

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 26 JANUARY 2016**

**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 Monitoring Officer.

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

**4. Minutes of the Meeting Held on 8 December 2015** **3 - 10**

**5. Development Control and Enforcement Matters**

5.1 **15/01363/DISCHG, 15/01771/WCPP and Deed of Variation - Paston Reserve, Newborough Road, Paston, Peterborough** **11 - 44**

5.2 **15/00721/WCPP - Land Off Storeys Bar Road, Storeys Bar Road, Fengate, Peterborough** **45 - 62**

**6. Planning Compliance Quarterly Report on Activity and Performance September to December 2015** **63 - 66**

**Emergency Evacuation Procedure – Outside Normal Office Hours**

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.*



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 Philippa Turvey on 01733 452460 as soon as possible.

Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), P Hiller, N North, J Stokes, S Martin, Sylvester, D Harrington, J Okonkowski and S Lane

Substitutes: Councillors: G Casey, N Shabbir, C Ash, R Herdman and J R Fox

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@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 THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 DECEMBER 2015**

**Members Present:** Councillors Harper (Chair), Serluca (Vice Chair) North, Stokes, Martin, Sylvester, Okonkowski, Harrington, Lane, and Casey

**Officers Present:** Nick Harding, Head of Development and Construction (Item 5.1)  
Lee Collins, Development Management Manager  
Amanda McSherry, Principal Development Management Officer (Item 5.1)  
Simon Ireland, Principal Engineer (Highways)  
Paul Smith, Compliance and S106 Manager (Item 5.1)  
Michael Freeman, S106 Officer (Item 5.1)  
Hannah Vincent, Planning Lawyer  
Gwen Markham, Legal Advisor (Item 6)  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Hiller. Councillor Casey was in attendance as substitute.

**2. Declarations of Interest**

No declarations of interest were received.

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

No Member declarations of intention to make representations as Ward Councillor were received.

**4. Minutes of the Meeting Held on:**

**4.1 13 October 2015**

The minutes of the meeting held on 13 October 2015 were approved as a correct record.

**4.1 27 October 2015**

The minutes of the meeting held on 27 October 2015 were approved as a correct record.

**5. Development Control and Enforcement Matters**

**5.1 15/01589/OUT – Fletton Quays, Land at East Station Road, Peterborough**

The outline planning application was for a mixed use scheme, to include up to 14,000 square metres of new office units, up to 280 residential units, up to a 160 bed hotel, up

to 975 square metres of ancillary development, floor space parking, associated infrastructure including improvements to London Road / Town Bridge Junction, diversion of the Public Right of Way, the demolition of Aqua House and the creation of a new riverside footpath and areas of public realm. The application also sought for the change of use of a listed railway engine shed to use Class B1 and a listed goods shed to use Classes A2, A3, A4, D1 and D2.

The Head of Development and Construction introduced the item and advised that Councillor Hiller and Simon Machen were in attendance as Peterborough Investment Partnership representatives. At no point in the application process had either representative acted in any capacity other than the applicant.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report and the completion of a S106 Agreement. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report.

David Turnock, Peterborough Civic Society addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The Civic Society welcomed the principle of development at Fletton Quays.
- It was believed that the proposal before Committee lacked vision and would not provide the neglected site with the necessary level of attention.
- The location was key, with views of heritage sites. It was suggested that this provided an opportunity to include developments, such as a concert hall, or a university.
- The Mill heritage building should be integrated into the proposed scheme.
- The prospect of the footbridge not being provided within the development was accepted. It was disappointing that no condition was proposed to secure a footbridge landing site for future development.
- Issue was raised regarding the lack of railway connection, quay or pontoon.
- The height of the extension to the railway shed had been renegotiated. Concern was raised that the initial consultation carried out with Historic England were based on the original proposed heights and not the final heights included in the outline application.
- It was believed that the development could be improved if the applicant's took more time to cultivate the proposals.
- It was considered critical that building heights be kept down where possible, in order to preserve the views of the cathedral.

Councillor Serluca clarified that Vivacity had not objected to the proposals, however they had submitted their comments in a letter.

Councillor Hiller and Simon Machen, Peterborough Investment Partnership, and Jeremy Good, Agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- It was suggested that the proposed £120 million development would reinvigorate the area.
- The Fletton Quays site had been left unkempt for a number of years and it was believed that this proposal represented an achievable development for future generations.
- All consultees, bar one, had been supportive of the proposals.
- Many matters had been taken into consideration, included flood risks, infrastructure, soil contamination, heritage assets and the mural restoration.



- A full wildlife survey had been undertaken. Discussions were ongoing with 'Frog Life' with regard to managing the wildlife sites in perpetuity.
- The proposed scheme was commercially viable and deliverable. The applicants appreciated that the footbridge was important and were happy to accede to a condition to reserve space for a landing site.
- It was emphasised that the wider location of Fletton Quays, and how it could be linked in to the main city centre, would need to be considered in terms of any future development.
- The prospect of a pontoon or quay were aspirations. Further work needed to be undertaken to establish the feasibility of such projects, particular in terms of third party involvement.
- It was suggested that, as the development was within the city centre, it was not vital for each dwelling to have multiple parking spaces. Furthermore, the applicant's advised that the multi-storey car park had the potential to cater for residential 'visitor' spaces if required, though this would be a matter the reserved matters application.
- The applicants were currently in negotiations with investors and believed that interest in the development was strong.
- It was suggested that a mixed use development would provide for different customers at different times of day.
- Discussions had been ongoing with Vivacity regarding the potential for an outdoor arts performance area or amphitheatre.

The Committee discussed the consultation undertaken with Historic England in terms of building height, and sought clarification. The Principal Development Management Officer advised that Historic England were aware of the final height levels proposed for the development and had been consulted on those grounds. The Committee further suggested that a condition to reserve a footbridge landing site would be appropriate.

A motion was proposed and seconded to agree whether the information on the commercial viability of the application should be exempt and the press and public excluded from the meeting when the information was discussed, by reason of paragraph 3 of Schedule 12A or Part 1 of the Local Government Act 1972, as it related to the financial or business affairs (past or present) of a particular body, or whether the public interest in disclosing this information outweighed the public interest in maintaining the exemption.

The Committee unanimously agreed to the exclusion of the press and public for discussion relating to information on the commercial viability of the application, and the meeting moved into exempt session.

The Compliance and S106 Manager, and S106 provided an overview of the commercial viability of the application and highlighted a number of key issues within the viability assessment. Following discussion the Committee were satisfied with the applicant's ability to adhere to the proposed S106 Agreement.

The meeting returned to open session.

The Principal Development Management Officer advised that the consultation with Historic England had been carried out with height identified in metres. The response from Historic England had referred to stories, which may vary within the specified height.

The Committee were happy with the outline proposals identified within the application and did not believe that the development would significantly obstruct any views.

Members of the Committee were pleased to hear that the applicants intended to provide open space and space for performance art. The Committee were encouraged to see development in an area that had been left empty for a number of years.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, with an additional condition to secure a landing site for a footbridge. The motion was carried unanimously.

**RESOLVED:** (unanimous) that planning permission is **GRANTED** subject to:

- 1) The conditions set out in the report;
- 2) The completion of a S106 Agreement; and
- 3) An additional condition to secure a landing site for a footbridge.

### **Reasons for the decision**

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

- The principle of the mixed use residential, office, hotel, retail, restaurants, drinking establishments, etc. uses are considered to be acceptable on this city centre site. This in accordance with Policy CC6 of the City Centre DPD and Policy CS4 of the Core Strategy.
- The vertical limitations, and usage and zoning shown in the Parameter plans were considered to be acceptable, to form the basis of any future reserved matters applications.
- The proposed access arrangements, parking and traffic impacts are considered to be acceptable. There are no highway safety concerns with the development proposed. The development is therefore considered to be in accordance with Policy PP12 of the Planning Policies DPD.
- The proposed development would not result in substantial harm to the character and appearance or setting of any listed or locally listed buildings and would preserve the character and appearance of this adjacent City Centre Conservation Area. The limited harm arising was outweighed by the economic, social and environmental benefits of the scheme. This is in accordance with Policies CS17 of the Core Strategy and Policy PP17 of the Planning Policies DPD.
- Issues of impact on trees, ecology, archaeology, contamination and flood risk had all been considered and had not been found to be such that the development was inappropriate. The limited impacts could be mitigated by the use of planning conditions. The development was therefore considered to be in accordance with Policies PP16, PP17, and PP20 of the Planning Policies DPD and Policies CS17, CS21 and CS22 of the Core Strategy.

### **5.2 15/00922/OUT – Cranmore Bungalow, Thorney Road, Eye, Peterborough**

Councillor Serluca left the meeting at this point.

The outline planning application was for the redevelopment of Alpine Lodge, Cranmore Gate and Cranmore Bungalow, comprising up to 17 residential units including the demolition of the existing buildings.

It was officer's recommendation that planning permission be granted, subject to the conditions set out in the report. The Development Management Manager provided an

overview of the application and highlighted a number of key issues within the report.

Matthew Dalton addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Dalton had no general objection to development in Eye.
- As the owner of the business neighbouring the application site, and wishing to be a good neighbour, he had concerns with regards to the safety of residents and his staff.
- The road network was busy with regular vehicle movements. Concern was raised as to whether the traffic of an additional 17 dwellings would impact the safety of the road.
- The road adjacent already had six vehicular exits onto it within a short stretch. Two additional exits for 17 dwellings would have an impact.
- In busy periods it had been known for HGV's to queue on the road waiting to access Mr Dalton's site. This may cause issues with regard to residential properties.
- Further concerns were raised with regard to noise levels. Mr Dalton advised that the noise survey carried out had been during the quietest time of year for his business. He suggested that further information should be gathered in peak business times.

Following questions from the Committee, the Principal Engineer (Highways) advised that, as an outline application, no decision surrounding site access was required. However, two indicative accesses had been provided, similar to those already existing. It was predicted that the majority of the HGV's from the adjacent site would turn north to the A47 and avoid the application site. The impact of the development on the road was considered to be negligible and the Highways Authority was content with the proposed levels of visibility.

The Committee discussed the application and raised concerns in relation to the noise levels resulting from the business adjacent to the site, and whether further information needed to be gathered in busier periods. The Development Management Manager advised that noise was a key issue, though a number of provisions had been proposed by the applicant to mitigate the problem, including gabian walls and alternatively orientated windows for the proposed flats.

The Committee raised concerns that the residential development was not outlined within the current Local Plan and that a significant amount of development was already taking place in the surrounding areas. Discussion was had regarding the ability for fire and rescue vehicles to properly navigate through the site

A motion was proposed and seconded to agree that the application be deferred, contrary to officer recommendation, in order to collect further information in relation to noise impact. The motion was defeated, four voting in favour, five voting against.

A motion was proposed and seconded to agree that permission be refused, contrary to officer recommendation, for the reasons of overdevelopment and noise impact. The motion was carried, five voting in favour, four voting against.

**RESOLVED:** (five voted in favour, four voted against) that planning permission is **REFUSED** for the reasons set out below

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

The application was considered to represent overdevelopment in the area, and would result in an unacceptable level of noise impact on the residents of the proposed dwellings.

### **5.3 Application to Register Land at Longthorpe Playing Field as a Town and Village Green Under the Commons Act 2006**

The planning application was for the registration of land known as Longthorpe Field as a Town or Village Green under section 15(2) of the Commons Act 2006.

It was officer's recommendation that application be refused. The Planning Lawyer provided an overview of the application and highlighted a number of key issues within the report and the additional information.

Keith Markham addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Mr Markham was a parent Governor at Longthorpe Primary School.
- It was believed that the registration of the land in question as a Town or Village green would be statutorily incompatible with its use as a school playing field.
- It was suggested that the intention behind the application was to prevent the school from erecting a fence around the field.
- The school did not wish to close off the entire field.
- Child safety was paramount. Children playing on an open field presented issues such as litter, potential for children to run off and intrusions from outside sources.
- Mr Markham supported the officer recommendation to refuse the application.

David Worth, Applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The application had been submitted in order to preserve the open access to the field, which was being threatened.
- 163 objections had been received, however the notification of the application only asked for objections.
- Four letters of support had been received, two of these from School Governors. It was suggested that earlier support for the application had been received from 152 households.
- OFSTED had visited the school previously and had been happy with the open field arrangements.
- It was understood that the field belonged to the Council and not the School. Mr Worth believed that erecting a fence on the land would take away amenity from local residents.
- The open space adjacent to the application land was considered inappropriate for community use as it was populated with trees.
- It was believed that the problems encountered by the school as a result of the open field were greatly exaggerated.
- There was an existing Village Green on the other side of Longthorpe. This was, however, small and a considerable distance away.

The Committee believed that a compromise would be the most fortuitous outcome, however, understood that no such agreement was forthcoming. Discussion was had regarding the possibility of a fence being erected on the land. The Committee considered that the safety of school children should have significant weight attached to it.

A motion was proposed and seconded to agree that the application be refused, as per

officer recommendation. The motion was carried unanimously.

**RESOLVED:** (unanimous) that the application for registration of land known as Longthorpe Field as a Town or Village Green under section 15(2) of the Commons Act 2006 be **REFUSED** for the reasons set out the Inspector's preliminary ruling report.

