climate Change Strategy of Peterborough 2007
- It did not accord with the proximity principles
- The proposals conflicted with Planning Policy Statement 10, “planning for sustainable waste management”
- The proposal would add to the cumulative effect of pollution fall out on Eye and Thorney and it failed to take into account the total emission effects alongside the PREL development
- The numerous concerns which had been highlighted by residents of Peterborough in the local press
- The number of other technologies that could be classed as “energy from waste”, other than incineration
- The amount of plastic waste that would be burnt ultimately increasing the global warming problems. This would go against Peterborough aiming to become the environment capital UK
- Could the Council remove all plastic up front, as had been proposed with the PREL application?

- The proposal should be decided by public inquiry
- The application was not the best sustainable way of treating Peterborough's waste
- Peterborough was aiming to become the environment capital of the UK and needed a greener way of disposing of its waste

Mr Richard Pearn, the Waste Programme Manager for Peterborough City Council, addressed the Committee on behalf of the applicant, Mace Ltd, and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The broad aspirations of the Council with regard to waste and recycling, which were captured in the Council's 65% plus campaign
- The tough targets set by Europe regarding the amount of waste going to landfill
- The high aspirations set by Peterborough City Council in excess of the 65 % recycling and composting, part of these aspirations were to divert up to 100% of waste away from landfill and to move towards a zero waste strategy
- The Energy from Waste Facility was primarily to manage the residual waste left over after intensive kerbside recycling and composting operations
- The facility would recover more value from waste in terms of heat and energy
- The East of England regional plan (Regional Spatial Strategy) had set challenging targets for recycling and recovery of municipal and commercial waste, and it indicated that by 2021 there would be a need for up to 14 million tonnes of treatment capacity and recycling capacity for the East of England Region
- The Regional Assembly had confirmed that the proposed application would contribute towards targets
- Landfill treatment was in extremely short supply and the Dogsthorpe site was due to close in 2013
- The facility would help produce energy in the form of electricity and heat which could be supplied to the national grid and to local businesses
- The application complied with the statutory development plan and other relevant planning policies, strategies and guidance
- None of the relevant consultees had indicated that the development would give rise to environmental or other issues and controls could be added onto the Environmental Permit if it was successful in gaining planning permission
- There was an overriding need for the facility in order to support the future waste management of the city
- The facility would contribute to the City's Environment Capital aspirations
- The facility would be in a suitable location
- The proposals would not give rise to any significant environmental or amenity impacts
- The proposals had been considered by the PCT and the Health Protection Agency and they had confirmed that the facility would not give rise to significant affects on health

The Planning Officer addressed the Committee and responded to several of the points that were highlighted by Mr Richard Olive in objection to the application.

The Highways Officer stated that the site had been assessed for traffic impact and it was advised that the amount of traffic travelling to the site would not substantially increase the traffic flow in the area.

After debate, a motion was put forward and seconded to approve the application. The motion was carried unanimously.

**RESOLVED:** (unanimously) that the Head of Planning Services be authorised to grant planning permission (with conditions) subject to:



1. There being no call in of the application by GoEast
2. A legal agreement (Unilateral Undertaking) being entered into in respect of a hydrological monitoring, scheme (relating to the preservation of buried archaeological remains) as set out in the update report and the payment of contributions in respect to Padholme Catchment Flood Protection Strategy, Strategic Highway contribution and monitoring of Travel Plan/Sustainable Transport contribution.
3. The conditions numbered C1 to C28 as detailed in the committee report
4. Compliance with the various notes relating to the decision as detailed in the committee report
5. The proposed rewording to condition number 27 as detailed in the update report
6. The inclusion of the additional condition requested by the Environment Agency as detailed in the update report and this Authority applying the Sequential Test to address the Agency's concerns
7. The inclusion of the additional condition requested by the Local Highway Authority as detailed in the update report

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

Subject to the imposition of the conditions, the proposal was acceptable.

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

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

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

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

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

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

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

The meeting was adjourned for ten minutes.

Councillor Ash re-joined the meeting.

5.2 Single storey side/rear extension to Rise and Shine Day Nursery, 108 Ledbury Road, Netherton, Peterborough

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

The extension was to have a flat roof that would match the height of an existing flat roof of the building. The proposed brick north elevation would replace an existing single skin brick wall that formed a part of the northern boundary of the site. The western elevation of the proposed extension was to project 1.3m closer to flank boundary with number 110 Ledbury Road such that the separation distance was to be 2.6m to the common fenced boundary. This would provide a simple pedestrian access from the extension towards the rear outside play area. The western elevation was to contain two adjacent 0.9m wide full length windows with narrow top openings. The northern elevation of the extension was to include two similarly designed windows but would be 1.1m clear of ground level. The elevations were to be rendered.

The extension was to improve the general accommodation standards for the nursery, for example the areas for quiet and the one to two's activity areas.

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

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

The Planning Officer addressed the Committee and highlighted the main issues surrounding the proposal, namely the impact on the amenities of the adjacent property and the car parking provisions due to the proposed increase in staff.

Members' attention was drawn to additional information contained within the update report. The Committee was advised that additional comments had been received from the Highways Development Control Team stating that they were satisfied with the proposed car parking provisions.

Mr Tim Laws, Childcare Market Facilitation Manager for Peterborough City Council, addressed the Committee on behalf of the Deputy Manager of the nursery and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The benefits that the extension would bring to the nursery
- The footprint would cover part of the existing outdoor play space. This would mean that ultimately, noise outside would be reduced
- The increase in the number of children at the nursery would not necessarily mean an increase in the noise levels. The children would take turns in the play area in the garden
- The parking would not be a problem as the nursery held a key for the secondary school car park and this could be utilised during peak times
- Any litter generated would more than likely come from the secondary school and not the nursery children

- The Local Authority had a statutory responsibility to provide nursery school spaces for children and there were increasing pressures on the nursery's in the Peterborough area to meet demand

The Planning Officer stated that the impact of the traffic generated by the nursery would be negligible.

After debate, a motion was put forward and seconded to approve the application. The motion was carried by 8 votes with 2 voting against.

