

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 24 APRIL 2012
1.30 PM

Council Chamber - Town Hall

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 as soon as possible.

Committee Members:

Councillors: North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Simons, Stokes, Todd, Lane, Harrington and Martin

Substitutes: Councillors: Winslade, Ash and Shabbir

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: 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, Transport and Engineering 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 6 March 2012

Members Present:

Councillors – North (Chairman), Serluca (Vice Chairman), Casey, Hiller, Simons, Stokes, Todd, Harrington and Lane

Officers Present:

Nick Harding, Planning Delivery Manager
John Wilcockson, Landscape Officer (Item 5.1)
Peter Heath-Brown, Planning Policy Manager (Item 6)
Jez Tuttle, Senior Engineer (Development)
Carrie Denness, Principal Solicitor
Gemma George, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Martin.

2. Declarations of Interests

There were no declarations of interest.

3. Members Declaration of Intention to make representations as Ward Councillor

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

4. Minutes of the Meeting held on 7 February 2012

The minutes of the meeting held on 7 February 2012 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 Carry out routine health and condition works, removal of crossing branches and deadwood and to provide legal clearances over road and footpath at 494 Oundle Road, 1 lime tree, TPO Ref: 1991_01

Approval was sought to carry out works to a lime tree, protected by a Tree Preservation Order. The tree was located outside a detached property, which had gardens fronting onto Oundle Road.

The owner of the property was a Peterborough City Council staff member and the item had therefore been referred to the Committee for consideration for the purposes of transparency.

The Landscape Officer addressed the Committee and advised that the applicant, being concerned for his liability with regards to the tree, had sought advice as to what works were required and appropriate.

The works which had been proposed would be of no detriment to the tree and would not detract from the visual amenity value that the tree currently provided.

Following brief debate and questions to the Landscape Officer in relation to the nature of the works to be undertaken, a motion was put forward and seconded to approve the routine health and condition works to the lime tree. The motion was carried unanimously.

RESOLVED: (Unanimously) to approve the application, as per officer recommendation, subject to:

1. The two conditions outlined in the committee report

Reasons for the decision:

Subject to the imposition of the conditions, the works should be granted consent for the following reasons:

- The Applicant had sought advice from the Case Officer as to what works were required and appropriate;
- The works were deemed to be appropriate, would not affect the health of the tree nor detract from the visual amenity value that the tree currently provided. The works would also demonstrate that the Applicant was addressing his 'Duty of Care' under common law; and
- The removal of deadwood was considered an exemption under the regulations and the provision of the legal clearances over the road (5.2 metres) and footpath (2.4 metres) could not be reasonably denied as these were a legal requirement.

6. Peterborough 'Statement of Community Involvement', Neighbourhood Planning and Community Action Plans

The Committee received a report which was submitted following recent new and amended Acts of Parliament, in particular the Localism Act 2011 and the amended Town and Country Planning Acts, and recent and forthcoming changes to regulations governing matters such as plan making, planning applications and consultation with communities.

The Committee's views and comments were sought on a review of the Statement of Community Involvement, which was appended to the committee report. The Statement was due to be presented to Cabinet on 26 March 2012 for approval for

the purpose of public consultation. If approved by Cabinet, consultation with stakeholders and the public would be undertaken in April and May 2012.

It was a statutory requirement for the Council to set out how it would consult the public on planning matters and this was set out in the Statement of Community Involvement (SCI). The Council had adopted its first SCI in February 2008 and during the past four years there had been considerable changes, especially since the Localism Act 2011 had been given royal assent in November 2011. A refresh of the SCI had therefore been recommended by Officers.

Parts of the SCI were in need of updating from the 2008 version in order to ensure that updated government guidance was properly reflected. There were also two new significant sections which had been added to the SCI relating to a 'Pre-application Advice Note' and 'Neighbourhood Planning'.

Full details of these additions were outlined in the committee report, but in summary, the Localism Act had put in place much stronger requirements for developers to undertake consultation with communities before submitting a formal planning application to the city council. The Act also enabled local planning authorities to prepare a local 'advice note' on this matter which a developer was required to have regard to when undertaking pre-application consultation.

To ensure the city council was well prepared in this regard, a draft 'advice note' had been set out in the SCI and views were sought on it. A final version would then be prepared, taking account of both the consultation responses and any other national guidance issued in the interim.

The second significant new section in the SCI was entitled 'Neighbourhood Planning in Peterborough'. This section set out how the Council intended to take forward the wide range of issues which came under the 'Neighbourhood Planning' section of the Localism Act.

The SCI also touched upon what alternative options a local neighbourhood had if it did not want to undergo the formal neighbourhood planning process. This would include taking advantage of Supplementary Planning Documents and Community Action Plans which were in the process of being prepared by the Neighbourhood Managers

Members were invited to comment on the SCI and the following points were highlighted:

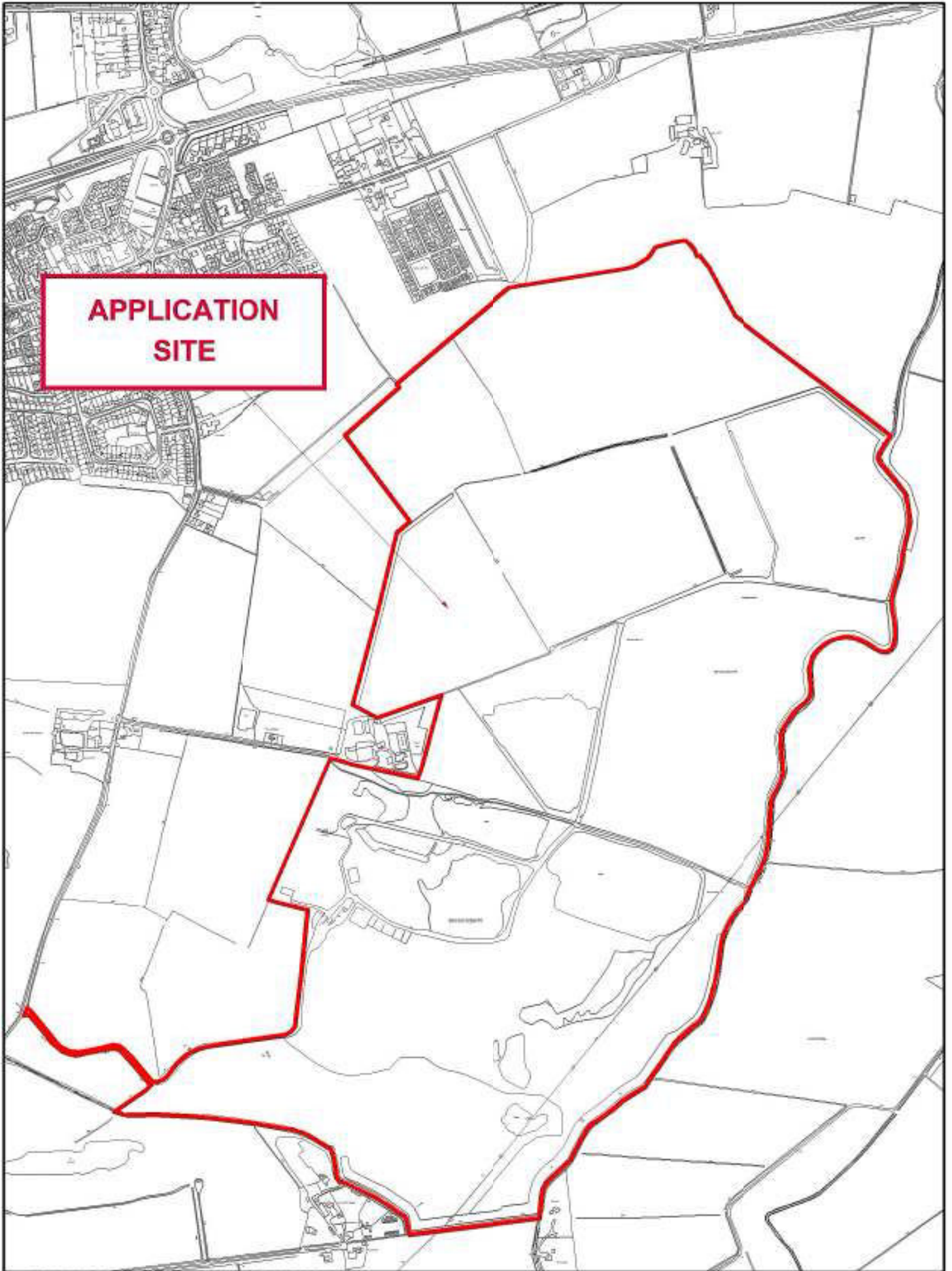
- Portions of the document were quite repetitive and may be confusing to members of the public;
- The document would be better split into three, separating out the Parish Councils and Neighbourhood Planning should be separate;
- The document did set out more clearly the processes; however it did not go into specific detail around costs, particularly in relation to Neighbourhood Planning. Members were advised that further guidance was being awaited on this point;

- The fifth bullet point down on page 48 of the document (not the agenda pack page numbers) stated that ‘Sufficient evidence had been provided to show that the neighbourhood forum proposed had secured (or taken reasonable steps to attempt to secure) that its membership included at least two individuals from the following: (a) individuals who lived in the neighbourhood area concerned; (b) individuals who worked there (whether for business carried on there or otherwise); and (c) individuals who were elected members, any of whose area fell within the neighbourhood area concerned’. Members sought clarification as to whether membership would be two individuals from each of the categories, as it did not appear to be clear. It was advised that the wording would be looked at and amended as appropriate;
- It was highlighted in the document on more than one occasion that with regards to Neighbourhood Planning ‘more than 50% of the community must be in favour of a plan for it to pass the public vote’. It was not clear whether this meant 50% of votes cast. Members were advised that this point would be looked into;
- The document stated that the requirement by developers to undertake pre-application consultations currently applied to ‘residential developments of 200 or more new residential units’. This figure was low as a development of 50 units could have significant effect on the local community. In response, Members were advised that clarification on this figure was being awaited from government;
- Committee Members involvement with applications at the consultation process stage would have to be measured in order to prevent Members being predetermined on applications;
- A number of points contained within the overview of the Committee speaking scheme needed amending. This would be addressed.

Following debate, Members commented that overall the document was extremely good; however it needed to be less repetitive and collated in a more succinct manner to enable lay members to understand its contents fully. Members were advised that their points raised would be addressed and incorporated into the document.

RESOLVED: to comment on the draft Statement of Community Involvement, in accordance with the committee’s delegations under paragraph 2.5.1.5 of the Council’s Constitution, before its presentation to Cabinet on 26 March 2012 for approval for the purpose of public consultation.

1.30pm – 2.15pm
Chairman



**APPLICATION
SITE**

LOCATION PLAN 11/02052/WCMM

Eyebury Quarry, Eyebury Road, Eye

Scale NTS

Date 13/4/2012

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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APPLICATION REF: 11/02052/WCMM

PROPOSAL: VARIATION OF CONDITIONS 1, 19, 21 AND 31 OF PLANNING PERMISSION 08/01562/WCMM TO ALLOW THE ACCEPTANCE OF ASBESTOS IN DEDICATED CELLS AND TO INCREASE THE CATCHMENT AREA FOR ASBESTOS

SITE: EYEBURY QUARRY, EYEBURY ROAD, EYE, PETERBOROUGH
APPLICANT: BIFFA WASTE SERVICES LTD

AGENT:
REFERRED BY: COUNCILLOR SANDFORD
REASON: PUBLIC INTEREST/SAFETY OF ASBESTOS
SITE VISIT: 20.01.2012

CASE OFFICER: MR A O JONES
TELEPHONE NO. 01733 453410
E-MAIL: alan.jones@peterborough.gov.uk

RECOMMENDATION: APPROVED SUBJECT TO RELEVANT CONDITIONS

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The site comprises the “southern extension area” within the existing Eye landfill site which lies to the south east of Eye village. The western boundary of the site is formed by the Cat’s Water Drain. The existing “southern extension” scheme covers approximately 15.7 hectares and comprises 8 engineered cells with a total void space of 1,675,000 cubic metres prior to waste settlement and restoration of the site. The site is an operational landfill site, (with an adjacent quarry site to the northwest) and has a typical appearance of such workings; in the central area there are lagoons and processing plant. The landfill operation is subject to a planning permission and a permit from the Environment Agency for 8 cells for non hazardous landfill (those subject of this proposal), a separate cell for inert waste, and the biological treatment of more than 50 tonnes of non hazardous waste per day. This is necessary because the landfill area will treat more than 50 tonnes of leachate (i.e. liquid that is controlled and drained from the landfill) per day. The eastern strip of the southern extension is being restored as a wildlife corridor as required by previous permissions. The area around Eyebury landfill is characterised by a fen edge appearance – large open flat fields and sporadic farmhouses and other dwellings. Pode Hole quarry is located to the north east of the site and is separated from Eyebury landfill by Willow Hall Lane and the Cat’s Water Drain.

Proposal

This is an application made under Section 73 of the Town and Country Planning Act 1990, for the variation of conditions 1, 19, 21 and 31 (now proposed condition 29) of permission 08/01562/WCMM. The applicant wishes to vary these conditions to enable the acceptance of asbestos waste in four dedicated stable non reactive hazardous (SNRHW) cells within the “southern extension area” of the Eye landfill site, and to increase the catchment area from which asbestos waste (only) can be accepted.

Condition 1 – relates to the approved plans and details and would need to be amended to include the revised plans showing the engineered cells to take asbestos, leachate and gas management plans, pre-settlement levels and asbestos management plan.

Condition 19 – relates to the leachate and gas management schemes.

Condition 21 – relates to the pre-settlement levels.

Condition 31 – Relates to the catchment area from which waste brought to the site must fall within. Presently this is 80% by weight of the waste brought to site for landfill (in the southern extension) must be sourced from within the administrative area of Peterborough, the administrative area of Cambridgeshire County Council or within a radius of 45km from the site.

Application 08/01562/WCMM was a Section 73 (variation of condition) application to the original permission granted for the infill of the former quarry area with wastes under reference 94/00004/MMFUL granted in 1999. The 2008 application is a stand alone permission and so it is this that currently comprises the extant permission for the site. This application was accompanied by an Environmental Assessment (EA) compiled in 2008. The development falls as Schedule 1 development under the 2011 Environmental Impact Assessment Regulations (the EIA Regulations) and therefore an EA is mandatory. The Mineral Planning Authority (MPA) must consider the environmental effects of the proposed modifications to the development together with the environmental effects of the development as a whole. Since the High Court ruling in Baker v Bath and North East Somerset, Hinton Organics (Wessex) Ltd (“the Baker Case”) it is no longer acceptable to consider modifications to development in isolation without addressing the overall cumulative impacts of the development. With this in mind the applicant has re-submitted the copy of the 2008 ES and has assessed the issues contained therein and where the applicant considers the situation or issues have changed in the intervening period or because of the changes in the scheme, an update to the ES is provided. This report will consider whether that assessment is acceptable.