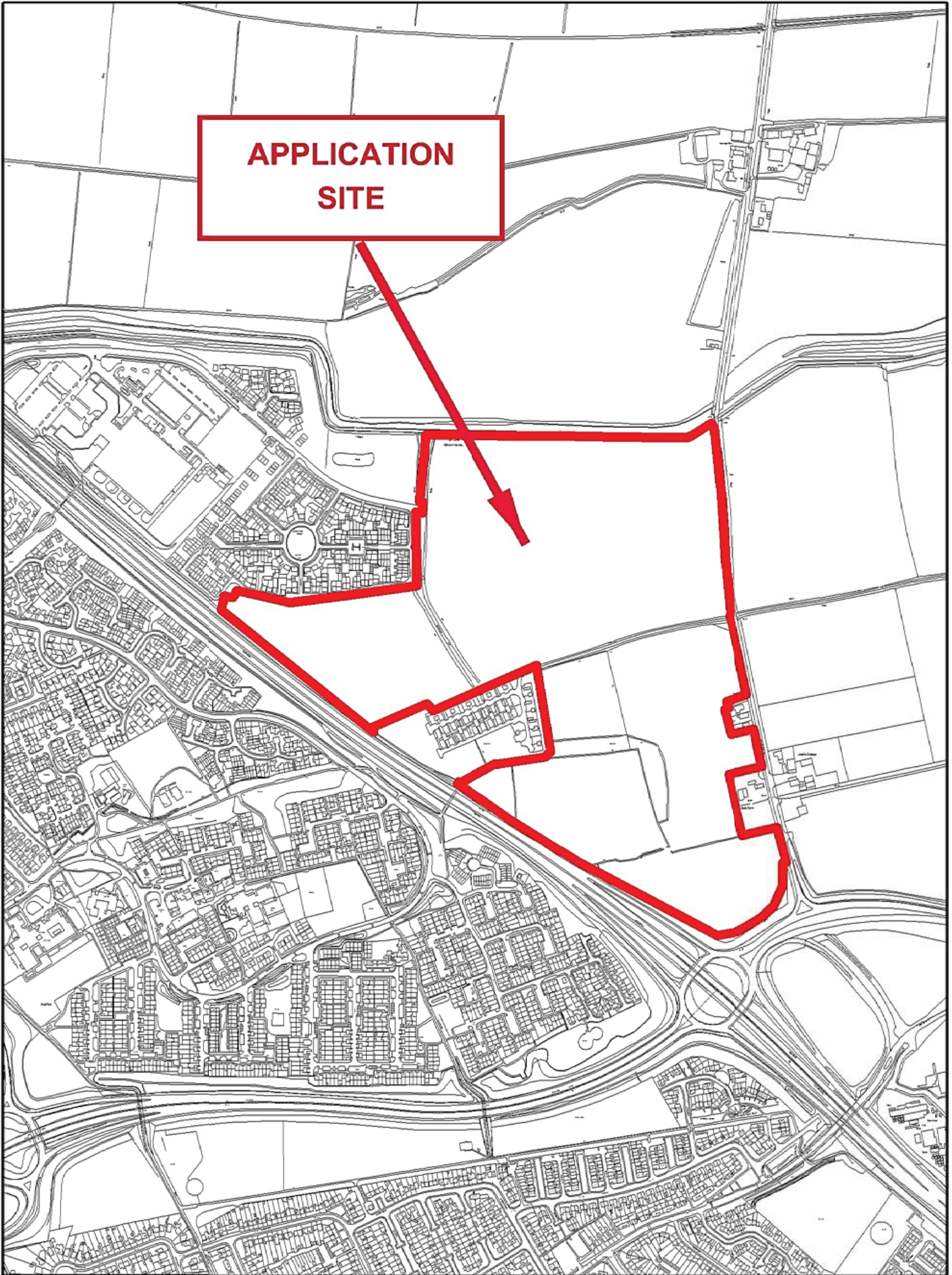
**Reasons for the decision**

The application land was held and used for a specific statutory purpose. There was manifestly an incompatibility between use of the application land as part of Longthorpe Primary School and registration of the land as a Town or Village Green.

Chairman  
1.30pm – 4:30pm

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**APPLICATION  
SITE**

**LOCATION PLAN 15/01771/WCPP and 15/01363/DISCHG**

Paston Reserve, Newborough Road

Scale NTS

Date 13/1/2016

Name AA Department Planning Services



**PETERBOROUGH**



CITY COUNCIL

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<b>Application Ref:</b>	(1) 15/01771/WCPP, (2) 15/01363/DISCHG, (3) Deed of Variation
<b>Proposal:</b>	(1) Renewal of planning permission 91/00001/OUT - Housing, local facilities, open space and infrastructure (15/01771/WCPP) (2) Discharge of conditions 2 (Master Plan) and 3 (Phasing) of planning permission 91/0001/OUT (15/01363/DISCHG) (3) Deed of Variation
<b>Site:</b>	Paston Reserve, Newborough Road, Paston, Peterborough
<b>Applicant:</b>	Church Commissioners For England
<b>Agent:</b>	WYG Planning And Environment
<b>Site visit:</b>	3.11.2015
<b>Reason for Referral:</b>	Applications of wider interest
<b>Referred by:</b>	Director of Growth and Regeneration
<b>Case officer:</b>	Miss V Hurrell
<b>Telephone No.</b>	01733 453480
<b>E-Mail:</b>	victoria.hurrell@peterborough.gov.uk
<b>Recommendation:</b>	(1) Application 15/01771/WCPP be granted subject to the original conditions with appropriate amendments and the completion of a S106 Agreement. (2) Application 15/01363/DISCHG be approved and conditions 2 and 3 in respect of the amended master plan and phasing plan discharged. (3) Deed of Variation, that the change to the affordable housing provision be agreed in lieu of the provision of land for a new secondary school.

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

### **The Site and Surroundings**

Paston Reserve, which is approximately 36.9ha in size, is located on the north eastern edge of the city. It is bounded to the north by a water course known as Car Dyke, this section of which, is also designated as a Scheduled Ancient Monument. To the east is Newborough Road which links to the 47 and Junction 20. Beyond Newborough Road is an area of land which is allocated as a new urban extension known as Norwood (for up to 2500 houses). To the west is an existing housing development, accessed off Manor Drive, which is now built out. The two housing areas are separate by a hedge known as Bacon's Holme Lane. The Paston Travellers site lies to the south and is surrounded by the application site. Access to the traveller's site is via Norwood Lane off Newborough Road. Beyond both the application site and the travellers site is the Paston Parkway.

Development has commenced on the site. The initial section of the access road which connects to Manor Drive has been constructed and Keepmoat Homes are currently building out the first 87 houses. A foul pumping station has also been constructed to the west of the site with access off Newborough Road. The rest of the site remains in agricultural use. There is a group of trees within the site known as Paynes Nook. There are other trees and hedges around the edge of it.

The site is within the ownership of a consortium comprising the Church Commissioners, the Homes and Community Agency, Taylor Woodrow Developments Ltd. Befordia Developments Limited and Old Road Securities Plc.

Paston Reserve benefits from an outline planning permission (91/00001/OUT- see below) and is

allocated for housing in the adopted Site Allocations DPD.

## **The Proposals**

### *Proposal 1- Application 15/01771/WCPP*

Outline planning permission was granted on 10 February 2006 for housing, local facilities, open space and infrastructure (application 91/00001/OUT refers). The overall housing number was capped at 1050 houses and the development was subject to a S106 Agreement which includes the provision of a new primary school, community centre, play facilities, and 29% affordable housing. The outline planning conditions required the submission and approval of both a master plan and phasing plan. The master plan and phasing plan were approved in 2008.

As indicated, development has commenced on site and the first 87 houses are currently being built out (reserved matters approval 13/01518/REM refers). However, the overall development has not progressed as quickly as was anticipated due to the changing market conditions. The majority of it therefore remains undeveloped.

The outline planning permission allowed 10 years for the submission of reserved matters applications. This period 'runs out' on 10 February 2016.

The first application (reference 15/01771/WCPP) which has been submitted therefore is an application to extend the period of time in which further reserved matters applications can be made for a further 10 years (until 10 February 2026) in order to allow the development to continue.

### *Proposal 2 – Application 15/01364/DISCHG*

Since this original outline planning permission was granted there has been a significant change across the city in the requirement for school places and the Council has now expanded the majority of its primary schools in order to meet the demand for places. This demand for school places will in the next few years transfer to secondary school level as children move through the school system. Secondary schools are more difficult to expand than primary schools and there is less land available to build new schools given the overall size of site required (circa 7-9ha). In light of this, the Council has entered into discussion with the owners of Paston Reserve about acquiring land for a new secondary school.

In order to facilitate the development of a secondary school a number of alterations are proposed to the approved master plan and phasing plan; primarily a relocation of the primary school and community land along with some of the associated residential parcels. The second application which has been submitted therefore is an application to approve an updated master plan and phasing plan under the existing planning permission by discharging conditions 2 and 2 (application 15/01363/DISCHG refers).

It should be noted that this application does not include the secondary school. If the Council moves ahead with this project then the secondary school will need planning permission in its own right and would be located where the phase 4 housing is indicated.

### *Proposal 3- Deed of Variation*

The land owners would give the land for the secondary school to the Council. It is proposed that the value of this land be offset by removing the requirement to provide affordable housing in the next housing phases. The third application which has been submitted therefore is a Deed of Variation to the original S106 Agreement to remove the affordable housing requirement. If the secondary school did not come forward then the Council would seek to secure affordable housing in phases 3 and 4 of the development.

### *Summary of the Proposals*

In summary therefore the proposals before members are as follows:-

- 1) An application to extend the period of time in which reserved matters applications can be made for a further 10 years (until 10 February 2026). Application 15/01771/WCPP refers.
- 2) Amendments to the previously approved master plan and phasing plan, primarily involving the

relocation of the primary school and community land. Application 15.01363/DISCHG refers.  
 3) A Deed of Variation of remove the affordable housing provision for the forthcoming phases of the development in lieu of the transfer of land to the Council for a secondary school.

The applications are being reported together given the interrelationship between them but members will need to make a decision on each proposal.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/01363/DISCHG	Discharge of conditions C2 (Site Masterplan) and C3 (Phasing) of planning permission 91/00001/OUT - Housing, local facilities, open space and infrastructure	Pending Consideration	
91/00001/OUT	Housing, local facilities, open space and infrastructure	Permitted	10/02/2006
08/00001/PIBUS	Overall site masterplan	Approved	15/12/2008
13/01518/REM	Construction of 87 dwellings with associated car parking, highways, landscaping, SUDS-balancing pond and swales and a LEAP	Permitted	08/01/2014
14/01943/FUL	Construction of a sewage station	Approved	22/12/2004

## **3 Planning Policy**

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

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

#### **Section 4 - Assessment of Transport Implications**

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

#### **Section 8 - Safe and Accessible Environments**

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

#### **Section 8 - School Development**

Great weight should be given to the need to create, expand or alter schools.

#### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

#### **Section 11 - Contamination**

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

## **Section 11 - Noise**

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

## **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.

## **Peterborough Core Strategy DPD (2011)**

### **CS01 - Settlement Hierarchy and the Countryside**

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

### **CS02 - Spatial Strategy for the Location of Residential Development**

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

### **CS05 - Urban Extensions**

Promotes development at Hampton, Stanground South and Paston Reserve and new urban extensions at Great Haddon and Norwood subject to key criteria being met.

### **CS10 - Environment Capital**

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

### **CS12 - Infrastructure**

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

### **CS13 - Development Contributions to Infrastructure Provision**

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

### **CS14 - Transport**

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

### **CS16 - Urban Design and the Public Realm**

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

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

Development should protect, conserve and enhance the historic environment including non-

scheduled nationally important features and buildings of local importance.

### **CS20 - Landscape Character**

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

### **CS21 - Biodiversity and Geological Conservation**

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

### **CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

## **Peterborough Site Allocations DPD (2012)**

### **SA01 - Urban Extensions**

Confirms the location of the urban extensions in accordance with Core Strategy policy CS5 and any planning permissions in place at the time of adoption.

### **SA03 - Urban Area**

Identifies sites within the Urban Area that are allocated primarily for residential use

## **Peterborough Planning Policies DPD (2012)**

### **PP01 - Presumption in Favour of Sustainable Development**

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

### **PP04 - Amenity Provision in New Residential Development**

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

### **PP14 - Open Space Standards**

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

## **PP20 - Development on Land affected by Contamination**

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

## **Community Infrastructure Levy (CIL) Regulations 2010**

### **Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:**

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

## **4 Consultations/Representations**

Consultees have been consulted in respect of both the discharge of condition application and the application to extend the period of time for the submission of reserved matters. The responses to both of these applications are reported below.

No consultation has been carried out in respect of the Deed of Variation as this is not a planning application.

### **Internal Consultees**

#### **Archaeological Officer (10.11.15)**

No objections subject to the previous advice being followed in relation to pending archaeological work or phases of it.

#### **Lead Local Drainage Authority (16.11.15)**

As it stands we are awaiting further investigations and an updated Drainage Strategy to confirm where phases IIb and IVb will outfall. Feedback has also been provided regarding potential amendments to Appendix VI. Resolution of these matters is required prior to the determination of the application.

#### **PCC Pollution Team (11.12.15)**

The preliminary findings of the submitted noise report indicate that residential properties would require mitigation in order to provide suitable residential amenity. The mitigation will require agreement at the detailed design stage. Typical mitigation measures are identified by the applicant and generally accepted. The ventilation proposals in the report however are not accepted in their entirety. To provide adequate noise insulation, alternative methods of providing ventilation and control of summertime temperatures must be considered.

A preliminary assessment of the suitability of the site for school use has also been undertaken with regard to the guidance in BB93. Existing and commercial activities have not been considered.

Construction work shall not begin until a scheme for protecting the proposed noise sensitive development from noise has been submitted and approved.

Fixed plant associated with the operation of the development is also considered in the report. It is stated that "the 'rating level' in accordance with BS 4142:2014 should not exceed the minimum monitored background noise level". In addition, where noise levels are already in exceedance of WHO guidelines, or such an exceedance may result from the installation of plant, any installed plant should not increase ambient LAeq levels.

### **PCC Transport & Engineering Services**

The conclusions of the Transport Assessment Addendum are noted and accepted. The Local Highway Authority (LHA) is content that the trigger for junction 20 can remain at 570 units.

The Primary Route corridor through the development site has remained similar to the original Overall Site Masterplan and is to remain fixed as part of this application. The Bridleway location and corridor route through the development is acceptable however the width of land for the use of the bridleway must be suitable for its setting and to be a minimum of 4m wide. The LHA would require the surface of the Bridleway to be of a non-bound hard surface from Point A to Point B. Whilst the LHA note that the connection to the land West of Point B is not detailed, the LHA wish to highlight that the bridleway would have to cross 2no drains and as such 2no bridges would be required.

The LHA consider that Newborough Road will require highway improvements due to the amount of potential traffic connecting Norwood Lane to Newborough Road. Due to the substantial increased amount of traffic using the connection to Newborough Road, Newborough Road should have a new speed limit of 40mph from Car Dyke Bridge to A47 with the applicant responsible for all costs associated with its implementation. Norwood Lane was not previously suggested as a vehicle access point to Newborough Road and thus Newborough Road will require some highway improvement works from the A47 to Norwood Lane.

Norwood Lane although an existing adopted highway would need to be traffic calmed appropriately for its usage.

The LHA has no objection to the amended phasing.

### **Adult Social Care**

No comments received

### **PCC Property Services**

No comments received

### **PCC Rights of Way Officer (18.11.15)**

No objections. Have queries regarding the details of the right of way including surfacing and who will maintain it.

### **PCC Minerals and Waste Officer (Policy) (06.11.15)**

No objections. The applicant should be made aware of the Waste Consultation Area associated with the Dogsthorpe, Former Brickworks allocated waste management site, and the potential restrictions this may impose on any future alterations to the site layout plan at the southern extent of the proposal site

### **PCC Tree Officer (23.11.15)**

No objections subject to the reimposition of conditions in respect of landscaping and the protection of trees.

### **Waste Management**

No comments received

**PCC Wildlife Officer (16.11.15)**

No objection to extending the time limit for submission of reserved matters, subject to the submission of detailed ecological information as currently required under Conditions C36, 37, 38 & 39 (as per planning reference 91/00001/OUT).

I would also request that should no development take place within two years from the date of permission being granted, that an updated ecological survey be undertaken.

