

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 21 FEBRUARY 2017**

**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 20 December 2016** **5 - 10**

**5. Development Control and Enforcement Matters**

5.1 **16/02260/HHFUL - 16 Fairfield Road, Fletton, Peterborough, PE2 8BD** **11 - 16**

5.2 **16/02383/HHFUL - 115 Donaldson Drive, Paston, Peterborough, PE4 7XW** **17 - 22**

**6. 7/00166/CONSUL - Land To The West Of Papyrus Road, Werrington, Peterborough.** **23 - 36**

**7. PLANNING COMPLIANCE QUARTERLY REPORT ON ACTIVITY & PERFORMANCE OCTOBER TO DECEMBER 2016** **37 - 40**



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 Jane Webb on 01733 452281 as soon as possible.

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

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### **Committee Members:**

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), Bull, G Casey, P Hiller, J Stokes, S Martin, Sylvester, Bond, Clark and C Ash

Substitutes: Councillors: Bisby, Iqbal, N Sandford and B Saltmarsh

Further information about this meeting can be obtained from Jane Webb on telephone 01733 452281 or by email – [jane.webb@peterborough.gov.uk](mailto:jane.webb@peterborough.gov.uk)

**CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Lee Collins, Paul Smith, Mike Roberts, Janet Maclennan, David Jolley, Louise Lovegrove, Vicky Hurrell, Sundas Shaban, Amanda McSherry, Sam Falco, Matt Thomson, Michael Freeman, Jack Gandy

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.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 20 DECEMBER 2016**

**Members Present:** Councillors Harper (Chairman), Bond, Bull, Casey, Hiller, Stokes, Sylvester, Martin, Clark, and Ash

**Officers Present:** Nick Harding, Head of Planning  
Jim Daley, Conservation Officer  
Tim Driver, Planning and Highways Lawyer  
Simon Ireland, Principal Engineer (Highways)  
Pippa Turvey, Senior Democratic Services Officer  
Jane Webb, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Serluca.

**2. Declarations of Interest**

Councillor Bull declared that in relation to items 16/01750/FUL and 16/01751/ADV – 29 Long Causeway, Peterborough, PE1 1YJ that she had received emails and a telephone call from Duncan Flynn of City Bank asking if she had received updated information, to which she confirmed she had. The remaining Members of the Committee confirmed that they had also received the same. It was noted that this would not impact their consideration of the items.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

**4. Minutes of the Meeting Held on 18 October 2016**

The minutes of the meeting held on 18 October 2016 were approved as a correct record.

**5. Development Control and Enforcement Matters**

The Chairman informed the Committee that both items 5.1 and 5.1 would be taken together but with separate decisions being made on each item.

**5.1 16/01750/FUL & 16/01751/ADV - 29 Long Causeway, Peterborough, PE1 1YJ**

The Committee was presented with two applications; one for external alterations to shop front and rear elevation and installation of ATM machines and the other for an advertisement application on the same property for one internally illuminated projecting sign and one internally illuminated fascia sign (lettering only), two illuminated blue fascia level signs, two non-illuminated logo door handles and four internally illuminated ATM signs.

The Head of Planning provided an overview of the application and highlighted a number of key issues within the report and update report.

He stated that matters had moved on since the site inspection on Friday when Members had advised members that there would be a change to the officer recommendation to a deferral in order for amended drawings to be submitted and considered before a decision was made. After the site visit, amended drawings were received which Officers were still unhappy with and the applicant indicated he would now like a decision to be made on to the approval or refusal of the proposals. The Head of Planning provided an overview of the changes; officers were still concerned about the following issues and therefore recommended refusal on both applications.

- Flanks should be lower
- Proposed materials for the surround (stone being more appropriate)

The Head of Planning explained that if Members were minded to go with the officers' recommendation for refusal or approval on both applications then the new amended plans would be subject to public consultation to ensure due process had taken place.

Calum Ewing, applicant, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- It was noted that Metro Bank preferred very strong branding and presence and had already agreed to several compromises on the property, including reducing the branding. Any further compromises could result in the applicant being unable to invest in the property.
- The applicant considered this site as the best location in the town centre.
- The applicant acknowledged that the uplift of the town centre undertaken by the Council was excellent.
- Any potential retailer would need to look at heavily investing in the building.
- It was acknowledged that the applicant and conservation officer were not in agreement with the height of the glass and the use of render. The design of the middle section of the building was not in question; just the framing of the window.
- The applicant explained that half of the first floor would be removed to create double height space at the entrance enabling the Metro Bank sign to be fully visible through to the main banking hall; resulting in a £5million overall investment.
- It was noted that there was no intention to change any of the stonework on the front of the building; but to upkeep it.
- The applicant confirmed that Metro Bank were seriously prepared to walk away from the site over the design of the building as they believed that the officers' suggested alterations would make the design look out of proportion.

