

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 22 JANUARY 2013  
1.30 PM**

**Bourges/Viersen Rooms - Town Hall**

**AGENDA**

**Page No**

**1. Apologies for Absence**

**2. Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council. Members must also declare if they are subject to their party group whip in relation to any items under consideration.

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

**4. Minutes of the Meeting held on 18 December 2012** **1 - 16**

**5. Development Control and Enforcement Matters**

**5.1 12/01409/WCMM - Grosvenor Resources Ltd, Fourth Drove, Fengate, Peterborough** **17 - 40**

**6. Extension of Speaking Arrangements for Consideration of Solar Farm Planning Applications (App. Ref: 12/01904/R3FUL, 12/01905/R3FUL and 12/01906/R3FUL)** **41 - 44**



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: Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto: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 18 DECEMBER 2012**

**Members Present:** Councillors Serluca (Chairman), Casey (Vice Chairman), North, Todd, Kreling, Shabbir, Martin, Harrington and Ash

**Officers Present:** Nick Harding, Group Manager, Development Management  
Lee Collins, Area Manager, Development Management (Item 5.1)  
Vicky Hurrell, Principal Development Management Officer (Item 5.1)  
Jez Tuttle, Senior Engineer (Development)  
Carrie Denness, Senior Solicitor  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Hiller, Stokes, Sylvester and Lane.

Councillors Kreling, Martin and Ash were in attendance as substitutes.

**2. Declarations of Interests**

Councillor Ash declared a personal, none prejudicial interest in item 5.1, in that one of the objectors against the application was known to him. He had not held any discussions with the individual relating to the application; therefore this would in no way affect his decision.

Councillor Casey declared that he had met a number of individuals who were in objection to item 5.1 but this would in no way affect his decision.

Councillor North declared a personal, prejudicial interest in item 5.1. He stated that he had been involved in numerous discussions relating to the site and that he would therefore not take part in debate, or vote on the item.

Councillor Martin declared that he had been approached by a number of local residents in relation to item 5.3, but this would in no way affect his decision.

Councillor Harrington declared a pecuniary interest in 5.5 in that he owned property in the area. He would therefore not take part in debate or vote on the item.

**3. Members Declaration of Intention to make Representations as Ward Councillor**

There were no declarations of intention from any Member to make representation

as Ward Councillor.

#### **4. Minutes of the Meeting held on 6 November 2012**

The minutes of the meeting held on 6 November 2012 were approved as a true and accurate record subject to the following amendment:

Page 11, item 5.8, the voting to read “7 For and 1 Against” rather than “7 For and 1 Abstention”.

#### **5. Development Control and Enforcement Matters**

Councillor North left the meeting.

##### **5.1 12/01334/WCPP – Variation of condition 5 of outline planning permission 09/01369/OUT to allow a higher building (not exceeding 35m) to be built on plot E2.1 to meet the requirements of an occupier. The first sentence of condition 5 would read - Building heights shall not exceed a maximum height of 15 m except on plot E7 where the maximum height shall not exceed 17 m and on plot E2.1 where the maximum height shall not exceed 35m**

Tranche E2.1 was located within the Great Haddon employment area which was some 65 ha in size and had outline planning permission for B1 (business including offices), B2 (general industry) and B8 (warehouse and distribution) uses. The access road, which would serve the employment site and connect it to junction 1 of the Fletton Parkway, was located immediately to the east of tranche E2.1 along with bridleway number 1 which formed part of the Green Wheel network. On the other side of the road/bridleway and to the south of tranche E2.1 were other development tranches including the remainder of tranche E2. Further east some 545 metres from tranche E2.1 was Orton Pit Site of Special Scientific Interest (SSSI)/ Special Area of Conservation (SAC) a site of international ecological importance. Beyond this was the existing development of Hampton.

Further south, beyond the Great Haddon employment area, was the woodland of Chambers Dole and Two Pond Coppice. Beyond the woodland, were a number of existing properties on the Old Great North Road and the proposed Great Haddon core area (planning permission was being sought for up to 5350 houses with associated infrastructure including a district/local centre and schools). The settlement of Norman Cross lay to the south west of the core area along with a Scheduled Ancient Monument. The village of Yaxley lay to the south east on the A15. The villages of Stilton and Folksworth were located further to the south west on the western side of the A1(M) (accessed from junction 16).

To the west of the Great Haddon employment area was the Alwalton Hill employment area which also had planning permission for employment uses. Building heights were limited under this consent to a maximum of 15 metres. Immediately to the west/south west of tranche E2.1 within Alwalton Hill was an area of woodland.

To the north of both employment areas was the Fletton Parkway and beyond this the township of Orton. To the west beyond Alwalton Hill was the A1(M) on the

other side of which was the village of Haddon. To the north west were the villages of Alwalton and Chesterton.

The surrounding residential areas of Hampton and Orton, the existing properties on the Old Great North Road and the proposed Great Haddon core area lay within the Peterborough Unitary area. The other villages referred to (Haddon, Stilton, Folksworth, Alwalton, Chesterton and Yaxley) lay within the area administered by Huntingdonshire District Council.

Initial works had commenced on both the Great Haddon and Alwalton Hill employment areas but at the time there were no buildings and the land generally remained within agricultural use.

The application sought approval for a variation to condition 5 of the outline planning permission for Great Haddon (reference 09/01369/OUT) which limited the height of the buildings to 15 metres (with the exception of plot 7 where a 17 metre high building was allowed) to allow a building of up to 35 metres on tranche E2.1. This was the only alteration proposed to the previously approved scheme.

Permission for a taller building height was being sought to meet the requirements of a specific operator, Yearsleys. Yearsleys had a number of cold storage buildings around the country. If permitted the new store would be a regional facility. It had advised that a 35 metre high building was required in order to maximise efficiencies /economies of scale.

The original outline application for Great Haddon was supported by an Environmental Statement (ES) which had been resubmitted with this application. This application was also supported by a new ES which assessed the impact of a taller building on tranche E2.1 in the context of the conclusions of the original ES.

The Principal Development Management Officer and the Area Manager Development Management addressed the Committee and gave an overview of the proposal.

The main issues for consideration were outlined including the principle of development, visual impacts, ecological and landscape impacts, impact upon neighbour amenity and traffic impacts. The recommendation was to grant the application subject to the imposition of conditions, an S106 agreement and the passing of an amended appropriate assessment.

Members' attention was drawn to additional information contained within the update report. An additional condition was proposed detailing the breakdown of building heights on the site by ways of a percentage. Further comments had also been received from the Applicant explaining why permission was being sought for a 35 metre high building.

Comments had also been received from Councillor Sheila Scott, Ward Councillor, expressing concerns in relation to the proposal. These were also the views of Councillor David Seaton, Ward Councillor.

Mrs Olive Leonard, Mrs Olive Main and Mr Christopher Walford, addressed the

Committee in objection to the application. In summary, the concerns highlighted included:

- The construction of up to two 35 metre high buildings would have a considerable visual impact upon the area;
- The application contravened Peterborough's own guidance on building heights;
- The buildings would be out of keeping with the surrounding area;
- The proposed building would be near to the attractive Green Wheel and would be located upon high land;
- If the application was approved, it would set precedent for future planning applications;
- There would be minimal job creation and no extra jobs would be created by having a taller building;
- There would be an increase in traffic congestion;
- The building would be viewable from all angles and from a considerable distance;
- The impact on the A605, including additional HGVs.

Mr David Shaw, Mr Harry Yearsley and Mr David Thompson addressed the Committee jointly and responded to questions from Members. In summary, the key points highlighted included:

- The Applicant had come to invest in Peterborough and aid the growth agenda;
- The building would not be the tallest in Peterborough;
- The reasons behind the proposed building height included land use and energy consumption;
- The building would be situated a long way from housing areas;
- Around 300 jobs would be created on the site;
- Extensive consultation had been undertaken on the proposals;
- There was only one other viable site in the city and this was set within a very flat landscape. The impact would therefore be much greater;
- The site needed to be located near to the A1(M);
- Making the building lower and longer, rather than taller, was down to the running costs, particularly electric usage;
- The imposition of solar panels could be a possibility in the future.

Members debated the application and highlighted a number of concerns in relation to the proposal. The building would have a significant visual impact upon the landscape and would be located in an attractive rural setting. However, it was noted that the application site had been sitting vacant for fifteen years and the potential for development would be of great benefit to the city, creating jobs and investment in a poor economic climate.

Following further comments both for and against the proposal, a motion was put forward and seconded to grant the application. The motion was carried by 5 votes, with 3 voting against.

**RESOLVED:** (5 For, 3 Against) to grant the application, as per Officer

recommendation, subject to:

1. The satisfactory completion of a S106 Agreement;
2. The passing of an amended Appropriate Assessment;
3. The conditions numbered C1 to C34 as detailed in the committee report (to be renumbered C1 to C35 following inclusion of additional condition);
4. The additional condition, to be C6, as detailed in the update report, relating to building heights on the site (no more than 30% of the buildings on site to be 35 metres);
5. The informatives numbered 1 to 21; as detailed in the committee report.

**Reasons for the decision:**

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies. Specifically;

- The build out of the consented scheme for the site (under outline permission 09/01369/OUT) would result in a complete change to the character of the existing site and a development which, in view of the ground levels, could be seen from outside of the site. It was acknowledged that a 35 metre high building on plot E2.1 would be more visible than the consented 15 metre high building. However, this was an allocated employment site and the National Planning Policy Guidance placed strong emphasis upon supporting economic growth. Given that there were no areas of best landscape adjoining the site and it would result in unacceptable harm to the Schedule Ancient Monument to the south west or surrounding Conservation Areas the visual impact of the building was, on balance, considered to be acceptable in accordance with policies CS5, CS16 and CS17 of the Adopted Core Strategy and policies PP1 and PP3 of the adopted Peterborough Planning Policies DPD;
- A 35 metre high building on plot E2.1 would not result in an additional adverse impact upon Orton Pit SSSI/SAC in terms of shading. Neither was it considered that the proposal would have any unacceptable adverse impact upon any other species. It would result in some additional shading of Alwalton Woodland but given that this was not a designated feature the impact was considered to be acceptable. The proposal would not result in any additional landscaping loss from that found to be acceptable under the outline planning permission. The development was, therefore, considered to be acceptable in accordance with policy CS21 of the Adopted Core Strategy and Section 11 of the National Planning Policy Framework’;
- Although a number of residents would have some views of the taller building, as most would of the consented 15 metre high building, given the separation distances it was not considered that it would have any unacceptable overbearing impact upon them. Although the sun would set behind the building for 10-12 days a year around the equinoxes it was not considered that the impact upon the amenity of the properties within Hampton to the east would be unacceptable. The application did not result in any other changes in impact. The proposal was, therefore, considered to be acceptable in accordance with policy CS16 of the adopted Core Strategy and policy PP3 of the adopted Peterborough Planning Policies DPD; and
- The application would not result in any other changes in impact in terms of

traffic generation, flood risk or contamination, all of which were assessed under the outline planning application and the impacts found to be acceptable. This proposal therefore remained acceptable under policy CS14, CS16, and CS22 of the Adopted Core Strategy.