Note: asbestos is classed as Stable Non Reactive Hazardous Waste (SNRHW)

2 Planning History

Reference	Proposal	Decision	Date
08/01562/WCMM	Variation of Condition C1, C2 and C9 of planning permission 94/00004/MMFUL to accept revised plans, allow an extension of time until 31/12/2021 and delete wording: 'Nothing other than solid inert material shall be tipped into Area 3 to backfill any voids and achieve new contours'	Application Permitted	08/03/2010

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policies

National Planning Policy Framework and accompanying Technical Guidance

PPS10 - Planning Policy Statement 10: Planning for Sustainable Waste Management

Planning Policy Statement 10 (PPS10) sets out the Government's policy to be taken into account by waste planning authorities and forms part of the national waste management plan.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW14 - The Scale of Waste Management Provision

Sets out the amounts of waste provision and timescales for the various types of waste management facility to be provided for by the Waste Planning Authority by 2026.

MW18 - Waste Management Proposals Outside Allocated Areas

Waste management development proposals outside allocated areas will be considered favourably where they meet the listed criteria.

MW19 - The Location of Hazardous Waste Facilities - Resource Recovery and Landfill

Where there is a demonstrated need for additional stable non reactive hazardous waste landfill capacity (to that allocated at Addenbrookes Hospital) provision will be made within existing landfill

sites. Where there is a demonstrated need for additional hazardous waste sites proposals will be considered in the context of the development plan.

MW22 - Climate Change

Minerals and waste proposals will need to take account of climate change over the lifetime of the development, setting out how this will be achieved. Proposals will need to adopt emissions reduction measures and will need to set out how they will be resilient to climate change. Restoration schemes which contribute to climate change adaption will be encouraged.

MW23 - Sustainable Transport of Minerals and Waste

Sustainable transport of minerals and waste will be encouraged and new and enhanced facilities to enable this will be encouraged. Transport Zones and Transport Safeguarding Areas will be defined and designated in the Site Specific Proposals Plan. There will be a presumption against development which could prejudice a protected area for transport of minerals and/or waste.

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

Minerals workings and waste management sites will be restored to a beneficial afteruse with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

MW29 - The Need for Waste Management Development and the Movement of Waste

Proposals for new or extended waste management development will be permitted where they meet a demonstrated need within Cambridgeshire and Peterborough. Applicants will be required to enter into binding restrictions on catchment area, tonnages and/or types of waste. Permission may be granted for development involving importation of waste from outside the Plan area where it is demonstrated it is sustainable.

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

MW33 - Protection of Landscape Character

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse affect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

MW36 - Archaeology and the Historic Environment

Minerals and waste development will not be permitted where there is an adverse effect on a designated heritage asset, historic landscape or other historic asset of national importance and/or its setting unless substantial public benefits outweigh the harm, or any significant adverse impact on a site of local architectural, archaeological or historical importance. Development may be permitted where appropriate mitigation measures are in place following consideration of the results of prior evaluation.

MW39 - Water Resources and Water Pollution Prevention

Mineral and waste management development will only be permitted where it is demonstrated there is no significant adverse impact or risk to;

- a. Quantity or quality of groundwater/water resources
- b. Quantity or quality of water enjoyed by current abstractors unless alternative provision is made
- c. Flow of groundwater in or near the site

Adequate water pollution control measures will need to be incorporated.

4 Consultations/Representations

Building Control Surveyor (04.01.12)

No objection. Building Regulations approval not required.

Pollution Team (02.02.12)

No objections. Pollution control is regulated and monitored by the Environment Agency.

Transport and Engineering Services (24.01.12)

No objections

Landscape Architect (27.01.12)

Concerns regarding siting of cells on the final landform.

Wildlife Officer (23.01.12)

No objections.

Environment Agency (23.01.12)

No objections. Re. Condition 19, advise that the EA is not concerned with the placement of the essential (gas and leachate management systems) interfering with the end use of the restored land, and that gas and leachate monitoring is covered by the sites environmental permit.

Natural England (20.01.12)

No adverse effects anticipated to either the restoration project or the wildlife corridor.

The Wildlife Trust

No comments received

Anglian Water Services Ltd

No comments received

EDF Energy

No comments received

National Grid

No comments received

Councillor D Sanders

No comments received

Councillor R Dobbs

No comments received

Parish Council (20.01.12)

No comments.

Local Residents/Interested Parties

Initial consultations: 60

Total number of responses: 4

Total number of objections: 3

Total number in support: 0

- Query the acceptable guidelines on storage and emissions from asbestos and long term impacts of placing asbestos in cells
- Can extra filters be added to remove emissions
- What are the alternatives for managing asbestos
- An incinerator is about to be built to dispose of rubbish in a productive manner - do we have to bury it in the ground
- Noise from reversing beepers
- Smell, especially in hot weather
- Litter
- The water environment still needs protecting
- It is unfair to Peterborough to bring in asbestos to Peterborough from more than 45 km out of Peterborough
- Eyebury road is an unsuitable access
- Willow Hall Lane is already used by Biffa traffic and this is unsuitable
- Concern that deleting/variation of the conditions will lower environmental standards
- Long term health implications

5 Assessment of the planning issues

The main considerations are

- The principle of allowing SNRHW at Eye landfill southern extension (including catchment area issue)
- Health and safety/air and water quality
- Construction of the SNRHW cells
- Gas and leachate management
- Landscape and visual appearance – changes to pre-settlement levels
- Consideration of these issues together with existing/unchanged situation/issues (ground conditions and contamination, water resources and flood risk, ecology and nature conservation, archaeology and cultural heritage, transport, noise, socio economic impact)
- Changes to the conditions

(a) Principle

Paragraph 2.3.4 of the Draft National Policy Statement for Hazardous Waste 2011 states that “It should be noted that, even with optimal use of this hierarchy, there will always be some hazardous waste, such as asbestos or certain residues from other treatment processes, for which disposal will be the only appropriate option.” The hierarchy referred to is the “waste hierarchy” established by the EC Framework Directive on Waste (revised 2008) which requires that where possible waste is prevented then re-used then recycled etc. The last resort is to landfill. In layman’s terms, asbestos can be dangerous to human health due to ingestion of asbestos fibres which over time can lead to serious health problems associated with the lungs/respiratory system. Thus asbestos that is disturbed/broken up is likely to be the main cause for concern. Handling asbestos as little as possible, keeping it covered and then burying is currently the best option for containment of asbestos fibres i.e. reducing impact on human health. In principle landfilling asbestos is therefore acceptable.

In the Peterborough area, landfill of asbestos is presently only permitted at the Thornhaugh 1 site. There is also the Kings Cliffe (East Northants Resource Management Facility) site located just outside the area that accepts a range of hazardous material. The Cambridgeshire and Peterborough Minerals and Waste Core Strategy (MW Core Strategy) policy C19 states that where there is a demonstrated need for SNRHW landfill capacity, limited extensions will be made within existing landfill sites.

The MW Core Strategy accepts that as the Thornhaugh 1 site is currently the only SNRHW waste landfill within the plan area, the extension of some existing sites is acceptable. The current permitted void space at Thornhaugh 1 is in the order of 470,000 cubic metres. There is potential at

Thornhaugh 1 to increase this void space to the order of 950,000 cubic metres with a site life to 2029 but this does not have planning permission (it is the subject of a current planning application). It is likely that about two thirds of this space would be taken up with SNRHW, i.e. 630,000 cubic metres.

The MW Core Strategy sets out that Cambridgeshire and Peterborough will generate 995,000 tonnes of hazardous waste over the plan period, i.e. to 2026. Neither Eyebury nor Thornhaugh 1 are permitted to take the whole range of hazardous waste that will be produced in the plan area. Assessing need in a quantitative sense is therefore difficult because no doubt hazardous waste will travel outside of this plan area to other sites whilst other hazardous waste will also travel into our plan area.

The figures suggest that it could be argued that there will be a need for some additional hazardous waste landfill within the plan area. Policy CS14 states that the waste planning authorities will make provision, by 2026, for a minimum of 14,000 cubic metres per annum of SNRHW void space. Peterborough will be meeting (and exceeding) this requirement. The southern extension at Eyebury is due to be completed by 2021 by which times other sufficient provision is likely to be available. In other terms, it is preferable for Cambridgeshire and Peterborough not to be reliant on one hazardous waste site and one operator. It can therefore be sufficiently demonstrated that a need can be identified.

Policy CS18 of the MW Core Strategy states that proposals for waste management development (for e.g. SNRHW) outside the allocated areas will be considered favourably where it is consistent with the spatial strategy for waste management and it can be demonstrated that they will contribute towards sustainable waste management. It is considered that as asbestos waste must be disposed of in landfill and the proposal is to utilise existing landfill facilities, that these policy criteria are met.

The existing planning permission 08/01562/WCMM is subject to condition 31 which restricts the catchment area for 80% of the current waste brought to the site. This condition is imposed to ensure that waste is treated at the nearest possible site to the source in accordance with the "proximity principle." The applicant wishes to vary this condition so that it applies only to the non hazardous waste, i.e. the asbestos waste would be excluded because the acceptance of asbestos may lead to more than 20% of waste in total coming from outside the catchment area. In simple terms, the more "specialised" the waste stream the fewer facilities exist to treat it and therefore the waste is likely to travel further than say non hazardous or inert waste. To put this into context (in terms of amounts of waste), the applicant proposes to import up to 20,000 tonnes per annum (tpa) of SNRHW which could be a maximum of approximately 200,000 tonnes over the lifetime of the development. The total void space is 1, 675,000 cubic metres. Although not directly comparable, this gives an indication as to the proportion of SNRHW in the context of the southern extension void space.

The applicant states that Cambridgeshire and Peterborough has traditionally accepted waste arisings from outside its area, notably from London. In this case the applicant cites Norfolk as being a key area from which it is anticipated that asbestos will be brought in from outside the current catchment area. Norfolk, due to various reasons, does not now have any hazardous landfill. An engineered asbestos cell at a site near Norwich and operated by Biffa, ceased accepting waste in March 2011. It is considered that due to the nature of the waste, the need to ensure that as far as possible, the asbestos cells are completed within the approved phasing timetable for the cells as a whole and that if asbestos is accepted at Eyebury it is unlikely to travel further than at present, the change to the catchment area can be justified (for the SNRHW only).

It should also be noted that when the southern extension was permitted in 1999, asbestos would have been permitted to be mixed in with the commercial and industrial (C&I), and construction and demolition (C&D) waste that is accepted at the site, i.e. it was not essential to explicitly state that the site would accept SNRHW. This was prevented when the EC Waste Framework Directive was introduced preventing the mixture of hazardous waste with other wastes.

(b) Health and Safety

The introduction of SNRHW to the site in the four engineered cells raises issues of health and safety and air and water quality due to the possible release of fibres into the air or through water

permeating from the site. These matters are considered at pages 5-7 of the submitted Environmental Statement Update Report and in a separate Asbestos Management Plan. The latter is provided as Appendix A to this report.

The Environmental Statement Update Report and Asbestos Management Plan outline how the operator will have to operate to strict rules regarding the acceptance of asbestos wastes, for example; ensuring that asbestos waste is delivered in suitably enclosed containers, having a water spray available upon the deposit, and ensuring there is enough material present to entirely cover the deposited waste immediately.

The environmental permit conditions the use of these measures and also requires Biffa to carry out regular dust and asbestos monitoring to demonstrate that no escape of asbestos fibres can occur. The Asbestos Management Plan sets out a monitoring schedule and trigger points for implementation of an Action Plan.

Policy CS 34 of the MW Core Strategy is of relevance as it requires waste management development to demonstrate that there will be no significant harm to the environment, human health or existing or proposed neighbouring land uses. It is considered that the submitted information demonstrates compliance with this policy. The Environment Agency is responsible for monitoring air and water quality emanating from the site. The Agency has already issued its permit in relation to this proposal and has raised no objections. PPS 10 states that Waste Planning Authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The proposal is therefore acceptable in this regard.

(c) **Construction of the Cells**

If SNRHW is accepted at the site it will necessitate revised engineering to the four proposed cells in order to ensure that the SNRHW is kept separate from the other waste. Plans have been submitted to show how this will work and a Stability Risk Assessment report has been submitted to demonstrate that the proposed engineering is safe. If these plans are acceptable, Condition 1 would need to be amended to include reference to these plans. Policy CS34 of the MW Core Strategy is relevant. The revised engineering of the cells will not result in any perceptible impacts upon the surroundings except that the cells containing the SNRHW will need to remain active during the completion of two non hazardous cells, delaying the restoration of that SNRHW waste cell by up to 1.25 years. This is more an issue regarding visual impact but it is considered that as this delay will occur during the operational phases of the development this will not result in unacceptable amenity issues. Again, the engineering of the cells has been accepted by the Environment Agency. It is considered that the revised engineering complies with CS34.

(d) **Gas and Leachate Monitoring**

Updated plans have been submitted showing the revised monitoring points for leachate and gas, collection wells and pipes that transport the leachate and gas to the environmental compound (already permitted) which contains treatment facilities for both. As gas and leachate monitoring will be undertaken by the Environment Agency under the permitting regulations, it is not proposed to consider these issues in any detail to avoid unnecessary duplication. The position of the gas and leachate infrastructure appears appropriate and should not affect the restoration of the site to an agricultural afteruse. Conditions 1 and 19 will need to be varied to include these plans and it is considered this is acceptable.

(e) **Landscape and Visual Affects**

The Landscape and Visual Impact aspects of the proposal have been updated because the proposals will result in changes to the pre-settlement levels. The relevant policies are CS25, CS34 and CS35 of the MW Core Strategy. Due to the nature of landfilled SNRHW it will not settle as much as non hazardous waste. Therefore to ensure that there are even contours once the settlement has occurred, those cells containing SNRHW will need to be filled to a lower level. This will create an uneven appearance to the site during the pre-settlement phase. However, most settlement will occur during the development and once restored, the site will ultimately look the same as already approved. The visual impact of this will not directly affect anyone.

The Council's consultant Landscape Architect has questioned the placing of the four cells around the site rather than grouping them together on the least prominent slopes and the possibility that the adjoining settlements do not go as planned. This has been discussed with the agent and the

cells have been so placed to ensure the landfill can proceed in line with the agreed phasing/for safe operational reasons. Also, the applicant is confident based on other similar operations that the expected post settlement levels are correct. If there are any variations this will be resolved prior to planting by increasing the depth of layer of soil over the depressed area. It is not considered that the revised pre-settlement levels due to the importation of SNRHW are in conflict with policies CS33, CS 34 or CS35. The restoration scheme will enable the majority of the site to return to a beneficial agricultural afteruse and the wildlife corridor brings benefits to biodiversity in compliance with policy CS25.

(f) Consideration of cumulative effects

As stated earlier, the proposed changes to the scheme set out above, cannot be considered in isolation but must be assessed as part of the whole scheme/development. The original ES (resubmitted with this application) has been re-evaluated alongside the revised information. The following is a summary of the issues not directly impacted by the revised proposals:-

Ground conditions and contamination

This section of the ES relates in the main to the ground investigation report undertaken prior to the development commencing. This is unchanged by the current proposal and has already been accepted. The proposal complies with policies CS34 and CS39 of the MW Core Strategy.