In response to questions from the Committee the Conservation Officer advised that the current building had a poor presence to the street, particularly the canopy therefore a great deal of work was needed to improve the appearance of the building. Metro bank had taken the view of building a revised elevation which would draw attention to its heritage but could make the building too dominant therefore it was the Conservation Officer's opinion that both the left and right hand bays should be retained to ensure the flow in the street scene. The Conservation Officer advised that the difference in measurements between the two parties was 1.5m.

The Committee considered the report and amended drawings and were informed that if they were minded to go against officer recommendation and approve the application then there would be a need to make a stopping up order for the area to be covered by the façade as this would encroach onto the highway.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, on application 16/01750/FUL, subject to re-consultation on the amended plans and delegated authority to officers to attach appropriate conditions. The motion was carried 8 voting in favour, 2 voting against and none abstaining from voting.

**Application 16/01750/FUL - RESOLVED:** (8 voted in favour, 2 voted against, none abstained from voting) that planning permission is **GRANTED** subject to:

- A 14 day re-consultation on the amended plans and this not raising any matters that have not been considered by planning committee; and
- The Head of Planning to be given delegated authority to attach appropriate conditions.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation, on application 16/01751/ADV, subject to re-consultation on the amended plans and delegated authority to officers to attach appropriate conditions. The motion carried 8 voting in favour, 1 voting against and 1 abstaining from voting.

**Application 16/01751/ADV - RESOLVED:** (8 voted in favour, 1 voted against, 1 abstained from voting) that planning permission is **GRANTED** subject to:

- A 14 day re-consultation on the amended plans and this not raising any matters that have not been considered by planning committee; and
- The Head of Planning to be given delegated authority to attach appropriate conditions.

#### **Reasons for the decisions:**

It was considered that the applications would look in proportion and acceptable within the street scene and surrounding area. The revised signage of one central sign rather than four was now also acceptable.

### **5.3 16/02049/FUL – Firwood, First Drift, Worthorpe, Stamford, PE9 3JL**

The Committee was presented with an application for a five-bed single storey dwelling.

The Head of Planning provided an overview of the application and highlighted a number of key issues within both the report and the update.

Councillor Over, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Councillor Over did not represent the applicant or the Parish Council but attended as a Ward Councillor.
- There was huge sympathy for the family following a major tragedy resulting in a number of villagers wanting to support the application.
- The Parish Council considered the application to be back land development.

- There was major concern that this development could open up access to the green field sites outside the village envelope.
- There had not been any objections from the villagers as it was believed they had a huge amount of sympathy for the family.
- It was agreed that Firwood had avoided back land development.
- The Parish Council's view was that they could not come to a decision and preferred that the Planning Committee made the decision.

Mr and Mrs Robinson, the applicants, and John Gibbison, the agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The applicants believed that all the technical issues raised had been addressed and the application conformed to the planning policy without setting a precedent.
- The application was significantly different to any previous refusal that the Inspectorate had made.
- The applicants asked to build a home to meet the emotional, physical and medical needs of their injured son and their family; a bespoke, open planned bungalow, specially adapted within the village of Worthorpe and in a town where they lived and their sons had gone to school.
- They considered that the only impact the property would have, would be the impact on their family's lives and their ability to stay together in Stamford.
- The property would allow their son to have some independence and control.
- The applicants had received many letters of support from local residents. They believed the bungalow would not have a detrimental effect on the village.

The Chairman called for an exempt session with regard to extra information.

A motion was proposed and seconded to agree whether additional information in relation to the application should be exempt with the press and public excluded from the meeting when this is discussed by reason of Paragraph 1 Schedule 12A Part 1 of the Local Government Act 1972 as the information related to an individual 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 related to an individual, and the meeting moved into exempt session for 10 minutes.

The Committee considered and discussed information pertinent to the application which related to an individual.

The meeting returned to open session.

In response to questions from the Committee the agent advised:

- He believed the application met with the Planning Policy in respect of SA19 and CS20 by its single storey design, being hidden from view and being located in a redundant part of Firwood; whilst Firwood retained a substantial garden at the rear.
- The design of the bungalow was in keeping with the local character but also needed to meet the special circumstances required; therefore a pitch roof was eliminated and render/timber cladding added to blend into the locality.
- Neighbours found the single storey design acceptable.



In response to questions from the Committee the Head of Planning clarified that if the Committee were minded to approve the application then it would be possible to add a condition on the first occupation of the property and remove further development rights.

The attention of the Committee was drawn to the provisions and effect of the public sector equality duty in section 149 of the Equality Act 2010. The Committee was advised that the duty was engaged in the context of this application by virtue of the fact that the reason for the proposed dwelling was the need to provide accommodation for the applicants' son who is someone who shares a relevant protected characteristic by reason of disability. Members' attention was drawn to the requirement of the duty to have due regard to this factor, also that having due regard did not require the Committee to make or not make a particular decision.