Councillor North re-joined the meeting.

**5.2 12/01385/FUL – Construction of 5 bed detached dwelling and double garage. Land adjacent and to the South of 14 Lincoln Road, Glington, Peterborough**

The site was approximately 0.11 hectares and formed part of the garden area to no. 14 Lincoln Road and was located on the eastern side of Lincoln Road close to the southern edge to the village of Glington and within the Conservation Area boundary. The site contained a large two storey detached dwelling with triple garage to the side/front and had a single access off Lincoln Road leading to a courtyard area. The site was enclosed by mature trees to the western and southern boundaries and there were a number of trees within the site, several of which were protected under a Tree Preservation Order. The immediate context was comprised of detached dwellings of individual style and the site lay directly opposite the Arthur Mellows Village College School Playing Fields. Lincoln Road was the main route through the village and speed restrictions had been implemented in the form of 'build outs' which included the stretch of road to the site's frontage.

The application sought consent for a two and a half storey dwelling with detached double garage. The proposed dwelling would be set within the grounds of, and to the south of, the existing dwelling, no.14 Lincoln Road. The dwelling would contain five bedrooms, with two shown to be located within the roof space. Overall the dwelling would also contain six bathrooms including en-suite rooms. Vehicular access would be gained from the access to the south which was shared with properties at nos. 10 and 12 and a pedestrian access would be provided through the western (front) boundary hedge.

The Group Manager, Development Management, addressed the Committee and gave an overview of the proposal. The main issues for consideration were highlighted and these included the impact on the character of the area, overdevelopment of the site, adverse affect on the retention and protection of both the trees and the hedge and the impact on the street scene. The recommendation was to grant the application subject to the signing of a legal agreement and the imposition of relevant conditions.

Planning permission had been approved for the site in 2009, however there had been no property built. The application before Members was therefore to renew the consent. The scheme differed from the previous scheme in a number of ways and these were outlined to the Committee.

Members' attention was drawn to additional information contained within the update report and it was highlighted that there had been further comments received from the Highways Officer in relation to the substandard shared access and also from the Landscape Officer, confirming that the original concerns sited against the application were still valid.



Councillor Diane Lamb, Ward Councillor, and Councillor Johnson, Parish Councillor addressed the Committee jointly. In summary the concerns highlighted included:

- The height, footprint and scale of development would impact on the character of the area;
- The Conservation Officer had stated that the proposal was excessive;
- The proposal would impact on the Conservation Area;
- The proposal was against Policy DA9 of the Peterborough Local Plan;
- The hedge frontage was protected;
- Objections to the scheme had been made by the Conservation Officer, the Landscape Officer and the Highways Officer.

Members debated the application and although concerns were highlighted relating to the access in and out of the site, and the comments made by the Conservation Officer, it was noted that the previous application had been approved by Officers and there had been no fundamental changes in Policy since the approval of the previous application.

A motion was put forward and seconded to grant the application. The motion was carried by 6 votes, with 3 voting against.

**RESOLVED:** (6 For, 3 Against) to grant the application, as per Officer recommendation subject to:

1. The conditions numbered C1 to C9 as detailed in the committee report.

**Reasons for decision:**

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

- The site was located in a sustainable location within the village settlement boundary;
- The height, scale and design of the dwelling would not unduly impact upon the character and appearance of the conservation area and the site was of adequate size to accommodate the development;
- Safe and suitable highway access and parking could be provided;
- Protected trees and those which were worthy of retention could be suitably protected;
- There would be no significant detrimental impact on occupiers of adjoining dwellings; and
- The proposed dwelling would afford future occupiers a good standard of privacy, light and outdoor amenity space.

Hence the proposal was in accordance with Policies CS10, CS13, CS14, CS16 and CS17 of the Adopted Peterborough Core Strategy DPD, Policies DA6, DA15, LNE9 and T10 of the Adopted Peterborough Local Plan (First Replacement)

(2005), Policies PP2, PP3 and PP17 of the Adopted Peterborough Planning Policies Document, the National Planning Policy Framework and the Peterborough Design and Development in Selected Villages SPD.

### **5.3 12/01430/R3FUL – Installation of security fence and gates, Heltwate School, Heltwate, Bretton, Peterborough**

The application site formed an area of landscaping in front of Heltwate Primary School, and was identified as such within the Peterborough Open Space Strategy (2010). The site was not suitable for play and was more of a landscaped area. To the north, east and south were high density residential and flats, with the Masonic Hall to the South-West. The site formed the centre of what was effectively a circulation route for the school, with parking and a drop off/pick up area to the west. The site was open with no boundary treatments. There were a number of healthy trees on site, none of which were protected by way of tree preservation orders.

The Applicant sought consent to erect a 2 metre high Paladin Classic fence and two gates, finished in green (RAL6005). This would incorporate the informal amenity space and pick up/drop off area into the school grounds.

The application had been made in order to ensure the safety and security of the school and its pupils with special needs.

The Group Manager, Development Management, addressed the Committee and gave an overview of the proposal. The Officer recommendation was to approve the application, with relevant conditions.

Members' attention was drawn to additional information contained within the update report and it was highlighted that Highways had requested the re-positioning of the gates on the site. This was due to the originally proposed gates being located on an adopted highway. An additional condition was therefore proposed in relation to this re-positioning and the provision of the relevant plans.

It was further highlighted that an additional letter of objection had been received against the application and a petition containing 46 signatures had been submitted.

Councillor Harrington left the meeting.

Ms Anita Fellowes and Mr Rowan Wilson, addressed the Committee in objection to the application and responded to questions from Members. In summary the concerns highlighted included:

- The residents owned the land in front of their properties up to the footpath and they were told that they could not erect fences or hedges etc.;
- If a fence was erected it would hem in the residential area and have a negative impact upon the streetscene;
- The imposition of fencing would make the school look like a prison;
- The proposals would increase the car parking issues in the area;
- The children at the school understood the dangers of the road;

- Would the gates be wide enough to let in emergency vehicles?
- The local residents of Ellindon did not want the fence.

Members debated the application and stated that the safety of the children at the school was paramount; however the need to fence off the grassed area in its entirety was unclear. The grassed area was used by the local residents and although owned by the school, could a compromise not be reached that would benefit all concerned.

Following further debate and questions to the Planning Officer, Members commented that in order to make an informed decision, it would be important to hear from the school the reasoning behind the proposal to fence off the grassed area. A motion was put forward and seconded to defer the application to a future meeting. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to defer the application.

**Reasons for the decision:**

To allow for a representative from the school to attend a future meeting and explain the reasoning behind the proposal to fence off the grassed area.

Councillor North left the meeting.

**5.4 12/01563/HHFUL - Construction of tree house (retrospective), Compass Barn, Main Street, Ufford, Stamford**

The site was to the south-east corner of the large rear garden area of Compass Barns, a converted complex of farm buildings and barns within the Ufford Conservation Area. The tree house lay directly adjacent to the Grade II listed White Hart Public House.

Retrospective permission was sought for the erection of a 'tree house' a garden room on a platform 3 metres above ground level with an overall height of 6.8 metres. A smaller satellite platform of 2.4 metres height was linked via a rope bridge to the east.

The Group Manager, Development Management, addressed the Committee and gave an overview of the proposal. The main issues for consideration were the impact of the proposal on the character of the Ufford Conservation Area and the impact of the proposal on the amenity of the occupiers of neighbouring dwellings. The recommendation was to refuse the application.

The application was a resubmission of a previous which had been refused due to the harm caused by the visual appearance of the tree house and its harm to neighbour amenity through overlooking. The revised application proposed to delete a window within the tree house and proposed the planting of a hedge to the site's eastern boundary.

Mr Scott Weavers-Wright, the Applicant, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- The tree house was large, but it was only visible from one public vantage point, aside from the public house car park, this being a narrow gap from the main street;
- The view of the tree house was set between the context of existing trees and buildings;
- The tree house was not prominent as it was set far back from the street;
- There were no views for the tree house to invade;
- It was unfair to say that the tree house would set a precedent. All applications should be considered upon their own merits;
- The only neighbours affected would be the occupiers of Compass Cottage;
- The window facing east would be blocked in to mitigate against overlooking;
- Mature holly trees would be planted and no trees were planned for removal in the future.

Following questions, Members debated the application and stated that a lot of time, effort and money had been invested in the project in order to ensure it was in keeping with the village. Mature trees would be planted and a window was to be removed to prevent overlooking.

A motion was put forward and seconded to grant the application, subject to the imposition of conditions relating to a scheme of planting and the removal of a window to mitigate against overlooking of the neighbouring dwelling. The motion was carried by 6 votes, with 1 abstaining.

**RESOLVED:** (6 For, 1 Abstention) to grant the application, contrary to Officer recommendation, subject to:

1. A condition stating that a scheme of planting be submitted for approval;
2. A condition stating that the east window, overlooking the neighbouring dwelling, is removed from the tree house.

**Reasons for the decision:**

The tree house had been built to a high specification and the Applicant had taken time and effort to ensure that it was in keeping with the village.

Councillor Shabbir left the meeting.

The meeting was adjourned for ten minutes.

Councillor Serluca addressed the meeting and stated that she was listed in the additional information report as speaking on the next item. As the meeting would have been declared inquorate had she done so, Councillor Serluca stated that she would not speak on the item and would remain in the Chair.

**5.5 12/01726/FUL – Installation of a temporary mobile home for occupation by managers of Peterborough Dairies, 3 John Wesley Road, Werrington, Peterborough, PE4 6ZP**

The application site was comprised of an area of open landscaped grassland within the curtilage of the industrial building currently occupied by Peterborough Dairies. The wider site was occupied by a large B2 General Industrial Unit which received deliveries of fresh milk for processing before being distributed to local businesses within Peterborough and the wider area. There was an associated car park immediately at the site entrance and a large area for the turning and manoeuvring of delivery vehicles to the rear. The application site was located within the identified Werrington General Employment Area and was accessed via the Werrington Parkway. The surrounding units were occupied by a variety of general industrial and storage/distribution businesses.