**External Consultees.**

**Historic England (10.11.15)**

No comments on the extension of time application or objections to the amended master plan. Agree that condition 14 of the original planning permission can be removed.

**Highways England (17.11.15)**

No objections to the changes to the master plan and no objection to the extension of time application subject to the re-imposition of Condition 18 regarding the works to junction 20.

**Ramblers (Peterborough) (30.11.15)**

No objections to the renewal of the planning permission. However, all existing rights of way need to remain accessible and free from any obstruction during construction works.

**British Horse Society (Central Office)**

No comments received

**Peterborough Local Access Forum**

No comments received

**Anglian Water Services Ltd (05.11.15)**

No comments in respect of the revised master plan or the application to extend the period of time for the submission of reserved matters.

**Environment Agency (19.11.15)**

No objections to either the revised master plan or extension of time application. Recommend early consultation with Anglian Water to determine whether there is sufficient infrastructure capacity. The bridleway is within 9 metres of Car Dyke. A flood defence consent may therefore be required.

**Newborough & Borough Fen Parish Council**

No comments received

*Note- consulted on the extension of time application only.*

**Werrington Neighbourhood Council**

No comments received

*Note- consulted on the extension of time application only.*

**PCC Planning Policy & Research (05.11.15)**

No comments. Note that affordable housing has been delivered as part of phase 1.

**Police Architectural Liaison Officer (PALO) (01.09.2015)**

No objections, recommendations or further observations

**Cambridgeshire Fire & Rescue Service (29.10.15)**

Request that adequate provision be made for fire hydrants by way of a condition or through the S106 Agreement.

**Sport England (01.09.2015)**



Does not wish to comment on this application  
*Note- consulted on the changes to the masterplan only.*

### **Local Residents/Interested Parties**

Residents have been consulted on both the application to change the master plan and also that to extend the period of time for the submission of reserved matters applications. No public consultation has been carried out in respect of the Deed of Variation.

In addition to sending letters Officers held a public consultation event at the Honeyhill Community Centre on receipt of the application to amend the master plan (this was the first application to be received before that for the extension of time). All residents within the existing housing area were notified of the exhibition, 3 people attended.

A briefing on the applications was also offered to all of the ward Councillors. Officers met with Councillors Knowles and Fox.

Initial consultations: 373  
Total number of responses: 1  
Total number of objections: 1  
Total number in support: 0

One letter of representation has been received in respect of the extension of time application. This comments that the submission does not address the specific implications of the development and that there is insufficient information to say what the adverse effects are for the existing houses. The response requests a copy of the full planning application.

A response was sent via email to the objector explaining that the site benefits from planning permission and that the documents submitted with the application aim to demonstrate that there is no reason why the outline permission should not be extended. It confirms that no further information is available at this stage and that as an outline application it does not contain the details of what the houses will look like etc., this will come forward at the detailed design stage. No further response was received.

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

The planning issues associated with each of the three proposals will be considered in turn.

### **1. Application to extend the period of time in which Reserved Matters applications can be submitted.**

#### **a) Principle**

As indicated under Section 1 above, Paston Reserve benefits from outline planning permission, application 91/00001/OUT refers. This allowed for the submission of reserved matters applications for a period of 10 years following the grant of planning permission but will expire on 10 February 2016. Although development has commenced on site, the rate of build out has not been as swift as was envisaged, largely due to the economic downturn. The applicant has therefore applied to extend the period of time within which reserved matters applications can be made for a further period of 10 years. This will take the period of time within which reserved matters applications can be submitted to 10 February 2016. An extension of this planning permission is permitted by the planning legislation as the development is a phased one (extensions of time can no longer be applied for in respect of non-phased developments, a new planning permission has to be secured).

As previously indicated, the site is allocated as an urban extension in the adopted Core Strategy and in the Site Allocations DPD. It therefore has an important role to play in meeting the city's housing needs. If this development were not to progress there would be shortfall in the Council's

five year housing supply. Given this, the principle of extending the period of time within which reserved matters applications can be made is considered to be acceptable.

The only other consideration with this application is whether there has been any material change in circumstance including in planning policy which would mean that the original proposal has become unacceptable or whether any changes/adjustments to the scheme are required. The applicant has submitted a number of technical supporting documents covering issues relating to the traffic impacts, visual impacts, flood risk and drainage. The detailed impacts are considered below.

## **b) Highway Impacts**

The original outline application was supported by a Transport Assessment (TA). Condition 18 of the original planning permission stated that no more than 110 occupations could take place until a scheme of works was carried to junction 20 of the A47. Following further technical assessment this trigger point was later revised, via a non-material amendment application, to 570 occupations. Condition 19 of the permission stated that no more than 150 dwellings should be occupied until a scheme of works was carried out to the Gunthorpe Roundabout. This condition was later removed from the consent, also via a non-material amendment application, following the widening works to the Paston Parkway, which removed the need for further works.

Since permission for the original development was granted the Council has now designed a scheme for junction 20. Funding for the scheme has been secured and it is anticipated that works will start in the spring of 2016.

The current application is supported by an addendum Transport Assessment. It reviews the conclusions of the original TA, current policy and includes updated traffic surveys and junction capacity assessments. It concludes that the junctions will remain within capacity at the design year (2028), factoring in the works to junction 20 and that no further off site highway works are required and that there is no reason why the extension of time of the planning permission should not be granted.

The transport information has been reviewed by the Local Highway Authority and Highways England which is responsible for the A47.

Highways England has raised no objection to the application, subject to the original condition 18 re the works to junction 20 being reimposed. The response refers to the original trigger point of 110 dwellings. Officers have gone back to Highways England to confirm that the trigger point is now 570 dwellings and it has confirmed that it has no objections to this subject to the Local Highway Authority not having an issue. The Local Highway Authority has confirmed that there is no objection to this trigger point. Highways England also noted that the plan for junction 20 contained within the Addendum is superseded. This is noted and can be addressed in the wording of the condition. The condition will also include a 'fall back' position in the event that the Council scheme is not implemented for any reason. In this case the applicant will need to implement their own scheme albeit that this will be a reduced scale of works.

The Local Highway Authority has raised no objections to the conclusions set out in the Transport Addendum. It has confirmed that the trigger point for the junction 20 works of the 570 houses is acceptable. It has made a number of comments on the revised master plan and these are discussed under application (2) below.

The original outline planning permission also included a condition (C20) requiring the provision of an emergency access to Newborough Road before the occupation of the 110<sup>th</sup> dwelling. It is not clear to Officers why this condition was imposed and it is not considered to be necessary given the link to Manor Drive. This condition will not, therefore, be reimposed.

The application is supported by a Framework Travel Plan. This will be secured via a condition. The original permission included a condition requiring the submission and approval of a school travel

plan. A condition in respect of this will be reimposed. In addition, funding towards a bus service will be secured through the S106 Agreement.

The original permission included conditions regarding the provision of wheel wash equipment during the construction period and the provision of temporary contractor's facilities. These requirements will be reimposed but incorporated into a single standard Construction Management Plan condition as is now used. The Local Highway Authority has indicated that construction access should be from the lower section of Newborough Road. The access route and point of entry to the site can be finalised and agreed as part of the Construction Management Plan.

A number of detailed comments have been made by the Local Highway Authority and the Council's Right of Way Officer regarding the bridleway. These are dealt with under application (2) below as they relate to the layout. The requirement to have a temporary and permanent diversion of the bridleway is covered by the S106 and will be taken forward as part of the new Agreement.

Subject to the imposition of conditions the development is considered to be acceptable in the context of policy CS14 of the adopted Core Strategy and policy PP12 of the adopted Planning Policies DPD.

### **c) Landscape, Archaeological and Ecological Impacts**

#### *Landscape Impacts*

The visual impacts of the original development were found to be acceptable. This application is supported by an assessment of the potential landscape effects. This concludes that the development would integrate into the local context, particularly given the proposed layout of the site which includes buffer areas, and that it would not cause any significant effects on the landscape character or on the visual amenity of the local area. The conclusions of this report are supported by Officers. There has been no significant change in planning policy in this respect since the original permission was granted and it is considered that with the buffer area to Car Dyke an acceptable relationship with the open countryside beyond will be achieved. The development is therefore considered to comply with policies CS16 and CS20 of the adopted Core Strategy.

#### *Trees and Hedges*

As indicated under section 1 there is an existing group of trees within the site known as Paynes Nook and trees around the edge of the site. A section of the Bacon Holmes Lane hedgerow has been removed to create the link through to Manor Drive.

No detailed tree survey was submitted with the original outline application given the location of the trees but a condition in respect of tree protection measures was imposed. The Council's Tree Officer has raised no objection to the current application subject to the re-imposition of the above condition.

New landscaping is a reserved matter in its own right so details will be submitted as the scheme progresses. Conditions will be imposed, as per the original consent, in respect of the provision of a Landscape Management Plan and replacement planting for any trees or shrubs which die within a five year period.

Subject to these conditions the development is considered to comply with policy PP16 of the adopted Planning Policies DPD.

#### *Archaeological Impacts*

As indicated, Car Dyke which lies to the north of the site is a Schedule Ancient Monument in this location. The master plan responds to this via the provision of a 30 metre buffer area to Car Dyke within which no development is to take place. This is discussed further under application (2) below. Historic England has raised no objection to this application to extend the period of time within which reserved matters applications can be submitted. The original permission included a condition (C14) which required a further archaeological assessment of the development upon Car Dyke

including the impact of the attenuation ponds, potential for de-watering etc. When the outline application was considered no details of the scheme were available. A master plan was then drawn up which established the principle of the 30 metre buffer within which there is no development. A drainage strategy was also agreed which includes controlled discharge rates and the provision of attenuation ponds (located outside of the buffer area). Given that the form of development is now known it is not considered necessary to reimpose this condition. Historic England has confirmed its agreement to the removal of this condition.

As part of this extension of time application it is recommended that a new condition be imposed in relation to the timing of the delivery of this buffer area, as this was not covered by the original conditions.

Condition 15 of the outline planning permission requires archaeological assessment within in each phase. Since this condition was imposed the archaeological requirements for the site have been discussed in more detail with the Council's Archaeological Officer. It has been agreed that a watching brief will be sufficient for parts of the site whilst other areas have been identified as being more sensitive and will require further investigation. It is recommended that an archaeological condition be reimposed. Subject to this, the Council's Archaeologist has raised no objection to this extension of time application.

Subject to conditions, the development is considered to comply with policy CS17 of the adopted Core Strategy and policy PP17 of the adopted Planning Policies DPD.

#### *Ecological Impacts*

There are no significant ecological features of interest within the main site. Ecological interest is largely limited to the field margins and Car Dyke. Conditions were imposed upon the outline planning permission requiring the submission and approval of a protected species contingency plan (condition 36), a botanical survey of Car Dyke (C37), the provision of biodiversity measures (C38) and the avoidance of works during the bird breeding season (C39). The ecological surveys were then used to inform the original master plan.

This application is accompanied by an updated Ecological Appraisal which includes updated surveys in respect of amphibians, bat activity, water voles, birds, invertebrates, brown hare and reptiles. A number of adjustments have been made to the master plan in light of the outcome of these surveys (see further comments under application 2 below). The surveys also identified evidence of water voles. It therefore recommends that a method statement be approved by the Local Planning Authority to ensure they are appropriately protected during construction works. A new condition to this effect is recommended.

The Council's Wildlife Officer has raised no objections to this extension of time application subject to the above condition and the reimposition of other ecological conditions, amended wording for which have been agreed with him. This includes agreement to remove the requirement for a botanical survey given the establishment of the buffer zone. The Wildlife Officer has also advised that if no development takes place within a phase within two years from the date of this permission then an updated ecological survey should be carried out. This is considered to be a reasonable requirement and a new condition to this effect is also recommended.

Subject to the above, the application is considered to comply with policy PP16 of the adopted Planning Policies DPD.

#### **d) Drainage**

Under the outline planning permission conditions were imposed requiring the submission and approval of a Flood Risk Assessment, Surface Water Drainage Strategy and also in respect of foul drainage. Following the grant of planning permission a Flood Risk Assessment and Surface Water Drainage Strategy were approved.

During the build out of phase 1 of the development (housing being constructed by Keepmoat) it has become apparent that the approved drainage strategy is flawed and in need of revision. An alternative strategy was therefore agreed for this phase of the development.

An updated Drainage Strategy and Flood Risk Assessment have therefore been submitted with this application. No objections to the current application have been received from either the Environmental Agency or Anglian Water.

Having reviewed the submitted strategy the Council's Drainage Team has raised an issue with the drainage of phase 4 which will drain toward Paston Parkway. This matter needs to be bottomed out before this extension of time application can be approved. Members are therefore asked to delegate authority to officers to continue to work with the applicant to agree a solution and to word an appropriate condition (or conditions) once the strategy is considered to be acceptable.

With regard to foul drainage as indicated under Section 1 a new foul pumping station has been constructed by Anglian Water to the west of the site. A condition requiring the foul drainage details for each phase of the development is recommended.

Subject to resolution of the drainage issues and the imposition of conditions the development will comply with policy CS22 of the adopted Core Strategy.

#### **e) Amenity Impacts**

The outline permission imposed a condition requiring noise mitigation measures for the new housing (C26) and for the community centre/school (C28). Construction noise was covered by C27.

A revised Noise Assessment has been submitted in support of this extension of time application. This sets out that the original bunds proposed to the south of the site adjacent to Paston Parkway are not required and that appropriate levels of amenity can be secured through the design, layout, glazing specification and ventilation systems. The Council's Environmental Health Officer has raised no objections to the removal of the bunds and is of the view that the noise impacts can be acceptably mitigated in principle. He has commented, however, that the ventilation proposals in the report are not accepted in their entirety. In his view, to provide adequate noise insulation, alternative methods of providing ventilation and control of summer temperatures must be considered. The applicant has been made aware of these comments and it is considered that they can be addressed via a suitably worded condition.

The Environmental Health Officer has commented that existing and approved commercial activities have not been considered. There are no commercial facilities within the development so this is not a consideration. If anything were subsequently proposed then the impact of these would need to be considered at the time.

Fixed plant associated with the operations of the development is also considered in the report. It is stated that "the 'rating level' in accordance with BS 4142:2014 should not exceed the minimum monitored background noise level". In addition, where noise levels are already in exceedance of WHO guidelines, or such an exceedance may result from the installation of plant, any installed plant should not increase ambient LAeq levels. The comments in the report are noted. It is considered that there is unlikely to be any plant on this site, apart from possibly associated with the school, given the nature of the development, but that this matter can be dealt with via a condition.

It is recommended that the requirement for controlling noise during the construction period be reimposed in the form of a single standard Construction Management Plan condition.

Other issues relating to amenity will be considered as and when the detailed reserved matters applications come forward.

Subject to a condition therefore, the development is considered to comply with policy PP4 of the adopted Planning Policies DPD.