**RESOLVED:** (8 for, 2 against) that the application be approved subject to:

- The conditions numbered C1 to C7 as detailed in the committee report

**Reasons for the decision:**

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

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

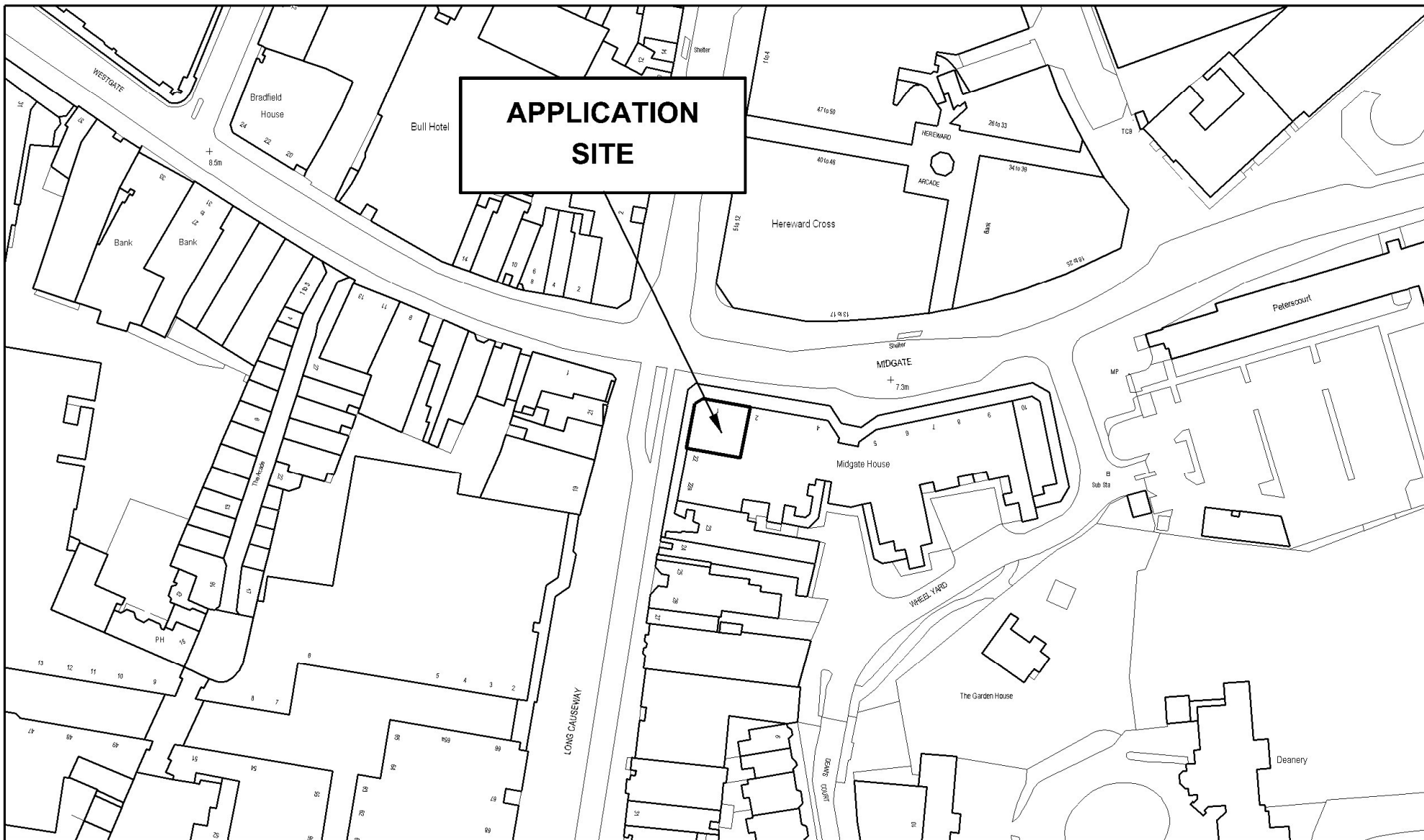
5.2 Construction of single storey front and rear extensions and two storey side extension at 62 Francis Gardens, Dogsthorpe

The Committee was advised that the application had been withdrawn by the applicant.

Members agreed that a letter should be sent to all Councillors highlighting the importance of attending the committee meetings in order to support any referrals they made as Ward Councillors.

13.30 – 15.21

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**LOCATION PLAN 09/00996/FUL**

Compass Sofa, 1 Midgate, Peterborough

Scale 1:1250 Date 25/11/2009 Name MKB Department Planning Services

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PCC GIS



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09/00996/FUL: CHANGE OF USE FROM A1 TO A3 AND A5 (RESTAURANT AND TAKE AWAY) AT 1 MIDGATE, PETERBOROUGH  
 VALID: 15 OCTOBER 2009  
 APPLICANT: PELICAN PARTNERS  
 AGENT: DAVID SHAW  
 REFERRED BY: CLLR SEATON  
 REASON: TO FULLY ASSESS THE IMPACT UPON THE VITALITY AND VIABILITY OF THE CENTRAL RETAIL AREA  
 DEPARTURE: NO  
 CASE OFFICER: MISS L C LOVEGROVE  
 TELEPHONE: 01733 454439  
 E-MAIL: louise.lovegrove@peterborough.gov.uk

## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The application was deferred at the last Committee meeting (8<sup>th</sup> December 2009) as members wished to see how much of the floorspace was to be put to takeaway use. A floor plan has now been received.

The main considerations in deciding the proposal are:

- The impact on the retail offer of the Central Retail Area
- The impact on neighbouring properties
- The impact on the City Centre Conservation Area

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)**

**CC2 Non-Retail Uses in Primary Retail Frontages of the Central Retail Area** – Seeks approval for non A1 uses in primary retail frontages within the Central Retail Area, provided it does not reduce or further reduce the proportion of frontage in Class A1 to below 75%, result in three non-retail uses adjacent to one another, would not have an adverse impact on the amenities of occupiers of nearby properties and is of an appearance appropriate to the location within a retail centre.

**CBE3 Development affecting Conservation Areas** – Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character and appearance of that area.

## 3 DESCRIPTION OF PROPOSAL

The building is currently in use as a retail unit, within use class A1 (shops). Planning permission is sought for change of use to A3 (restaurant) with an element of A5 (hot food take-away). Following deferral by the Planning Committee on 8<sup>th</sup> December 2009, the applicant has subsequently submitted revised ground floor and first floor layout drawings and indicative 3D visual drawings.