The application sought planning permission for the erection of temporary residential accommodation to allow the owners of Peterborough Dairies to live on the site of their business until it was established. The size of the temporary accommodation had been reduced following refusal by Members of application reference 12/00100/FUL. The current proposed accommodation was comprised of three no. bedrooms and requisite living space within a temporary structure of dimensions: 16 metres (length) x 6 metres (width) x 2.2 metres (height to ridge). The unit had been reduced in length only from the previously refused application scheme by a total of 3 metres.

The Group Manager, Development Management, addressed the Committee and gave an overview of the proposal. It was advised that the Officer recommendation for the previous application, which had been heard and subsequently refused by the Committee, had been to refuse the scheme due to the size of the mobile. Therefore, due to the reduced size of the mobile, the Officer recommendation was now to grant the application for a three year temporary consent, with relevant conditions.

Mr David Shaw, the Agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted to the Committee included:

- The size of the unit had been reduced;
- The site was situated 75 metres from the railway line;
- Peterborough City Council had allocated in its Development Framework four sites which immediately adjoined the railway line;
- There were a considerable number of homes in Peterborough situated closer to the railway line than 75 metres;
- There were many homes in Peterborough that were adjoined by industrial sites;
- The application was for a temporary dwelling that was in accordance with national policy and it would assist with the development of a local business that would secure 30 jobs;
- Approving the temporary dwelling would not set a precedent;
- The only way of funding the business had been to release equity from the

- Applicant's own home;
- The development would not harm anyone and was a short term solution only;
- The mobile could be insulated and it would meet environmental health conditions.

Members debated the application and it was stated that the application would be a lone dwelling, based within a noisy situation and approving residential accommodation in an industrial area could set a precedent going forward. Ultimately, the health and wellbeing of the residents of the proposed application was of the utmost importance, and Members expressed concerns in relation to this.

Following debate, a motion was put forward and seconded to refuse the application. The location of the proposal was not conducive with the placement of a residential property and furthermore the proximity of the location, in relation to the East Coast Main Line and the Royal Mail Depot, would mean that the occupiers would be subjected to a noisy environment. The motion was carried by 3 votes, 1 voting against and 2 abstaining.

**RESOLVED:** (3 For, 1 Against, 2 Abstentions) to refuse the application, contrary to Officer recommendation.

**Reasons for the decision:**

The site was located in a General Employment Area as identified in the Peterborough Site Allocations DPD (2012). Policy SA11 of that DPD did not list residential as an acceptable use and Policy H7 (part b) of the Peterborough Local Plan (First Replacement) (2005) did not permit residential use within defined Employment Areas. The principle was therefore unacceptable in accordance with these policies.

The nature of the location, particularly given its proximity to the East Coast Main Line and the Royal Mail depot meant that occupants of the proposal would be subject to a noisy environment which made it unsuitable for residential occupancy. The proposal was therefore contrary to Policy PP3 of the Peterborough Planning Policies DPD and Policy H7 (part f) of the Peterborough Local Plan (First Replacement) (2005).

**5.6 12/01784/HHFUL – Construction of two storey extension to side and rear of existing dwelling and replacement of existing windows, 26 Heath Road, Helpston, Peterborough, PE6 7EG**

The application site was a semi-detached red brick dwelling with a mono-pitch porch to front, a lean to extension to rear and detached brick outbuilding to side. The rear amenity space was proportionate for the size of the dwelling and the plot had the capacity to cater for at least three off-street parking spaces.

The application site was not within the Helpston Conservation Area; however, it was within the settlement boundary as identified under Policy SA3 of the Peterborough Site Allocations DPD (2012).

The Applicant sought consent to demolish the existing porch and rear extension, and erect a two storey side and rear extension and single storey rear extension. The roof space would also be converted to form a 5th bedroom, which included the installation of a roof light window.

The proposed extension would create an integral garage, dining room and kitchen and utility room at ground floor with two additional bedrooms at first floor.

The proposed single storey rear element would be 4.6 metres (deep) x 9.8 metres (wide) with a height of 2.3 metres to eaves and 3.9 metres to the highest point of the roof.

The two storey side and rear extension would have a maximum floor area of 7.3 metres x 5.8 metres and was proposed to stand at 5 metres to eaves and 7.6 metres to ridge.

The proposed extensions would utilise matching materials. The existing UPVC windows would be replaced with timber (opaque stained).

The consultation period was due to end on 23 December 2012.

The Group Manager, Development Management, addressed the Committee and outlined the main issues for consideration, those being the design and layout, neighbour amenity, protected species and access and parking. The Officer recommendation was to grant the application subject to the relevant conditions.

Members' attention was drawn to additional information contained within the update report. Comments had been received from Helpston Parish Council objecting to the application on a number of grounds. There had also been a letter submitted from the neighbouring dwelling, along with photographs illustrating how the proposal would affect their rear garden aspect.

A bat survey had also been requested by the Wildlife Officer and an Ecological Survey had been due for completion prior to the Committee meeting. The results of this survey would determine whether condition 3, detailed in the committee report, would remain in its current form or whether a bespoke condition should be attached advising of any required mitigation.

The Landscape Officer had advised that the yew tree located at the front of the site was worthy of note and a condition be attached with respect to providing details of protective fencing which should be retained throughout construction works.

Mrs Shackell, the adjoining neighbour, addressed the Committee in objection to the application. In summary the concerns highlighted included:

- It was a difficult situation for Mr and Mrs Shackell as they were friends with the Applicants;
- There had been no planning application notice put up along the road, therefore other neighbours had not been aware of the application;
- The proposed extension would be 1.8 metres larger than the neighbours

- extension;
- The extension would be detrimental to their rear garden views;
- The original roof design was preferred and the Applicant was in agreement with this also. The current design was too large and made the property look like a secondary house;
- If the extension to the back of the house (to be the kitchen/diner) was brought more into line with the neighbours extension, this would still be a considerable sized room;
- The extension would change the whole look of the house.

In response to comments made by the speaker, The Group Manager, Development Management, advised that a site notice was not required for a householder application and furthermore, in relation to the roof design, if Members were minded to grant the application the original roof could be reverted back to the pre-application version.

Mr Paul Hutchings, the Agent, addressed the Committee and responded to questions from Members. In summary the issues highlighted included:

- A request for advice had been sought from the Planning Officers as part of the pre-application enquiry. A meeting had been held and the proposals were amended in accordance with that advice;
- It was not felt that the extension length was unreasonable even though it was slightly beyond permitted development.

The Legal Officer addressed the Committee and as a point of clarification stated that a 'right to a view' was not a material planning consideration and therefore could not be taken into account.

Members debated the application and stated that the design was in keeping with the area; however the roof should be reverted back to the pre-application version.

A motion was put forward and seconded to approve the application, subject to the roof design being reverted back to the pre-application version, no further representations being submitted during the consultation period, highlighting valid planning considerations and an additional condition relating to tree preservation during construction. The motion was carried unanimously.

**RESOLVED:** (Unanimous) to grant the application, as per Officer recommendation, subject to:

1. No objections being received that raised a material planning consideration that hadn't already been considered;
2. The roof scheme being reverted back to the pre-application version;
3. The conditions numbered C1 to C3 as detailed in the committee report (with condition 3 being removed in its entirety or amended accordingly dependent on the outcome of an Ecological Survey;
4. An additional condition relating to tree preservation during construction, as detailed in the update report.



**Reasons for the decision:**

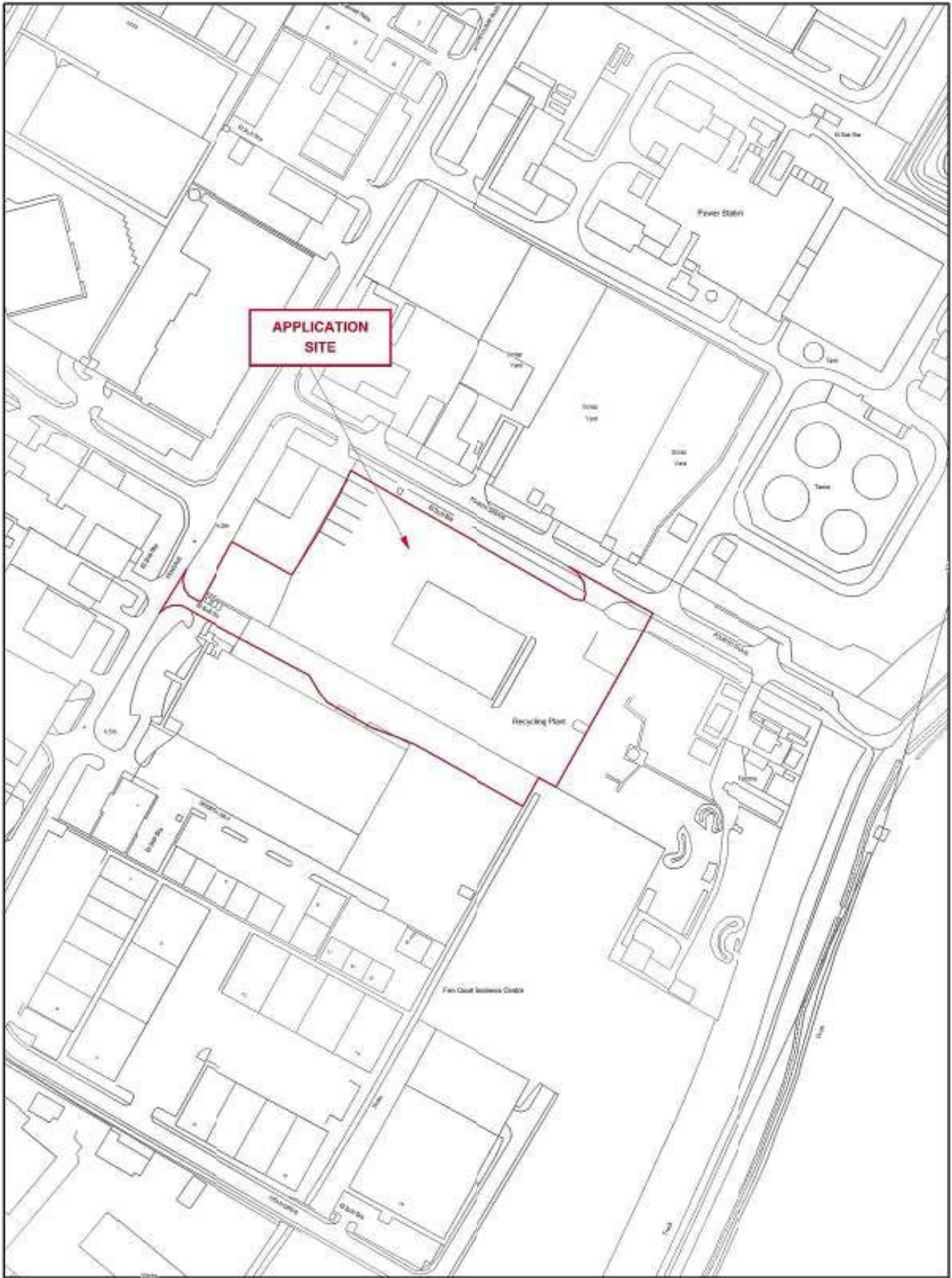
Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The design of the extension would not result in an unacceptable adverse impact on the appearance of the dwelling or visual amenity of the street scene;
- The design of the extension would not result in an unacceptable adverse impact on neighbouring amenity;
- The proposal would not result in a highway safety hazard and could accommodate sufficient off street parking;
- Subject to conditions the proposal would not impact on protected species.