Water resources and flood risk

This section of the ES contains assessment on the impacts of the landfill operation on groundwater, surface water, flood risk and how trade effluent would be dealt with. This section remains relevant and is unchanged by the revised proposal. The proposal complies with policy CS39 of the MW Core Strategy and the NPPF – the Flood Risk Assessment was undertaken in accordance with PPS 25 but the physical characteristics of the site, methodology employed and conclusions are still relevant. Groundwater will be monitored by the Environment Agency through the permitting regime and the EA has raised no objections.

Ecology and nature conservation

The ecology proposals remain as already approved and the chapter has been updated just to set out that the approved wildlife corridor to the east of the proposed cells has already been implemented. The ecological and landscape schemes previously approved and still relevant have taken the opportunity to improve biodiversity within the site and comply with policy CS35 of the MW Core Strategy and with the NPPF. The approved schemes also assist with delivering benefits associated with climate change as required by policy CS22.

Archaeology and cultural heritage

The submitted report concludes that there are no known archaeological remains in the southern extension area due to previous extraction and earthworks. There are no other heritage assets affected by the proposal. This chapter of the ES remains relevant and complies with policy CS36 and the NPPF.

Transport

A transport assessment (TA) was submitted with the original ES and remains relevant. The physical aspects e.g. site access and hours of operation are unchanged. The TA set out that there are an average of 23 large goods vehicle (LGV) two way trips per day and 102 heavy goods vehicle (HGV) trips per day associated with the Eye landfill. There were 70 two way movements a day associated with the Cemex (quarrying) operations. Therefore there is a total of 195 two way LGV/HGV movements for the whole site. There is a Section 106 agreement attached to the permission for the Cemex operations which restricts the lorry movements to 225 two way movements per day.

In reality the number of lorry movements will be far less than this and will not be affected by the importation of the SNRHW. The fact that the asbestos waste will be coming from further afield will not impact upon the highway conditions near the site or in the Peterborough area. The Highway Authority raises no objections. The proposal is in compliance with policy CS32 of the WM Core Strategy.

Noise

The noise chapter of the original ES remains the same. The changes to the proposal will not alter

the scheme as approved. The Environment and Pollution Control Officer has confirmed that the current site operations have not resulted in complaints and he has raised no objections. The proposal complies with policy CS34 of the MW Core Strategy.

Socio economic impact

The socio economic impact of the proposal remains unchanged from previously approved.

The changes to the scheme when assessed with the development as approved do not result in any unacceptable impacts upon the environment. Where there are potential impacts, as set out above, these will be adequately mitigated and largely monitored through the site permit enforced by the Environment Agency.

(g) **Changes to the conditions**

If the application is approved, conditions 1, 19, 21 and 31 will be varied to reflect the changes to the approved scheme.

The opportunity has been taken to review the other conditions attached to 08/01562/WCMM because since the original permission 94/00004/MMFUL was granted in 1999, several schemes (to comply with or discharge conditions) amended by various letters have been approved. The identification of the approved schemes due to these variations has proved difficult. With the assistance of the applicant the conditions have been consolidated where possible to make them easier to understand for monitoring purposes (for both the Council and site operatives). The substance of the conditions and schemes approved has not changed except where set out above.

6 Conclusions

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

The Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD policies CS14, CS18, CS19, CS22, CS23, CS25, CS29, CS32, CS33, CS34, CS35, CS36 and CS39

Saved policy OIW15 of the Peterborough Local Plan (First Replacement)

The National Planning Policy Framework, PPS 10 Planning for Sustainable Waste Management, EC Waste Framework Directive on Waste 2008, Strategy for Hazardous Waste Management in England 2010, Waste (England and Wales) Waste Regulations 2011 are material considerations.

The proposal has been assessed against the above policies and material considerations and in accordance with the provisions of the Town and Country Planning Environmental Impact Assessment Regulations 2011. The cumulative effects of the proposed changes to the approved scheme together with those elements of the scheme that will remain as previously assessed are considered to be acceptable, as any impacts that have been identified are satisfactorily mitigated against and will be sufficiently controlled by planning conditions or other regulatory requirements. The proposal is in compliance with development plan policy and where there is a possibility of conflict ie need for SNRHW and catchment area, it is concluded that there is not sufficient conflict with adopted policy or with material considerations that would justify a refusal of the application.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **APPROVED** subject to the following conditions:

- C 1 The development hereby permitted shall be carried out in complete accordance with the following details:
1. "Eye Southern Extension Landfill: Planning application - SNRHW (Asbestos) Cells" dated November 2011 (including Environmental Statement Update Report)
 2. Environmental Statement and Appendices, Golder November 2008
 3. Letter from Golder (inc. annexes 1 – 23) dated 28 March 2011
 4. The following plans:
PAS1 Site Location Plan ref. E5038200 dated 25/07/2008

PAS2 Planning Application Boundary ref. E5038300 dated 25/07/2008
PAS3 Rev.A Site Layout and Waste Deposition E5038401 dated 20/10/2011
PAS4 Site Reception and Vehicle Movements ref. E5038500 dated 21/08/2008
PAS5 Post-Settlement Post-Restoration Levels ref. E5038600 dated 25/07/2008
PAS6 Restoration Landform and Planting Scheme ref. E5038700 dated 01/04/2008
PAS7 Design of Stable Non Reactive Hazardous Waste Cells ref. E5039000 dated 20/10/2011
PAS8 Cross Section through Cell 3 ref. E5039100 dated 20/10/2011
ES3.2 Leachate Management Layout (Revision A) Ref. E5034201 dated 20/10/2011
ES 3.4 Landfill Gas Management (Revision A) ref. E5034401 dated 20/10/2011
ES3.5 Pre-settlement Pre-Restoration Levels (Revision A) E5034501 dated 20/10/2011

Reason: In the interests of protecting the amenity of adjacent occupiers and to minimise the duration and disturbance from the development in accordance with policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 2 This permission shall be for a limited period expiring on 31 December 2021 at which time the waste deposition authorised by this permission shall cease and the land reinstated to a condition suitable for agricultural use in accordance with PAS 6 Restoration Landform and Planting Scheme ref E5038700, amended as appropriate by Ecological and Landscaping considerations set out in Conditions 3 and 26. The scheme shall be implemented in accordance with the approved details.

Reason: In the interests of protecting the amenity of adjacent occupiers and to minimise the duration of disturbance from the development in accordance with policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 3 The development shall be carried out in accordance with the Ecological Management Plan for Wildlife Corridor and Lakes Area, as amended by letter from Golder dated 10/09/08 and drawing E5031700 dated 03/10/08.

Reason: In order to protect and enhance the biodiversity value of the site in accordance with policy CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 4 A vehicle wheel cleaning facility shall be kept operational at all times for the duration of the life of the site and internal traffic arrangements must ensure that any vehicle entering onto the public highway passes through the facility for the duration of the landfill and restoration operations hereby permitted.

Reason: In the interests of highway safety in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 5 Vehicular access shall only be gained from the existing point of access from the public highway.

Reason: In the interests of highway safety in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 6 The surface of the site access road shall be kept clean by regular mechanical sweeping to ensure mud and other detritus is not deposited on the public highway.

Reason: To ensure that mud and dirt is not deposited on Eyebury Road in the interests of highway safety in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C 7 The operations hereby permitted shall only be carried out between the following times:-
07.00 – 18.00 hours Monday to Friday
07.00 – 18.00 hours Saturdays
and at no other times or on Sundays, Public Holidays or bank holidays.
- Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C 8 Soil stripping and soil replacement operations within 250 metres of any residential property shall only be carried out between the hours of 08.00 to 17.00 Mondays to Fridays.
- Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C 9 The previously tipped putrescible wastes in Area 3 (i.e. Cells 4 and 5), as identified in the ES Volume 3 Ch 5, shall be excavated and deposited in an engineered containment cell constructed within Area 2 in accordance with the mitigation measures outlined in the ES Volume 2 Ch 5.2.7.
- Reason: To ensure the protection of water resources in accordance with policies CS39 and CS46 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C10 The scheme for Soil Movement and Phasing (ES Volume 3 Ch ES3.1), as amended by letters from Golders dated 31 July 2008 and 13 October 2008 (and approved by MPA letter dated 15 October 2008) shall be implemented in accordance with the approved details.
- Reason: To protect the existing soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C11 The applicant shall give at least seven days notice to the Mineral Planning Authority prior to the commencement of topsoil and subsoil stripping. Soil stripping shall only be carried out when the full depth of the soil to be stripped or otherwise transported is in a suitable dry moisture condition and not at all between the months of October and March. Topsoil shall first be stripped from any subsoil storage areas. Topsoil and subsoil shall first be stripped from any clay or over burden storage area.
- Reason: To protect the existing soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C12 Plant and vehicles shall not cross areas of unstripped topsoil and subsoil except for the purposes of soil stripping.
- Reason: To protect the existing soil resource in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C13 Dust control measures including a powered water bowser shall be employed to dampen down internal hard roads and operational areas as required during dry weather to prevent dust or wind blown materials being carried onto adjacent property.
- Reason: In order to protect the amenity of adjacent occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C14 Any fuel or chemical storage above ground and refuelling facilities shall be banded to at least 110% of the tank capacity and constructed on an impermeable base with an independent sealed drainage system with no direct discharge to any watercourse, land or underground strata.

Reason: To protect the water environment in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C15 Except for temporary operations, the free field Noise Level (LAeq, 1hr) at noise sensitive premises adjoining the site, due to operations in the site, shall not exceed 50 dB LAeq, 1hr. Measurements taken shall have regard to the effects of extraneous noise and shall be corrected for any such effects.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to the amenity of the nearby residential properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C16 For temporary operations, the free field noise level at noise sensitive properties shall not exceed 65 LAeq, 1hr expressed as in the same manner as for Condition 15. Temporary operations shall not exceed a total of eight weeks in any continuous 12 month period for work affecting any noise sensitive property. 5 days written notice shall be given to the Mineral Planning Authority in advance of the commencement of any temporary operation. Temporary operations shall include site preparation, bund formation and removal, site stripping and restoration, and any other temporary activity as may be agreed, in advance of works taking place, with the Mineral Planning Authority.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to the amenity of the nearby residential properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C17 Reversing beepers - model BBS-107 Heavy Duty Backalarm by Brigade Electronics, shall be used on all items of mobile plant and trucks which require reversing alarms and will be functioning in all locations at the quarry where such plant items and dump trucks operate.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area, and minimise disturbance to the amenity of the nearby residential properties in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C18 All reasonable precautions to prevent the spread of litter from the working area including the provision of catch fencing shall be taken. Any litter from the site which is deposited on nearby land shall be removed and returned to the infill site.

Reason: In order to protect the amenity of nearby residential occupiers in accordance with policy CS34 in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C19 The landfill gas management and landfill leachate management systems shall be implemented in accordance with the approved details as amended by letter from Golder dated 31 July 2008 and drawings ES3.2 (ref. E5034201) and ES3.4 (ref. E5034401) dated 20/10/2011. Implementation of the systems will ensure that:
The gas and leachate well heads are of a design that does not become an unseen obstruction to agricultural machinery.

Reason: To prevent pollution and to ensure the beneficial restoration of the land to agriculture in accordance with policy CS25 in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C20 Any waste skips/containers shall only be stored on the site during the duration of landfill operations in locations to be submitted to and agreed in writing by the Mineral Planning Authority.
- Reason: In order to protect the amenity of nearby residential occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C21 Pre-settlement levels will be determined in accordance with the approved scheme 'Pre-Settlement Waste Levels' dated May 2008 as amended by drawing ES3.5 (ref. E5034501) dated 20/10/2011.
- Reason: In order to protect the visual amenity of the area in accordance with policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C22 Following the completion of capping or inert landfill subsoil shall be re-spread across the surface to a minimum depth of 700mm. Following spreading the subsoil shall be ripped with a winged tine subsoiler at a spacing and depth to be approved by the Mineral Planning Authority. All rocks, stones and other deleterious material in excess of 100mm in size which arise during subsoiling shall be removed from the site.
- Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C23 Following the spreading of subsoil in accordance with Condition 23 topsoil shall be re-spread evenly over the surface to a depth of 300mm. The surface shall then be subsoiled (ripped) to a depth of 400mm with tines spaced at 600mm. Any stones larger than 75mm in size that arise from the subsoiling (ripping) shall be removed.
- Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C24 Following the spreading of topsoil an adequate number of samples of topsoil shall be analysed to determine fertiliser and other ameliorates required to promote normal plant growth. The results of these analyses shall be forwarded to the Mineral Planning Authority and details of treatment, seed mixtures and rate of application shall be approved in writing by the Mineral Planning Authority prior to their application.
- Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.
- C25 An Aftercare Scheme requiring that such steps as may be necessary to bring the land to the required standard for the use of agriculture shall be submitted for the approval of the Mineral Planning Authority not later than three months prior to the date on which it is first expected that the replacement of topsoil shall take place.
- The submitted Scheme shall:
- (a) Provide an outline strategy in accordance with the Technical Guidance to the National Planning Policy Framework March 2012 for the five year Aftercare period. This shall specify steps to be taken and the period during which they are to be taken. The Scheme shall include provision of a field / under drainage system and provide for an annual meeting between the applicants, the Mineral Planning Authority and 'an appropriately qualified person'.
 - (b) Provide for a detailed annual programme, in accordance with the Technical Guidance to the National Planning Policy Framework March 2012 to be submitted to the Mineral Planning Authority not later than two months prior to the annual aftercare meeting.

Unless the Mineral Planning Authority, after consultation with 'an appropriately qualified person', agree in writing with the person or persons responsible for undertaking the aftercare steps that there shall be lesser steps or a different timing between steps, the aftercare shall be carried out in accordance with the submitted Scheme.

Reason: To ensure the agricultural quality of the restored soils in accordance with policy CS38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C26 The phased landscaping scheme encompassing advance and restoration planting set out in 'Eye Landfill Southern Phased Landscape Restoration' dated May 2008, as amended by approved drawing PAS 6 Restoration Landform and Planting Scheme ref E503870 dated 01/04/08, shall be implemented as approved, subject to the planting details on the revised plan being amended to those set out in;
- planting details for Scrub Mix, and provision for additional neutral grassland north of hedge 5, as set out in letter from Golder dated 10th September 2008,
 - 'Site Compartment Plan' ref E5033800 dated July 2008 in the Ecological Management Plan.

Reason: In order to protect the visual amenity of the local area in accordance with policy CS33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C27 The development shall be implemented in accordance with the details approved under Condition 26. Any seeding or planting which is removed, dies or becomes diseased within a period of five years from initial planting shall be replaced with planting of a similar size and species during the next planting season.

Reason: In order to protect the amenity of adjacent occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C28 Should for any reason infilling cease for a period in excess of twelve months, the applicant shall upon written request from the Mineral Planning Authority produce a scheme for the written approval of the Mineral Planning Authority for the restoration of the site, including a schedule of timings, provision for seals and soiling and agricultural operations in similar manner to that referred to in the aforementioned conditions.

All restoration work, with the exception of aftercare shall be completed in accordance with the approved scheme within eighteen months of the scheme being approved.