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

The application site is located within Midgate House on the junction of Midgate and Long Causeway within the City Centre. The Long Causeway frontage forms part of the Primary Retail Frontage for the Central Retail Area. The application property is of 1980s design and is situated on a prominent corner plot. There are a variety of retail and non-retail units in the surrounding area.

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
97/01278/ADV	Illuminated fascia and projecting sign	02.01.1998	PER
04/01485/FUL	Extension of shop fronts to pillars and change of use from A1 to A2 on unit 22	08.09.2004	WDN

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

##### **INTERNAL**

**Conservation Officer** – No objection to the proposal.

**Head of Transport and Engineering** – No Highways objection.

**Community Protection Officer** – General guidance has been issued regarding the type of filtration equipment that should be used, the flue and duct height and efflux velocity. No detailed comments can be provided without a formal submission of technical details.

##### **NEIGHBOURS**

No representations have been received.

##### **COUNCILLORS**

Councillor Seaton referred the item to committee as he is concerned about the proliferation of take-aways in the area and would like the committee to look at it in this light.

#### **7 REASONING**

##### **a) Introduction**

Within the City Centre and particularly the Central Retail Area, there are a variety of retail and non-retail uses with several restaurants, cafes and drinking establishments. At present, there are a high proportion of units lying vacant within the surrounding locality.

##### **b) The impact on the retail offer of the Central Retail Area**

The site occupies a prominent corner plot within the Central Retail Area and is currently operating as a retail unit. The present use of the site offers a low end retail offer and much of the frontage along Midgate is poorly utilised and inactive. However, the shop entrance and main frontage to the unit is located on Long Causeway which forms part of the Primary Retail Frontage. As such, Policy CC2 is of particular relevance. The policy clearly indicates that applications for non-retail uses will not be granted if it would reduce or further reduce the proportion of Class A1 use to below 75%, or result in more than three non-retail uses adjacent to one another. It is acknowledged that the proposal will fail part of this policy requirement by further reducing the level of retail provision within the Primary Frontage. However, the Policy also makes provision with regards to A3 uses (restaurants) which permits development if they would contribute to the quality of the City Centre and improve the overall offer.



There are existing non-retail uses within the City Centre and particularly restaurants, cafes and drinking establishments which already positively contribute towards the overall offer of the City Centre and increase the activity of the retail frontages. The proposal will introduce an active frontage to the area and will significantly improve the quality of this prominent unit.

In addition, there is wide concern throughout the City area in relation to the impact of take away units and their detrimental impact upon the vitality and viability of retail frontages. In this instance, the predominant use of the unit will be as a restaurant offering an ancillary take away service. The additional supporting drawings and 3D visuals clearly show that a significant proportion of the ground and first floor areas will be set aside for seating in association with the restaurant use. Within the Serpentine Green shopping centre, Hampton, there is an existing example of the type of unit proposed which has varying levels of trade throughout the day. It is expected that the take away element will mainly be from cold sandwiches during the daytime which would fall within an A1 use. However, the majority of customers are expected to remain within the unit to consume the food. As such, it is not considered that the proposal will harm the vitality or offer of the City Centre. Therefore, the proposal is in accordance with Policy CC22 of the Peterborough Local Plan (First Replacement).

**c) The impact on neighbouring properties**

Due to the nature of the proposed use, there will be a requirement for sufficient extraction of cooking fumes from the site. The applicant has not provided any detailed specification with regards to the proposal however it has been indicated that extraction will take place above first floor level to the rear of the site. It is expected that the applicant will provide the required detailed specification and this information will be presented to Members in the update report. However, if these details are not received in time, the issue can be adequately dealt with by condition. Notwithstanding the above, Officers consider that there is unlikely to be any detrimental impact as a result of such extraction.

With regards to the hours of operation of the site, no details have been provided by the applicant in relation to this. Given that the application site falls within the City Centre and that there are no residential units in the immediately surrounding area, it is considered that the appropriate opening hours for the restaurant/take away will be sufficiently dealt with by the City Council's Licensing Department. The provisions made in the Licensing Act 2003 require that hot food sales will require a license outside the hours of 5am to 11pm. It is considered that within this location, these restrictions are sufficient.

**d) The impact on the City Centre Conservation Area**

The application scheme does not propose any external alterations to the unit and the retail frontage will be retained. As such, the Council's Conservation Officer has not raised any objections. The proposed use is unlikely to cause any harm to the character or appearance of the City Centre Conservation Area.