Hence the proposal was in accordance with Policies CS16 and CS21 of the Peterborough Core Strategy (2011), Policy T10 of the Peterborough Local Plan (First Replacement) (2005), the NPPF (2012) and Policies PP1, PP2, PP3, PP13 and PP16 of the Peterborough Policies DPD.

1.30pm – 5.12pm  
Chairman

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**LOCATION PLAN 12/01409/WCMM**  
 Grosvenor Resources Ltd, Fourth Drive, Fengate, Peterborough  
**Scale** NTS      **Date** 8/1/2013      **Name** AA Department Planning Services



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**Application Ref:** 12/01409/WCMM

**Proposal:** Variation of conditions C2 and C5 of planning permission 09/00078/MMFUL dated 06/05/2010 (Construction of an 'Energy from Waste' facility) - Condition 2 to refer to the submitted drawings (which amend the visual appearance of the building) and Condition 5 to refer to the revised throughput of 85,000 tonnes per annum at a calorific value of 9,700 kJ/kg or equivalent

**Site:** Grosvenor Resources Ltd, Fourth Drove, Fengate, Peterborough  
**Applicant:** Viridor Waste Management Ltd

**Agent:** Mr Lewis Evans  
 Turley Associates

**Site visit:** 27 September 2012

**Case officer:** Mrs T J Nicholl  
**Telephone No.** 01733 454442  
**E-Mail:** theresa.nicholl@peterborough.gov.uk

**Recommendation:** **GRANT** 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 site of the proposed EfW facility is located on land off Forth Drove within the Fengate Industrial Estate, on the eastern edge of the built-up area of Peterborough, approximately 2.5km to the east of Peterborough City Centre.

The site covers an area of 1.9 hectares and is currently occupied by the Council's Materials Recycling Facility (MRF), which is operated by Viridor. This facility comprises a portal-framed unit, housing the processing equipment, offices and an education centre, with a weighbridge, car parking and external hardstanding used for the storage of recycled materials.

The site is bounded:

- to the north by Fourth Drove, with a scrap yard (Sims Metals) and a car body repair shop (Lovells) beyond
- to the east by an existing fireworks factory (owned by Le Maitre Ltd), with a sewage treatment works, Flag Fen archaeological site and agricultural land beyond
- to the south by an industrial building (the former Ray Smith Group building) and associated car parking, and
- to the west by Fengate, with industrial and commercial uses beyond.

The perimeter of the site is secured with a palisade fence, with gates to the existing vehicular access to the site, which is taken from Fourth Drove to the north. The primary road link to the area is the A1139 which in turn links to the A1.

The Fengate Industrial Estate contains a mix of industrial and similar uses, including those referred to above. In addition, there is an existing power station (Peterborough Power Station), located approximately 160m to the north of the application site boundary. Peterborough Power Station is a gas-fired power station operated by Centrica. The power station was commissioned in 1993 and

remains in use. The power station is expected to have a life of approximately a further 25 years. The nearest residential properties to the application site are located on North Bank Road to the west and on Palmers Road to the north. Both areas of residential dwellings are located over 1km from the site. There is also a residential caravan park located approximately 800m to the south west of the site at Second Drove. There are a number of houses and farms within the fenland area to the east of the site, including Masons Farm, Poplar Farm and Northey Bungalow. These properties are at least 1km from the application site.

The site is easily accessible by public transport, primarily by bus. There are a number of bus stands along Fengate and Padholme Road East. These stands are served by regular services to surrounding residential areas, including Newborough and Peterborough City Centre.

## **Proposal**

Viridor Waste Management Ltd (Viridor) has submitted an application made under Section 73 of the Town and Country Planning Act 1990 for the variation of conditions 2 and 5 imposed on planning permission 09/0078/MMFUL for the construction of an 'Energy from Waste' facility including access from Fourth Drove and exit onto Fengate.

- Condition 2 states that the development shall be carried out in complete accordance with the specified drawings and information.
- Condition 5 states that the annual throughput of the Energy from Waste plant shall not exceed 65,000 tonnes at a Calorific Value (CV) of 9,400 kJ/kg or equivalent.

The application for the Energy from Waste (EfW) facility was originally prepared and submitted on behalf of Peterborough City Council in order to secure planning permission prior to the commencement of a competitive tendering process to procure a facility for the treatment of the municipal solid waste (MSW) arisings of the Council. To this end the principle of an EfW at the application site was established following the Council's approval of the application. The waste to be burnt is that which can't be recycled.

Viridor has now been chosen as the Preferred Bidder and has entered into a contract to deliver and operate the EfW facility. However, the facility chosen as part of the procurement process requires a number of minor changes to the previously approved scheme. The purpose of this application is therefore to ensure that the necessary planning consent is in place to enable Viridor to build and operate the chosen scheme.

The approved EfW facility comprises a single building (approximately 96m by 37m in area and approximately 35m high) and incorporating the following main elements:

- an oscillating kiln for the combustion of waste;
- waste reception area;
- bunker hall;
- process hall (including boiler and flue gas treatment system);
- turbine generator hall;
- a chimney stack (approximately 60m high);
- metal and ash recycling area;
- bulky waste shredding area;
- 3 storey offices including staff welfare facilities; and
- a workshop.

It is a steel frame construction and external materials comprise metal cladding, with metallic copper and silver cladding used on the main process hall. Dark grey cladding and louvres were also approved, with translucent panels to the front and side elevations. The approved EfW facility is accessed from Fourth Drove, and egress is onto Fengate. New weighbridges and associated offices are provided within the site.

As approved, the permitted throughput of the facility is 65,000 tpa at a CV of 9,4000 kj/kg. The facility has the capacity to generate approximately 34,000 MWh/yr of electricity, of which 28,000 MWh/yr would be available for export to the National Grid with the remainder being used within the plant itself. The plant would also have the ability to produce approximately 127,000 MWh/yr of heat with 102,000 MWh/yr available for export.

The facility is designed to burn residual waste (residual waste is the non recyclable waste) collected by the Council and also some residual waste from Cambridgeshire and other adjoining local authorities, subject to the provision of Condition 16 which restricted the limits on the areas from which waste could be accepted.

As approved, the plant would operate continuously, 24 hours a day, with the exception of shutdown periods for essential maintenance. Waste would be delivered to the facility between 06:00 and 22:00 Monday to Saturday inclusive and 08:00 and 16:00 on Sundays and Bank Holidays. Around 25 staff would be employed.

An Environmental Permit for the operation of the facility has been granted by the Environment Agency. This provides the regulatory control over the facility to ensure that it complies with all relevant environmental restrictions. This would require amendment if the current scheme is approved.

The permission is subject to obligations under Section 106 of the Town and Country Planning Act 1990 which:

- secured the payment of financial contributions towards the provision of highway infrastructure (£20,000), sustainable transport improvements (£25,000) and drainage works (£16,756); and
- set out requirements for the carrying out of hydrological monitoring.
- 

This Section 73 application proposes the following:

- Physical changes to the design of approved scheme, requiring a variation to Condition 2. This condition lists the plans approved as part of the extant permission.
- To increase the annual throughput to 85,000 tpa at a CV of 9,700 kj/kg from 65,000 at a CV of 9,400 kj/kg by varying Condition 5. This would be achieved by allowing the additional 20,000 tpa to come from commercial and industrial (C & I) waste sources.

The effect of the changes proposed through the Section 73 application will be to enable Viridor's scheme to be implemented.

In summary, the proposed physical changes are as follows:

- Main Process Hall to be reduced in height by 1m, length by 3m, and over two-thirds of its length reduced in width from 38m to 24m
- Parapet to Main Process Hall, Tipping Hall, Incinerator Bottom Ash enclosure and visitor's centre to be revised
- Tipping Hall height to be reduced by 3m and width reduced by 10m
- Air cooled condensers (ACCs) to be increased from 3 to 4. Width increased by 0.5m, length increased by 15.7m.
- Changes to internal layout within the building including change from an oscillating kiln technology to moving grate technology
- Minor elevation changes including external materials. The colour theme of the main bulk of the building is a dark metallic red in vertically orientated cladding with contrasting silver and grey horizontally aligned cladding to the other elements of the building.
- The above changes result in minor changes to the site layout.

The amount of power generated by the facility will be 8.4MW per annum, an increase of 3.6MW in comparison to the approved scheme. It will retain the ability to generate heat as part of Combined Heat and Power (CHP) facility capable of providing heat for a district heating system.

The application is accompanied by an Environmental Assessment which comprised the original assessment submitted with the approved scheme and an addendum statement which updates the relevant topic areas of traffic and transport, air quality, landscape and visual assessment and ecology and nature conservation. The applicant has also submitted a Statement of Community Involvement which sets out the public engagement that took place as organised by the applicant ahead of this application being submitted. The applicant has also submitted a Waste Arisings Study and addendum, the purpose of which is to demonstrate that there is a need and sufficient C & I residual waste available to serve the facility.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
09/00078/MMFUL	Construction of an 'Energy from Waste' facility including access from Fourth Drove and exit onto Fengate	Application Permitted	06/05/2010

## **3 Planning Policy**

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

### **National Planning Policy Framework (2012)**

#### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

#### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

#### **Section 12 - Development Effecting Non-Designated Heritage Assets**

A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Where the asset is demonstrably of equivalent significance to a Scheduled Monuments it should be subject to the policies for designated heritage assets.

### **PPS10 Planning for Sustainable Waste Management**

Provides national policy guidance on waste management and advocates moving waste up the "waste hierarchy" – at the top of the hierarchy is "prevention" of waste, then descending is "preparing for re-use", "recycling", "other recovery" and the least desirable is "disposal".



## **Guidance for Local Planning Authorities on implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC)**

The government published this guidance in December 2012 therefore it is very up to date. The guidance reinforces the over arching aim of moving waste up the waste hierarchy and also emphasises the provision of new waste management facilities of the right type, in the right place and at the right time as being essential to reduce the dependency on landfill to enable local authorities to provide weekly collections of residual waste.