Reason: In order to protect the visual amenity of the site and to ensure its restoration to beneficial afteruse in accordance with policies CS25 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

- C29 At least 80% by weight of the non-hazardous waste brought into the site for landfilling in the area the subject of this permission (known as the southern extension) shall be sourced from the following areas:

1. the administrative area of Peterborough City Council
2. the administrative area of Cambridgeshire County Council
3. within a radius of 45 kilometres from the site

Weighbridge records shall be submitted to the Mineral Planning Authority annually on a date to be agreed with the operator, and shall set out the originating location and the type of waste imported to the site or shall be made available to the Mineral 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 CS29 of the Cambridgeshire and Peterborough Minerals

and Waste Core Strategy Development Plan Document 2011 and policy WM3 of the East of England Plan 2008.

- C30 The total number of HCV movements for the purposes of all operations and development undertaken pursuant to quarrying, mineral processing, waste disposal and waste processing within the quarry shall not exceed:
- (a) 450 per day between Monday and Friday inclusive
 - (b) 230 per day on Saturdays
- and at no other times or on Sundays, Public Holidays and Bank Holidays.

Reason: To minimise disturbance to residential or rural amenity from the development in accordance with policies CS32 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy Development Plan Document 2011.

Copies to Councillors D A Sanders, R J Dobbs

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May 2011

EYE LANDFILL

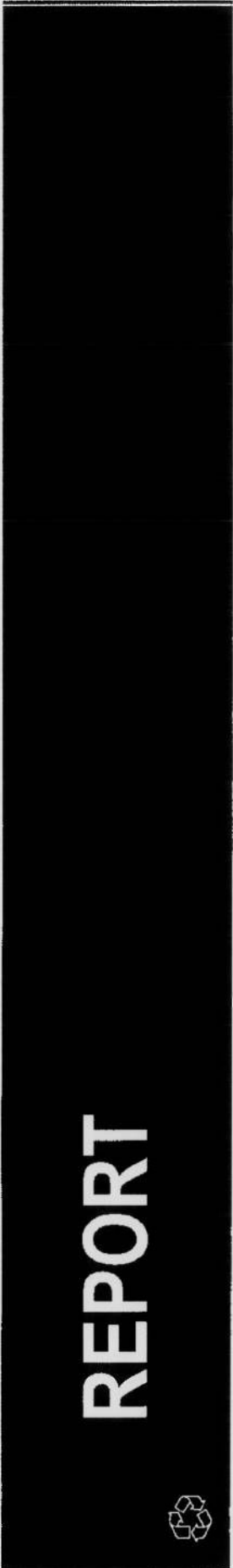
Asbestos Management Plan

Submitted to:
 Biffa Waste Services Ltd
 Redhill Landfill Site
 Cormongers Lane
 Redhill
 Surrey
 RH1 4ER

Report Number. 10514290162.506/A.0

Distribution:

- Biffa Waste Services Ltd - 2 copies (inc pdf)
- Environment Agency - 2 copies (inc pdf)
- Golder Associates (UK) Limited - 1 copy



ASBESTOS MANAGEMENT PLAN

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ASBESTOS MANAGEMENT PLAN

1.0 INTRODUCTION

Biffa Waste Services Ltd ('Biffa') has requested Golder Associates (UK) Ltd ('Golder') to prepare an Asbestos Management Plan in support of the Environmental Permit ('EP') Variation Application (hereafter referred to as the 'Variation Application') for Eye Landfill Site, Eyebury Road, Tanholt Lane, Eye, Peterborough PE6 7TH (the 'Site').

This Asbestos Management Plan has been written in line with the following Agency guidance:

- Waste Acceptance at Landfills, November 2010;
- Understanding the Landfill Directive, Regulatory Guidance Series LFD1; and
- Monitoring of particulate matter in ambient air around waste facilities, M17.

This plan is only applicable to the Southern Extension area of Eye Landfill as this is the only area where asbestos waste will be deposited.

2.0 WASTE ACCEPTANCE AND DEPOSITION OF ASBESTOS WASTE

2.1 Waste Acceptance Procedures

The asbestos waste must be pre-assessed to ensure that it meets the leaching limits set out in the waste acceptance criteria for Stable Non Reactive Hazardous Waste prior to acceptance at the Site for disposal.

Once assessed and deemed acceptable for landfill, the waste acceptance procedures for the asbestos waste will be the same as for the non-hazardous waste and inert waste, as detailed in Appendix 1 Version A.0 (ref. 07514290224.526 dated May 2008) of the original permit application.

2.2 Waste Deposition and Emplacement Procedures

The asbestos cell will be clearly marked as it is in close proximity to the closest active non-hazardous waste cell and there is the need to eliminate the possibility of waste being deposited in the wrong landfill area. Biffa will maintain a record of the location of all asbestos waste deposits made in light of the potential for future need to disturb the waste mass, for example the drilling of additional or replacement boreholes.

The machine operator working in the asbestos cell will ensure that appropriate PPE is available within the cab. A bowser complete with spraying equipment will also be available in the asbestos cell.

Prior to allowing the vehicle to unload, the machine operator will ensure that all other vehicles have left the tipping area, thus ensuring that only one vehicle is tipping within the cell at any one time. The machine operator will control the flow of traffic and thus manage the tipping within the asbestos cell. In addition, signs will be put in place indicating traffic flow directions and stating the rules concerning tipping within the asbestos cell.

All unloading and emplacement of the waste shall be carried out by the contractor delivering the waste and the machine operator must not leave his cab until the waste is adequately covered. The driver of the delivery vehicle must discharge the load progressively and without undue speed or jolting of the vehicle until the entire contents of the load has been discharged into the designated tipping area.

Immediately after discharge of the waste the delivery vehicle body/skip must be covered or closed so as to prevent the escape of any fibres which may be remaining. The Weighbridge Operator shall, when booking the vehicle out of the Site, check as far as is possible that the vehicle/skip has been closed/covered and remind the driver that he has a duty to do so.

2.3 Covering Procedure for Asbestos

Once deposited, the asbestos waste will immediately be covered by inert materials to a depth of at least 250 mm using appropriate plant. At the end of the day at least 1 m of cover will be placed on all flanks and

ASBESTOS MANAGEMENT PLAN

surfaces to ensure that no asbestos waste is left exposed. This will prevent the aerial dispersion of asbestos fibres from the zone of deposit.

When asbestos waste has reached a depth of 3 m below post restoration levels it will be covered by 2 m of suitable material prior to placement of the restoration material. Biffa will ensure that the suitable cover material is a granular material which is free from any objects capable of disrupting the waste or any packaging. This cover material will subsequently be overlain by cover soils and a minimum 200 mm top soil to achieve a minimum total restoration layer thickness of 1 m. The soils will comprise sand and soil forming materials retained in existing stockpiles for use at the Site, to achieve the standard required for restoration to agriculture. In any areas where it is intended to plant shrubs, trees or hedge rows on the cap, soil thickness will be locally increased. The total cover above the asbestos will therefore be a minimum of 3 m.

2.4 Additional Particulate Management

In addition to the specific asbestos deposit emplacement and cover procedures, particulates are monitored and managed at the Site in accordance with the detail in the Amenity Management Plan (Version A.1, dated May 2011) and Amenity Risk Assessment (Version A.0, dated May 2008). Management in relation to particulates specifically includes the following:

- Vehicle speeds are restricted along the haul road to the active area;
- Dampening of site roads;
- Compaction of waste and use of daily cover;
- No waste disposal will occur during adverse weather conditions; and
- All waste will be appropriately covered on incoming waste carrying vehicles.

3.0 MONITORING OF ASBESTOS

3.1 General

Asbestos fibres have the potential to cause serious health affects if ingested which could have an impact upon both Site operatives and visitors in addition to people outside of the Site. The asbestos waste will arrive at the Site within enclosed vehicles and fibrous asbestos will be additionally bagged. The asbestos will be carefully unloaded and covered by suitable cover materials as detailed above. It is necessary to undertake monitoring for asbestos fibres to check that fibres are not being released into the atmosphere. Asbestos monitoring will be undertaken at the Site as identified below.

3.2 Asbestos Monitoring within 10-15 m of the Asbestos Waste Cell

Asbestos monitoring will be undertaken at two locations downwind and one location upwind of the currently active asbestos cell, whilst disposal is taking place. This will enable comparisons of data as suggested by Figure C1 in Technical Guidance Document M17 Appendix C: Guidelines for Locating Monitoring Stations. The monitoring location will be at a distance of 10-15 m from the active asbestos cell.

The assessment level for the monitoring within 10-15 m of the asbestos cell is 0.01 fibres/ml.

3.3 Asbestos Monitoring at the Southern Extension Installation Boundary

If the monitoring undertaken in Section 3.2 above identifies an exceedence of the assessment level it will be necessary to also undertake monitoring at the installation boundary. Installation boundary monitoring will take place at one upwind and two downwind monitoring locations within 100 m of the active asbestos cell.

The assessment level for the installation boundary monitoring is 0.002 fibres/ml.



ASBESTOS MANAGEMENT PLAN

3.4 Sampling Methodology

The monitoring will comprise the use of air-sampling pumps and cellulose acetate filters (0.8 µm pore size), with samples being taken at a height of 1.5 to 2 m above ground. The sampling volume will be set at 5 l/min. The sampling flow rate will be set to achieve a minimum sample volume of 480 litres between the point of the first asbestos being deposited and the appropriate burying of asbestos bearing waste for the monitoring being undertaken within 15 m of the asbestos cell. The minimum flow volume for the Southern Extension installation boundary monitoring will be 2400 litres of air at each sampling location between the point of the first asbestos being deposited and the appropriate burying of asbestos bearing waste.

The filter papers from the samples will be retained and cut in half. One half will be sent to a UKAS approved laboratory for testing and the second will be retained within the sample container. Fibres on the cleared filter will then be counted using phase contrast microscopy (PCM) to obtain the fibre number concentration in air. If the number of particles in the downwind samples is shown to exceed the number of particles in the upwind samples it will be assumed that the fibres have stemmed from on-Site asbestos disposal operations.

Where an upwind sample at 10-15 m from the active asbestos cell has fibre concentrations similar to or above the assessment level, retained samples from the downwind locations shall be subject to scanning/transmission electron microscopy (TEM/SEM) to establish the PCM equivalent asbestos fibres concentrations. If the test identifies that the asbestos concentration of 0.01 fibres/ml has been exceeded then installation boundary monitoring and additional controls as detailed in Section 4.0 below will be instigated.

3.5 Sampling Frequency

Sampling will be undertaken quarterly to establish that the acceptance, placement and cover procedures being undertaken are working effectively. If quarterly monitoring identifies an exceedence of the installation boundary assessment level, monitoring will increase to monthly. Where two consecutive monthly readings are within the 0.002 fibres/ml limit, monitoring will revert to quarterly.

3.6 Quality Assurance

An effective quality assurance/quality control (QA/QC) system will be put in place to ensure high-quality results and to eliminate invalid data.

4.0 ACTION PLAN

If the asbestos monitoring level of 0.01 fibres/ml is exceeded then installation boundary monitoring will be undertaken. If installation boundary monitoring identifies that the assessment level of 0.002 fibres/ml has been exceeded the following action plan will be implemented

1. Temporarily cease accepting any new loads of asbestos waste;
2. Continue to deposit the asbestos waste if deposition is already in progress;
3. Cover all visible asbestos waste with 250 mm of cover material ensuring that all flanks are covered and that no asbestos is visible;
4. Dampen down the entire asbestos cell area;
5. Complete monitoring at the boundary
6. If levels are no longer exceeding the assessment levels then resume the acceptance of asbestos waste and consider the implementation of new procedures to prevent the release of asbestos fibres, for example
 - a. Depositing asbestos waste in a smaller area of the cell;
 - b. Depositing small quantities of waste and then dampening down before depositing the next part of the load;
 - c. Cover and then dampen down the asbestos waste area;
 - d. Dampen down the vehicles as they leave the asbestos cell.

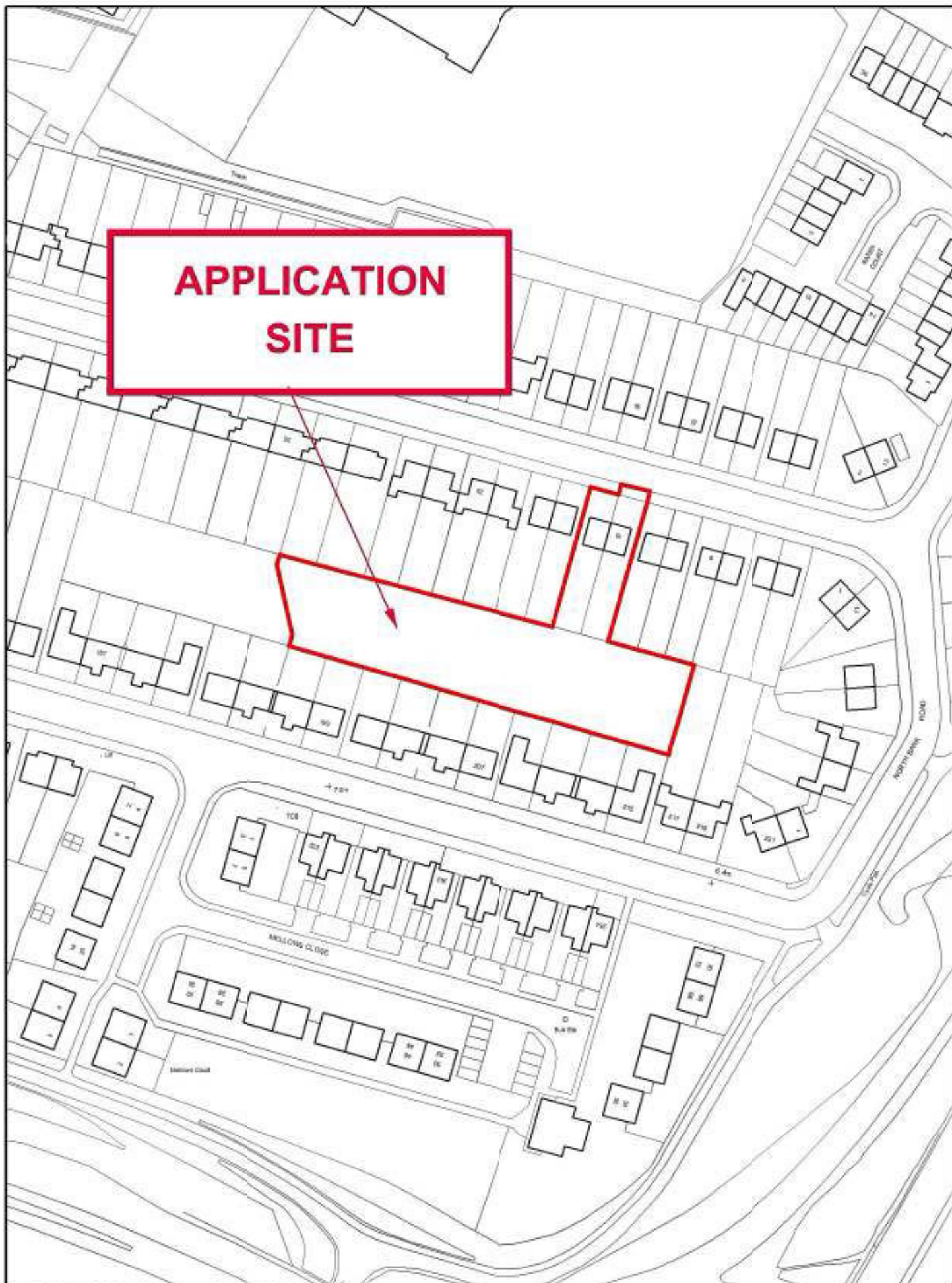


ASBESTOS MANAGEMENT PLAN

7. Complete a new round of asbestos monitoring, if levels now acceptable revise the asbestos management plan to incorporate the new procedures relating to the acceptance, deposition and covering of asbestos.