## **f) Other Matters**

### *Minerals and Waste*

The Council's Minerals and Waste Officer has raised no objections to the proposal but has commented that the applicant should be made aware of the Waste Consultation Area associated with the Dogsthorpe, Former Brickworks allocated waste management site and the potential future restrictions this may impose upon any future alterations to the site layout plan at the southern end. This comment is noted. If any changes are subsequently imposed the impacts of these will need to be considered at the time.

### *Cambridgeshire Fire and Rescue*

Cambridgeshire Fire and Rescue Service has commented that adequate provision should be made for fire hydrants through the S106 or conditions. The original outline permission included a requirement in respect of hydrants (C47). However this requirement is dealt with under other legislation and it is not therefore considered necessary to reimpose a condition on this extension of time application.

### *Contamination*

The site is largely a greenfield site with little contamination. No conditions were imposed upon the original outline planning permission in respect of contamination except one requiring the reporting of any unsuspected contamination. The same condition will be reimposed upon this extension of time application.

### *Sustainability*

Since the original outline permission was granted the Council has introduced a policy in respect of achieving its Environment Capital objectives. The usual approach is to require a development to be built out with an energy efficient level of 10% above the Building Regulation standard albeit that this has recently been upgraded and is therefore itself more onerous. Given the current position on this application and the discussions which the applicant is having with the Council in respect of the school site and with individual house builders it is not considered appropriate to impose a new requirement in this respect. The updated Building Regulations will also mean a more energy efficient project is already required.

### *S106 Agreement*

The original outline planning permission was accompanied by a S106 Agreement. There was a subsequent Deed of Variation (DOV) in 2010 which altered a number of the trigger points. The S106 Agreement covered a number of matters including:

- That the Agreement as varied by the DOV is applicable to subsequent planning permission for the development
- Land for the provision of a new primary school and contributions toward this
- The provision of various play areas/ contributions towards these if the developer elects not to provide them
- Provision of a community centre and community building/contribution towards this if the developer elects not to provide it
- Provision of 29% affordable housing
- Bus Service Payments
- Cemeteries contribution
- Contributions towards primary care
- Waste Management Contribution
- Adult Social Care Contribution
- Contribution towards the provision of traffic counters
- Relocation of a right of way

As indicated the Council currently has a Deed of Variation submission to remove the affordable housing provision in lieu of acquiring land for a new secondary school. This is discussed further under application 3 below.

Notwithstanding the fact that the original Agreement (as varied by the DOV) can be applied to the renewal of the outline application, there is a need to make a number of revisions to it in order to reflect the current proposal. Given this, it is proposed to produce a new single Agreement.

Officers are currently in discussion with the applicant and therefore seek delegated authority to continue these discussions. It is envisaged that the heads of terms will remain largely unchanged albeit that the requirements for a community building will change as community facilities will be now located within the new schools rather than in a separate stand-alone building (as the Council has moved away from the provision of separate community centres, preferring co-location). Officers are also seeking a change to some of the trigger points to bring forward the land for the school and the play facilities to an earlier date in the build out.

Although the Council now operates CIL (Community Infrastructure Levy), the scale of this development is above the threshold for CIL so it will continue to be covered by a S106 Agreement.

Subject to the new S106 being entered into the development will comply with policies CS12 and C13 of the adopted Core Strategy.

#### **g) Recommendation**

In summary the principle of extending the period of time within which the permission can be implemented is considered to be acceptable and there have been no material changes in policy or circumstance which would make the scheme now unacceptable.

The Director of Growth and Regeneration therefore recommends that the application be approved and powers delegated to Officers to negotiate the S106 Agreement and to adjust, update and amend conditions (including the removal of conditions and the imposition of new conditions) to ensure that these are fit for purpose.

## **2. Application to amend the approved master plan, discharge of conditions 2 and 3 of outline planning permission 91/0001/OUT**

#### **(a) Reason for submission**

Condition 2 of the original outline planning permission required the submission and approval of a master plan which covered a number of matters. Condition 3 required the submission and approval of a phasing plan. A master plan document was subsequently prepared and the conditions discharged.

As indicated, the Council has been in discussion with the applicant regarding the provision of land for a new secondary school. In order to facilitate this, changes are proposed to the master plan and its associated phasing and new condition discharge application has been submitted (under the original 1991 outline permission).

The main changes to the master plan are the relocation of the primary school adjacent to the phase 4 housing (which if the secondary school is granted consent, is where it will be located), a change to the configuration and slight reduction in the amount of community land (the original outline permission referred to a maximum of 3.6 ha, 3 ha are now proposed), the associated relocation of the play equipment and also the relocation of some of the housing parcels onto land originally designated for community facilities/the school. The original outline planning permission also envisaged a stand-alone community building. With the changes to the master plan this would no longer be developed, and in any event, the Council no longer seeks stand-alone facilities.

Community facilities would now be co-located with the school.

The original master plan included a lot of detail about the highway configuration and form of traffic calming. Much of this is now outdated. A more general, updated statement has been submitted in support of this condition discharge application.

## **(b) Highways Impacts**

### *Roads*

The primary route through the site (which will be a bus route) will remain similar to the original site master plan which the Local Highway Authority has raised no objection to. Traffic calming measures will need to be incorporated into the detailed road design to ensure appropriate vehicle speeds. The Local Highway Authority has indicated a design speed of 25 mph. This can be dealt with as and when the detailed applications come forward.

The Local Highway Authority has commented that Newborough Road will require highway improvements due to the amount of potential traffic connecting Norwood Lane to Newborough Road, as this will now, under the revised master plan become a through route. Due to the increase in the amount of traffic using the connection to Newborough Road, the Local Highway Authority has advised that Newborough Road should have a new speed limit of 40mph from Car Dyke Bridge to A47 with the applicant responsible for all costs associated with its implementation. With regard to the comment about a reduced speed limit this was referenced on the original master plan and it is therefore considered reasonable to seek to secure the funding through the Deed of Variation/new S106 Agreement. The comment regarding the need for highway improvements to Newborough Road is noted. However, land is not readily available for highway works until such time as the Norwood urban extension (the area for which lies to the west of Newborough Road) comes forward. As such it is considered that the amendments to the master plan can be approved at the current time as whilst desirable, the scheme is not unacceptable without them.

The Local Highway Authority has also commented that Norwood Lane although an existing adopted highway would need to be traffic calmed appropriately for its usage. This comment is noted. Again it is considered that this can be secured at the detailed design stage.

Although the master plan shows roads within each of the housing parcels, these are illustrative only and are not fixed at this stage. Given that the internal roads are not fixed the master plan is considered to be acceptable. Car parking provision is also a matter for the detailed design. It is expected that this will be provided in accordance with current Local Plan policy.

Highways England has not raised any objections to the changes to the master plan.

### *Bridleway*

A bridleway runs through the site and under the original S106 Agreement there is a requirement for both a temporary and permanent route to be agreed. The original master plan included a bridleway route. A slightly amended route is proposed as part of this revised master plan.

The Local Highway Authority has commented that the Bridleway location and corridor route is acceptable however the width of land for the use of the bridleway must be suitable for its setting and be a minimum of 4m wide. The Local Highway Authority would require the surface of the Bridleway to be of a non-bound hard surface. Whilst the Local Highway Authority note that the connection to the land West of Point B is not detailed, it would highlight that the bridleway would have to cross 2no drains and as such 2no bridges would be required.

The comments regarding the width of the route are noted and can be secured at the detailed design stage as can the surfacing which has to be agreed as part of the S106 requirement. With regard to the comment about crossing drains whilst these are noted, there is no change from the original situation and this matter is not covered by the S106. As such it is not considered that any additional provision can be secured.



The Council's Rights of Way Officer has asked a number of questions about what the bridleway surfacing will be, where it will terminate, whether the road crossing points will be gated and who will maintain it. These are detailed matters, a number of which it will be for him to advise on at the design stage. The current information is considered to be sufficient at this stage for the revised master plan. The S106 sets out the provision in terms of who will be responsible for the bridleway.

Notwithstanding the comment from the Local Highway Authority regarding Newborough Road, the amended master plan is therefore considered to be acceptable in accordance with policy CS14 of the adopted Core Strategy and policies PP12 and PP13 of the adopted Planning Policies DPD.

### **(c) Landscape and Ecological Impacts**

#### *Relationship to Car Dyke*

The original master plan proposed a 30 metre buffer to Car Dyke within which no development is to take place. This buffer was agreed with Historic England (or English Heritage as they were then) in order to protect the setting of Car Dyke which is a Scheduled Ancient Monument in this location. Even the bridleway running through it is envisaged as just being a low key mown grass path. The attenuation ponds lie outside of the buffer area.

These principles have been carried forward to the revised master plan. It is considered therefore that an acceptable relationship with Car Dyke would still be achieved, and that its setting would be protected. It is not considered that any substantial harm would result and the scheme also has a public benefit in that it will help meet the overall housing needs of the city. The revised master plan is therefore considered to comply with the provisions of the National Planning Policy Framework. Historic England has not raised any objections to the amended master plan.

#### *Landscape Impacts*

The Council's Tree Officer originally commented that an Arboricultural Impact Assessment had not been submitted with the application. No such assessment was submitted in support of the original application and with the exception of Payne's Nook the trees and hedgerows are located around the edge of the site. The amended master plan, as with the original master plan, shows these areas as being retained (with the exception of the link through to Manor Drive). As indicated above, condition 46 of the outline permission deals with tree protection measures. In light of this, the amended master plan is considered to be acceptable in terms of its impact upon existing landscaping.

#### *Ecological Impacts*

The Council's Wildlife Officer originally made a number of comments on the master plan as this application was received before the Ecological Appraisal. The agent has confirmed that the recommendations of the Ecological Appraisal have been incorporated into the amended master plan through the incorporation of open space, retention of hedgerows (where feasible), provision of a 5 metre buffer of vegetation between the south western hedgerow and the embankment along Norwood Lane and the provision of a 5 metre buffer between the development and the eastern ditch for water voles. The inclusion of these measures is noted and the details will be drawn up at the reserved matter stage. As such the revised master plan is considered to be acceptable in terms of its ecological impacts.

The proposal therefore complies with policy CS17 of the adopted Core Strategy and policies PP16 and PP17 of the adopted Planning Policies DPD.

### **(d) Drainage**

As indicated the original master plan was based upon a drainage strategy which has since been found to be flawed. The revised master plan is based upon an updated strategy. There are still some issues to be agreed in respect of the revised strategy which will determine if any final adjustments are required to the master plan. Members are asked to delegate authority to Officers

to agree any final changes in this respect.

#### **(e) Amenity Impacts**

Amenity impacts are generally a consideration for the detailed design stage rather than the master plan. In principle it is considered that the development could be accommodated without any unacceptable adverse impact upon the existing properties in accordance with policy PP3 of the adopted Planning Policies DPD.

The original master plan included a bund along the southern edge of the site with Paston Parkway which is removed on the amended master plan. A Noise Assessment has been submitted with the extension of time application which concludes that the bund is not required and that an acceptable level of amenity can be secure through the layout, enhanced glazing and means of ventilation. The Council's Environmental Health Officer has raised no objections to the removal of the bund. Given this, the revised master plan is considered to be acceptable. Other amenity matters will be assessed at the detailed design stage but it is considered that a satisfactory level of amenity for the new occupiers can in principle be achieved in accordance with policy PP4 of the adopted Planning Policies DPD.

#### **(f) Layout Changes**

As indicated in order to facilitate the development of a secondary school a number of layout changes are proposed including the relocation of the primary school which would originally have been located closer to the existing housing development. Whilst the primary school would now be located further away from these existing properties it is considered that it would remain well located within the Paston Reserved development as a whole. Its revised location is, therefore, considered to be acceptable.

The revised plan master would result in a relocation of and splitting of the community land. There would also be a slight reduction in the amount to be provided (3ha). The original S106 refers to a maximum of 3.6ha, meaning less could be provided, so this change is considered to be acceptable especially as with the development of the secondary school there would actually be a lot more open land within the site. The relocation of the play facilitates is also considered to be acceptable as they will be appropriately located within the Paston Reserve development as a whole. Open space provision is now referred to under policy PP14 of the adopted Planning Policies DPD. Whilst the development would not strictly accord with this it is considered to be acceptable given the buffer area to Car Dyke and open space around the play equipment.

As indicated the original application included a stand-alone community building. Under the revised master plan this is no longer proposed. Community facilities will be co-located with either the new primary or secondary school. The Council does not now build stand-alone facilities, preferring co-location as the facilities are easier to manage and support. This change is, therefore, considered to be acceptable.

The original master plan showed development wrapping around the Paston Reserve Travellers Site. The amended master plan does not fundamentally change this relationship albeit that the school would now share a boundary with the traveller's site rather than just residential development. This relationship is considered to be acceptable in principle. The boundary treatment to the traveller's site will need to be considered by the Council as the development progresses.

The proposal is therefore considered to be acceptable in accordance with policy CS16 of the adopted Core Strategy and policy PP14 of the adopted Planning Policies DPD.

#### **(g) Recommendation**

Having considered all of the above matters the revised master plan is considered to be acceptable. There are no concerns with the proposed change to the phasing.

The Director of Growth and Regeneration therefore recommends that conditions 2 and 3 of outline planning permission 91/0001/OUT be approved subject to authority being delated to Officer's to deal with any additional changes to the master plan as maybe proposed, primarily in connection with the drainage.

### **3. Deed of Variation**

As indicated under Section 1 a Deed of Variation has been submitted. This proposes that there be no requirement for affordable housing in the remaining residential phases of the development in lieu of land being provided for a secondary school. 29% affordable housing has been provided as part of phase 1 as it pre-dates discussion on the secondary school.

A valuation exercise has been carried out which shows that the value of the affordable housing is equivalent to the provision of the land for the school site (approximately 8.5 ha). The Council is not therefore 'losing out' on any Section 106 provision, rather this is being re-directed differently following the identification by the Council of the provision of land for a secondary school as a priority.

In the event that the Council decided for whatever reason not to take the land for a secondary school then affordable housing would be provided in phases 3 and 4 of the development. It is unlikely that this would be possible in respect of phase 2 as it is likely that it will come forward shortly and before a final decision is made on the school land. The risk of the Council not taking the land, however, is considered to be slight and therefore one which should be taken.

#### **(a) Recommendation**

It is recommended that members agree in principle to the terms of this Deed of Variation and delegate authority to Officer's to complete the agreement including any changes to the trigger points and to its form as it is likely that all the changes to the S106 including those required by the extension of time application will be incorporated into a single Deed of Variation or a new S106 Agreement.

## **6 Conclusions**

Paston Reserve is an allocated housing site the development which will help meet the city's housing needs. As such the principle of extending the period of time within which reserved matters applications can be submitted is supported in principle. There have not been any changes in policy or in local circumstance which would render the current proposal unacceptable. The development is therefore considered to be comply with policies CS1, CS3, CS5, CS12, CS13, CS16 and CS17 of the adopted Core Strategy, policy SA1 of the adopted Site Allocations DPD and policies PP4, PP12, PP16 and PP17 of the adopted Planning Policies DPD.