### **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.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

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

#### **MW02 - Strategic Vision and Objectives for Sustainable Waste Management Development**

Growth will be supported by a network of waste management facilities which will deliver sustainable waste management. The facilities will be 'new generation' which will achieve higher levels of waste recovery and recycling in line with relevant targets. They will also be of high quality design and operation, contributing towards addressing climate change and minimising impacts on communities in Cambridgeshire and Peterborough. There will be a network of stand alone facilities but also co-located facilities in modern waste management 'eco-parks'. The network will manage a wide range of wastes from the plan area, contributing to self sufficiency but also accommodating the apportioned waste residues from London or authorities in the East of England. Any long distance movement of waste should be through sustainable transport means - such facilities will be safeguarded via Transport Zones. A flexible approach regarding different types of suitable waste technology on different sites will be taken and Waste Consultation Areas and Waste Water Treatment Works Safeguarding Areas will be designated to safeguard waste management sites from incompatible development. A proactive approach to sustainable construction and recycling will be taken and strategic developments will need to facilitate temporary waste facilities to maximise the reuse, recovery and recycling of inert and sustainable construction waste throughout the development period. Where inert waste cannot be recycled it will be used in a positive manner to restore sites. The natural and built historic environment will continue to be protected with an increased emphasis on operational practices which contribute towards climate change and minimise the impact of such development on local communities. (Policy CS2 sets out a list of strategic objectives to support this vision; those of relevance will be discussed in the body of the report).

#### **MW15 - The Location of Future Waste Management Facilities**

A network of waste management facilities will be developed across Cambridgeshire and Peterborough. The spatial distribution of the network will be guided by various economic and environmental factors (the relevant details of which will be discussed in the main body of the report).

#### **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.

### **MW24 - Design of Sustainable Minerals and Waste Management Facilities**

All proposals for minerals and waste management development must achieve a high standard in design and environmental mitigation. Waste Management proposals must be consistent with guidance set out in The Location and Design of Waste Management Facilities SPD.

### **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.

### **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.

### **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**

### **Archaeological Officer (18.12.12)**

No objection subject to the hydrological monitoring scheme, dewatering strategy and mitigation measures to prevent any adverse impact on Flag Fen Scheduled Monument being put in place and agreed with English Heritage.

### **Transport and Engineering Services (10.01.13)**

No objection. The requirement for the highway works contribution is no longer necessary as the works are carried out. There are some points with regard to internal movement of traffic within the site that need clarification

**Landscape Architect (Enterprise) (29.11.12)**

No objection. Nothing of interest is being proposed anywhere. The applicant will need to show what is being done to the bed at the front of the building.

**Wildlife Officer (30.11.12)**

No objections subject to the recommendations made, following the stage 1 habitat survey, being carried out.

**English Heritage (03.01.13)**

The minimum term for monitoring in advance of the project is 12 months. To fully establish a baseline there needs to be monitoring both on the site and on the Scheduled Monument. There will need to be a minimum agreed period of post development monitoring and a mitigation strategy in place should monitoring show that baseline conditions have deteriorated below a minimum point. Boreholes in the Scheduled Monument may require scheduled monument consent and agreement of the landowner. The monitoring information needs to be made available to English Heritage as well as the LPA and suggest that an annual report and six monthly interim statements will be enough. The results should be interpreted and the report compiled by a historic environment specialist who is suitably qualified and has experience in this technical area.

**Environment Agency (29.11.12)**

No objections. Confirm that a variation to the existing permit will be needed before the plant is brought into commission. The variation will not be issued unless the EA is confident the plant poses no significant risk of pollution or harm to human health. The permit if issued, will allow the EA to satisfactorily regulate emissions and take any necessary enforcement action.

**Natural England - Consultation Service (15.11.12)**

No objection.

**Health & Safety Executive (22.10.12)**

No objection.

**Local Residents/Interested Parties** Initial consultations: 749

Total number of responses: 11

Total number of objections: 11

Total number in support: 0

**Representations**Peterborough Friends of the Earth

- Do not agree with the application's suggestion that there have been no policy changes since the original application was approved. The publication by Defra 'The Economics of Waste and Waste Policy...' June 2011 casts uncertainty over the effectiveness of EfW incinerators
- Disagree that the principle of the EfW has been established by the previous permission because the waste treatment industry in the UK and particularly mainland Europe has changed dramatically in the intervening period
- The importation of an additional 20,000 tonnes of material will breach the proximity principle and the current permission only allows the acceptance of waste from Peterborough, Cambridgeshire and adjoining authorities.
- The change in technology from that of an oscillating kiln to a moving grate technology will produce more Nitrogen Oxide (400mg per m<sup>3</sup> rather than 300mg per m<sup>3</sup>) and will produce more polluting emissions to the environment. Emissions levels should also include those from biogenic carbon.

- Due to the low percentage of materials recycled through kerbside collection in Peterborough, it is inevitable that some material will be incinerated when it should have been segregated and ought to be recycled. It will emit large volumes of greenhouse gases and other pollutants when burnt.
- It is unlikely that the Combined Heat and Power element will come into fruition and that it is likely to be an electricity producing EfW only. The actual greenhouse emissions should be provided and compared with the emissions of other waste treatment options to ascertain whether Viridor's EfW incinerator is the best environmental solution for treating Peterborough's waste.
- The proposals should quantify how greenhouse gases will be minimised in accordance with Policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.
- PFoE contends that the proposed Energy from Waste facility is not a low carbon solution and nor should it be considered sustainable because much of the energy source is based upon the use of fossil fuels e.g. plastics.
- The proposal does not accord with the proximity principle established by European law which states that waste should be disposed of as close to its source as possible.
- The proposal does not comply with PPS10 because it will not move waste up the waste hierarchy because it will produce more CO2 than Dogsthorpe Landfill currently does and this will only reduce at the landfill because of weekly food waste collections.
- The proposals do not accord with the Cambridgeshire and Peterborough Minerals and Waste Development Plan in particular CS28 which refers to not over providing waste facilities which would lead to unacceptable importation of waste. The proposal does not comply with policy CS2 or CS22 because of the increase in emissions and impact upon climate change
- The proposal also does not comply with regional objectives. The site is no longer providing a suite of waste management facilities and should no longer be considered a preferred site
- PFoE believe that the Commercial and Industrial Wastes could be more effectively treated by the PREL scheme
- The additional vehicle trips generated by the additional capacity proposed should not be permitted as the road network is already heavily trafficked at peak times.

#### Cllr Nick Sandford on behalf of Peterborough Liberal Democrats

- I endorse much of what Peterborough Friends of the Earth have said particularly the policy references
- I am particularly concerned that this facility is far in excess of what is required to deal with Peterborough's black bin waste and that the estimates for Peterborough's future waste capacity requirements are exaggerated.
- It is clear that Viridor plan to import considerable amounts of waste from further afield thus adding considerably to CO2 emissions produced by the transport process. The excessive reliance upon importation is clearly in breach of Cambridgeshire and Peterborough Waste Development Plan 2011
- The excess capacity is also contrary to PPS10 which requires Councils to drive waste up the waste hierarchy and will create a disincentive for Viridor and the Council to promote waste reduction through recycling as they will have an incentive to find sufficient waste for the incinerator
- Investing heavily in excess capacity at the current time could limit the Council's options for such diversification in the future.

#### Other representations

- Many of the above points raised by Peterborough Friends of the Earth are made in the individual letters submitted and are therefore not repeated below.
- We do not want an incinerator in our city. Build it somewhere else out of town or near the cities whose rubbish it will be burning

- The construction and operation of this plant and the emission of toxic fumes from combustion of mixed domestic and C & I waste on any scale will endanger the health and safety of residents and workers in the city and the delivery and removal of an increase in the amount of materials will only worsen these problems
- Concern is raised about the dioxides/carcinogenic emissions that will be released into the atmosphere and the impact on residents and children and the amount of ash this facility will produce
- As the decision was confirmed for this development five years ago is this technology still safe and viable?
- The Council's EfW facility is not using best available technology.
- There will be pressure to use waste that could be recycled and waste with a high calorific value is likely to be waste that can be recycled

## **5 Assessment of the planning issues**

The main considerations are

- Whether the principle of allowing an increase in waste throughput is acceptable in terms of the amount, type and origin of that waste and whether this will lead to any other significant environmental effects over and above those already considered under the approved scheme. If there are any significant effects can these be appropriately mitigated and is the proposal in accordance with the development plan and any other material considerations?
- Whether the changes to the proposed design and layout of the Energy from Waste Facility are acceptable in comparison to the approved scheme and in accordance with the development plan and other material considerations
- Any other issues and/or changes that have arisen in terms of policy and/or physical works since the last application was approved that need to be taken account of.

Consideration of this Section 73 application should be limited to those issues affected by the proposed changes to the scheme and any consequential changes occurring as a result. This is not an opportunity to go back to first principles and consider whether Energy from Waste scheme is acceptable on this site. This has already been established by the extant planning permission and subsequently through the necessary procurement procedures that resulted in the award of the contract to deliver the EFW scheme to Viridor. There have been changes to the development plan since the previous decision was taken in May 2010 to approve the EfW which will be considered below. At a national level, the waste planning policy guidance PPS10 remains in force as confirmed by the new Guidance for Local Planning Authorities on Implementing Planning Requirements of the European Union Waste Framework Directive (2008/98/EC) published December 2012. The National Planning Policy Framework has also been introduced but does not contain specific advice on waste development, although other advice will be relevant including the presumption in favour of sustainable development.

### **(a) Variation of condition 5 to allow an increase in the throughput of waste**

#### **The principle of allowing additional throughput:**

Policy CS2 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy "the core strategy" is the overarching policy containing strategic vision and objectives for waste management development. The policy refers to a new generation of facilities that will achieve higher levels of waste recovery and recycling. Policy CS29 of the Core Strategy states that an extension of an existing waste facility will be permitted where there is a demonstrated need within Cambridgeshire and Peterborough to ensure that excessive provision is not made within the plan area. In addition this policy states that permission may be granted for waste development involving the importation of waste from outside the Plan area where this is demonstrated to maximise recycling and recovery of waste materials and is the most sustainable option taking into account proximity, self sufficiency, the Regional Spatial Strategy and the waste hierarchy. It should be noted that the RSS

is revoked from 3 January 2013 and shall therefore no longer be taken account of.

The applicant proposes to import an additional 20,000 tonnes per annum of commercial and industrial residual waste (i.e. waste left after recyclables have been taken out). It is proposed that the same catchment restriction shall apply i.e. at least 75% of the waste must come from within Peterborough, Cambridgeshire or within 50 km of the development.