5.0 REFERENCES

- 1) Golder Associates (UK) Limited, Eye Southern Extension PPC Variation Application, *Appendix 1 - Permitted Wastes, Deposit and Emplacement*, Version A.0, May 2008.
- 2) Golder Associates (UK) Limited, Eye Southern Extension PPC Variation Application, *Section E - Amenity Risk Assessment*, Version A.0, May 2008.
- 3) Golder Associates (UK) Limited, Eye Southern Extension PPC Variation Application, *Appendix 2 - Amenity management Plan*, Version A.0, May 2008.



LOCATION PLAN 12/00134/FUL

Land to the Rear Of 9-33 Eastleigh Road and 197-215 Padholme Road, Eastfield, Peterborough

Scale NTS Date 13/4/2012 Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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APPLICATION REF: 12/00134/FUL

PROPOSAL: CONSTRUCTION OF FOUR TWO-BED AND ONE THREE-BED AFFORDABLE BUNGALOWS INCLUDING ASSOCIATED EXTERNAL WORKS AND PARKING, DEMOLITION OF 15 EASTLEIGH ROAD TO PROVIDE ACCESS TO NEW DWELLINGS

SITE: LAND TO THE REAR OF 9-33, EASTLEIGH ROAD AND 197-215 PADHOLME ROAD, EASTFIELD, PETERBOROUGH

APPLICANT: CROSS KEYS HOMES

AGENT: THE DESIGN PARTNERSHIP (ELY) LTD

REFERRED BY: CLLR NABIL SHABBIR

REASON: IMPACT ON CHARACTER AND RESIDENTIAL AMENITY, TRAFFIC IMPLICATIONS, OVERCROWDING AND THE LAND SHOULD BE RETURNED AS GARDEN LAND

SITE VISIT: 12.04.2012

CASE OFFICER: MRS J MACLENNAN

TELEPHONE NO. 01733 454438

E-Mail: janet.maclennan@peterborough.gov.uk

RECOMMENDATION: APPROVED subject to the signing of a LEGAL AGREEMENT and relevant conditions

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is a rectangular piece of land approximately 0.29 ha and located to the rear of nos. 9-33 Eastleigh Road and 197-215 Padholme Road. The site is relatively hidden and land locked by the gardens of surrounding residential development. The site was formerly garden land which has been fenced off for a number of years and has now become overgrown with self-set trees. There is currently no vehicular access to the site. Directly to the west of the site is another area of former garden land, also containing a number of trees, which is to be retained and left undeveloped. The surrounding character along Eastleigh Road and Padholme Road comprises post war two storey semi detached and terraced dwellings, of similar style with a mixture of brick and render finished under concrete profiled tiled roofs. The surrounding development was former Council housing.

Proposal

The application seeks permission for four 2-bed and one 3-bed affordable detached bungalows, including one bungalow which would be wheelchair compliant. The development would require the demolition of one semi detached dwelling at 15 Eastleigh Road to provide access to the development. 10 no. car parking spaces would serve the development.

2 Planning History

Reference	Proposal	Decision	Date
11/00472/FUL	Construction of five two-bed and one three-bed affordable bungalows including associated external works and parking, demolition of 15 Eastleigh Road to provide access to new dwellings	WDN	26/07/2011

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework

Peterborough Core Strategy DPD (2011)

CS02 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

CS08 - Meeting Housing Needs

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS21 - Biodiversity and Geological Conservation

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

Peterborough Local Plan (First Replacement) (2005)

H15 - Residential Density

New development should be at the highest net density compatible with the character of the site and area, deliver good design including open space and protect residential amenity.

H16 - Residential Design and Amenity

Permission will only be granted for residential development (including change of use) where adequate amenity for the residents is provided for.

H07 - Housing Development on Unallocated Sites

Permission will be granted subject to the site not be allocated for another purpose, being within an employment area, it being accessible and the layout appropriate.

LNE09 - Landscaping Implications of Development Proposals

Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

LNE10 - Detailed Elements of Landscape Schemes

A landscaping scheme suitable for the nature of the development should be proposed.

T10 - Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

T09 - Cycle Parking Requirements (Outside the City Centre)

High quality off street cycle parking to be provided in accordance with the identified standards.

Material Planning Considerations

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

Planning Obligations Implementation Scheme – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010 (Cabinet Decision). Prior to adoption, the POIS was the subject of a 6 week public consultation period between March and April 2009. The POIS sets out the Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991).

4 Consultations/Representations

Strategic Housing-Housing Services – No objection - Although this application is below this threshold for affordable housing; the applicant is a Housing Association and intends to provide all units as affordable homes. The proposal will meet the housing needs of applicants on the Peterborough Housing Register. The proposed mix is acceptable and they will be to Lifetime homes standard.

Building Control Surveyor – No objection - Building regulations approval required.

Archaeological Officer – No objection - The proposed development site contains no known archaeological remains.

Education Department - No comments received

Pollution Team - No comments received

Transport and Engineering Services – No objection - The Local Highways Authority (LHA) would expect a 3-bed dwelling to have 3 cycle spaces. The LHA standards for a shared private drive providing the only pedestrian access are 5.5m for 10m into the site. As these issues can both be conditioned, the LHA raises no objections subject to conditions and informatives being appended.

Landscape Officer – No objection - Whilst the trees are important to residents abutting the site, the views of the trees and the benefits they provide from a public place are limited. The trees are not worthy of a TPO due to limited public visual amenity value. A landscaping condition to include screening is recommended.

Senior Drainage Engineer - No comments received

Waste Management - No comments received

Police Architectural Liaison Officer – No objection - The applicant has included all the advice provided in terms of vulnerability to crime. Supports application.

Local Residents/Interested Parties

Councillor N Shabbir – Objects to proposal - The development would have a detrimental effect on the area and community, increase traffic, noise and disruption to the surrounding residents, would lead to overcrowding of an already densely populated area, would result in overlooking and loss of privacy, give rise to complaints by the future elderly occupiers, there would be overlooking to future occupiers, there would be conflict between elderly occupiers of the development and existing occupiers of families with young children as is the case with Kimbolton Court, Rutland

Court and Monksfield Mews; all three sites have elderly residents who constantly complain to their respective elected members about the noise caused by young children playing nearby, I fear this will be repeated in this proposed development. The Bungalows are not in keeping with the character of the area; a similar objection was upheld a few months ago in regards to a proposal to build a house that looked on to reeves way from the owner of a house on the corner of Ashcroft Gardens. Residents have been speaking with cross keys for a number of years to see if it would be possible return the land back to residents (many of whom are willing to pay for this) as historically the piece of land had belonged to their homes, if returned to residents this will greatly improve the facilities for their children.

Local Residents/Interested Parties

32 letters of objection have been received raising the following issues:

- Loss of open green space
- Development would destroy semi-rural aspect
- Loss of trees and impact on wildlife
- Overlooking and loss of privacy to existing properties
- Development is out of keeping with surrounding development
- Limited separation distance to existing development
- Increase in traffic
- Parking implications
- Density too high compared to surrounding development
- Available visibility splays at access would be prohibited by parked cars
- The land should be returned to garden land for existing dwellings as the existing gardens are too small
- The description is incorrect and the land is former garden land and is misleading
- Loss of good quality dwelling
- There would be a conflict between elderly people and families in existing dwellings
- Noise implications
- The development will increase likelihood of theft, vandalism and crime
- Security of existing dwellings would be compromised
- A more appropriate location would be Mellows Close, which provides safe housing for the elderly
- The development would put pressure on existing utilities
- Light pollution
- Plans do not accurately show separation distance from 15/17 Eastleigh Road and 209 Padholme Road
- Trees will impact on the foundations of proposed dwellings
- Felling of trees goes against environmental agenda
- Loss of shade from felling of trees
- Access not wide enough for emergency vehicles
- Lack of visibility at junction due to parked cars
- Site is close to 2 motorways

5 Assessment of the planning issues

The main considerations are:

- The principle of development
- Highway implications, access and parking
- Character of the area and impact on neighbouring amenity
- Implications for wildlife and landscape
- Provision of infrastructure requirements

The Head of Planning, Transport & Engineering Services recommends that the application is GRANTED.

a) Background

The application is a resubmission following withdrawal of a previous proposal of 4 detached and 2

semi-detached bungalows (ref. 11/00472/FUL). At the time officers were concerned about the loss of this green area and wanted to look at other ways of dealing with problems that blight the site. The site is subject to vandalism and dumping of rubbish. Although the site is landlocked, it appears that third parties simply walk through the gardens of some properties to enter the land. Cross Keys have difficulty in maintaining the land due to it being landlocked. Whilst it is a shame that this green area is to be significantly reduced in size it appears to be the only option if the remainder of the space can be maintained and made secure.

The scheme now proposes 5 detached bungalows and the layout has been revised, relocating the access road from the north of the site, abutting the rear boundaries of properties in Eastleigh Road to the south of the site abutting the rear boundaries of properties in Padholme Road and retaining a small part of the green area. The scheme accords with advice provided by officers of the Local Planning Authority.

b) The principle of development

The site lies within the urban area boundary and within an area which is predominantly residential in character and the development would contribute towards the housing needs figures for the Peterborough area. The site lies within a reasonable distance to the city centre and is in close proximity to local convenience stores, the Eastfield Road local centre and a range of facilities to meet the needs of the future occupiers of the development. The site is also close to a regular bus service along Saxon Road. Thus the principle of residential development on this site is supported and accords with policy CS2 of the Adopted Peterborough Core Strategy DPD and policy H7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

c) Access, Parking and Highway Implications

The site would be served by one access point off Eastleigh Road. As the site is currently landlocked, the access would be gained by the demolition of a semi detached dwelling at no. 15 Eastleigh Road. A 5.5m access width is available for a distance of 10m within the site and a width of 5m thereafter and appropriate vehicle to vehicle and vehicle to pedestrian visibility splays can be achieved at the access. Two parking spaces per dwelling would also be available which exceeds the standards required by policy T10 of the Adopted Local Plan (First Replacement) 2005. Cycle parking would also be provided. The access road would be private and would not be adopted by the Local Highway Authority. The applicant proposes that refuse vehicles would enter the site and turn and leave in forward gear. As the access road would be private the applicant would sign an indemnity against damage to the roadway. Concerns have been raised by local residents regarding the likely increase in traffic and parking implications that would arise as a result of the development. It is considered however, that a development of 5 dwellings is unlikely to produce substantial trip rates and adequate parking provision would be available within the site. The proposal would not result in any detriment to the users of the public highway and accords with policy CS14 of the Adopted Peterborough Core Strategy DPD.

d) Character and Visual Amenity

The development would be to the rear of properties fronting Eastleigh Road and Padholme Road which are two storey properties. It is accepted that the surrounding character comprises two storey dwellings, however, the proposal is essentially a backland development of single storey dwellings which would not compromise the character and appearance of the surrounding area as the development would not be directly visible from any public vantage point. The density for the development is relatively low, equating to 17 dph and is considered to be compatible with the surrounding development. Policy H15 of the Adopted Peterborough Local Plan (First Replacement) 2005 seeks residential development at the highest net density provided the quality of the environment and neighbouring amenity is not compromised. It is considered that the site is of adequate size to accommodate the scale of development and the proposal makes efficient use of land in accordance with policy H15 of the Adopted Peterborough Local Plan (First Replacement) 2005 and CS1 of the Adopted Peterborough Core Strategy.

There have been a substantial number of letters of objection from neighbouring dwellings regarding the use of this land for residential development. It is argued that the land was formerly part of the rear gardens to properties fronting Padholme Road which had been cordoned off by the City Council many years ago as, it is believed, these properties were occupied by elderly people who found it difficult to maintain the lengthy gardens. The site, along with the remaining Council Housing stock, was transferred to Cross Keys Homes in 2004. The properties are now primarily

occupied by families and there is a desire by residents for the land to be returned to garden land. Whilst your officer can empathise with the objections raised the matter is outside of the planning remit and the application is assessed on material planning considerations. In any event, the practicalities of returning the land to garden would present a number of difficulties; for example many of the properties are now privately owned and the land would need to be purchased by the individual owners. All of the landowners would need to agree to this in order for the whole of the site to be reinstated as garden land.

It is acknowledged that the trees within the site have become established and provide a pleasing outlook for the occupiers of the dwellings abutting the site. However, the site is a magnet for rough sleeping and acts of anti social behaviour. In addition, the site is used for fly-tipping and the maintenance of the site is proving costly for the land owner who regularly has to clear and tidy up the site. Two years ago the area was cleaned out at a cost of over £20,000. The proposal would bring the site back into beneficial use.

Objections have been received regarding the loss of trees and impact on wildlife. It is regrettable that the trees would be lost however, the tree survey has identified that many of the trees are of poor form. The application would enable the remaining land to be better managed. There would also be an opportunity to remove debris from the site and repair fencing where necessary thus improving the character of the site.

In addition, a landscaping condition would be appended to the decision to ensure replacement tree planting of an appropriate species for a residential setting, particularly along the southern boundary which would provide screening to the development.

The development would however, require the demolition of a semi detached dwelling fronting Eastleigh Road, the remaining semi would be finished to become a detached property. Whilst the loss of residential dwellings is normally resisted the loss of the dwelling is outweighed by the addition of 5 dwellings.

The proposed dwellings are of simple style and design and the roof angle has been kept at a minimum reducing the height of the roofline and visual impact on neighbouring dwellings. The external finishing materials would be agreed by condition. The proposal would respect the character and appearance of the surrounding development and accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

e) Neighbouring Amenity

The proposed scheme is for single storey development and therefore it is considered that there would be no adverse impact on the amenities of the occupiers of existing properties in terms of overlooking, loss of privacy, overshadowing or overbearing impact arising from the development. It is acknowledged that there would be a new vehicular access point between properties 13 and 17 Eastleigh Road and it is likely that this would generate higher levels of activity to that which currently occurs, however, it is considered the modest scale of the development would not generate levels of activity which would unduly impact on the residential amenity currently afforded by the occupiers of these properties. Hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

f) Residential Amenity

There would be no overlooking or loss of privacy resulting from the development to existing neighbouring properties. The rear gardens of properties fronting Eastleigh Road extend approximately 23m and would provide a satisfactory separation distance to the rear elevations of the proposed bungalow development. Properties fronting Padholme Road have rearward gardens of some 11m. The proposed access road for the development would abut the rear boundaries of these properties. This would provide an overall separation distance between properties 18m. As the relationship between properties fronting Padholme Road and the proposed scheme is 'front to back' this separation distance is considered acceptable and there would be no unacceptable overlooking to the proposed bungalows from existing neighbouring development.