## **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:

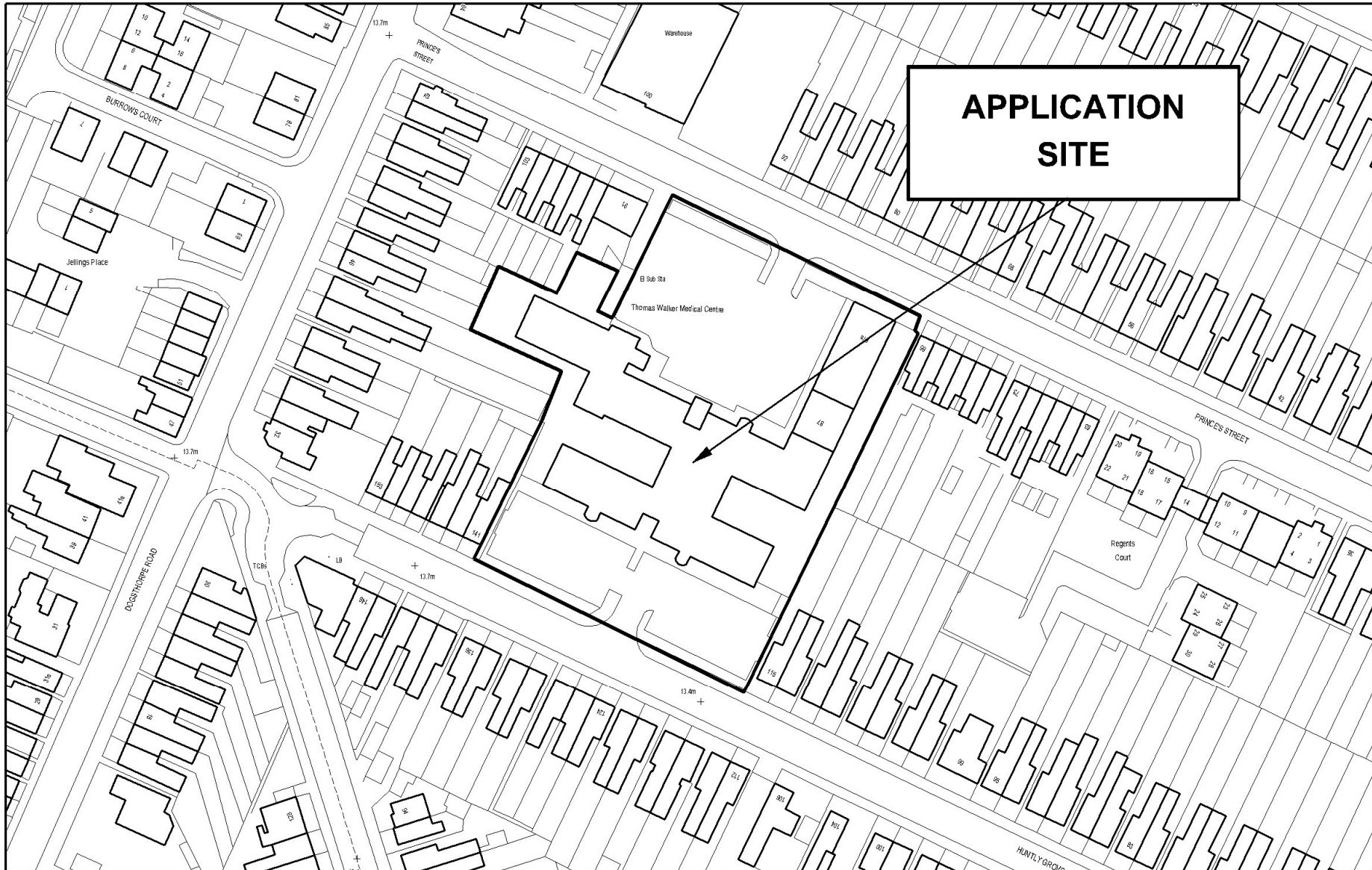
- The use as a restaurant with ancillary take away will not harm the retail offer of the Central Retail Area.
- There will be no detrimental impact on the amenities of neighbouring residential or retail properties.
- There will be no unacceptable impact on the character or appearance of the City Centre Conservation Area.

The proposed development is therefore in keeping with Policies CC2 and CBE3 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 The floor area shown on drawing 3175-011 as being for seating and tables shall always be available for use by customers during the times that the use is selling food.**  
Reason: To ensure that the main use of the property is as a restaurant in order to protect and safeguard the vitality and viability of the Central Retail Area in accordance with policy CC2 of the Peterborough Local Plan (First Replacement).
- C3 Prior to the uses hereby approved commencing; full details of any filtration and/or extraction equipment to be installed shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the nature and location of filtration equipment to be used (including Sound Power Level data), the height of termination of the flue above the ridge height of adjacent buildings and the efflux velocity of air discharged from the ducting. Development shall be carried out in accordance with the approved details and implemented prior to the uses hereby approved commencing and shall be operational during the times that the use is operating.**  
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).

Copy to Councillors Hussain, Khan, Fazal



**LOCATION PLAN 09/01202/DISCHG**

Thomas Walker Medical Centre, 87 - 89 Princes Street, Peterborough

Scale 1:1250 Date 16/12/2009 Name MKB Department Planning Services

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**APPLICATION  
SITE**

PCC GIS



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09/01202/DISCHG: DISCHARGE OF CONDITION C1 OF PLANNING PERMISSION  
09/00896/FUL – RETROSPECTIVE EXTERNAL LIGHTING SCHEME AT THE  
THOMAS WALKER MEDICAL CENTRE, 87 – 89 PRINCES STREET,  
PETERBOROUGH  
VALID: 15 OCTOBER 2009  
APPLICANT: ASSURA PROPERTIES  
AGENT: SYNERGY ARCHITECTS – DUNCAN BEARD  
REFERRED BY: CLLR PEACH  
REASON: PLANS SUBMITTED TO DISCHARGE THE CONDITIONS ARE  
INSUFFICIENT  
DEPARTURE: NO  
CASE OFFICER: MISS L C LOVEGROVE  
TELEPHONE: 01733 454439  
E-MAIL: louise.lovegrove@peterborough.gov.uk

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## 1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the design of the light shields will prevent backwards light spillage.

The Head of Planning Services recommends that the conditions are **DISCHARGED**.

## 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)

- DA2** The effect of development upon on the amenities and character of an area – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.
- DA12** **Light Pollution** – Proposals for lighting schemes will only be granted if glare and light spillage from the site is minimised and the amenity of the area is not harmed.

## 3 DESCRIPTION OF PROPOSAL

Under 09/00896/FUL, planning permission was retrospectively given for a lighting scheme at the Medical Centre. The permission was subject to a number of conditions:

- C1** Notwithstanding the approved plans, within three months of the date of this permission, shields shall be fitted to the lights in those car parking columns sited directly adjacent to the public highway in accordance with a scheme submitted to and approved in writing by the Local Planning Authority. The shields shall be thereafter retained and maintained to an acceptable standard.

Reason: In order to prevent light spillage and protect the amenity of surrounding occupiers in accordance with policies DA2 and DA12 of the Peterborough Local Plan (First Replacement).

- C2 The lighting shall not be illuminated before 7.00am; and after 8.30pm on any day.**  
Reason: In order to protect and safeguard the amenity of the adjoining occupiers, in accordance with Policy DA12 of the Adopted Peterborough Local Plan (First Replacement).
- C3 The use of the columns for lighting the car parks shall not exceed the obtrusive light limitations for category E2 in relation to 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).**  
Reason: In order to protect the amenity of local residents and highway safety in accordance with policies T1, DA2 and DA12 of the Peterborough Local Plan (First Replacement).

The application now before Committee is to partially discharge condition C1 in so far as a design for the shields has been submitted for approval.

Conditions C2 and C3 require compliance for the lifetime of the lighting scheme, these conditions therefore cannot be discharged.