The proposed changes to the master plan and associated phasing of the scheme are considered to be acceptable in the context of securing land for a new secondary school, notwithstanding the comments from the Local Highway Authority regarding Newborough Road. The development is therefore considered to be comply with policies CS16 and CS17 of the adopted Core Strategy and policies PP3, PP4, PP12, PP14, PP16 and PP17 of the adopted Planning Policies DPD.

The proposed change to the affordable housing provision is considered to be acceptable in lieu of the provision of land for a secondary school.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that:-

- 1) The application to extend the period of time within which reserved matters applications can

be submitted (application 15/01771/WCPP) be approved subject to the completion of a S106 Agreement and the following conditions with authority delegated to Officers to finalise the drainage strategy, to negotiate with the applicant on the S106 trigger points/form of the Agreement and to adjust and amend the conditions (including adding or removing conditions) to ensure that they are appropriately updated;

- 2) That the application to discharge conditions 2 and 3 outline planning permission 91/00001/OUT be approved (application 15/01363/DISCHG) with authority being delegated to Officers to agree any further adjustments to the master plan as maybe appropriate especially in relation to the drainage proposals;
- 3) That the Deed of Variation be approved with authority delegated to Officers to complete negotiations on this including any changes to the S106 trigger points/ form of the Agreement

Original outline conditions to be updated before permission is granted.

- C 1 For each phase or sub-phase, approval of the details of the siting, design and external appearance of the buildings, accesses within the site (excluding the new access junctions into that phase or sub-phase which are not reserved matters) and the landscaping of that phase or sub-phase (hereinafter called the "reserved matters") in accordance with the approved Masterplan required under condition C2 below shall be obtained from the Local Planning Authority before any development is commenced on that phase or sub-phase.

Application for approval of all of the reserved matters for the first phase shall be made to the Local Planning Authority before the later of the expiration of three years from the date of this permission or two years from the later of the approval of the Masterplan pursuant to condition 2 or approval of the Phasing Plan pursuant to condition 3.

Application for approval of all of the reserved matters for the remaining phases shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission.

Reason: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005 and to secure a comprehensive and co-ordinated development of the site.

- C 2 No development shall start until an overall site Masterplan has been submitted to and approved in writing by the Local Planning Authority which shall thereafter form the basis for the submission of reserved matters, subject to any modifications as may be agreed in advance in writing by the Local Planning Authority. The Masterplan shall include details of:-

- (i) General layout, arrangement of land uses (including housing, school, community centre/pavilion etc.), urban form and design principles, housing mix, housing densities (general and affordable), and site coverage/plot ratios
- (ii) Site access and principle road network (including road hierarchy and design standards and speed management features), and footpath and cycleway networks (including links outside the development boundary)
- (iii) Existing features (including topography and trees and shrubs to be retained)
- (iv) Overall landscape design strategy including structural landscaping and principle public open and play spaces
- (v) Buffer zones to Car Dyke and the Travellers Site
- (vi) Site levels in connection with the principal road network
- (vii) Green Wheel route
- (viii) Bus routes
- (ix) Principle foul and surface water drainage
- (x) Surface water drainage and flood risk protection
- (xi) Biodiversity strategy

(xii) Areas of archaeological interest

The noise assessment (required by the first part of condition 26), detailed flood risk assessment, protected species and botanical surveys required under conditions below shall be undertaken in advance of submission of the Masterplan, so that their results can inform its content.

Reason: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005 and to secure a comprehensive and co-ordinated development of the site.

- C 3 Before the submission of the first application for reserved matters approval, details of the proposed phasing, including where appropriate sub-phasing, of development (including the provision of roads, footpaths and cycleways, open amenity space and landscaping, housing, school, community centre/pavilion and play areas) shall be submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved details or amended details as may be agreed to in writing by the Local Planning Authority.

The Phasing Plan shall relate to all required elements of the Masterplan.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 4 Plans and particulars of the reserved matters referred to in condition C1 above, relating to the siting, design and external appearance of any buildings to be erected, accesses within the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved, unless agreed otherwise in writing by the Local Planning Authority.

Reason: To ensure that Local Planning Authority is satisfied with the approved reserved matters, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 5 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters for the first phase to be approved, whichever is the later.

Each subsequent phase of development hereby permitted shall be begun either before the expiration of twelve years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved in respect of that phase, whichever is the later.

All development shall be carried out in accordance with the details approved pursuant to condition C3.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 and to enable the Local Planning Authority to retain control of the development whilst allowing a phased development of the site.

- C 6 A total of no more that 1050 dwellings shall be erected pursuant to this outline planning permission and any planning permission granted in respect of application reference 91/00002/OUT, unless otherwise agreed in writing with the Local Planning Authority.

Reason: The proposed improvements to the A47 Trunk Road have been assessed on the basis of this number of residential units. An increase in the number of residential units might invalidate the transport assessment. This also restricts the development to that for which the environmental, community and infrastructure impacts have been assessed. This accords with policies T1 and IMP1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 7 Details of existing and proposed site levels for a phase or sub-phase, including finished floor levels of all dwellings and other buildings, together with their associated garden areas and garages, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on that phase on site. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site. The development of that phase shall be carried out fully in accordance with those approved details. (Cross-reference with condition C12 regarding disabled access into and around dwellings.)

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 8 Unless already approved pursuant to the planning obligation under Section 106 of the Town and Country Planning Act 1990, no development shall commence within a phase until details of proposed public open space provision (including quantum, type, location, timing of provision and maintenance arrangements thereof) in that phase have been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be carried out in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

In the absence of adoption of these areas by the City Council, and entering into separate formal agreement with the City Council for the payment of commuted sums for their maintenance, maintenance of these areas shall be through private maintenance arrangements details of which shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development of the open space concerned, or within such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure adequate provision of public open space in accordance with Policy L1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 9 Unless already approved pursuant to the planning obligation under Section 106 of the Town and Country Planning Act 1990, no development shall commence within a phase until details of proposed children's play areas, equipment and timetable for provision and maintenance thereof in that phase, have been submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be carried out in accordance with the agreed details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the occupier(s), in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement) 2005.

- C10 Before the commencement of development within a phase details of the provision to be made for lifetime homes and wheelchair housing within that phase to satisfy development plan policy applying at the time of reserved matters approval for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall thereafter be carried out in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: To ensure a balanced community in accordance with PPG3 (Housing) and Policy H20 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C11 Before the commencement of development within a phase or sub-phase details of facilities for refuse bins within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority and the development of that phase shall thereafter be carried out in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C12 Before the commencement of development within a phase or sub-phase, or within such period as may be agreed with the Local Planning Authority, a scheme indicating the provision to be made for disabled people within that phase to gain access to and around the dwellings within that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall incorporate level or ramped (not exceeding 1:12) approaches to flush thresholds unless otherwise agreed to in writing by the Local Planning Authority. The development of that phase or sub-phase shall thereafter be carried out in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of full accessibility in accordance with Policy H23 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C13 Before first submission of reserved matters details of a 'buffer zone' free from development from the lip of Car Dyke shall be submitted to and agreed in writing with the Local Planning Authority. The development of each phase shall be undertaken in accordance with the agreed details unless the Local Planning Authority gives prior written consent to any variation.

Reason: In order to secure and safeguard the historical archaeological features within the site, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning ), and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C14 Before first submission of reserved matters a justification statement detailing impact of any balancing ponds and lakes to the south of Car Dyke Scheduled Ancient Monument on any buried wet archaeological remains shall be submitted to and agreed in writing with the Local Planning Authority. The statement shall address rates of discharge to prevent scouring and distance between the Dyke and balancing ponds and lakes to prevent de-watering of the Dyke, and shall also include proposals to mitigate the impact of any such effect. The development of any affected phase of development shall be undertaken in accordance with the agreed statement and mitigation measures unless the Local Planning Authority gives prior written consent to any variation.

Early assessment work will enable the results of the assessment to be incorporated into reserved matters Masterplan designs as required under condition C2.

Reason: In order to secure and safeguard the historical archaeological features within the site, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning ), and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement) 2005. (See footnote 10).

- C15 In order to secure the archaeological recording works necessary to complete the record of archaeological remains within the application site, no development within a phase shall take place within the areas of archaeological interest identified in the Masterplan approved

pursuant to condition C2 until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in relation to the areas of archaeological interest within that phase, in accordance with a written scheme of investigation approved in writing by the Local Planning Authority, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning) and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C16 No development within a phase or sub-phase shall take place until details or samples of all materials and finishes to be used in the construction of that phase or sub-phase of development have been submitted to and approved in writing by the Local Planning Authority. Development of that phase shall be carried out in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance in accordance with Policies DA2 and DA3 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C17 No works to the A47 Trunk Road shall commence unless and until the developer has submitted the following design details relating to the required improvement to the A47 Trunk Road. The details are to be agreed in writing by the Local Planning Authority, in consultation with the Highways Agency and the development shall thereafter be carried out in accordance with the agreed details.

- how the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations;
- full construction details relating to the highway improvement. This should include any modification to the existing structures (the A47 Dogsthorpe Junction for all scenarios), with supporting analysis;
- full signing details and details of modifications to existing street lighting if appropriate;
- confirmation of full compliance with Departmental Standards (DMRB) and Policies; - an independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Note.

Reason: The Highways Agency must be satisfied with all the details of the proposed improvements to the A47 Trunk Road prior to the commencement of highway construction work, in accordance with PPG13 (Planning and Transport).

C18 Not more than 110 dwellings in total shall be occupied in respect of the housing development on this site pursuant to this planning permission and any planning permission granted pursuant to planning application reference number 91/00002/OUT unless and until the developer has submitted the following design details related to the required improvements to the A47 Trunk Road, the details of which have been agreed in writing by the Local Planning Authority in consultation with the Highways Agency on behalf of the Secretary of State for Transport and the agreed highway improvements have been implemented to the satisfaction of the Local Planning Authority in consultation with the Highways Agency on behalf of the Secretary of State for Transport, unless agreed in writing by the Local Planning Authority in consultation with the Highways Agency on behalf of the Secretary of State for Transport.

Location  
Drawing Submitted by  
Title



Drawing Number  
Rev.  
Dated  
A47 Trunk Road  
Paston, Peterborough

A47 Trunk Road  
Paston, Peterborough

\*Highways Agency dated 3rd May 2005 to Peterborough City Council refers  
URS Corporation Ltd

URS Corporation Ltd  
Preliminary Junction Layout For Scenario One Option A and B\*

OR

Preliminary Junction Layout For Dogsthorpe Roundabout and Newborough Road for  
Scenario Two Option A\*

52465-001/DP/102  
(Option B only)  
52465-001/DP/104C

A  
27th April 2005

6th August 2004

Reason: The A47/A15 Dogsthorpe Junction on the A47 Trunk Road at Paston, Peterborough is unsuited to accept the additional traffic that the development (in addition to the 190 dwellings permitted off the adjoining Manor Estates land) would generate until the proposed highway improvements have been satisfactorily completed at the location, in accordance with PPG13 (Planning and Transport).

C19 Not more than 150 dwellings in total shall be erected on the site before the works shown on drawing number 52465-001/DP/101/D, or such other drawing as may be approved, have been carried out in accordance with full details to be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- (i) details of all tying of the proposed works to the existing carriageway alignment in respect of levels, kerbing, carriageways, and lining
- (ii) details of the form of construction of the new carriageway splitter islands and associated footways and verges
- (iii) details of any new lighting and signing.

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

C20 Prior to occupation of the 110th dwelling accessed from the Gunthorpe Roundabout an access point for emergency vehicles and buses shall be provided onto Newborough Road (which may be via Norwood Lane) in accordance with details to have been previously submitted to and agreed in writing with the Local Planning Authority. The details to be submitted and approved shall clearly indicate the physical arrangements and the method of controlling use of the access.

Reason: In the interests of highway safety and convenience in accordance with Policies T1 and T7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C21 No dwelling or other building within a phase shall be occupied until all highways linking that dwelling/building to the public highway network have been provided to base course level.

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

- C22 The primary school shall not be brought into use by pupils until a travel plan for the school has been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include targets, actions, promotional measures, incentives to encourage the use of public transport, cycling, walking and car sharing, the employment of a travel plan co-ordinator, together with a timetable for the implementation of each such element and a commitment to monitoring.

The school shall not be brought into use before implementation of those parts identified in the Approved Travel Plan as appropriate for implementation prior to the commencement of use. Those parts of the Approved Travel Plan that are identified therein as appropriate for implementation after the use commences shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the school is in use. Occupiers will monitor progress towards targets and will submit an annual progress report to the Council.

In the event that the school is occupied or managed by a new occupier or schools authority within 5 years of the date of the approval of the travel plan, the new occupier or authority shall submit a new Travel Plan to the Local Planning Authority for its approval and implement the provisions of the new Travel Plan in accordance with the timetable set out therein.

Reason: To promote a shift in transport modes away from the private car in accordance with PPG 13 and Policy T1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C23 Development (including clearance, site preparation and construction) on a phase shall not commence before fully operational vehicle-cleaning equipment for that phase has been installed to a specification, and in a position, to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved in writing by the Local Planning Authority and is operational on site.

Reason: To prevent mud and debris being brought onto the public highway in the interests of highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C24 For each phase or sub-phase temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting that phase or sub-phase during the period of clearance, site preparation and construction. These facilities shall be in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority before the commencement of that phase of development, and shall thereafter be retained for the duration of works on that phase of the site.

Reason: In the interests of highway safety, in accordance with Policies T19 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C25 Development within a phase shall not commence until details of on-site public transport infrastructure for that phase have been submitted to and approved in writing by the Local Planning Authority. These details shall be linked to the overall phasing of development. The infrastructure shall be provided in accordance with the approved details, in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: In order to adequately provide for public transport accessibility in accordance with Policies T1 and T7 of the Adopted Peterborough Local Plan (First Replacement) 2005. (See footnote 9)

C26 Before the commencement of development an assessment of the site shall be undertaken to determine into which noise exposure categories (NEC) the site falls, taking into account both day and night-time noise levels, with respect to:-

- (i) road traffic noise from the Paston Parkway and A47
- (ii) neighbouring industrial uses.

No phase of development, including construction work, shall commence until the results of the assessment and consequent mitigation measures have been submitted to and approved in writing by the Local Planning Authority, and each phase of development shall be carried out in accordance with the approved details for that phase unless with the prior written agreement of the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise) and Policy DA13 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C27 No development shall take place within a phase or sub-phase until a scheme of noise mitigation for any plant and machinery to be used on the site of that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved scheme.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise) and Policy DA13 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C28 Before the commencement of the community centre, pavilion or school schemes for noise attenuation measures at the relevant building (e.g. amplified music equipment, ventilation equipment, public address systems etc.) shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall detail the calculated effects of the proposed attenuation measures and upon approval shall be implemented in accordance with the approved details and thereafter be maintained.