Each dwelling would have an enclosed rear amenity area of at least 90m² and provided with two off road parking spaces. Cycle storage would be provided within sheds in the rear gardens for two cycles. The development would provide a satisfactory level of amenity for the future occupiers and

hence the proposal accords with policy H16 of the Adopted Peterborough Local Plan (First Replacement) 2005.

g) Landscaping Implications

A tree survey has been undertaken and submitted in support of the planning application. The proposed development would require the removal of 75% of the trees within the site. The greatest value currently afforded by the trees is the screening provided to residents in Eastleigh Road and Padholme Road. From outside the site there are only glimpses of the trees and they provide a skyline feature. The quality of the trees is average at best, primarily due to vandalism and poor form in some trees. The site is becoming more frequently used for fly-tipping by residents. The trees would be retained on the land to the west of the site and the proposed layout would provide access for maintenance of the retained trees. The landscape officer has assessed the application and supporting information has advised none of the trees are worthy of a Tree Preservation Order. The views of these trees and the landscape benefits the trees provide from a public place are limited. The Landscape Officer has recommended a landscape condition is appended. The proposal therefore accords with policies LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

h) Secure by Design

Prior to submission of the revised scheme the applicant has consulted with the Police Architectural Liaison Officer and the design of the scheme has incorporated the advice sought in terms of vulnerability to crime. For example, blank side elevations have been avoided and windows provide natural surveillance and the overlooking of parked cars, and column lighting has been provided to illuminate the access road and car parking. Secure fencing is also proposed along the boundaries to existing properties which would be overlooked. The security of the neighbouring dwellings would not be compromised; indeed, the development would provide a sense of ownership and remove the susceptibility for antisocial behaviour which currently occurs within the site. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

i) Affordable Housing

Policy CS8 of the Peterborough Core Strategy seeks the provision of 30% affordable housing on all development sites of 15 or more dwellings. The development would provide 5 affordable rented dwellings and will meet the housing needs of applicants on the Peterborough Housing Register and the proposed mix would meet the need as evidenced by the Peterborough Strategic Housing Market Assessment (update 2010). The applicant proposes one bungalow to meet Wheelchair Housing standards which is welcomed as there is a significant demand and undersupply of this type of unit. The proposed would meet a particularly housing need and accords with policy CS8 of the Adopted Peterborough Core Strategy DPD.

j) S106 contribution

In accordance with policy CS13 of the Adopted Peterborough Core Strategy the development would have a burden on the services and infrastructural needs of the city council and the following site related contributions, plus monitoring fee, are sought:

- POIS contribution £4,000 plus 2% monitoring fee

The contribution has been based on the conclusions of a viability appraisal submitted with the application which includes information relating to all inputs that impact on the viability of the proposed scheme including Build costs, Anticipated Gross Development Value, Assumed Capitalisation, Land Value, Build Period, Site acquisition costs, interest assumptions, site abnormalities and contingencies. Following submission of a viability appraisal the required POIS has been reduced accordingly.

k) Miscellaneous

Archaeological implications

The site does not fall within an area of archaeological interest.

Floodrisk and Drainage

The site lies within flood risk zone one (low risk). Details of surface water drainage will be required by condition.

I) Representations made not covered in the report

- The description is incorrect and the land is former garden land and is misleading – The description is correct and the land has not been used as garden land for at least 30 years.
- There would be a conflict between elderly people and families in existing neighbouring dwellings – The proposed dwellings would not be specifically occupied by the elderly and would be available for occupancy by anyone on the housing register.
- A more appropriate location would be Mellows Close, which provides safe housing for the elderly – As noted above, the dwellings would not be occupied by the elderly per se.
- The development would put pressure on existing utilities – this is not a planning matter.
- Light pollution – Street lighting is proposed within the development; the details shall be required by condition and shall include an assessment of the impact on the amenity of the occupiers of the existing and proposed dwellings.
- Plans do not accurately show separation distance from 15/17 Eastleigh Road and 209 Padholme Road – There is a separation distance of 50 metres between these properties.
- Trees will impact on the foundations of proposed dwellings – it is considered that there would be an appropriate separation distance between the retained trees and the proposed dwellings.
- Access not wide enough for emergency vehicles – the access is of sufficient width to allow emergency vehicles to enter the site.

6 Conclusions

- The proposal would provide for an efficient and effective use of the site which is currently underutilised and provides a haven for fly-tipping antisocial behaviour;
- The site can be satisfactorily accessed from the adjoining public highway and appropriate parking provision would be available within the site thus avoiding any adverse highway implications;
- The scale of the development would respect the character and appearance of the surrounding area;
- the development would not result in any adverse impact on the amenity of occupiers of existing neighbouring dwellings;
- the development makes adequate provision for the residential amenity of the future occupiers of the dwellings;
- The development provides for a particular housing need;
- the proposal does not have an unsatisfactory impact on any ecological feature or trees of significant value; and
- the proposal makes a satisfactory contribution towards the social and physical infrastructure demands that it will place on the city.

Hence the proposal accords with policies H7, H15, H16, LNE9, LNE10 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policies CS2, CS8, CS10, CS13, CS14, CS16, CS17 and CS21 of the Adopted Peterborough Core Strategy DPD.

7 Recommendation

The Head of Planning, Transport & Engineering Services recommends that planning permission is **APPROVED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 No development shall take place until details of materials to be used in the external surfaces of the dwellings hereby approved; have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C 3 The dwellings shall not be occupied until the area shown as parking for that dwelling on the approved plan has been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwelling.**

Reason: In the interest of Highway safety, in accordance with Policies T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

- C 4 No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan for vehicles to turn so that they may enter and leave the site in forward gear, and that area shall not thereafter be used for any purpose other than the turning of vehicles.**

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.

- C 5 No dwelling shall be occupied until space has been laid out within the site for bicycles to be parked in accordance with the PCC Cycle Parking Guidelines, and those areas 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 Adopted Peterborough Local Plan (First Replacement).

- C 6 Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan and a Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. These shall include amongst other matters:**

- * a noise management plan including a scheme for the monitoring of construction noise;**
- * a scheme for the control of dust arising from building and site works;**
- * a scheme of chassis and wheel cleaning for construction and demolition vehicles and a scheme for the cleaning of affected public highways. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site;**
- * a scheme of working hours for construction and other site works;**
- * a scheme for construction and demolition access from the Parkway system, including measures to ensure that all construction and demolition vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;**
- * a scheme for parking of contractors vehicles;**
- * a scheme for access and deliveries including hours.**

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

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and DA2 of the Peterborough Local Plan (First Replacement).

- C 7 Development shall not begin until details of the junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority; and the buildings shall not be occupied until that junction has been constructed in accordance with the approved details.**

Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and T8 of the Adopted Peterborough Local Plan (First Replacement).

- C 8 The vehicular access hereby approved shall be un gated.**
Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Adopted Peterborough Core Strategy.
- C 9 The access road shall be of a minimum width of 5.5m for a distance of 10m from the edge of the existing carriageway and a minimum of 5m width thereafter for the remaining shared distance.**
Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and T8 of the Adopted Peterborough Local Plan (First Replacement).
- C10 The visibility splays as shown on the approved plans, of the following dimensions 2.4m x 43m at the junction of the access road with the public highway shall be provided before the commencement of the development.**
Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and T8 of the Adopted Peterborough Local Plan (First Replacement).
- C11 Before the new access is brought into use, visibility splays as shown on the approved plans shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.**
Reason: In the interests of Highway safety, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and T8 of the Adopted Peterborough Local Plan (First Replacement).
- C12 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. The development shall thereafter not be carried out except in complete accordance with the approved scheme.**
Reason: To ensure all contamination within the site is dealt with in accordance with The National Planning Policy Framework.
- C13 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.**
- The scheme shall include the following details:**
- **Proposed finished ground and building slab levels**
 - **Planting plans including retained trees and replacement, species, numbers, size and density of planting**
- Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.
- C14 Notwithstanding the details hereby approved details of the surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.**
Reason: In order to manage surface water run off and in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD.
- C15 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.**

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

- C16** (a) **Works shall be carried out in strict accordance with the tree survey/tree protection measures submitted in support of this application ref. 1798.Eastleigh.TDP.AIA.Rev A dated February 2011 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site; no development or other operations shall take place except in complete accordance with the approved protection scheme;**
- (b) **No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;**
- (c) **No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;**
- (d) **Protective fencing shall be retained intact for the full duration of the Development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;**

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

- C17 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.**

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C18 The dwellings hereby approved shall be Affordable Units.**

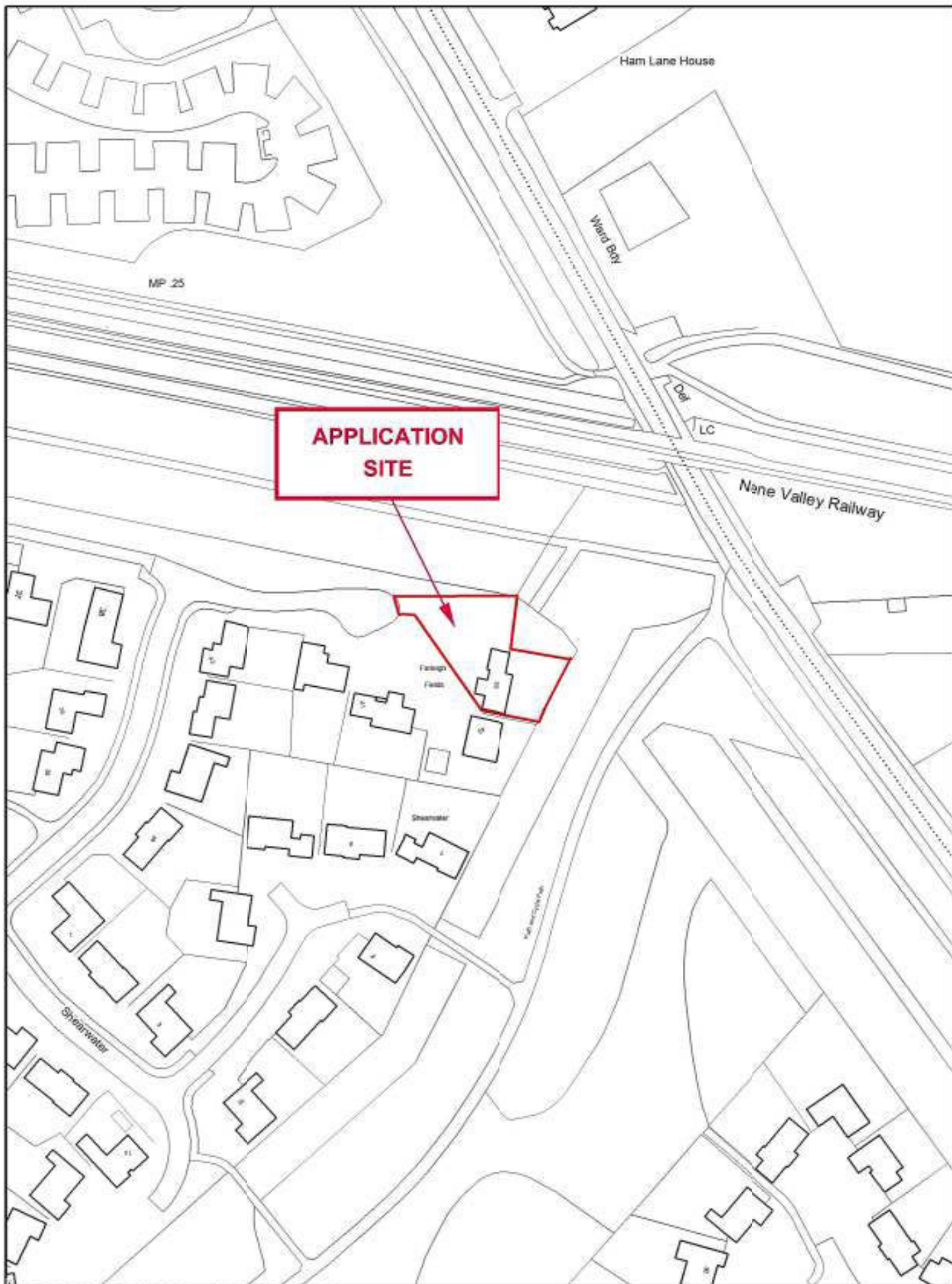
Reason: In order to secure satisfactory development and in accordance with policy CS8 of the Adopted Peterborough Core Strategy DPD.

- C19 Notwithstanding the details hereby approved on drawing ref. CK.498.P01, no development shall commence until a street lighting scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The details shall be supported by an assessment of the impact on the amenity of the occupiers of the existing and proposed dwellings. Development shall be carried out in accordance with the approved details prior to the occupation of the development.**

Reason: In the interests of residential amenity and security and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

Copies to Councillor N Shabbir, S Goldspink, M Y Todd

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LOCATION PLAN 12/00402/FUL

39 Farleigh Fields, Orton Wistow

Scale NTS

Date 13/4/2012

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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APPLICATION REF: 12/00402/FUL

PROPOSAL: EXTENSION OF TIME OF PLANNING PERMISSION 09/00244/FUL - TWO STOREY SIDE, SINGLE STOREY REAR AND FRONT AND TWO STOREY FRONT EXTENSIONS

SITE: 39 FARLEIGH FIELDS, ORTON WISTOW, PETERBOROUGH, PE2 6YB
APPLICANT: MRS D LAMB

REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING SERVICES
REASON: APPLICANT IS A COUNCILLOR
SITE VISIT: 20.03.2012

CASE OFFICER: MR D JOLLEY
TELEPHONE NO: 01733 453414
E-MAIL: david.jolley@peterborough.gov.uk

RECOMMENDATION: APPROVED SUBJECT TO RELEVANT CONDITIONS

1 Description of the site and surroundings and Summary of the proposal

Site and surroundings

The property comprises a modern detached brick built 4-bedroomed dwelling with an attached double garage to its north elevation and is located at the end of a cul-de-sac. Immediately to the rear of the property is an established tree-belt. To the north a cycle way/footpath from the cul-de-sac flanks onto the property which connects, through a tree-belt to a principle footpath/cycle way that connects to Ham Lane giving access to Ferry Meadows Country Park. To the south of the property is no.40 Farleigh Fields, a detached dwelling that within the past year has been extended by way of a single storey extension to the rear, a first floor front extension and a replacement double garage to the front. The property partly shares a driveway with the occupiers of no.40.

Proposal

The two storey side extension is to involve the demolition of the existing double garage attached to the north facing gable end of the dwelling to be replaced on the same footprint with a replacement double garage with two bedrooms above. This would have its front elevation projecting 0.95m forward of a recessed part of the of the fowardmost extent of the dwelling. The bedrooms would each have a single gable style dormer window in the east and west facing elevations respectively. The ridge height of this extension is to be approximately 0.6m lower than that of the existing dwelling. Attached to the rear of this two storey extension is to be a single storey extension that would extend out 1.65m from the rear elevation of the dwelling. It is to have a mono-pitched roof.