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

The application site covers an area of approximately 0.63 hectares and is located between Princes Street and Huntly Grove. The building is comprised of part-two storey part-single storey elements and contains independent General Practitioner surgeries, a pharmacy, dental practice and mental health services. The site has a car park along the Princes Street frontage for use by visitors and patients, and a car park from Huntly Grove for the use and access of staff. The surrounding area is characterised by predominantly two storey terraced and semi-detached residential properties.

The lights to which this discharge application relates comprise of 4 no. pole mounted floodlights to the Princes Street car park and 4 no. pole mounted floodlights to the Huntly Grove car park which have been in operation since their erection in January 2000.

#### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
99/01231/FUL	New medical centre and pharmacy – revised	16.12.1999	PER
01/00748/FUL	Development of optician, dental access centre and community mental health team and mental health assessment team base for NW Anglia Healthcare	12.06.2001	REF
01/01452/FUL	Development of optician, dental access centre and community mental health team and mental health assessment team base for NW Anglia Healthcare – resubmission	25.02.2002	REF
02/01444/FUL	PMS Doctors surgery community mental health base – revised scheme	27.11.2002	PER
06/00355/FUL	Erection of 3 storey primary care facility and modifications to existing medical centre	09.06.2006	PER
07/00625/FUL	Erection of 3 storey primary care facility and modifications to existing medical centre – revised	19.07.2007	PER
09/00896/FUL	Retrospective external lighting scheme	25.09.20	PER

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

##### **INTERNAL**

**Environmental Protection Officer** – On the basis of only receiving one light complaint in the past year, recommends the discharge of the light conditions as the introduction of shields will prevent backward

light spillage. However, if there is any future justified complaint about the lighting, the responsibility lies with the applicant to again demonstrate that the condition has been complied with.

## **NEIGHBOURS**

Two letters of objection have been received from local residents. The objections relate to:

- Insufficient information in order to determine the application
- Impact of the lighting upon the amenity of the surrounding area

One resident considers that planning permission should not have been given to the lighting scheme in the first place because:

- The consultation on the application was not wide enough
- The lighting columns and white light are not in keeping with the local area
- The levels of light spill and light glare are detrimental residential amenity

[Officer comment – the committee can only consider whether or not the shields satisfy the objectives of the condition and cannot require any other changes to the lighting scheme]

## **COUNCILLORS**

Councillor Peach referred the item to committee following a discussion with one of the objectors. He is concerned that the details submitted to discharge the conditions are insufficient.

## **7 REASONING**

The shields are required to be fitted to those lighting columns that are adjacent the public highway in order to reduce the level of backward light spillage onto the public highway and the residential properties along both Huntly Grove and Princes Street.

The details submitted with regards to the light shields are considered acceptable. The Environmental Protection Officer has expressed acceptance of the details and their effectiveness at preventing backwards light spillage.

## **8 CONCLUSIONS**

Condition C1 (shield fitting) – the details submitted with regards to the light shield design are acceptable. The submission element of this condition is therefore discharged. Development must be carried out in accordance with the approved details.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that Condition C1 of planning permission reference 09/00896/FUL be **DISCHARGED**.

Copy to Councillors Kreling, Lowndes, Peach

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<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 6</b>
<b>12 JANUARY 2010</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller - Cabinet Member for Neighbourhoods, Housing and Community Development Councillor Piers Croft - Cabinet Member for Strategic Planning, Growth and Human Resources	
Contact Officer(s):	Simon Machen (Head of Planning) Paul Smith (Planning Delivery Team Leader) Carrie Denness (Legal)	Tel: 453475 Tel: 453468 Tel: 452536

## **PLANNING OBLIGATIONS IMPLEMENTATION SCHEME (POIS)**

R E C O M M E N D A T I O N S	
<b>FROM</b> : Head of Planning	<b>Deadline date</b> : 14 <sup>th</sup> January 2010
That Committee offers any comments on the Planning Obligations Implementation Scheme (POIS) before it is presented to Cabinet for approval.	

### **1. ORIGIN OF REPORT**

- 1.1 This report is submitted to the Committee following approval of the draft version of the Planning Obligations Implementation Scheme (POIS) by Council on 10<sup>th</sup> December 2008 which was followed by an extensive public consultation exercise and further evidence gathering since that date.

### **2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to enable the Committee to comment on the draft POIS before it is presented to Cabinet on 8<sup>th</sup> February 2010 for approval for the purposes of adopting as a Supplementary Planning Document (SPD).
- 2.2 The City Council website is located at <http://www.peterborough.gov.uk> and has a series of pages dedicated to the POIS and associated background information. These pages can be accessed via the following link:  
[http://www.peterborough.gov.uk/planning\\_and\\_building/other\\_planning\\_and\\_building/s106\\_planning\\_agreements.aspx](http://www.peterborough.gov.uk/planning_and_building/other_planning_and_building/s106_planning_agreements.aspx)
- 2.3 A copy of the POIS document has been placed in each of the Members' Group Rooms.
- 2.4 The POIS, once approved by Cabinet, will be published.
- 2.5 This report is for the Committee to consider under its Terms of Reference.

### 3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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### 4. **PLANNING OBLIGATIONS IMPLEMENTATION SCHEME (POIS)**