Reason: To protect the amenities and privacy of the adjoining properties in accordance with Policy DA13 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C29 All ventilation of any steam and cooking fumes to the atmosphere from the community centre/pavilion and school buildings shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment shall be submitted to and agreed in writing by the Local Planning Authority before installation and shall be installed in accordance with the approved details before those uses commence, and shall thereafter be maintained.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG 23 Planning and Pollution Control and PPG24 Planning

and Noise) and Policies DA2 and DA13 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C30 If during any phase or sub-phase of development unsuspected land contamination is found to be present at the site of that phase or sub-phase then no further development (unless otherwise agreed to in writing with the Local Planning Authority) shall be carried out on that phase or sub-phase until the developer has submitted to, and obtained written approval from the Local Planning Authority, a Method Statement. The Method Statement must detail how this unsuspected contamination shall be dealt with, within an agreed timetable, and the development of that phase shall thereafter be carried out in accordance with the approved Method Statement unless otherwise agreed to in writing with the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).

- C31 No dwellings or other buildings within a phase or sub-phase shall be occupied until works for the disposal of foul sewage have been provided on the site for that phase or sub-phase of development in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies U1 and U2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C32 No development within a phase approved by this permission shall be commenced until a scheme for the provision of surface water drainage works for that phase has been submitted to and approved in writing by the Local Planning Authority. The drainage works for that phase shall be carried out in accordance with the approved details and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies U1 and U2 of the Adopted Peterborough Local Plan (First Replacement) 2005. Also, in order to secure and safeguard the historical archaeological features within the site, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement) 2005. (See footnote 10)

- C33 Prior to the commencement of development, a detailed flood risk assessment shall be carried out incorporating a scheme for the design, provision, implementation and maintenance of flood risk protection, fully in accordance with the requirements of the approved preliminary flood risk assessment (Hannah Reed Flood Risk Assessment Ref 201073A/A/May 2002 and accompanying plan 201073/SK10/P1), and Planning Policy Guidance Note 25. The detailed flood risk assessment incorporating the scheme, suitable completed agreements relating to maintenance of the scheme, and phasing of provision thereof shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, in accordance with the requirements of PPG25 (Development and Flood Risk) and Policy U5 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C34 The approved detailed scheme for flood risk protection shall be implemented fully in accordance with the detailed scheme approved under condition C33 above or any amendments to that scheme approved by the Local Planning Authority. The applicant shall confirm the completion of the approved scheme in writing to the Local Planning Authority within one month of its completion.

Reason: To prevent the increased risk of flooding, in accordance with the requirements of PPG25 (Development and Flood Risk) and Policy U5 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C35 Before the commencement of development within a phase or sub-phase details of finished floor levels for that phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase or sub-phase shall thereafter be carried out in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding, in accordance with the requirements of PPG25 (Development and Flood Risk) and Policy U5 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C36 No development shall take place until full details of a protected Species Contingency Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

(a) The results of surveys undertaken at agreed times by an expert agreed with the Local Planning Authority to determine the possible presence of protected species such as but not limited to those previously specified by the Local Planning Authority (e.g. breeding birds, reptiles, Great Crested Newt, bats, badgers, water voles etc.) and other Biodiversity Action Plan and 'Red Data Book' species.

(b) Details of appropriate ecological protection, mitigation, monitoring and management measures and contingency plans should protected species be found to be present during the surveys described above (e.g. protection and mitigation measures during construction works, long term habitat management, restoration and creation, species survey monitoring etc.)

The ecological surveys, protection, management and contingency measures shall be submitted to and approved in writing by the Local Planning Authority and shall implemented in accordance with the approved details within an agreed timeframe, unless otherwise agreed to in writing by the Local Planning Authority.

Reason: To ensure the survival and protection of important species (or feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policies LNE17 and LNE19 of the Adopted Peterborough Local Plan (First Replacement) 2005. (See footnote 7).

- C37 No development shall take place until a botanical survey of Car Dyke has been undertaken, with a report detailing the findings and appropriate mitigation measures submitted to and approved in writing by the Local Planning Authority. The report shall detail the species found in both a local and national context.

The mitigation measures shall be implemented in accordance with the approved details within an agreed timeframe, unless otherwise agreed to in writing by the Local Planning Authority.

Early survey work will enable the results of the survey to be incorporated into reserved matters Masterplan designs as required under condition C2.

Reason: To ensure the survival and protection of important species (or feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policies LNE17 and LNE19 of the Adopted Peterborough Local Plan (First Replacement) 2005. (See footnote 7)

C38 No development within a phase shall take place until a detailed plan for the incorporation of biodiversity into that phase of the development in accordance with the biodiversity strategy approved under condition C2 has been submitted to and approved in writing by the Local Planning Authority. The plan shall include but not be limited to:

- Retention and enhancement of features of biodiversity significance hedges and ditches within the site.
- The creation of features of biodiversity significance, green/ecological infrastructure.
- Green/ecological links throughout the development, and linked in to the wider ecological infrastructure such as the Car Dyke Scheduled Ancient Monument.
- The use of native species in planting plans.
- Bat roosting features incorporated in to the matrix/design of the development and buildings.
- Appropriate provision for bird nesting incorporated in to the matrix/design of the development and buildings for example for swifts, martins, swallows and barn owls.

The biodiversity action plan shall be implemented in accordance with the approved details and development phasing, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the promotion of biodiversity within the development in accordance with Policy LNE17 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C39 No clearance of or damage to site vegetation (defined as trees, scrub, hedgerows and rough grassland) shall take place during the bird breeding season from 1st March to 31st August unless the absence of nesting birds has been established through a survey and this survey has been agreed in writing by the Local Planning Authority. No such works shall be carried out other than in agreed areas.

Reason: To protect features of recognised nature conservation importance, in accordance with Policies LNE17 and LNE19 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C40 No development within a phase or sub-phase shall take place until full details of both hard and soft landscape works for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include tree and shrub planting; proposed finished levels or contours; means of enclosure and all boundary treatments; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.); and retained historic landscape features and proposals for restoration, where relevant.

Reason: To ensure a satisfactory external appearance, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C41 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with a programme agreed in writing with the Local Planning Authority.

Reason: In order to enhance the visual amenity of the area, in accordance with Policy LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

C42 No development within a phase shall take place until details of earthworks for that phase have been submitted to and approved in writing by the Local Planning Authority. These

details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development of that phase shall be carried out in accordance with the approved details.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C43 Details of all street lighting and any floodlighting, including a timetable for its provision for each phase or sub-phase of development shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented in accordance with the agreed details.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C44 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for a period of not less than 5 years from the commencement of the work for all landscape areas (other than domestic gardens) within each phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan for that phase or sub-phase shall thereafter be implemented in accordance with the approved details unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C45 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the City Council is satisfied with the replacement, in accordance with Policy LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C46 In this condition "retained tree/hedgerow" means an existing tree/hedgerow which is to be retained in accordance with the approved plans and particulars, including on-site trees benefiting from Tree Preservation Orders; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of commencement within a phase:

- (a) No retained tree/hedgerow shall be cut down, uprooted or destroyed, nor shall any retained tree/hedgerow be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);
- (b) If any retained tree/hedgerow is removed, uprooted or destroyed or dies, another tree/hedgerow shall be planted at the same place and that tree/hedgerow shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree/hedgerow shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in

any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority. No service trenches shall pass through the tree/hedgerow protection zones defined by protective fencing without the prior written agreement of the Local Planning Authority.

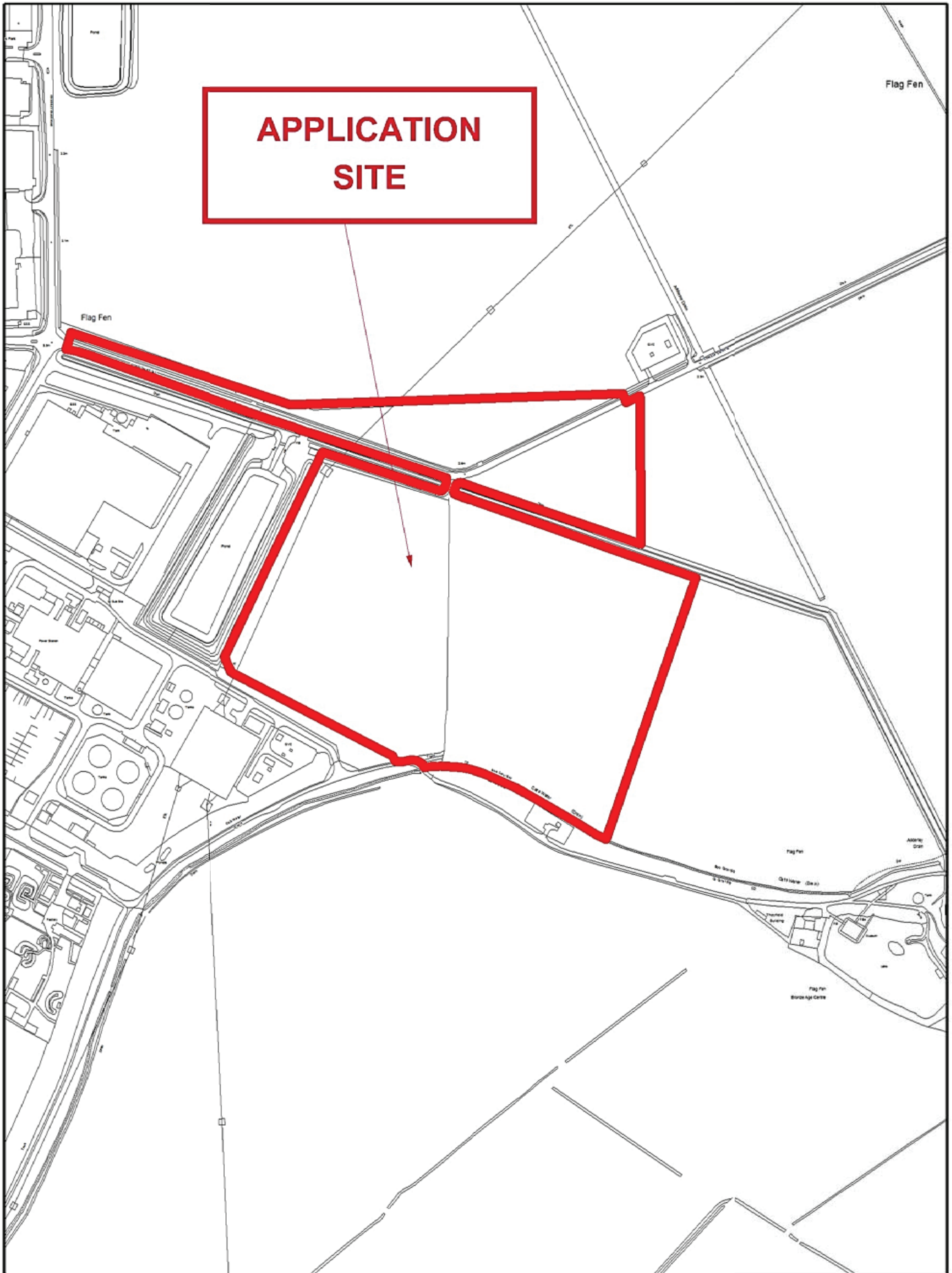
Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C47 Before the commencement of development within a phase or sub-phase details of fire hydrant provision for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase or sub-phase shall be carried out in accordance with the approved details.

Reason: To ensure adequate provision for fire hydrants, in accordance with Policy IMP1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Copies to: Cllr Frances Fox, Cllr John Knowles and Cllr Jonas Yonga





**LOCATION PLAN 15/00721/WCPP**  
 Land off Storeys Bar Road, Fengate, Peterborough

**Scale NTS Date 13/1/2016 Name AA Department Planning Services**

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**PCC GIS**

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**Application Ref:** 15/00721/WCPP

**Proposal:** Variation of condition 28 (catchment area restriction) of planning permission 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds, brown and green roofs, tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network

**Site:** Land Off Storeys Bar Road, Storeys Bar Road, Fengate, Peterborough  
**Applicant:** KNM Project Services Lts

**Agent:** Mr John Dickie  
 GEP Consulting

**Site visit:** 19.06.2016

**Reason for Referral:** EIA Development  
**Referred by:** Director of Growth and Regeneration

**Case officer:** Mr A O Jones  
**Telephone No.** 01733 454440  
**E-Mail:** alan.jones@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surroundings**

The application site currently comprises agricultural land lying within the eastern edge of the Peterborough urban area boundary, and includes a car park which has been provided and taken as a commencement of development. The site comprises some 3.42ha to the north of Storey's Bar Road, with a further 10.34ha to the south of the road.

Peterborough power station lies immediately to the west of the site, with agricultural land to all other sides. The Red Brick Farm allocated employment site (SA12) lies immediately to the north of the site. The Flag Fen Scheduled Monument site lies to the south and east of the site beyond the Cat's Water Drain.

The site benefits from an extant permission for an energy from waste and biomass fuelled generating station and sits within the Eastern General Employment Area (SA11, GEA3).

**Proposal**

The application seeks to vary condition 28 to extend the catchment restriction on the sourcing of waste from a 32km to a 50km radius of the site, thus providing the same flexibility as the Council's

own Energy from Waste facility with regard to the sourcing of fuel from which energy can be recovered.

Permission 08/01081/ELE was granted by the Secretary of State in 2009, and the original application was accompanied by an Environmental Assessment (EA), an updated addendum has been provided with this application to accompany the original Environmental Statement.

## 2 Planning History

Reference	Proposal	Decision	Date
11/00067/NONMAT	Variation of condition C10 of planning permission 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network. SUBMISSION OF APPENDIX D RESPONSE	Comments	02/02/2011
14/00077/DISCHG	Discharge of conditions attached to Permission 08/01081/ELE (Energy Park) as follows; C31 and C32 (site drainage)	Determined	04/04/2014
13/01913/DISCHG	Discharge of conditions attached to Permission 08/01081/ELE (Energy Park) as follows; C5 (Layout and design), C19 (Traffic management plan and access route), C37, C38 & C39 (Archaeology) and C46, C47 & C48 (Landscape and creative conservation)	Determined	17/02/2014
10/00876/WCPP	Variation of Condition 10 of planning permission 08/01081/ELE to allow the construction of temporary access road	Withdrawn	18/01/2011
10/00360/DISCHG	Discharge of conditions 4, 5, 10, 11, 13, 19, 30 and 40 of planning application 08/01081/ELE - Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester,	Determined	02/02/2011

biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.