The majority of the additional waste throughput will come from within the Plan area and the additional waste will enable the EfW facility to run more efficiently and will move waste up the waste hierarchy from disposal to recovery; putting waste in landfill is disposal whereas burning waste but generating energy from that waste is classed as recovery. The additional waste throughput will be waste that would otherwise be destined for landfill sites. It is of course desirable that waste is disposed of as near as possible to its source (in most instances). The very recent government guidance on Implementing the Requirements of the EU Waste Framework Directive states that in meeting the requirement of the proximity principle there is no expectation that each waste authority will deal solely with its own waste. It is considered that the additional throughput will meet the requirements of policy CS29 because it will assist in the maximisation of recycling and recovery of waste materials in addition to increasing the electricity production from 3.6MW to 7.25MW net per annum. The proposal to increase the throughput of waste from 65,000 tpa to 85,000 tpa is acceptable in principle.

#### **Air Quality/pollution:**

A revised air quality assessment has been submitted which together with the proposed technology to be used demonstrates that in terms of emissions the proposed increased throughput will still result in levels that are well within air quality standards that will be required to be met (stemming from EU Directives on Air Quality) in order to obtain a revised permit from the Environment Agency (EA). The proposal sets out those emissions will be reduced under the revised throughput than would be the case under the consented scheme. The EA has confirmed that it will only issue the permit if it is satisfied that the standards will be met and that air quality will be monitored and if necessary enforced under the permit regime. PPS10 states that controls under the planning and pollution control regimes should complement rather than duplicate each other and conflicting conditions should be avoided. Given the response received from the EA it is entirely proper that the issue of air quality should be dealt with under the environmental permitting regime and that it should be taken as read that the EA will ensure that the relevant legislation is complied with. Policy CS34 of the Core Strategy states that development shall only be permitted where it is demonstrated there would be no significant harm to the environment, human health or safety etc. Officers consider that the proposal has demonstrated that in terms of emissions the proposal will meet the legal requirements and that the development will not be able to proceed and continue to operate once built unless the environmental permit is granted by the Environment Agency. This satisfies the requirements of CS34.

One of the objections raised by Friends of the Earth (FoE) is that the proposed EfW (particularly the technology of this particular scheme) will result in high emissions of CO<sub>2</sub>. The arguments (and figures) put forward by FoE have been refuted by the applicant. Policy CS22 of the Core Strategy sets out that waste proposals must take account of climate change over the lifetime of the development and should include quantifying the reduction in CO<sub>2</sub> and greenhouse gases, demonstrating how the design location and transport related to the development will limit greenhouse gas emissions and setting out how the proposal will make use of renewable energy. Policy CS24 requires that all waste management development will achieve a high standard in terms of their design and mitigation of environmental effects including climate change.

The applicant has submitted general information in relation to the efficiency and benefits of mass burn technology with regard to residual waste (i.e. waste that cannot be recycled). It is apparent that FoE disagrees with the principle of the technology proposed for the EfW. However, one of the main thrusts of PPS10 is the requirement to move waste up the waste hierarchy away from landfill which will be achieved by this proposal. There will be no valid argument in terms of CO<sub>2</sub>

emissions or sustainability matters in general to preferring landfill to the proposed EfW. Any attempt to quantify the proposed CO2 emissions (bearing in mind we are considering only the additional throughput of 20,000 tpa of C & I waste) is, in your officers' opinion going to be questionable in terms of how accurate such a forecast can be. There are many variables including exactly where the waste will come from within the catchment (transportation of the waste), where it would go in terms of transport and landfill sites and then off-setting the CO2 produced by landfill sites as opposed to the EfW. The fact that CO2 will be saved through the production of electricity to be sold back to the grid is also a factor. In other words, the electricity generated by the EfW plant will "save" that electricity from having to be produced by other fossil fuels/through power stations. The Council has already accepted, both through the granting of the previous permission and through its Waste 20/20 policy that it wants an EfW facility to deal with Peterborough's residual municipal and solid waste. The increase in throughput will enable the plant to run more efficiently and to produce double the electricity the consented scheme would have produced. It would not be justifiable for the Council to refuse the current proposal due to CO2 emissions when (a) the principle of the EfW is established and it will result in the additional 20,000 tpa of C & I waste being diverted out of landfill and (b) it would not be possible to make a tangible argument against the proposal on this single issue that could stand up on appeal (potential success or otherwise at appeal is a material planning consideration). It is proposed to vary condition C16 so that at least 75% by weight of both the municipal solid waste and the C & I waste must come from within the consented catchment area. This will ensure that the majority of both waste streams will come from within the Plan area or otherwise from within a 50km radius of the development.

With regard to potential impact of emissions on nearby designated nature conservation areas (SSSI's, Special Areas of Conservation) Natural England has raised no objections. The proposal complies with the requirements of policy CS35 of the Core Strategy which requires development to demonstrate there are no adverse impacts on sites of nature conservation value.

#### **Transportation:**

Policy CS32 of the Core Strategy requires that waste development proposals are acceptable in terms of sustainable transport, highway network and suitable access to serve the site. The proposed increase in throughput will not lead to any increase of trips within the peak hour (8.00 – 9.00 and 17.00 – 18.00) because no third party waste (the proposed C & I waste/waste other than PCC's municipal waste contract) will be permitted to deliver outside of the peak hours. The impact of the additional traffic generated by the increase in throughput will be negligible and the Highway Authority has raised no objections to the proposal.

With regard to the previously required transport contribution the Highway Authority has confirmed that as the works are already underway there is no longer a requirement for the transport contribution to make the development acceptable and this should be removed from the contributions required under the legal agreement.

The Highway Authority has requested clarification on some minor points regarding internal movement of vehicles within the site. These are points of clarification and your officers will report further on these issues in an update to this report.

#### **Conclusion regarding increased throughput:**

The principle of an EfW facility at this location is established. The increased throughput will enable the facility to run more efficiently and will enable waste to be moved up the waste hierarchy. The same catchment restriction will apply with regards the additional waste throughput as for the consented. It is considered that the proposal has demonstrated that the facility will operate to minimise as far as possible the polluting effects and that in terms of most emissions, control will be covered by the necessary environmental permit. The additional traffic associated with the increased throughput is not significant and will not lead to congestion. As such the proposal complies with PPS10 and with policies CS2, CS22, CS23, CS24, CS29, CS32, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

**(b) Variation of Condition 2 to enable changes to the design and layout of the facility to that approved**

**Visual appearance:**

The main changes to the visual appearance of the proposal are set out above. The bulk of the building is reduced from that approved but in terms of scale the perception of the development from close up and distant views will be that it is very similar to the approved scheme. The chimney stack height remains the same (approximately 60 metres). Policy CS2 is the overarching policy containing strategic vision and objectives for waste management development. The policy refers to a new generation of facilities that will achieve higher levels of waste recovery and recycling in line with targets. These facilities shall be of a good design. Policy CS 24 of the Core Strategy requires that all proposal for waste management development achieve a high standard of design and policy CS 34 requires development to demonstrate there is no significant harm, including visual intrusion to neighbouring uses. The National Planning Policy Framework (NPPF) contains core planning principles, one of which is always to seek to secure high quality design.

The building design has to be driven first and foremost by function. The revised design has slightly reduced the bulk of the building from that already approved. The use of modern materials in the dark red and silver/grey colours as chosen will make a positive contribution to the appearance of the scheme rather than using standard industrial colours. It is considered that the revised design is an improvement over the approved scheme and is in compliance with the policies set out above. The other changes to layout and condenser units are minor changes within the scheme as a whole and will have no adverse impacts. It is recommended therefore that condition C2 be amended to approve the revised set of application drawings. The internal building layout including the internal plant and machinery does not require planning permission.

**(c) Other issues/changes**

**Section 106:**

The Local Highway Authority has confirmed that the transport contribution is no longer required because the works to the parkway have already been carried out and therefore are no longer required to make this development acceptable.

Similarly, the Council's Transport Planning Officer has confirmed that as the number of employees will be lower for the proposed scheme (than for the current use of the site) a contribution towards sustainable transport cannot be justified and there is no requirement for condition C17 with regards to submission of a travel plan. Financial contributions can only be required (under the CIL Regulations) where they are necessary to make the development acceptable in planning terms and clearly this is not the case with regards these contributions. Conditions should only be imposed on planning permissions where they meet the tests set out in Circular 11/95. These tests are that the condition must be for a planning purpose, must relate to the development proposed, must be necessary, must be precise, must be enforceable and lastly reasonable in all other respects.

It is therefore proposed to remove these requirements from the new S106 agreement and to delete condition C17.

The drainage contribution and provision for the hydrological monitoring scheme will form part of a new S106 agreement that will need to be completed before planning permission, if granted, can be issued.

**Hydrological Monitoring Scheme and impact on Flag Fen:**

The approved EfW scheme was subject to an obligation in the S106 agreement and condition C29



which requires borehole monitoring (a single borehole) to be undertaken towards the rear of the site to monitor changes in the level of the water table, particularly when the deep foundations for the waste bunker are constructed and afterwards. The current agreement requires that 9 months pre-development monitoring be carried out. This is required to monitor and assess any impact upon buried archaeological remains at Flag Fen Scheduled Monument. It must be noted that Flag Fen has been scheduled as such since the permission for the EfW was granted in 2010. The NPPF terms this as a designated heritage asset. The requirements in principle for monitoring to be undertaken remain the same.

The applicant proposes to monitor several boreholes (some existing and some new) on land to the rear of the development, between it and Flag Fen. However, the applicant proposes to proceed with the EfW development no deeper than 1.8 metres below ground level whilst the monitoring is undertaken but that works below this depth, including the bunker shall not be commenced until appropriate baseline monitoring has been undertaken. This will allow the development to commence in time but to depths that will not affect the water table.

English Heritage has commented that 12 months pre-development monitoring should be undertaken, that monitoring should be undertaken on Flag Fen itself, the reports should be annually with a bi-annual interim report for a period to be agreed and that the reports should be compiled by a suitably qualified person in hydrology/assessment on buried archaeological remains. This has been discussed with English Heritage who agree that the Council is at liberty to take into account the extant permission in considerations.

Your officers comment that a balance needs to be taken between the ability to deliver the project and safeguarding Flag Fen though ensuring that the latter is not adversely compromised by the development. The NPPF requires the Local Planning Authority (LPA) to consider whether development will lead to substantial harm or loss of a designated heritage asset or whether development will lead to less than substantial harm. In this case your officers consider that if the development does cause harm it would be less than substantial and could be mitigated against – indeed a mitigation scheme should borehole monitoring indicate that harm could be taking place is required to be submitted. Where a development will cause less than substantial harm the LPA must weigh this against the public benefits of the proposal including securing its optimum viable use. It is considered that as the development will be delivering the Council's approved waste strategy there is considerable public benefit in delivery of the project. Nevertheless the balance needs to be struck between the benefits of the proposal and safeguarding Flag Fen Scheduled Monument.