#### **BACKGROUND**

- 4.1 The City Council agreed in 2007 that it needed to adopt a more detailed Section 106 (S106) framework and consultants working jointly for PCC & Opportunity Peterborough (OP) developed proposals. A report on the POIS was submitted to the Joint Scrutiny Committee on 28 July 2008. In the light of comments made, it was agreed to reflect further on the concerns raised, therefore subsequent discussions have been held with house builders, developers' representatives and others.
- 4.2 Following consultation between the City Council, its partners, stakeholders and the community the City Council resolved to approve the draft POIS at the Full Council meeting held on 10<sup>th</sup> December 2008. The POIS has been used as a material consideration in making planning decisions since that date. It was intended that the POIS would then be adopted as a Supplementary Planning Document (SPD), thus forming part of the Local Development Framework (LDF). In order to achieve this, a 6 week consultation period was undertaken resulting in the receipt of substantial external and internal representations. These representations have been reviewed and discussed by officers. Some of the comments have been incorporated into the revised POIS thereby creating a clearer, more user friendly document.
- 4.3 The revised POIS was then sent to Counsel to review in order to assess its robustness and the risk of legal challenge. Counsel's opinion has been received and discussed between officers. Whilst some initial reservations were made about the viability studies these have been overcome and our consultants that carried out the studies are confident in standing by their results and the recommended tariff charges outlined in the POIS (Please see Appendix 2 of the POIS).
- 4.4 The City Council has a Planning Obligations Policy (IMP1) in the 2005 Adopted Local Plan. As part of that policy the City Council confirmed that separate guidance would be produced to outline priorities for the provision of infrastructure and facilities within the city. This POIS delivers on that commitment.
- 4.5 The City Council has plans to grow Peterborough, which requires new infrastructure and replacement infrastructure to ensure that the city's growth is sustainably achieved. The City Council has worked with partners to capture the infrastructure requirements which are set out in the Integrated Development Programme (IDP), which was approved by Cabinet on 14<sup>th</sup> December 2009.
- 4.6 The POIS will have a hyperlink to the IDP website when it is launched. The IDP is used as our required evidence base to justify 'charging' developers a financial contribution for wider infrastructure (via the S106 route, or potential CIL in the future).
- 4.7 S106 contributions will only part fund the infrastructure outlined in the IDP. Funding from other sources will be used to meet the overall costs of infrastructure provision. The City Council will seek such infrastructure funding, as appropriate, on a European, national, regional and local level from both the public and private sector.
- 4.8 At a recent officer-level Growth Delivery Steering Group meeting the POIS was discussed against the background of a potential future mechanism for charging developers for infrastructure, known as the Community Infrastructure Levy (CIL). The conclusion of the Steering Group was to progress POIS to an adopted SPD status in the interim prior to the possible introduction of CIL. The following background information provides the Committee with a fuller insight into CIL.

#### 4.9 Community Infrastructure Levy

The Government has recently consulted on draft regulations on the CIL, which is an instrument to raise funding for local infrastructure needs. It is expected that the regulations will come into force in April 2010.

4.10 The Government states that CIL will improve predictability and will allow the cumulative impact of development to be better addressed.

4.11 The draft regulations indicate that S106 agreements (planning obligations) will become increasingly limited to mitigate impacts solely resulting from the development. This means that the POIS tariff could eventually become illegal and, therefore, only a temporary solution to help fund infrastructure provision. As such, although adoption of the CIL will be optional, it is likely that most Councils will choose to implement the Levy given the increasing limits of S106 Agreements, the outlawing of POIS-style tariffs and the need to help fund infrastructure provision.

4.12 The CIL charging structure would form a new type of document within the Local Development Framework and be subject to consultation and independent review.

4.13 We will request that Cabinet, at their meeting on 8<sup>th</sup> February 2010, endorses a proposal that officers research in detail the potential of implementing a CIL in Peterborough, with detailed submission to a future Cabinet meeting towards the end of 2010/early 2011.

4.14 Further information on CIL can be found on the following websites:

Department of Communities and Local Government:

<http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyimplementation/reformplanningsystem/planningbill/communityinfrastructurelevy/>

The Planning Advisory Service:

<http://www.pas.gov.uk/pas/core/page.do?pagelid=122677#contents-1> and  
<http://www.pas.gov.uk/pas/core/page.do?pagelid=109617#contents-2>

4.15 A copy of the POIS and IDP have been placed in the Members' library.

## 5. **CONSULTATION**

5.1 The POIS has had extensive consultation internally with officers and externally with developers and other parties who have contributed to the development of the scheme, plus a 6 week consultation between March and April 2009. There is not any intention to have any further public consultation on the document.

5.2 Within the Council, the route of this document is:

- Cabinet Policy Forum - 11<sup>th</sup> January 2010
- Corporate Management Team – 12<sup>th</sup> January 2010
- Planning & Environmental Protection Committee – 12<sup>th</sup> January 2010
- Sustainable Growth Scrutiny Committee – 18<sup>th</sup> January 2010
- Cabinet – 8<sup>th</sup> February 2010

5.3 After the draft POIS document has been approved by Cabinet it will be published as a SPD.

## 6. **ANTICIPATED OUTCOMES**

It is anticipated that Committee will offer any comments on the draft document. These will be presented to Cabinet, which will take them into account in reaching a decision on recommending the approval of the POIS as a SPD.

## **7. REASONS FOR RECOMMENDATIONS**

- 7.1 Committee is recommended to make its comments known to assist Cabinet in reaching its decision. Cabinet will be recommended to approve the POIS as a SPD.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 The alternative option of not progressing the POIS as a SPD was rejected, as the Council would not have a policy document of considerable weight for planning purposes.

## **9. IMPLICATIONS**

- 9.1 The POIS is intended to be adopted as an SPD and will support the emerging policy CS12 of the Core Strategy (as approved by Council on 2<sup>nd</sup> December 2009).
- 9.2 The proposed POIS will be administered corporately by the S106 Officer supported by planning case officers, and relevant staff in services and partner organisations.
- 9.3 The POIS will create a more efficient and consistent method of collecting S106 contributions that can be pooled and spent on the infrastructure projects outlined in the IDP. This will assist in delivering the City Council's growth agenda.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

- 10.1 The POIS refers to and has been informed by a wide range of publicly available documents, including: the Integrated Development Programme, Sustainable Communities Strategy, Local Development Framework, Local Area Agreement and regional documents, such as, the Regional Spatial Strategy for the East of England and the East of England Regional Economic Strategy. Full details are contained within Appendix 7 of the POIS document.
- 10.2 A sustainability appraisal report (original main report dated February 2009, plus an update report dated December 2009) are available on request and will be published with POIS.

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No. 7</b>
<b>12 JANUARY 2010</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Peter Hiller – Cabinet Member for Neighbourhoods, Housing and Community Development	
Contact Officer(s):	Simon Machen, Head of Planning Services Kevin Dawson, Building Control Manager Gerald Reilly, Access Officer	Tel: 453475 Tel: 453464 Tel: 453539

**COUNCIL APPROVED GUIDANCE – TOWARDS INCLUSIVE DESIGN**

<b>RECOMMENDATIONS</b>	
<b>FROM : Simon Machen Head of Planning Services</b>	<b>Deadline date : None</b>
That the Committee approves the guidance “Towards Inclusive Design” as attached to this report.	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Committee as instructed by the then Head of Planning Services.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to obtain the Committees approval for the issue of the guidance attached at Appendix A which has been up-dated by recent legislation, regulation and good practice guidance.

**TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>
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**3. BACKGROUND**

3.1 In 1999 The City Council produced formal Supplementary Planning Guidance (SPG) entitled ‘*Design of the Built Environment for Full Accessibility*’. In 2004 Part M of the Building Regulations was amended and The Planning and Compulsory Purchase Act was enacted, with the subsequent issue of guidance documents completed in 2009. The then Head of Planning Services instructed that the Supplementary Planning Guidance should be superseded with up-dated Council approved guidance.

**4. CONSULTATION**

4.1 As this guidance is in line with legislation, consultations have been conducted with Planning and Building Control colleagues across the service, the Cabinet Member for Neighbourhoods, Housing and Community Development, the Peterborough Disability Forum and the East of England Access Association.

**5. ANTICIPATED OUTCOMES**

It is anticipated that the guidance will:

1. Enhance the inclusivity of the built environment.

2. Improve the quality of pre-application enquiries.
3. Problem-solve at an early stage in the planning process
4. Speed up the planning process.

## **6. REASONS FOR RECOMMENDATIONS**

- 6.1 To comply with statute and the guidance produced by the Commission for Architecture and the Built Environment (CABE).

## **7. ALTERNATIVE OPTIONS CONSIDERED**

- 7.1 The alternative option was not to produce an up-date of the 1999 document.

## **8. IMPLICATIONS**

- 8.1 Not to up-date the document would have a detrimental impact on both the Planning and Building Control service levels and customer satisfaction. In light of this, it was not considered to be an appropriate option.

## **9. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)

1999 Peterborough SPG *Design of the Built Environment for Full Accessibility.*

2004 *Planning and Compulsory Purchase Act.*

2004 *Approved Document M.*

2009 *Inclusion by Design* CABE





**PETERBOROUGH**



**APPENDIX A**

**PETERBOROUGH CITY COUNCIL**

**TOWARDS INCLUSIVE DESIGN  
COUNCIL APPROVED GUIDANCE  
(FINAL DRAFT)**

**January 2010**

[peterborough.gov.uk](http://peterborough.gov.uk)

# Towards Inclusive Design

## Foreword

In Peterborough we take the view that if this Authority grants planning and building control permissions the physical features of the development should not make use of a service by a disabled person either impossible or unreasonably difficult or cause detriment. This will ensure that the physical features of buildings will not give rise to reasonable challenge under the Disability Discrimination Act 1995 (DDA) or the emerging Equality Bill 2009 and will also enable and facilitate the employment of people with disabilities.

In January 1999, in response to the implementations of the DDA planned for both later that year and in 2004, Peterborough City Council published Supplementary Planning Guidance titled "*Design of the Built Environment for Full Accessibility*". It anticipated future trends and now it is appropriate to produce up-dated Council Approved Guidance in order to incorporate the regulatory changes that have occurred since 1999.

It is trusted that those who wish to develop in Peterborough will find this guidance helpful and that in partnership with our Planning and Building Control Services will achieve an even more inclusive built environment that will be for the benefit and enjoyment of all who live, work and visit our City.

Councillor Peter Hiller  
Cabinet Member for Neighbourhoods, Housing and Community Development

## 1. Background

1.1 "*Design of the Built Environment for Full Accessibility*" (1999) recognised that, at the time, Building Regulations Approved Document M, *Access and facilities for disabled people* (ADM) only applied to new buildings and did not cover applications for alterations, extensions and changes of use. As these constituted over 70% of planning applications received, the guidance indicated that in processing applications, *Where ADM did not apply, the City Council as planning authority, would seek by negotiations to achieve, where reasonable, the objectives of the building regulations.*

1.2 This was a prescient step which was quickly adopted by other local authorities and led directly, in 2004, to ADM being extended to include alterations, extensions and changes of use. To reflect the progress that was being achieved in terms of the inclusion of people with disabilities into mainstream society, the name of ADM changed from *Access and facilities for disabled people* to, *Access to and use of buildings*. This represented a paradigm



change; the earlier approved document envisaged meeting the design needs of people with disabilities as being an addition to a notional "standard" specification. The latter approved document indicated that that all design must meet the needs of all, including people with disabilities, and that discrete provision for people with disabilities should only be made when inclusive design is not possible.

1.3 Also, the physical specifications on which ADM had been based were updated in 2004 to the recommendations of British Standard 8300 (2001) *Design of buildings and their approaches to meet the needs of disabled people*. In light of this, the view is taken that if the physical features of buildings comply with BS8300, service providers are being reasonable and would not be required to make alterations to physical features for disabled service users. After taking into account the needs of other building users, an employer may alter a feature that complied with BS8300 for the benefit of an individual employee.

<http://www.planningportal.gov.uk/england/professionals/buildingregs/technicalguidance/bcaccesspartm/bcapproveddocuments10>

## **2. At present:**

2.1 BS 8300 was amended in 2005 and in February 2009. Current Local Plan Policy DA7 states, *Planning permission will not be granted for the development, change of use, alteration or extension of any building which is open to the public, or any building which is used for employment or educational purposes, unless provision has been made to meet the needs of people with disabilities in terms of access into and within that building and the provision of appropriate facilities*. The wording of this policy will not be revised in the near future. However, its application can usefully be informed by recent primary and secondary legislation including the introduction of Planning Policy Statement 1, ADM (2004), Access Statements, and Design and Access Statements.

2.2 The traditional understanding is that planning is concerned with external features whereas building control is concerned with the construction and internal layout of buildings. However, it is the case that there are significant areas where both planning and building control apply; these will be addressed within this guidance.

## **3. Planning Policy Statement 1 (PPS1)**

3.1 PPS1 was introduced in 2006 and sets out Government's commitment to sustainability and can be understood as requiring development to meet the needs of the present without compromising the ability of future generations to meet their needs. This includes achieving social progress which recognises the needs of everyone. Key principle (v) states, *development plans should also contain clear, comprehensive and inclusive access policies - in terms of both location and external physical access*. Such policies should consider the diverse needs of

people and aim to break down, and avoid creating, barriers and exclusions in a manner that benefits an entire community. Development plans are to address accessibility, both in terms of location and physical access, for all members of the community, to:- jobs, health, housing, education, shops, leisure and community facilities taking into account the needs of all the community including particular arrangements relating to age, gender, ethnicity, religion, disability and income.