A porch is proposed in a small recessed area in front of the front door to the dwelling. This will comprise an 'L' shaped mono-pitched roof design and would not extend beyond the forwardmost wall of the dwelling.

A two storey extension is also proposed to the front right hand side of the dwelling that would infill an existing open area that is flanked by a centrally located two storey element to the dwelling that projects forward of the main rectangular form of the dwelling and the west facing elevation of the dwelling. This extension would measure 3.58m across and have a depth of 2.95m. The front elevation of the extension is to be in line with the forwardmost wall of the dwelling and is to have an identical gable appearance.

All of the extensions are to comprise bricks and concrete roof tiles to match the existing house.

2 Planning History

Reference	Proposal	Decision	Date
09/00244/FUL	Two storey side, single storey rear and front and two storey front extensions	Application Permitted	09/06/2009

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

4 Consultations/Representations

Parish Council

No comments received

Local Residents/Interested Parties

Initial consultations: 3

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No comments received

5 Assessment of the planning issues

The main considerations area:

- **The impact of the extensions upon the character and appearance of the area**
- **The impact of the extensions upon the amenities of the occupiers of the close by residential properties**

N.B. In the opinion of the Local Planning Authority, subsequent to the approval of application number 09/00244/FUL, there have been no material changes to either the site or relevant planning policies which would render the application unacceptable. However for the avoidance of doubt the main issues shall be addressed below:

The impact of the extensions upon the character and appearance of the area

The extensions, whilst substantial, have been designed to compliment the general character and appearance of the existing dwelling by reflecting up its principle design elements particularly with regards to the two storey extensions to the side and front of the dwelling that will be most prominent. The relationship of the extended dwelling to the general open and wooded environment to the east and north of the property would be unaffected due to reasonable separation distances and particularly by the subservient design of the two storey side extension. The two storey front extension is similar in design terms to the front extension to the neighbouring dwelling at no.40 Farleigh Fields. The landscaping to the west of the application dwelling comprises substantial sized shrubbery and small trees which to some extent screen the dwellings to the rear of the cul-de-sac from view which will assist in restricting the visual impact of the extensions.

A condition was attached to the approved application, number 09/00244/FUL requiring retention and protection of the hedging to the front of the property. It is not considered necessary to impose such a condition again as the hedge could be removed by the occupier of the property without the consent of the Local Planning Authority.

The impact of the extensions upon the amenities of the occupiers of the close by residential properties

The dwelling that could be most affected by the proposed extensions would be no.40 Farleigh Fields, which is situated immediately to the south of the application property, due to its relationship to the proposed two storey front extension. This two storey extension would extend forwards of the recessed two storey front elevation wall of no.40 that contains an obscure glazed bathroom window, the separation distances between the two dwellings being approximately 2m. The extension would not block light to this obscure glazed window due to the separation distance of the flank elevation of the extension and due to the application dwelling being north of no.40.

The bedroom window in the first floor west elevation of the two storey extension would permit overlooking into the frontage area of their property. Whilst this window would permit this, any potential for overlooking would be restricted to the driveway and the front of the curtilage of no.40 and no private areas to that dwelling would be overlooked. However in this context the application dwelling already has a first floor window set facing west close to the boundary with no.40. From this existing window it would be currently possible to view over the driveway, parking area and in the vicinity of the front door to no.40 which is considered has a greater impact than the first floor window proposed.

6 Conclusions

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

-The extensions to the dwelling would not adversely impact upon the amenities of the occupiers of the close by residential properties in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) (2005).

-The designs of the various extensions are considered to compliment the general appearance of the dwelling in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) (2005).

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **APPROVED** subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

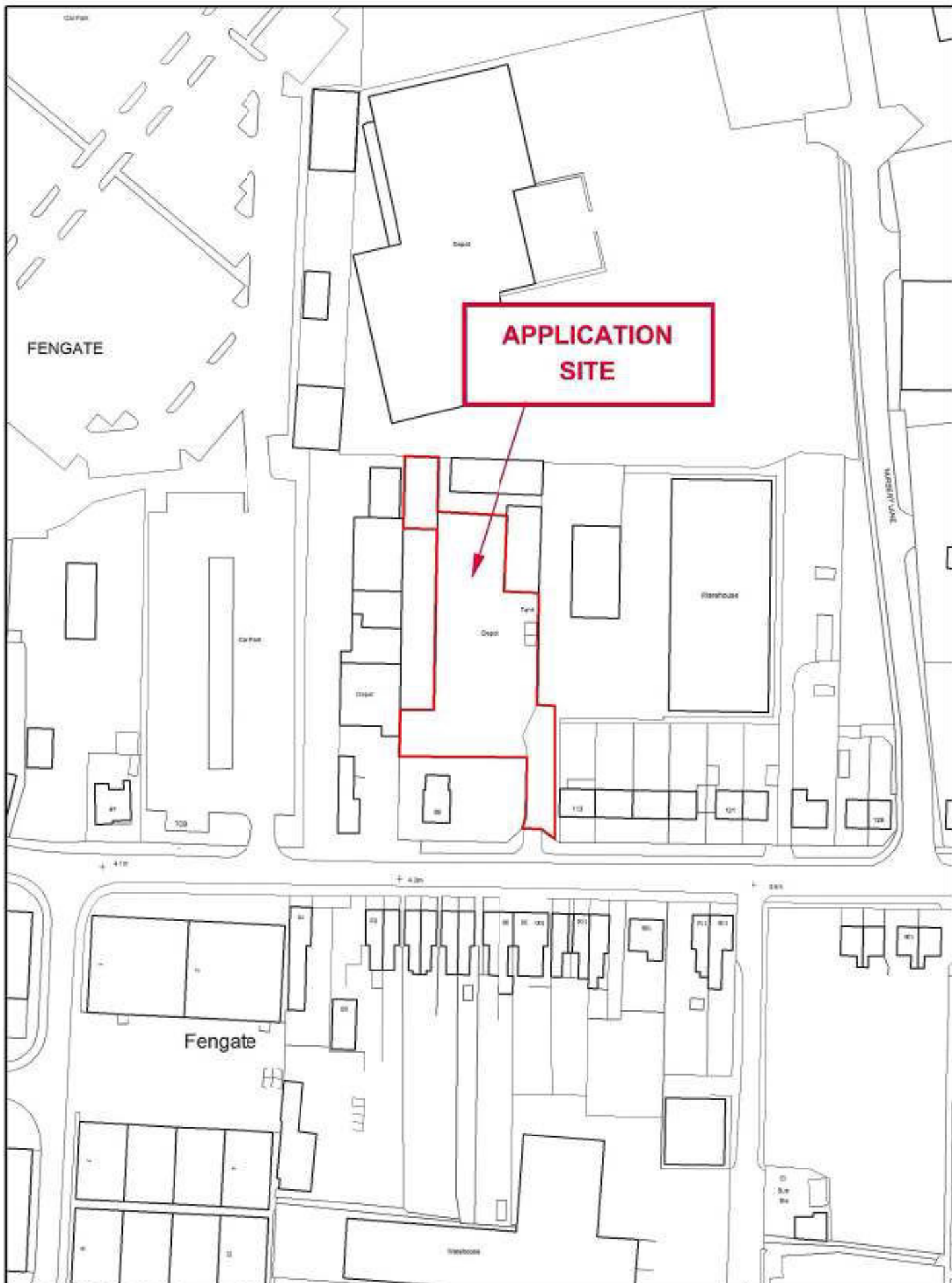
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 Notwithstanding the provisions of the Town and 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 in the first floor south facing elevation of the two storey extension hereby approved.

Reason: In order to protect the amenities of the occupiers of the adjoining residential property in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011.

Copies to Councillors J Stokes, G A Elsey, S Allen

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LOCATION PLAN 12/00487/FUL

93 Fengate, Peterborough PE1 5BA

Scale NTS **Date** 13/4/2012 **Name** AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

PCC GIS

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APPLICATION REF: 12/00487/FUL

PROPOSAL: CHANGE OF USE TO SUI GENERIS FOR USE AS PRIVATE HIRE TAXI BUSINESS

SITE: 93 FENGATE, PETERBOROUGH, PE1 5BA,
APPLICANT: MR WAYNE FITZGERALD

AGENT:
REFERRED BY: HEAD OF PLANNING TRANSPORT AND ENGINEERING SERVICES
REASON: APPLICATION MADE BY AN ELECTED MEMBER
SITE VISIT: 11.04.2012

CASE OFFICER: MS L C LOVEGROVE
TELEPHONE NO: 01733 454439
E-MAIL: louise.lovegrove@peterborough.gov.uk

RECOMMENDATION: APPROVED SUBJECT TO RELEVANT CONDITIONS

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site is formed by a single storey industrial unit which forms part of a larger building oriented north-south within a small industrial estate accessed off Fengate. The access is shared by the industrial estate and a large warehouse located to the east. There are residential premises along the eastern side of and facing the access. The application building has 3 no. allocated car parking spaces and there are 6 no. communal spaces shared between the 6 units on the site. The wider site is located within the identified Eastern General Employment Area.

Proposal

The application seeks planning permission for the change of use from a light industrial unit (Use Class B1) to a private hire taxi business (sui generis use). It is proposed that up to 10 vehicles will be operated from the site on a 24 hour basis with 2 full time staff and up to 10 part-time staff/drivers (5 full time employee equivalent).

2 Planning History

No relevant planning history.

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework

Paragraph 19

Significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 22

Applications for alternative uses of land or buildings in allocated employment areas should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Peterborough Local Plan (First Replacement) (2005)

OIW06 - Non Employment Uses in General Employment Areas

Will not be permitted unless there is no unacceptable impact on amount/quality of employment land, there are no adverse traffic impacts and where appropriate it accords with the sequential test principles.

T10 - Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

4 Consultations/Representations

Transport and Engineering Services (10.04.12)

No objections - The proposal will result in an intensification of use. The width of the vehicular access is sufficient. There is only space for 6 private hire vehicles to be operated from the site given the size of the unit and number of external parking spaces.

Doran Pollution Team

No comments received.

Taxi Enforcement Officer

No comments received.

Police Architectural Liaison Officer (10.04.12)

No objections.

Local Residents/Interested Parties

Initial consultations: 12

Total number of responses: 1

Total number of objections: 0

Total number in support: 1

No neighbour objections have been received. One letter of support has been provided by the owner of the site.

5 Assessment of the planning issues

The main considerations are:

- Principle of the change of use
- Highways implications
- Impact upon residential amenity

a) Principle of the change of use

The application site is located within the identified Eastern General Employment Area (GEA) which has a presumption in favour of employment uses (Classes B1, B2 and B8). Policy OIW6 of the Peterborough Local Plan (First Replacement) (2005) makes provision for the change of use to non-employment uses within GEAs providing that certain criteria are met. Those relating to highways implications will be discussed in Section B below. Further to this, it is

considered that the proposal would represent an appropriate use within this location, given that it will generate employment and is of a use not dissimilar to others in the locality. The application site forms a small industrial estate within the GEA and there are many other examples throughout Fengate with a variety of employment and non-employment uses. It is considered that the proposed use would not result in the long-term loss of high quality employment land and will not prejudice the reuse of the site for employment uses in the long-term. As such, it is considered that the principle of the change of use is acceptable.

b) Highways implications

The current lawful use of the application site is for light industrial B1 use and as such, in highways terms, the proposed use for private hire taxi business is considered to represent an intensification of the use particularly in relation to the parking requirements. The shared access to the application site measures approximately 9 metres in width which is acceptable to accommodate this intensification. However, the application building has only 3 no. allocated car parking spaces to the front and the overall industrial estate has 6 no. additional communal car parking spaces shared between the 6 units. Within the unit itself, the applicant has proposed that up to 9 vehicles can be parked. However having visited the site, Highways Engineers are of the opinion that only 5 vehicles could be accommodated internally. Given that there will be administration staff at the site, it is considered that these staff will require at least 2 no. parking spaces and therefore, only 6 no. car parking spaces will remain available for the private hire/taxi vehicles to park. As such, Engineers have not raised any objections to the proposal, subject to the imposition of a condition limiting the number of vehicles operating from the site to 6.

c) Impact upon residential amenity

It is acknowledged that there are residential properties adjacent to and opposite the access to the site. Whilst the proposal would operate on a 24 hour basis, this is dependent upon demand and, given the restriction in the number of vehicles requested above by Highways Engineers, it is not considered that there will be a significant level of vehicular movements during unsociable hours. Therefore it is considered that the proposal will not result in any significantly harmful impact upon the amenity of occupants of these neighbouring properties.

6 Conclusions

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

- the proposed use would not result in the loss of high quality employment land and would not prejudice the reuse of the building for an employment use within the General Employment Area in future in accordance with Policy OIW6 of the Peterborough Local Plan (First Replacement) (2005);
- sufficient car parking and safe access from the public highway can be accommodated in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T10 of the Peterborough Local Plan (First Replacement) (2005); and
- no detrimental impact will result upon the amenities of neighbouring residential occupants in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

7 Recommendation

The Head of Planning Services recommends that planning permission is **APPROVED** subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C 2 Notwithstanding the details hereby approved, the private hire taxi business shall operate no more than 6 no. private hire/taxi vehicles from within the site at any time.

Reason: In the interests of Highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

Copies to Councillors N Shabbir, S Goldspink, M Y Todd

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 6
24 APRIL 2012	PUBLIC REPORT

Cabinet Members responsible:	Lead Members: - Cllr Hiller (Housing, Neighbourhoods and Planning)	
Contact Officers: Reporting Officer:	Nick Harding (Group Manager, Development Management) Andrew Cundy (Area Manager, Development Management)	Tel. 454441 Tel. 453470

SIX MONTHLY APPEAL PERFORMANCE

R E C O M M E N D A T I O N S	
FROM : Head of Planning, Transport and Engineering Services	Deadline date : April 2012
That Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service's performance at appeals and identify if there are any lessons to be learnt in terms of appeal outcomes. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference No. 2.6.1. of part 3, section 2, of the Constitution "To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers".

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	n/a
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3. MAIN BODY OF REPORT

- 3.1 The number of appeals lodged has increased this last six months from 16 to 21 compared to the previous half year. A total of 15 appeals have been determined which is 3 greater than the previous six months.

	(01/04/10 – 30/09/10)	(01/10/10- 31/03/11)	(01/04/11- 30/09/11)	(01/10/11- 31/03/12)
Appeals Lodged	20	30	16	21
Method of Appeal				
a) Householder	6	14	4	7
b) Written Reps	14	15	12	12
c) Informal Hearing	0	1	0	2
d) Public Inquiry	0	0	0	0

	(01/04/10 – 30/09/10)	(01/10/10- 31/03/11)	(01/04/11- 30/09/11)	(01/10/11- 31/03/12)
Appeals Determined	24	37	12	15
Appeals Dismissed	15	23	7	7
Appeals Allowed	8	12	3	7
Split Decision		1	1	1
Appeals Withdrawn	1	1	1	
Success Rate	63%	62%	58%	47%
Householder	8	12	4	7
Written Reps	12	25	7	8
Informal Hearing			1	
Public Inquiry	4			

3.2 In the second six months of 2011/2012, the Council's decision was upheld in 47% of the cases. This is a drop of 11% on the first six months 2011/2012.