It is considered that this balance can be struck through the timing of commencement of certain elements of the development i.e. those not affecting the water table, whilst the initial hydrological monitoring takes place but ensuring that an acceptable period monitoring takes place before any works are carried out below a depth of 1.8 metres. This can be agreed prior to the signing of the legal agreement. This will enable the project to commence in accordance with the expiry of the planning permission which is 6th May 2013 whilst providing an agreed period of monitoring before the deep engineering works take place. The extant permission required 9 months of monitoring before development could take place. It is likely that a similar period of monitoring will be agreed before the deep excavations can take place should this permission be granted. It is also agreed that the monitoring reports should be submitted every 6 months for the first five years, then bi annually for 6 years. Further monitoring beyond this should be at the Council's discretion following the findings of the monitoring to date.

At the same time, it has to be borne in mind that there is an extant planning permission in place and that monitoring of Flag Fen itself was not required. It is considered that proposed monitoring involving several boreholes on land between the site and Flag Fen will be sufficient because if this land is unaffected by the development it will be reasonable to assume that Flag Fen will not be.

The above details will be finalised and included in the legal agreement which will need to be signed prior to any planning permission being issued. It is considered that the monitoring regime which

will be defined in the legal agreement and the de-watering and hydrological mitigation strategies that will be required to be submitted by condition 24 are sufficient to provide adequate protection to the Scheduled Monument as required by the NPPF and condition CS36 of the Core Strategy whilst ensuring that the development can be delivered in accordance with the time limits of planning permission with regards commencement of development.

### **Flood Swale:**

The extant planning permission for the EfW contained condition C9 relating to the retention of a flood swale on land to the rear of the development in Council ownership. This condition was discharged on the basis that the flood swale is not in fact required for the EfW development but only in respect of development for a materials recycling facility which was approved for the adjacent site (Former Ray Smith Building). There is no need therefore to re-impose this condition as it is not necessary.

### **BREAMM Rating:**

Condition C4 attached to the existing permission requires the building to be constructed to the relevant Building Research Establishment standard. Given that the building involves energy recovery and its design will be governed by its function incorporating modern design techniques, it is considered that this condition is not necessary and that this issue can be adequately controlled through the appropriate building regulations. The building is being approved as shown. It will not be practicable or desirable to consider changing that design once the building is constructed. It is therefore proposed to delete this condition.

### **Heat Distribution Strategy**

The extant permission contains a condition requiring that a heat distribution strategy be submitted and that if the exportation of heat from the EfW is not feasible or commercially viable then a review of the study must be agreed in writing with the LPA. It is recommended that this condition be removed – the recommendation to approve is not based on the potential for heat distribution from the plant although desirable. The condition also does not require heat distribution to take place but simply that reports are to be produced. It is considered that this aspect of the proposal should be left in the control of the waste authority.

### **Local Liaison Panel**

It is industry best practice that large scale waste and mineral developments establish local liaison panels (involving the parishes, local residents, interest groups, local planning authority/waste authority and the site operator) that meet on a regular basis to discuss any operational issues and to foster good community relations. Officers attend such panels that have been established on other waste/mineral sites in Peterborough. However, the setting up of such panels is not something that should be a condition of planning permission and so this condition should be removed and put on as an informative instead. Given that this is a Council scheme, there should be no reason why the Liaison Panel should not be established voluntarily.

### **Other conditions:**

It is necessary to review the content of all the conditions and reasons for their imposition because of the change in development plan policy since the EfW was permitted – the existing planning permission refers to policy that has now been superseded.

The appropriateness of the conditions in relation to the submitted scheme, in particular the timescales for the applicant to submit further details and when these must be implemented on site has also been reviewed in the light of Circular 11/95. However, subject to the reasons being altered to reflect current policy, changes to refer to plans and documents in the current submission

and review of timescales for submission/implementation of further details, except for those conditions referred to above the other conditions remain as per the previous planning permission.

## **6 Conclusions**

The principle of and EfW facility at this location is established. The main considerations of this application relate to the proposed increase in throughput and changes to the design of the facility. The increased throughput will enable the facility to run more efficiently and will enable waste to be moved up the waste hierarchy. The same catchment restriction will apply with regards the additional waste throughput as for the consented. It is considered that the proposal has demonstrated that the facility will operate to minimise as far as possible the polluting effects and that in terms of most emissions, control will be covered by the necessary environmental permit. The additional traffic associated with the increased throughput is not significant and will not lead to congestion. As such the proposal complies with PPS10 and with policies CS2, CS22, CS23, CS24, CS29, CS32, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

Policy CS2 is the overarching policy containing strategic vision and objectives for waste management development. The policy refers to a new generation of facilities that will achieve higher levels of waste recovery and recycling in line with targets. These facilities shall be of a good design. Policy CS 24 of the Core Strategy requires that all proposal for waste management development achieve a high standard of design and policy CS 34 requires development to demonstrate there is no significant harm, including visual intrusion to neighbouring uses.

The NPPF contains core planning principles, one of which is always to seek to secure high quality design. It is considered that the revised design is an improvement over the approved scheme and is in compliance with the policies set out above. The other changes to layout and condenser units are minor changes within the scheme as a whole and will have no adverse impacts.

All other changes since the development was granted permission in 2010, including physical changes and changes in both national and development plan policy have been taken into account and the conditions revised accordingly. The comments of English Heritage have been taken into account with regards the hydrological monitoring and provisions of a revised legal agreement and it is considered that the proposal meets the requirements of the NPPF and policy CS 36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy with regards to impact and mitigation on the Flag Fen Scheduled Monument. The proposal overall is in conformity with the development plan and with national waste policy objectives and there are no other material considerations which outweigh determination of this application is accordance with the development plan.

## **7 Recommendation**

The case officer recommends that planning permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

### C 1 Commencement of development

The development hereby permitted shall be begun before the expiration of 6th May 2013.

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

### C 2 Approved Plans

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

1237 011                      proposed site sections

1237 013		proposed office layouts
1237 014		visitor centre route
1237 009		ACC elevations
1237 001		proposed SW building elevation
1237 002		proposed NE building elevation
1237 003		proposed NW building elevation
1237 004		proposed SE building elevation
1033150-02	Version C	proposed site layout (EFW)
15898/A1/175		proposed cycle shelter general arrangement
16030/A1/151		proposed acoustic fence details
1033150-00		Site location boundary drawing
1237 015		visitor route through process area
1237 018		materials board
1033150-01	Version C	proposed site layout (overall)
1033150-05	Version F	vehicle tracking APC residue collection (artic)
1033150-07	Version E	Vehicle tracking – EFW waste deliveries (artic)
1033150-08	Version E	Vehicle tracking - EFW waste deliveries (bulker)
1033150-06	Version F	Vehicle tracking – IBA collection (20 foot ISO container lorry)
1033150-09	Version E	Vehicle tracking – EFW FGT deliveries (artic)
1033150-10	Version E	Vehicle tracking – contingency back hauling rejection, collection and HLORC delivery
1033150-19	Version A	EFW waste (coach)
1033150-13	Version A	power distribution
1033150-11	Version E	landscaping and fencing
1033150-12	Version C	flood risk mapping
1033150-14	Version D	External lighting and CCTV
1033150-16	Version C	foul and surface water drainage – EFW facility
1033150-17	Version B	pedestrian and cycle routes

Environmental Statement and appendices

Environmental Statement addendum report

Groundwater Monitoring Strategy – except where amended by provisions of the legal agreement

Reason: To clarify what is hereby approved

### C 3 Facing materials

The development shall be carried out in complete accordance with the submitted details of materials set out within the Design and Access Statement Addendum.

Reason: In the interests of good design and the visual appearance of the development in accordance with policies CS2, CS24 and CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD

### C 4 Lighting

Notwithstanding the details shown on drawing 1033150-14 Version D, no lighting shall be erected unless in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the location, design and lux levels of each light together with details to minimise light pollution to neighbouring land and the night sky.

Reason: In order to protect surrounding users and wildlife from light pollution in accordance with policies CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD

C 5 Maximum Throughput

The annual throughput of the Energy from Waste Plant shall not exceed 85,000 tonnes at a Caloric Value of 9,700kj/kg or equivalent.

Reason: The application including the Environmental Statement has been assessed on the basis that this is the maximum throughput per annum. Any changes to this would require submission of revised environmental information regarding the relevant potential effects including on air quality, transport and need in accordance with policies CS2, CS15, CS22, CS23, CS29, CS32, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C 6 Hours of Operation

During construction

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

07.00 – 19.00 hours Monday to Saturday

During normal operation

Deliveries to the site shall only take place between:

06.00 – 22.00 hours Monday to Saturday

08.00 – 16.00 Sunday, Bank Holidays and Public Holidays.

Reason: In the interests of the amenity of surrounding/nearby occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C 7 Landscape Details and Management

Notwithstanding the details shown on drawing 1033150-11 E, prior to the development being brought into use detailed landscaping plans for all landscaping areas within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be planted in the first planting season following the development being first brought into use. Any trees or shrubs which die, become damaged or diseased within the first 5 years of planting shall be replaced with plants of a similar size and species in the first planting season immediately following such an occurrence.

Reason: In the interests of the visual appearance of the development in accordance with policies CS2 and CS24 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

C 8 Fencing

Fencing shall not be erected unless in accordance with the details shown on drawing 1033150-11 Version E Landscaping and fencing. All palisade fencing shall be painted dark green. With the exception of the acoustic fencing, all new and replacement fencing shall be designed to allow free flow of floodwater to ensure that the floodplain can be utilised during a flood event unless it can be demonstrated that adequate flood plain mitigation is in place.

Reason: In the interest of the visual appearance of the development and to assist with flood mitigation in accordance with policies CS2, CS24 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C 9 Supplementary Risk Assessment

The development hereby permitted shall only be carried out in accordance with the supplementary flood risk information undertaken by Anna Butler (for and on behalf of Atkins Ltd) and dated 5 November 2009. In particular all electrical equipment shall be mounted no lower than 2.7 metres above Ordinance datum and provided with water resilient housing. The applicant shall confirm completion of the approved scheme, in writing, to the Local Planning Authority within one month of it being so completed. Thereafter no additional electrical equipment shall be installed except in compliance with the recommendations of the above supplementary flood risk information.

Reason: To reduce the impact of flooding on the development in accordance with the provisions of paragraph 103 of the NPPF.