3.2 It further states that, *good design is indivisible from good planning* and that planning authorities should plan positively to ensure the inclusive design of the built environment. Social inclusion, which entails physical access, is a key aspect of sustainability; this is achieved, in part, through inclusive design. Peterborough's commitment to inclusive design is delivered through Local Plan Policy DA7 and through the emerging Local Development Framework including the Core Strategy and Planning Policies Development Plan Documents.

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicies/tatement1>

#### **4. Inclusive Design.**

4.1 Inclusive design ensures that environments are welcoming, informative and supportive; they will:-

- (i) through involvement and consultation, place people at the heart of the design process.
- (ii) be safe, legible and predictable
- (iii) embrace diversity and difference;
- (iv) enable choices of access to, and participation in, all the activities that it may host;
- (v) be easily used by as many people as possible without undue effort, special treatment or separation;

4.2 Peterborough Planning Services takes the view that inclusive design is a given and is not in need of justification. In its absence from an application it is most unlikely that planning permission would be given.

Link CABE Inclusion by Design [www.cabe.org.uk/publications/inclusion-by-design](http://www.cabe.org.uk/publications/inclusion-by-design)

#### **5. Access Statements**

5.1 With the extension of ADM in 2004 to include alterations, extensions and changes of use, the concept of the Access Statement was introduced. This provides for a developer to demonstrate why compliance with ADM may not be reasonable and seek justification for a deviation. This would be in instances of severe site and building constraint and might include some proposed alterations

to listed buildings. It is not expected that that deviations from ADM would be requested for new buildings.

## **6. Design and Access Statements:-**

6.1 As indicated above, before 2004 ADM did not apply to applications for alterations, extensions or changes of use. Therefore the Council's SPG sought that *Where Part M does not apply, the City Council, as planning authority, will seek by negotiations to achieve, where reasonable, the objectives of the building regulations.* This accounts for why Planning then considered access to, into and within buildings. Now that ADM applies to alterations extensions and changes of use, access within buildings is largely a Building Control matter.

6.2 Control of access to and into a building is likely to be shared between Planning and Building Control. This can be understood as Planning determining the choice and location of physical features whilst ADM, Sections One and Two, provides guidance pertaining to their construction. Some examples of this sharing are given below.

6.3 Since August 2006, Design and Access Statements (DASs) have been a mandatory document to accompany and support most planning applications. Though a material planning consideration, DASs are not part of an application; rather, they provide an opportunity to explain and justify, in a structured way, the design principles and concepts pertaining to the amount, layout, scale, landscaping and appearance on which development proposals are based. A DAS indicates the physical, economic, social and policy context of a site and its surroundings and how this has informed the development proposals. It does not extend to internal facilities and layout within individual buildings. However, a DAS would be expected to confirm that design has been informed by BS 8300 and the intention to fully comply with ADM or indicate the nature of any proposed deviation.

6.4 As guided by the Statement of Community Involvement, a design and access Statement should advise on the consultations that have taken place and how they have informed the design. In the case of outline applications it is required that the original Design and Access Statement will be further developed to accompany a reserved matters application.

Link Design and Access Statements

[http://www.peterborough.gov.uk/planning\\_and\\_building/making\\_a\\_planning\\_application/design\\_and\\_access\\_statements.aspx](http://www.peterborough.gov.uk/planning_and_building/making_a_planning_application/design_and_access_statements.aspx)

## **7. Statement of Community Involvement:**

7.1 The 2004 Planning and Compulsory Purchase Act requires local planning authorities to produce a Statement of Community Involvement (SCI). The Council's SCI sets out policies and procedures for involving the community in

preparing and revising the Council's Local Development Framework and how the Council will consult on planning applications. It also provides guidance for developers on how to engage with communities affected by a proposed development and to demonstrate the outcomes of their participation in the design. As part of the pre-application process, case officers will advise developers of the stakeholders with whom it would be appropriate to consult.

Link Statement of Community Involvement

[http://www.peterborough.gov.uk/planning\\_and\\_building/planning\\_policy/local\\_development\\_framework/statement\\_of\\_community\\_involve.aspx](http://www.peterborough.gov.uk/planning_and_building/planning_policy/local_development_framework/statement_of_community_involve.aspx)

## **8. Planning and Building Control**

8.1 Both Planning and Building Control apply to car parking, access routes, the approach to and the principal entrance. Planning decides where how these will be located on the site; ADM provides guidance on their construction. At an early stage in the planning process there is a consultation with Building Control where the level of accessibility is determined, any possible non-compliance is identified and options provided for the applicants consideration.

8.2. "Replacement"/"New" shop fronts: At present, applications pertaining to shop fronts are either for like for like replacement and designated "replacement shop front"; or, show a rearrangement of elements such as the approach, principal entrance or fenestration and the planning application is designated as being a "new" shop front. In Building Control terms, both are new shop fronts and therefore compliance would be sought for a level or ramped approach and for a minimum clear opening width for the principal entrance. This information would be provided on the Building Control consultation at the commencement of the planning application process. Planning is unlikely to approve a new shop front that did not comply with BS8300. A refusal would cite Local Plan Policy DA7 and refer to Planning Appeal APP/L5810/A/07/2054976.

8.3 Lifts: If an external lift is proposed, planning will have an interest in its location, appearance and impact on amenity. For developments of more than one storey and for mezzanine floors, Building Control will determine if a lift is required and advise on its specification. Justification for not providing a lift should be made on a design and access statement.

8.4 Parking bays for holders of Blue Badges: Local Plan Policy T11 advises that the provision of bays for holders of Blue Badges should be the greater of either 1 or 4% of the approved car parking standards. BS8300 now advises that in some applications 6% should be sought. This may be considered during consultations on individual applications including retail, leisure and healthcare development.

**8.5 Changes of use:** Most applications for change of use do not require a DAS and not all require compliance with ADM. In these cases the local planning authority will seek by negotiations to achieve, where reasonable, the objectives of PPS1 and Local Plan Policy DA7.

**Pre-application enquiries regarding access and inclusive design are available, free of charge, from the Council's Building Control Service.**

**If you wish to discuss any matter arising from this guidance please contact:**

**Alistair Reid, Principal Building Control Surveyor  
Stuart House (East Wing), St John's Street, Peterborough PE1 5DD  
Phone (01733) 453505**

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