09/00125/ELE	Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.	Application Returned	
06/00216/ELE	Overhead line modification and underground cable connection	Comments	05/04/2006
05/00678/ELE	Sustainable resource and recycling facility	Withdrawn	01/07/2010
92/00003/OUT	Industrial development for B1(c), B2 and B8 use classes	Refused	19/01/2004
08/01081/ELE	Energy Park comprising two fully enclosed materials recycling, conversion and manufacturing buildings (comprising materials receipt and recycling hall, recycled material store and biomass storage, food waste bio-reactor/digester, biomass energy conversion area with 9 stacks; dry cooling system; plasma enhanced vitrification area and remanufacturing processes), research and development centre with visitor space, WEEE re-use building, administration	Called in by SoS	04/11/2009

building, vehicle store/workshop, weighbridge, landscaping and habitat creation (including lakes, reed beds , brown and green roofs , tree belt and meadow border) and the realignment of Storeys Bar Road between the junction with Edgerley Drain Road and Vicarage Farm Road and the site access, pelican crossing, shared footpath /cycleway on Storeys Bar Road and extension to the Green Wheel cycle network.  
SUBMISSION OF APPENDIX D  
RESPONSE

### **3 Planning Policy**

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

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

##### **Section 1 - Economic Growth**

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

##### **Section 10 - Renewable Energy Development**

Applications for energy development should not be required to demonstrate the overall need for renewable or low carbon energy. Applications should be approved (unless material considerations indicate otherwise) if the impacts are or can be made acceptable.

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

##### **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.

#### **Community Infrastructure Levy (CIL) Regulations 2010**

##### **Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:**

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

## **4 Consultations/Representations**

### **PCC Transport & Engineering Services (05.06.15)**

No comments.

### **Archaeological Officer (18.06.15)**

Variation of condition 28 has no archaeological implications.

### **Lead Local Drainage Authority (05.06.15)**

No comments.

### **Historic England (23.12.15)**

No comments.

### **Local Residents/Interested Parties**

Initial consultations: 5

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

Three objections have been received.

Concerns expressed regarding the area being blighted, the original permission not being implemented, and calls for a full Public Inquiry. Concerns also expressed regarding the potential of the proposed facility to compete with recycling plants and the preference for waste materials to be re-used and recycled. The application does not explain what role the facility would have in the export of waste derived fuels.

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

### **Principle of development**

An energy from waste and biomass fuelled generating station was approved by the Secretary of State under section 36 of the Electricity Act 1989. Groundworks including the provision of a car park have been undertaken on the site and it is accepted that the development has commenced and therefore the permission has been kept 'alive'. The principle of development at the site is therefore established. In addition to the proposal to vary condition 28 of the extant consent in respect of catchment restrictions, consideration has been given to any material circumstantial changes since the permission was first granted, and to the previously discharged conditions and approved non-material variations presented with the application, and the suitability of all conditions and obligations attached to the extant permission.

There are limited circumstantial changes to give consideration to. Of note is the change in designation to Flag Fen, which is now a Scheduled Monument, although Heritage England have raised no objections despite this change in designation. The change to the catchment area does not impact on Flag Fen to any greater extent and although the importance of Flag Fen as a heritage asset is greater now than at the time of the Secretary of States granting of planning permission, it should be noted that that permission can be built out. Notwithstanding this, the level of analysis of the original ES, and the updated addendum, and proposed mitigation is considered to be sufficiently robust.

With regards to the objections received the issues of blight, competition with recycling plants, the preference for waste to be re-used and recycled, and the role the facility may have with regards export of waste derived fuels, are not considered to be relevant as the principle of the development

has been established by virtue of the Secretary of State's original decision. The Local Planning Authority have already accepted that development has commenced on site, by virtue of the groundworks and provision of a car park that has already taken place. The decision making process is such that the Planning Committee is the decision making body and there is no basis for the application being determined by the Secretary of State by way of Inquiry.

### **Catchment restrictions**

The proposal itself is limited in scope to increasing the catchment restrictions from 32 to 50km. Catchment restrictions (on the importation of waste) help ensure that locally generated waste is effectively managed at local facilities, reflecting the application of the proximity principle established through Article 16 of the European Waste Framework Directive, and contributing towards the objective of self sufficiency for non-specialist waste streams. Since the original grant of consent there has been a greater acceptance of the limitations of imposing catchment restrictions in terms of the economic impact of such decision. It is therefore considered that the slight increase in the catchment restrictions still provides sufficient grounds for enabling the majority of locally sourced waste to be treated at local facilities in line with Local Plan objectives, whilst enabling greater economic freedom to the waste operators in accordance with a number of recent decision nationally in respect of waste catchment restrictions. The proposed catchment increase would align with recent decisions for other waste operations within the Peterborough City Council area.

### **Planning Obligations**

The original planning permission was accompanied by a legal agreement requiring a Travel Plan, Highway Works, Noise restrictions, junction improvement contributions, groundwater monitoring, provision of Greenwheel Extension, landscape planting and maintenance, and a Nature Conservation Strategy. Changes to the required S106 legal agreement will be limited to reflect those contributions and schemes already completed.

### **EIA updates / impacts.**

The original application to the Secretary of state was accompanied by an Environmental Statement. This has been re-submitted and an Addendum provided, which does not identify any significant impacts arising from the proposed change to the catchment restrictions.

## **6 Conclusions**

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision taking this means approving development proposals that accord with the development plan without delay. The principle of development is in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS29.

The proposal is demonstrably sustainable and Historic England have no objections with regards to the changed status of Flag Fen. The increase in the area from which waste can be imported to the site is not considered to be detrimental to the overall provision of waste management within the plan area and is considered to be an acceptable compromise in light of the economic viability of such an operation.

The applicant has presented previously discharged conditions and non-material amendments for consideration, and a review of all conditions and obligations has been undertaken, resulting in appropriate updated conditions and obligations as required. The objections received have been considered and no issues have been raised by statutory consultees. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compensation Act.

## **7 Recommendation**



The case officer recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Director of Growth and Regeneration on the grounds that the development has failed to adequately mitigate its impacts.

C 1 In these Conditions unless the context otherwise requires -

"BS 4142 1997" means British Standard 4142: 1997 - Method for rating industrial noise affecting mixed residential and industrial areas;

"Bank Holiday" means a day that is, or is to be observed as, a Bank Holiday or a holiday under the Banking and Financial Dealings Act 1971;

"BREEAM" means the Building Research Establishment Environmental Assessment Method ([www.breeam.org](http://www.breeam.org));

"the commissioning of the Development" means the date on which, following completion of the testing of the Development, the Development first supplies electricity on a commercial basis;

"the Company" means Peterborough Renewable Energy Limited and its assigns and successors;

"the Council" means Peterborough City Council and its successors;

"the Development" means the energy from waste generating station at Storey's Bar Road, Fengate, Peterborough;

"emergency" means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution to the environment;

"Environment Agency" means the Environment Agency and its successors;

"Flag Fen" means the land adjacent to the Site on which there is situated an archaeology park containing prehistoric and Roman remains and a Bronze Age settlement;

"heavy commercial vehicle" has the meaning given by section 138 of the Road Traffic Regulation Act 1984;

"the main Development" means the construction work commencing with the placing of the first concrete for the main plant foundations of the Development;

"Permitted Preliminary Works" means:

(i) landscaping and creative conservation, providing these do not require the delivery or removal of bulk filling materials to or from the Site and have been approved pursuant to Condition 30;

(ii) installation and diversion of utility services within the Site;

(iii) surveys and geotechnical surveys;

(iv) provision of wheel cleansing facilities required pursuant to Condition 9; and

(v) provision for temporary contractors' facilities necessary for (i) to (iv) above within the Site;

"Sheffield stand" means a stand for cycles which has a flat top and two 90o bends with the option of a horizontal bar for added security;

"the Site" means the area of land outlined red on DRAWING NO JDA/PREL/A1/P.APP.OS.007;

"Site access road" means the road identified on Drawing Number 15746/AO/Sk0800 B; and

"Vivacity" means the entity which manages Flag Fen or its successors.

Reason: In the interests of clarity and for the avoidance of doubt.

C 2 The construction of the Development shall only take place within the boundary of the Site.

Reason: To define the extent of the development and to ensure that no construction takes place beyond the boundary of the area which is the subject of this planning permission.

C 3 The commissioning of the Development shall not take place until the Company has identified a name and/or number for the Development with the Council. Such name and/or number shall be displayed at the access of the Site or any other prominent position as may be agreed in writing by the Council.

Reason: In the interest of highway safety and to ensure that emergency services know where to go in the event of an emergency, in accordance with Peterborough Core Strategy policy CS16

C 4 The development shall be up to 80MW capacity and comprise:

- a) up to nine boilers;
- b) up to five steam turbines;
- c) air cooled condensers;
- d) materials recycling facility;
- e) plasma vitrification plant;
- f) carbon sequestration plant;
- g) ancillary plant and equipment; and
- h) the necessary buildings (including administration offices, workshops and stores) and civil engineering works.

and, the development hereby approved shall be carried out in complete accordance with;

- Site Location Plan, Drawing no. JDA/PREL/A1/P.APP.OS.007
- Site Layout drawing, ref. NK015746\_SK1003 dated 16.12.13
- Proposed Floor Layouts, drawing ref. JDA/PREL/A1/COND.FLOORS.008A Rev B dated February 27 2010
- Proposed Elevations - Ethel, drawing ref. JDA/PREL/A1/COND.ELEVS.006D Rev E dated January 2011
- Proposed Elevations - George, drawing ref. JDA/PREL/A1/COND.ELEVS.007D dated March 13 2010
- Floor Layouts for the Research and Development / Visitors Centre, drawing ref. JDA/PREL/A1/P.APP/DETAILS/011 dated August 2008
- Proposed Elevations for the Research and Development / Visitors Centre, drawing ref. JDA/PREL/A1/P.APP/DETAILS/012 dated August 2008
- Phase 1 Gatehouse, drawing ref. NK015746\_SK1001 Rev A dated 09.12.13
- Reception /Admin Building, drawing ref. JDA/PREL/A3/P/APP/DETAILS/008 dated August 2008
- Weighbridge Kiosks, drawing ref. JDA/PREL/A3/WD/DETAILS/009 dated February 2010
- Utility Routes, drawing ref. JDA/PREL/A1/P.APP/SUR.003 dated July 2008

- Proposed Site Layout with Hard Surfaces, drawing ref. JDA/PREL/A1/09/WD/SURFACES/001A dated July 2010 - insofar as it relates to surfacing details
- Boundary Treatment, drawing ref. NK015746\_SK1005 dated 19.12.13
- Lighting Layout and Strategy, drawing ref. NK015746\_SK1004 dated 18.12.13
- Further phase specific details are required to be submitted and approved in respect of lighting no less than 3 months prior to the commencement of each subsequent phase.
- Phasing Plan drawing, ref. NK015746\_SK1002 dated 09.12.13
- Existing Vegetation Removal and Protection and Phasing Plan, drawing ref. B07040.17B dated 19.12.13

Reason: To clarify what is hereby approved.

- C 5 Notwithstanding any details approved by the Council pursuant to Condition 4 above, the following buildings shall be constructed to the following BREEAM standards:
- (i) processing buildings to be assessed under BREEAM industrial;
  - (ii) reception/administration buildings and weighbridge to be assessed under BREEAM offices;
  - (iii) lorry store/compass building to be assessed under BREEAM industrial, providing the operational areas make up over 50% of the gross internal floor area of the building; and
  - (iv) research and development/visitors centre to be assessed under BREEAM bespoke.

or such standards that replace BREEAM in whole or in part before the start of construction of any of the buildings referred to in (i) to (iv) above.

Reason: In the interests of sustainability in accordance with Peterborough Core Strategy policy CS10.

- C 6 The use of columns for artificial lighting shall not exceed the obtrusive light limitations of sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Obtrusive Light: GNO1 2005", nor shall such lighting be arranged so that danger or inconvenience is caused to users of the nearby public highways.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C 7 Provision on the Site shall be made for 60 cycle places, consisting of 30 Sheffield stands, and situated next to the reception/administrative buildings and the research and development/visitors centre. The cycle parking areas shall be for the exclusive use of cycles and shall be retained for the duration of the operation of the Development.

Reason: To ensure appropriate provision is made for safe, convenient and sustainable access to the site in accordance with Peterborough Planning Policies policy PP12.

- C 8 Except for Permitted Preliminary Works, provision of a car park and internal roadway and access improvements, no construction shall take place until the temporary vehicular access, as depicted on Proposed Temporary Access drawing ref. JDA/PREL/A1/09/TEMP/001E Rev E dated January 2011 has been completed to the satisfaction of the Council.

Visibility splays clear of any obstruction over a height of 600mm above verge level shall be provided on either side of the junction of the proposed temporary access road with the public highway, and 215m measured along the channel line of the public highway from the centre line of the proposed access road

The use of the temporary access shall cease and the construction removed and reinstated to grass verge within 2 months of the permanent access on Storey's Bar Road (and associated highway into the site) first coming into use. The permanent access shall be fully operational prior to the importation of waste or the production of energy by the plant. Access to and from the site shall thereafter only be via the permanent site access road.

Reason: To ensure appropriate provision is made for safe, convenient and sustainable access to the site in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS32 and Peterborough Planning Policies policy PP12.

- C 9 The development hereby approved shall be carried out in complete accordance with;
- Construction Method Statement
  - Proposed Temporary Access, drawing ref. JDA/PREL/A1/09/TEMP/001C dated February 2010 - insofar as it relates to the 'contractors village layout' only.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C10 All activities associated with the construction of the Development shall be carried out in accordance with British Standard 5228, Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C11 Only bbs-tek medium or heavy duty "White Sound" type reversing alarms shall be used on all mobile plant.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C12 No construction work associated with the Development shall take place on the Site except between the following times:

- Monday to Friday 0700 - 1900
- Saturday and Sunday 0800 - 1600

Unless such work -

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Council; or
- (c) does not cause existing ambient background noise levels to be exceeded.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C13 No impact piling approved under the Plan approved pursuant to Condition 9 shall take place on the Site on any Sunday or Bank Holiday or on any other day except between the following hours:

- Monday to Friday 09.00 - 18.00
- Saturday 09.00 - 13.00

Unless such work -

- (a) is associated with an emergency;
- (b) is carried out with the prior written approval of the Council.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C14 The development hereby approved shall be carried out in complete accordance with;
- Construction Traffic management Plan, dated 19 December 2013

- Wheelwash Product Details of the Rhino Multi
- Phase 1 Construction Compound (with wheelwash location), drawing ref. NK015746\_SK1006, dated 10.02.2014

and no heavy commercial traffic shall enter or leave the site other than from the west and in accordance with the times stated in the Construction Traffic Management Plan.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C15 For the duration of the construction period of the Development all traffic associated with the construction of the development will comply with the Construction Traffic Management Plan and use only the Construction Traffic Access Route and no other local roads unless approved in writing with the Council in consultation with the Highway Authority.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C16 All vehicles delivering or collecting materials shall enter or leave the Site between the following times:

Delivering:

- 07.00 - 19.00 hours Monday to Saturday
- 08.00 - 16.00 hours Sunday

Collecting:

- 06.00 - 18.00 hours Monday to Saturday
- 08.00 - 16.00 hours Sunday

except in an emergency.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C17 Unless they are otherwise enclosed, the loads of all heavy commercial waste carrying dry loose waste and/or biomass into and out of the Site during the operational phase of the Development shall be covered, except when they are required to be uncovered in order to inspect incoming loads of waste and biomass.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C18 The commissioning of the Development shall not take place until there has been submitted to, approved in writing by, and deposited with the Council a programme for the monitoring and control of noise generated by the normal commercial operation of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 1997) and the maximum permissible levels of noise at each such monitoring location. The programme shall make provision for such noise measurements to be taken by the Company as soon as possible following requests by the Council and such measurements shall be given to the Council as soon as they are available. At such measurement locations noise levels shall not exceed the levels specified in the approved programme, except in an emergency or with the prior written approval of the Council.

Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C19 Notwithstanding any noise measurement and noise measurement location approved by the Council pursuant to Condition 18 the noise generated by the operation of the Development shall not cause noise levels, when measured at Red Brick Farm and the location within the Flag Fen Archaeology Park identified on DRAWING NO JDA/PREL/A1/P.APP.OS.007A, to exceed;

- 44dB LAeq (1 hour) between 07.00 and 23.00 Monday to Friday and
- 40dB LAeq (5 minutes) at all other times,

when assessed in accordance with BS 4142 at a point 1.2 metres above the ground and not less than 4 metres from the façade of Red Brick Farm or the location within the Flag Fen Archaeology Park identified on DRAWING NO JDA/PREL/A1/P.APP.OS.007A, as appropriate. Such noise shall exhibit no tonal or impulse content at these locations in any weather conditions. These limitations as to noise levels or any such lower noise levels as have been approved by the Council under Condition (23) shall be adhered to at all times except in an emergency.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C20 In any instance where a noise level approved pursuant to Condition 18 or imposed pursuant to Condition 19 is exceeded because of an emergency the Company shall as soon as possible, and in any case within two working days, provide the Council with a written statement detailing the nature of the emergency and the reason why the noise level could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Company shall inform those residents (including Vivacity) and businesses affected by the emergency of the reasons for the emergency and the expected duration.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C21 Except in an emergency, the Company shall give at least 24 hours prior notice in writing to the Council and Vivacity of any proposed operation of emergency pressure relief valves or similar equipment. So far as is reasonably practicable any such operation should take place between the hours of 09.00 and 17.00 hours on any day other than Saturdays, Sundays, Bank Holidays or public holidays.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C22 If a local resident or local business complains direct to the Company or the Company has been notified in writing by the Council of any complaint about noise generated by the construction and/or operation of the Development the Company shall carry out investigations to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant, copied to the Council, shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Company shall keep all such reports in an appropriate file and such file shall be made available to the Council on request.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

C23 Unless otherwise agreed in writing with the Council, waste that originates outside one or more of the three areas referred to below in (a) - (c) shall not exceed 20% (dry volume by weight) of the total waste entering the Site as part of the Development in any year:

- (a) an area within a 50km radius of the Site; or
- (b) an area with the administrative boundary of the Council; or
- (c) an area within the administrative boundary of Cambridgeshire County Council.

with documentary records being made available for inspection by nominated officers of the Council in a form (paper or electronic) to be agreed prior to the commissioning of the Development.

For the purposes of this Condition:

(A) "waste" means any load which:

(i) is brought to the Site for the purpose of being used as fuel in the operation of the Development;

(ii) contains matter which is not biomass; and

(iii) prior to being brought to the Site, has not been sorted so as to segregate any biomass contained within it; and

(B) "biomass" means matter which qualifies as biomass under:

(i) Article 4 of the Renewables Obligation Order 2009 (S.I. 2009 No. 785); or

(ii) such subsequent provision as:

(aa) is made under section 32 of the Electricity Act 1989 or any legislation which replaces it from time to time;

(bb) defines biomass for the purposes of a renewables obligation imposed on electricity suppliers; and

(cc) is in force from time to time.

Reason: To limit the area from which waste can be imported to seek to ensure that waste is treated at the nearest appropriate facility and that transportation is limited as far as practicable in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS29.

- C24 All waste, biomass, ash and recyclables associated with the operation of the Development shall be stored and handled under cover at all times.

Reason: In the interests of protecting surrounding users in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34

- C25 The scheme for the prevention of contamination of watercourses site shall be carried out in complete accordance with;

- Drawing no. 15746\_SK0320 Rev A Surface/Foul/Process Water Drainage Layout,
- Drawing no. 15746\_SK0321 Drainage Details Sheet 1 of 2,
- Drawing no. 15746\_SK0322 Drainage Details Sheet 2 of 2,
- Calculations for Drainage (100 year return period + 20%, 200 year return period +20%),
- Site Surface, Process and Foul Water Drainage: Basis of Design Statement December 2013,

and any surface water contaminated by hydrocarbons which are used during the construction of the Development shall be passed through oil/grit interceptor(s) prior to being discharged to any public sewer or watercourse or to any other surface water disposal system approved by the Environment Agency.

Reason: In order to protect the quality of groundwater in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C26 All facilities required for the storage of hydrocarbons, process chemicals or similar liquids which are used during the construction of the Development must be sited on impervious bases and surrounded by impervious bund walls. The size of the bunded compound(s) shall be at least equivalent to the capacity of the largest tank plus 10%. All filling points, vents and sight glasses must be located within the bund and there must be no drain through the bund floor or walls. All bunded compound(s) containing acids, alkalis or sulphides in addition to being contained in suitable facilities shall have appropriate protective lining applied to the inner walls of the bunds. Any such storage facilities shall be

completed in accordance with the requirements of this Condition before being brought into use.

Reason: In order to protect the quality of groundwater in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS39.

- C27 The scheme of archaeological investigation shall be carried out in complete accordance with Report 13/245 by Mo Muldownet, dated December 2013. All records must be compiled in a structured archive in accordance with part 5 of the aforementioned report, and the results made available to Vivacity.

Any further investigations and recording of such finds as are considered necessary by the Council shall be undertaken prior to the construction of any part of the Development on that part of the Site where such finds are identified, and in the case of finds of national or local importance in accordance with the phasing of works referred to in Report 13/245 or as otherwise approved in writing by the Council.

Reason: In the interests of protecting the historic environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS36.

- C28 Prior to the construction of any buildings, further monitoring of the soil gas characteristics as identified in the Site Investigation Report, reference C11627, dated January 2009, shall be undertaken and any requisite remedial measures identified shall be presented to the Local Planning Authority in the form of a Method Statement. No works, other than investigative works, shall be carried out on the site prior to receipt and approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s).

Reason: To ensure the proposed remediation plan is appropriate and to provide verification that the required remediation has been carried out to appropriate standards in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C29 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C30 The development shall be carried out in complete accordance with the;
- Landscape and Habitat Management Plan, dated December 2013, except where amended by the Phasing Plan incorporated into drawing ref. B07040.17B,



- Existing Vegetation Removal and Protection and Phasing Plan, ref. B07040.17B, dated 19.12.13,
- Landscape & Ecology Masterplan, ref. B07040.15, dated 19.12.13,
- Planting Proposals Sheets 1 through to 5, ref. B07040 10-14, dated 18.12.13,
- Wetland Ponds Cross Sections B07040.16, dated 16.12.13

With regards to the Vole Fencing, there will be a minimum of 5 metres clearance from the waters edge to the Vole fencing as set out in the email and indicative section drawings in the email from Jo Parmenter dated 14.02.14.

Reason To ensure the development can be properly assimilated into its surroundings in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS33.

- C31 The landscaping and planting, including grass sowing, shall take place in accordance with the phasing of works referred to in Condition 30 and no later than the appropriate planting or sowing season following the completion of the construction of the Development and shall be carried out in accordance with the scheme approved under Condition 30, unless any variation has been approved in writing by the Council. Any trees or shrubs, including hedges, which die, become seriously damaged or diseased or are removed within five years from the date of planting shall be replaced in the next planting season with others of a similar size and species.

Reason To ensure the development can be properly assimilated into its surroundings in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS33.

- C32 Within 6 months of the Development ceasing to be used for the purposes of electricity generation the Company shall submit to the Council, for approval in writing, a scheme for the demolition and removal of redundant buildings and structures from the Site and the restoration of the Site.

The scheme shall include:

- (i) details of all structures and buildings which are to be demolished;
- (ii) details of the means of removal of materials resulting from the demolition;
- (iii) the phasing of the demolition and removal;
- (iv) the means of de-contaminating the Site;
- (v) the means of removal of any contaminated material;
- (vi) the phasing of the de-contamination works;
- (vii) details of the restoration works; and
- (viii) the phasing of the restoration works.

Reason: To ensure the site can be returned to a beneficial afteruse in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS25.

Copies to Cllr Azher Iqbal, Cllr Jo Johnson and Cllr Nabil Shabbir

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<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 6</b>
<b>26 JANUARY 2016</b>	<b>PUBLIC REPORT</b>

Cabinet Members responsible:	Councillor Hiller, Cabinet Member for Growth, Planning, Housing and Economic Development	
Contact Officer:	Nick Harding (Head of Development & Construction)	Tel. 454441
Reporting Officer:	Paul Smith (Compliance & S106 Manager)	Tel. 453468

**PLANNING COMPLIANCE QUARTERLY REPORT ON ACTIVITY AND PERFORMANCE  
SEPTEMBER TO DECEMBER 2015**

<b>RECOMMENDATIONS</b>	
<b>FROM:</b> Corporate Director of Growth and Regeneration	<b>Deadline date:</b> January 2016
That Committee notes past performance and outcomes.	

**1. PURPOSE AND REASON FOR REPORT**

It is useful for Committee to look at the Planning Service's planning compliance performance and activity and identify if there are any lessons to be learnt from the actions taken. This will help inform future decisions and potentially reduce costs. This report is presented under the terms of the Council's constitution Part 3, delegations section 2 para 2.5.1.4.

**2. TIMESCALE.**

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

- 3.1 In the third quarter of 2015/16 we received a total of 171 service requests (we usually average 150 cases per quarter). Taking into account the number of cases closed over the period (185 cases), as at 31 December 2015 we had 145 live cases being investigated / in the process of being resolved. The Technical Services Team acknowledged 94% of new service requests within 3 working days this quarter, well above the target of 80%. 95% of initial site visits were made within seven days of the service request being received, again well above the 80% target. A total of four enforcement notices were issued in the quarter. Eight enforcement notices issued in the previous quarter have been complied with. There are zero enforcement notices issued in the previous quarter that have not been complied with on time.
- 3.2 Court Action has been agreed to be taken for the failure to comply with an enforcement notice at 221-221B Lincoln Road (14/00314/ENFOTH). A summons has been issued and a court date is awaited.
- 3.3 There was one prosecution case at 15 Serlby Gardens, Netherton (12/00500/ENFGAR). The owner was found guilty and fined.
- 3.4 Please see Appendix A for further details of the Planning Compliance Team Quarterly Report on Activity and Performance.

#### **4. IMPLICATIONS**

- 4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the enforcement process itself must have due regard to legal considerations and requirements.
- 4.2 **Financial Implications** – This report itself does not have any financial implications.
- 4.3 **Human Rights Act** – This report itself has no human rights implications but the enforcement process has due regard to human rights issues.
- 4.4 **Human Resources** – This report itself has no human resources implications.
- 4.5 **ICT** – This report itself has no ICT implications.
- 4.6 **Property** – This report itself has no Property implications.
- 4.7 **Contract Services** – This report itself has no Contract Services implications.
- 4.8 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the enforcement process has due regard to such considerations.

**INFORMATION ITEM: PLANNING COMPLIANCE TEAM QUARTERLY REPORT ON ACTIVITY & PERFORMANCE – (September – December 2015)**

Description	No.	Comments
Complaints Received	<b>171</b>	The number has risen by 21 from the last quarter
Complaints Resolved (cases closed as % of cases received)	<b>185</b>	The number has risen by 42 from the last quarter
Complaints on Hand/Pending	<b>145/126</b>	Cases on hand has fallen by 25 since the last quarter and the number of cases pending has fallen by 20
<b>Enforcement Notices Served</b>		
Type of Notice	No.	Comments
Stop Notice	1	15/00420/ENFBCN 270 Eastfield Road
Temporary Stop Notice	1	15/00420/ENFBCN 270 Eastfield Road
Change of Use Notice	1	12/00499/ENFACC RP Meats Ltd 55 Cherry Orton Road Orton Waterville
Breach of Condition Enforcement Notice	1	15/00420/ENFBCN 270 Eastfield Road
<b>Total Notices Served</b>	<b>4</b>	

<b>Enforcement Notices Complied With</b>		
Stop Notice		
Breach of Condition	1	14/00274/ENFACC Land To Rear Of 71 Parliament Street 15/00420/ENFBCN 270 Eastfield Road
Operational Development Notice	2	11/00154/ENFOTH Priory Store 44 Priory Road 13/00496/ENFCOU Land To The Rear Of 1125 Bourges Boulevard
Change of Use Notice	3	14/00506/ENFCOU 314 - 316 Lincoln Road Peterborough 13/00188/ENFCOU 787 Lincoln Road 15/00066/ENFCOU 8 Elm Street Woodston
S215 Notice	1	14/00352/ENF215 249 Peterborough Road Stanground
Advert Removal Notice (22 days)	1	15/00020/ENFAD 83 - 89 Cromwell Road
<b>Total Notices Complied with</b>	<b>8</b>	

<b>Enforcement Notices Due to be Complied Within the Quarter</b>		
Site	Date Due	Comments
<b>Total</b>	<b>0</b>	

<b>Other Notable Outcomes</b>		
<b>Court Action Agreed</b>		
14/00314/ENFOTH 221 and 221B Lincoln Road Peterborough PE1 2PL	1	Failure to comply with enforcement notice. Summons Issued and court date agreed
	1	
<b>Prosecutions</b>		
Type of Notice	No.	Comments, including cost

		awards
12/00500/ENFGAR 15 Serlby Gardens Netherton	1	Failure to comply with enforcement notice. Person found guilty and fined

<b>Performance Measures</b>			
	Description	% / Time	Comments
	% of cases closed within 8 weeks if No Breach found.	64%	Target of 80%
	Average time (weeks) to resolve all cases closed last quarter.	28 weeks	
LPI	% of complaints acknowledged within 3 working days.	94%	Target of 80%
LPI	% of site inspections carried out within 7 days of acknowledgement.	95 %	Target of 80%

<b>Cumulative Compliance Performance</b>			
Description	Target	This quarter	Yearly average
Enforcement cases closed within 8 weeks if no breach found.	80% within 8 weeks	64%	72.%
Acknowledgement of enforcement complaints.	80% within 3 working days	94%	97%
Enforcement site visits carried out within 7 days of acknowledgement.	80% within 7 days	95%	98%