#### C10 Contaminated Land

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

Reason: In order to protect and safeguard the health of future occupiers of the site and surrounding land in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C11 Noise Management Plan

Prior to the development being brought into operation a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include steps to be taken to ensure that noise is minimised from plant and machinery which could include plant modification, enclosures, screening, location and maintenance and monitoring of noise from the facility. The plan shall demonstrate how the noise limit set out below shall be achieved. The noise management plan shall also include a scheme for noise monitoring to be undertaken by the operator in the instance of being requested to do so by the Local Planning Authority if a reasonable complaint is received.

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

At all times noise levels emitted from the site shall not exceed 51dB LAeq, 15 minutes as determined at the nearest noise sensitive receptor. The requirement is to be waived for start up periods, the duration of which shall be included in the noise management plan.

In the event of a reasonable complaint, as perceived by the Local Planning Authority, monitoring shall be undertaken in accordance with the agreed scheme contained within the noise management plan including the submission of the results to the Local Planning Authority.

Except where set out in the approved noise management scheme, the development shall be operated at all times in accordance with the approved scheme.

Reason: To protect the amenity of nearby occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C12 Reversing Alarms

Prior to the first occupation of the facility details of the reversing alarms to be fitted to all mobile plant shall be submitted to and approved in writing by the Local Planning Authority. The approved reversing alarms shall be utilised on mobile plant for the duration of the development.

Reason: To protect the amenity of nearby occupiers in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C13 Programme of Archaeological Work

No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the Local Planning Authority in writing. No development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: to secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Policy CS17 of the adopted Peterborough Core Strategy DPD and the National Planning Policy Framework, particularly paragraphs 128 and 141.

#### C14 Waste Catchment Area Restriction

At least 75% by weight of the municipal solid waste and at least 75% by weight of the commercial and industrial waste shall be sourced from the following area:

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

Weighbridge records shall be made available to the Local Planning Authority within one week of such a request being made and they shall set out the originating location and type of waste imported to the facility.

Reason: To ensure that the majority of both permitted waste streams is located within a reasonable distance of the development in the interests of sustainability in accordance with policies CS2, CS15 and CS29 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C15 Provision and retention of cycle parking

The building shall not be brought into use until space has been laid out within the site in accordance with the approved plan for 16 bicycles to be parked and thereafter that area shall not be used for any other purpose other than for parking cycles.

Reason: In the interests of promoting sustainable journeys to work in accordance with policy CS14 of Peterborough Core Strategy DPD.

C16 Cyclist/pedestrian provision

The building shall not be brought into use until a means of access for pedestrians and/or cyclists has been constructed in accordance with plans that shall have been submitted to and approved in writing by the Local Planning Authority. This access shall be retained as such thereafter.

Reason: In the interests of promoting sustainable journeys to work in accordance with policy CS14 of Peterborough Core Strategy DPD.

C17 Construction of Footway

The building shall not be brought into use until a 2 metre wide footway along the eastern side of Fengate from Dodson Way to Fourth Drove, including pedestrian crossing points has been constructed in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

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

C18 Access Points

The building shall not be brought into use until the “access only” from Fourth Drove and “egress only” from Fengate have been constructed in accordance with full details which shall have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the design of the part closure of the existing access off Fourth Drove and details of how the access egress only shall be managed. The “access only” and “egress only” shall be managed following completion and thereafter in accordance with the approved details.

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

C19 Swept Path Analysis

*Note: This condition will either be deleted or formulated once the clarification is received with regards internal traffic movements within the site. Further information will be provided in an update to this report.*

C20 Construction Management Plan

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

The scheme shall:

1. detail measures to be undertaken to minimise noise and dust arising from building construction and site works and normal plant operation and monitoring thereof.
2. Specify whether a named environmental co-ordinator is to be employed or in the absence of such a person the competent person who will deal with issues raised by authorities and the public.
3. Specify measures to be taken to foster good community relations
4. Specify the construction programme and its duration (note that construction hours are restricted by condition C6)
5. A scheme for chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become inoperative and a scheme for the cleaning of affected public highways



6. A scheme to demonstrate that all construction vehicles can enter the site immediately upon arrival and that there is adequate space within the site/land within the applicant's/developer's control to enable contractors to park, turn, load and unload clear of the public highway and details of haul routes across the site; and
7. Provide a site waste management audit for the demolition and construction phases of the development setting out how waste arising from the construction phases of the proposed plant is to be managed.

The development shall thereafter be carried out in accordance with the approved construction management plan.

Reason: In the interests of highway safety and waste minimisation in accordance with policies CS28 and CS 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C21 Bunding of Tanks

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

Reason: To prevent pollution of ground and surface water in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C22 Surface Water Drainage etc

Prior to the commencement of the building or the permanent surfacing of any hardstanding or parking areas, details of the proposed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out except in accordance with the approved scheme.

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

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

Reason: To prevent pollution of ground and surface water in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD.

#### C23 Weighbridge Operation

Details of the means of operation of the unmanned weighbridge shall be submitted to and approved in writing by the Local Planning Authority prior to any waste being received. The unmanned weighbridge shall not be operated except in accordance with the approved details.

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

C24 Hydrological monitoring

Prior to the commencement of any development beneath 1.7 metres below ground level a de-watering strategy and a hydrological mitigation strategy shall have been submitted to and approved in writing by the Local Planning Authority. The development shall not take place except in accordance with the approved strategies unless amended under the provisions of the legal agreement.

Reason: In the interests of the preservation of the archaeological remains present within Flag Fen Schedule Monument in accordance with policy CS36 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD and the provisions of the NPPF.

C25 Decommissioning

Prior to the decommissioning of the facility hereby permitted a scheme, including a timetable for the demolition of the buildings and plant and decommissioning of the land shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning shall take place only in accordance with the approved scheme.

Reason: In order to reduce the risk of pollution, impact on surrounding occupiers and to remediate the land so that it is capable of being reused in accordance with policy CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD and as set out in the core planning principles of the NPPF.

C26 Protection of Wildlife

The development shall not take place except in accordance with the updated Phase 1 Habitat Survey by Mouchel dated 22 June 2012 specifically implementation of the recommendations contained within section 4.5 of this report.

Reason: In the interests of the protection of wildlife in accordance with policy CS21 of the Peterborough Core Strategy.

<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM No.6</b>
<b>22 JANUARY 2013</b>	<b>PUBLIC REPORT</b>

Cabinet Member(s) responsible:	Councillor Hiller – Cabinet Member for Housing, Neighbourhoods and Planning	
Contact Officer(s):	Simon Machen - Head of Planning Transport and Engineering Services	Tel. 453475

**EXTENSION OF SPEAKING ARRANGEMENTS FOR CONSIDERATION OF SOLAR FARM PLANNING APPLICATIONS (App Ref: 12/01904/R3FUL, 12/01905/R3FUL and 12/01906/R3FUL)**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Head of Planning Transport and Engineering Services	<b>TIMESCALE:</b> N/A
That the Committee consider alternative time allowances for speaking at the Planning and Environmental Protection Committee meeting at which the three solar farm planning applications are to be considered.	

**1. ORIGIN OF REPORT**

- 1.1 The City Council’s constitution sets out at paragraphs 9.2 and 9.3 (under Part 4, Section 3) how much time is allocated for ‘speaking’ on planning applications that are considered by the Planning & Environmental Protection (PEP) Committee. At Committee’s discretion, the time allowed may be extended.
- 1.2 The Committee is due to consider three solar farm applications (App Ref: 12/01904/R3FUL, 12/01905/R3FUL and 12/01906/R3FUL) as these applications have already generated a high volume of interest at other Council meetings it is Officers opinion that this will be the case when coming before PEP Committee.
- 1.3 As with other high profile applications considered by PEP Committee in the past (e.g. wind farm applications) Officers have sought PEP Committee’s thoughts on extending the timings for addressing the Committee to ensure that applications are considered in full. Officers are (in the interests of planning the meeting effectively), seeking Committee’s thoughts regarding how much extra speaking time should be allowed, if any, in respect of the above applications. This would be without prejudice to the decision of the Committee on the day the applications are considered. However, this would allow officers to arrange, manage and liaise with interested parties prior to the meeting more effectively and efficiently.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to obtain the view of the Committee on allowing an extension to the speaking scheme timings when the Committee considers the three solar farm applications and agree in principle any revised timings.
- 2.2 This report is for the Committee to consider under its Terms of Reference No. 2.5.1.1 “To exercise the functions of the Council as listed in Schedule 2.5.3”.

### 3. **TIMESCALE**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If Yes, date for relevant Cabinet Meeting	N/A
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### 4. **EXISTING SPEAKING ARRANGEMENTS**

4.1 The existing speaking scheme is as follows:

- i) 5 minutes (total) is allowed for each of the following
  - (a) objectors;
  - (b) applicant or agent and their supporters
- ii) 10 minutes (total) is allowed for speeches from Ward Councillors and Parish Councillors.
- ii) MPs are allowed to speak for 5 minutes.

### 5. **SUGGESTED ALTERNATIVE SPEAKING ARRANGEMENTS**

5.1 Officers ask that that Committee debate the following alternative suggested time allowances:

- i) 30 minutes (total) be allowed for each of the following*
  - (a) objectors;
  - (b) applicant or agent and their supporters
- ii) 45 minutes (total) be allowed for speeches from Ward Councillors and Parish Councillors.
- iii) MPs be allowed to speak for 15 minutes.

### 6. **CONSULTATION**

6.1 No consultation has been undertaken regarding the content of this report, neither is it required.

### 7. **ANTICIPATED OUTCOMES**

7.1 That, without prejudice to the decision that the Committee may make on the day that the applications are considered, Committee give an indication of the speaking time allowances that it may consider appropriate.

### 8. **REASONS FOR RECOMMENDATIONS**

8.1 Committee cannot make a binding decision on an alternative amount of time to be allocated to speaking at meeting as the constitution (*paragraphs 9.2. and 9.3 (under Part 4, Section 3)*) states that such a decision can only be made on the day of the meeting when the alternative will be applied. However, in the interest of planning for the meeting it would be helpful for officers to be aware of Member's views.

### 9. **ALTERNATIVE OPTIONS CONSIDERED**

9.1 Do not debate this report as the Committee cannot make a binding decision.

### 10. **IMPLICATIONS**

10.1 Legal Implications

As no binding decision is being sought, this report is in compliance with the constitution.

## 10.2 Financial Implications

There are no financial implications.

## 10.3 Corporate Priorities

Speaking at committee is in line with the City Council's desire to create strong and supportive communities.

## **11. BACKGROUND DOCUMENTS**

### 11.1 Peterborough City Council Constitution.

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