3.3 The following tables give a summary of the appeal outcomes in the last 6 months with a commentary where there is scope for service improvement.

4. IMPLICATIONS

4.1 **Legal Implications** – The proposed changes have been prepared and will be consulted on in accordance with guidance issued by national government. There are no legal implications.

4.2 **Financial Implications** – This report itself does not have any financial implications. However, in the event that the Council or appellant has acted unreasonably in terms of the planning decision or appeal, an award of costs may be made against or in favour of the Council.

4.3 **Human Rights Act** – This report itself has no human rights implications but the appeals process has due regard to human rights issues.

4.4 **Human Resources** – This report itself has no human resources implications.

4.5 **ICT** – This report itself has no ICT implications.

4.6 **Property** – This report itself has no Property implications.

- 4.7 **Contract Services** – This report itself has no Contract Services implications.
- 4.8 **Equality & Diversity** – This report itself has no Equality and Diversity Implications and it should be noted that there is no evidence that appeal outcomes are influenced by equality and diversity factors.

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	11/00902/FUL - Lymes House 6 Peterborough Road Castor Construction of two storey side extension and single storey rear extension	Delegated	Dismissed	Inspector concluded that: 1. the proposal would not preserve the character and appearance of the Conservation Area, 2. would not be keeping with the character and appearance of the existing host building 3. would have an adverse effect on the setting of the adjacent listed building	No
2	11/01047/ADV - 2 Eastfield Road 2x non-illuminated advertising boards to accommodate 3048x2032mm standard bill board (16 sheet) advertisements	Delegated	Dismissed	Inspector concluded that:because of their size height and position within a predominantly residential area the proposed non-illuminated advertising boards would detract from the character and appearance of the host building and the area.	No
3	11/00674/FUL - 45 Thorpe Road Change of use from house in multiple occupation to a group of offices to include the retention of two containers to rear	Delegated	Dismissed	The inspector stated that the storage containers would cause unacceptable harm to the character and appearance of their surroundings. Specifically the containers would be within the root protection areas of the trees + would have the potential to cause root damage. In addition the upper parts of the containers would be unduly prominent and intrusive features in the residential street scene in Kirkwood Close.	No
4	11/00014/FUL - Manor Farmyard, Maffit Road Ailsworth Change of use from agriculture to parking and creation of manège (retrospective)	Delegated	Allowed	The inspector concluded that only limited actual harm is caused to the character and appearance of the site's surroundings. The inspector added that the economic and environmental benefits of accommodating the current growth of the business in accordance with the scheme outweigh that harm	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
5	11/00837/FUL - 220-226 Dogsthorpe Road Change of use from existing 3 storey residential use to new proposed HMO (Sui generis use), to create 14 letting rooms (single and doubles), internal refurbishment, with vehicular access from Dogsthorpe Road to new rear car parking spaces, rear garden and associated work.	Delegated	Allowed	The inspector concluded that the scheme <ul style="list-style-type: none"> • would leave the character of the site's surroundings substantially unchanged. . • would not result in the loss of top of the range housing • would not cause unacceptable harm to the living conditions of occupiers of nearby dwellings • Would not subject occupiers to unacceptable noise or disturbance • Can accommodate parking provision and cycle storage in accordance with local standards • Would not harm the interests of highway safety 	No
6	11/00860/FUL - 109 Fulbridge Road New England Construction of single storey office building at the rear of 109 Fulbridge Road	Delegated	Allowed	The inspector concluded that the building's scale would be subservient to the main building and to the single storey dwellings and that it would make an appropriate response to those surroundings. That as vehicle movements to and from the site would likely to be less than at present that the inspector did not support concerns that the scheme would put pedestrian safety at greater risk. On street parking generated by the scheme could be readily accommodated on Sheridan Road	No
7	10/01029/FUL- Land At The Junction Of Orton Busway And Malborne Way Orton Malborne Mobile Phone Mast - Installation of 17.4m high CU Phosco MK3 column with 3no. Vodafone antennas and 3no. '02' antennas, cabinets and associated equipment	Delegated	Allowed	The inspector found that the proposed scheme would not impact on the amenity of local residents and the character of the area. Further the inspector attached some weight to the fact that the proposal would accommodate both the Vodafone and O2 networks thus reducing the total need for additional poles in accordance with PPG8.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
8	11/01023/FUL - Rear Of 78 Welland Road Dogsthorpe Construction of bungalow	Committee	Dismissed	The inspector concluded that the building would continue to have an unduly overbearing impact on the outlook for occupiers of no.46 and 48 Figtree Walk.	No
9	11/00861/FUL - 87 Kirkmeadow Bretton Use as childminding business	Delegated	Allowed	The inspector agreed with the LPA that the level of noise and disturbance associated with the use of the premises for up to 16 children at any one time would be likely to result in a harmful level of noise and disturbance for the occupants of neighbouring properties from both the inside and the outside of the building. The inspector considered that a condition to limit the number of children to no more than 8 at any one time would overcome this harm.	No
10	11/01359/FUL 150 Clarence Road, Millfield Two storey side extension	Delegated	Dismissed	The inspector concluded that the absence of a window providing an outlook would result in an oppressive living environment.	No
11	11/01024/FUL - 14 Meadow Road, Peakirk Two storey side extension to single storey dwelling, partial re-cladding of existing and proposed external wall and new bay window to front elevation	Delegated	Dismissed	The inspector concluded that the proposal would have an unacceptably harmful effect on character and appearance of the host dwelling and the area.	No
12	11/01774/HHFUL - 81 Hyholmes Bretton First floor and single storey front extensions, single storey side extension and detached double garage with flat roof (revised scheme)	Delegated	Allowed	The inspector concluded that the extension would: <ul style="list-style-type: none"> • Be compatible with the form of the existing building and the building line of the new garage would align with it. • Because of the secluded position at the end of the cul de sac, not be prominent in the street scene • Be no potential for harmful overlooking • Because the dwellings are over 30 metres apart, be no harm in relation to the loss of openness. 	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
13	11/01710/HHFUL 253 Park Road Rear two storey extension	Delegated	Dismissed	The inspector concluded that due to the design, scale and siting of the proposal that the extension would appear as an incongruous addition, not in keeping with the scale and design of the existing dwelling. In addition the inspector considered that the extension would appear as an incongruous addition to the rear garden area, not in keeping with the characteristically more modest scale of structures. The inspector added that the extension due to its scale, bulk, depth and orientation would be unacceptably overbearing and unacceptably block daylight from the rear garden and rear windows at 255 Park Road, making the garden and rear rooms less pleasant place to use.	No
14	11/02004/HHFUL 16 Atherstone Avenue Netherton Proposed first floor front and side extension and garage conversion	Delegated	Split Decision Dismissed the first floor extension and porch. Allowed the garage conversion (this is pd)	The inspector concluded that due to the bulk, design and forward siting of the proposed first floor extension, that it would appear as a bulky incongruous addition, at odds with the overriding characteristic layout of the street scene, that the extended dwelling would appear excessively wide, over developed and bulky in the street scene and that the roofline would appear contrived and visually jarring. In addition the inspector argued that the proposed porch due to its design and forward projection would be at odds with the surrounding street scene. The porch would be positioned far forward in an area where forward projections are not a characteristic in the street scene	No
15	11/02030/HHFUL 156 Atherstone Avenue Netherton Rear conservatory	Delegated	Allowed	The inspector concluded that proposal would not have an adverse effect on the living conditions of occupiers at 154 Atherstone Avenue with particular reference to sunlight.	No

Since the last appeal report (presented to Members on the 26th July) the Local Planning Authority has also received the following appeal decisions which, as they fall outside the last 6 months, are not included in the table above.

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	<p>10/01329/FUL- Land At Manor Drive Gunthorpe</p> <p>Construction of Phase 4 consisting of 52 residential dwellings (2 x 2 bed, 32 x 3 bed, 2 x 4 bed houses and 9 x 2 bed, 7 x 3 bed affordable homes) and associated works</p>	Delegated	Dismissed	<p>Inspector agreed that the development would be unacceptable because of the adverse living conditions that would be created – specifically the garden sizes and privacy levels would create unreasonable and unacceptable living conditions for some future residents of this scheme</p> <p>Comment – Whilst the appeal has been dismissed. Officers are very surprised that the inspector afforded little weight to the comments from English Heritage and a lot of weight to the out of date Peterborough Residential Design</p> <p>Comment - The inspector also found that the lack of a POIS contribution would not in itself render the scheme unacceptable</p>	<p>Yes in part. The Council acted unreasonably by raising a concern about physical harm to the SAM and this has incurred the applicant in unnecessary expense. Further landscaping of the buffer could have been conditioned - refusal unreasonable + applicant has incurred expense as a result</p>

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
2	11/00593/FUL- 213 Clarence Road Millfield Canopy to garden building (retrospective)	Delegated	Dismissed	The Inspector concluded that the canopy is a disproportionate addition which unacceptably harms the character and appearance of the house and immediate area.	No
3	10/01295/FUL- Land To The Rear Of 12 Robins Close Woodston Construction of 3 bedroom house with revised car parking	Committee	Dismissed	Inspector agreed that the lack of a formal obligation must lead to the dismissal of the appeal because otherwise, there would be no enforceable mechanism to ensure provision of the necessary infrastructure related to the proposed development.	No
4	11/00048/FUL- 21A Suttons Lane Deeping Gate Demolition of existing brick stables/garage and construction of 2 bed house with garage. Construction of new garage to serve existing property	Delegated	Allowed	The Inspector allowed the appeal for the following reason. That while the dwelling would differ from the development around it, there is a wide range of styles in the vicinity and the individual character of the dwelling in this relatively secluded position would not be harmful. That although the dwelling would cover almost half the plot, the arrangement of the building would create a pleasant courtyard area which would provide good quality amenity space.	No
5	11/00813/FUL- 21 Suttons Lane Deeping Gate Construction of single storey front extension, first floor rear extension within new dormer and replacement pitched roofs to existing front and rear dormers	Delegated	Split decision	The inspector considered that the front extension by reason of its depth and asymmetric roof would be an ungainly and poorly proportioned addition to the dwelling would have no resonance with the character of the existing dwelling would appear incongruous and would detract from the character and appearance of the area Dormer considered acceptable	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
6	10/00326/OUT- Garages Between 99 And 101 Lawson Avenue Stanground Construction of three x 3 bed detached dwellings	Delegated	Dismissed	The inspector found that the development shown on the submitted plans would have a harmful effect on the character and appearance of the area and the living conditions of neighbouring properties. The inspector added that while the details may be changed at the reserved matters stage. He was not persuaded that this would overcome the harm I have found.	No
7	10/01179/FUL- 81 Broadway Construction of 2 storey rear extension to office block	Delegated	Allowed	The inspector noted that the large subject window in the adjacent property is obscure glazed and therefore unlikely to be the main source of light to a habitable room. Further the inspector considered that the existing building on the appeal site already has some effect on the amount of daylight reaching this window. The inspector did not consider that the impact would be so significant as to warrant a refusal of planning permission.	No

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM No. 7
24 APRIL 2012	PUBLIC REPORT

Cabinet Members responsible:	Lead Members: - Cllr Hiller (Housing, Neighbourhoods and Planning)	
Contact Officers:	Nick Harding (Area Manager, Development Management)	Tel. 454441
Reporting Officer:	Theresa Nicholl (Development Manager)	Tel. 454442

CHANGES TO THE LOCAL VALIDATION LIST

RECOMMENDATIONS	
FROM : Head of Planning Services	Deadline date : July 2012
That Committee note the proposed changes to the Local Validation List (which is to be the subject of public consultation)	

1. PURPOSE AND REASON FOR REPORT

- 1.1 This report is submitted to Committee, as on previous occasions. Changes to the Local Validation List, which sets out what information has to be submitted with planning applications, is being reported to Members for information.
- 1.2 This report is for the Committee to consider under its terms of reference No. 2.6.1.4 of part 3, section 2, of the Constitution "To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers".

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	
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3. MAIN BODY OF REPORT

- 3.1 Planning applications must be accompanied by "standard" information set out in a National List of requirements and by any further information set out in the Council's Local List of requirements. Peterborough City Council has a Local List of requirements published on its website. The requirements for each application type are set out in the "One Stop Shop" area of the website which assists applicants and agents as well as the validating officer in making sure that applications are submitted with the required information, ensuring applications can be validated and therefore dealt with more quickly.
- 3.2 It is necessary to further update the Local List of requirements because of policies concerning waste minimisation introduced by the adoption of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (the Core Strategy) and the RECAP Waste Management Design Guide and Toolkit SPD (the Design Guide). Policy CS28 requires that development will need to accord with the RECAP Design Guide and Toolkit.

- 3.3 **RECAP Waste Management Design Guide and Toolkit SPD** – The adoption of this SPD together with policy CS28 of the Core Strategy requires that all developments of a residential, commercial or mixed residential/commercial development fulfil the Design Standards Checklist as set out in the Toolkit. This is a checklist which will be required to be submitted by the applicant which sets out how the waste/recycling requirements of each proposal have been addressed in the submitted application plans and documents. It is proposed to provide a copy of the SPD and the checklist on line that applicants can either complete, save and submit electronically or print off and submit. The requirement for submission of the RECAP Toolkit Checklist will therefore be included in the Local List of requirements following consultation (see below). A paper copy of the RECAP Design Guide SPD and Toolkit will be circulate at the meeting and is currently available to view on the Council’s website (see supplementary planning documents within the planning policy pages under “planning and building.”)

4 CONSULTATION

- 4.1 The Communities and Local Government Guidance on Information Requirements and Validation advises that changes to the Local List should go out to public consultation for 8 weeks. We will publish the revised Local List requirements set out above on the website for 8 weeks from April to June 2012. We will send out a “flyer” (by email where possible) to the planning agents who regularly submit applications, inviting them to view and comment on the changes to the Local List. We will then make any necessary changes and “go live” with the revised Local List requirements in July 2012.

5. ANTICIPATED OUTCOMES

- 5.1 We anticipate that there will be some negative response with regard to the new requirements that have come about because of the adoption of policy CS28 of the Core Strategy. However, the consultation will not be an opportunity to review those policies. It is anticipated that there will be a higher focus on provision for waste minimisation and integrated waste management at the design stage of proposals which is to be welcomed.

6. IMPLICATIONS

- 6.1 **Legal Implications** – The proposed changes have been prepared and will be consulted on in accordance with guidance issued by national government. There are no legal implications arising from the changes.
- 6.2 **Financial Implications** – There are no financial implications. The changes can be delivered within existing budgets.
- 6.3 **Human Rights Act** – No implications
- 6.4 **Human Resources** – Can be delivered within existing resources
- 6.5 **ICT** – Assistance might be required with regard to bringing the project to the website and this can be delivered within existing budgets
- 6.6 **Property** – No implications
- 6.7 **Contract Services** – No implications
- 6.8 **Equality & Diversity** – The changes therefore do not have a negative impact on any of our customers.