The Committee discussed the application and were in agreement that:

- This application came under exceptional and special circumstances.
- It was felt that the medical situation faced by the applicant outweighed the planning policy consideration and therefore this would not set a precedent for back fill development but would in fact reinforce why Members would look to approve the application against officer recommendation.
- In determining the application due regard had to be given to the situation of the applicants' son in accordance with the duty under section 149 of the Equality Act 2010.
- The application should be conditioned that the first occupation was by the applicant's family as this would be the reason why planning permission was granted.

A motion was proposed and seconded to agree that permission be granted, contrary to officer recommendation; with authority given to the Head of Planning to draw up appropriate conditions for controlling first occupation and for permitted development rights to be withdrawn. The motion was carried unanimously.

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

- The Head of Planning being given authority to apply appropriate conditions which shall include: removal of property design rights for out buildings, alterations and extensions to the dwelling and first occupation to be the applicant family.

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

It was considered that the special circumstances surrounding this application combined with the need to comply with the duty in s149 of the Equality Act 2010 outweighed the Planning Policy considerations.

The Chairman stated he was extremely proud of the decision made by the Committee which had followed a good debate; this was reiterated by Councillor Hiller who agreed the committee had made the correct decision and commended the Robinson family and hoped they would be very happy in their new home.

## **6. Review of Local List for Validation of Planning Applications**

The Head of Planning presented a report to the Committee, which highlighted the proposed changes to the Local Validation List requirements. The National Planning Practice Guidance (NPPG) requires that Local Planning Authorities review their local lists at least every two years. In accordance with the NPPG, an eight week consultation has been undertaken on the proposed changes to the local list with planning agents and Parish Councils. The proposed review of the current local list requirements are set out in the report, along with the comments and responses received

**RESOLVED** that the Committee endorses the revisions to the local list.

**Reasons for the decision:**

It was considered that the proposed changes to the Local Validation List would benefit the validation process of planning applications.

**7. Planning Appeals Quarterly Report on Appeals Performance September to November 2016**

The Head of Planning presented a report to the Committee, which sought consideration of the Planning Service's appeals performance and to identify if there were any lessons to be learnt from the decisions made.

The Committee discussed the report and raised several key points:

- The government works the targets in retrospect therefore performance is measured from October 2015 to October 2017.
- The Council were performing well and as such this did not pose any concerns in terms of the quality of planning decisions being issued.

**RESOLVED** that the Committee noted past performance and outcomes.

**Reasons for the decision:**

To help inform future decisions of the Planning and Environmental Protection Committee and potentially reduce costs.

Chairman  
1.30pm – 3.50pm



**Title: Committee Location Plan** **16/02260/HHFUL**

**Site Address: 16 Fairfield Road, Fletton, Peterborough PE2 8BD**

**Scale: NTS**    **Date: 8th Feb 2017**    **Created by: LMG**



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**Application Ref:** 16/02260/HHFUL  
**Proposal:** Ground floor rear extension  
**Site:** 16 Fairfield Road, Fletton, Peterborough, PE2 8BD  
**Applicant:** Mr Marco Poli  
**Agent:** Mr Tony Pignatiello  
M.A.P. Design Services  
**Referred by:** Head of Planning  
**Reason:** The agent is an employee of the Council  
**Site visit:** 03.01.2017  
**Case officer:** Miss Sundas Shaban  
**Telephone No.** 01733 453504  
**E-Mail:** sundas.shaban@peterborough.gov.uk  
**Recommendation:** **GRANT** subject to relevant conditions

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

### **Site description**

The application site comprises a two storey semi-detached property located in a residential area. The property is red brick built and is rendered on the front elevation. It benefits from a large garden to the rear and a driveway to the front with parking for one vehicle. There is a mixture of bungalows, detached, semi-detached and terraced properties within the streetscene.

### **Proposal**

The application seeks planning permission for a ground floor extension to the rear of the property. The extension would measure 4m x 6.5m and have a mono-pitched roof standing at approximately 3.5m in height (2.4m to the eaves). The materials of the proposed extension would match those used in the construction of the existing dwelling.

## **2 Planning History**

No relevant planning history.

## **3 Planning Policy**

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

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

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

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

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

## **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

## **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.

## **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document ran from December 2016 until 9 February 2017.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

## **4 Consultations/Representations**

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

Initial consultations: 8

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One letter of objection has been received from the immediately adjoining neighbour to the north (no.14) on the basis of overshadowing and overbearing impact and that the extension would dramatically reduce all natural daylight coming into their kitchen and bathroom.

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

### **Design and impact on the character of the area**

The size and design of the proposed extension is considered to be proportionate and subordinate to the host dwelling and respects the character of the area. The materials of the proposed extension would match those of the existing dwelling and would not therefore appear disproportionate or incongruous to the host dwelling. Due to the proposed extension being at the rear of the property, it would not be visible from the street and therefore there is no impact on the streetscene. On this basis, the proposal would not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

### **Neighbour amenity**

The proposed rear extension would extend 4m from the existing rear wall. It would measure 2.4m to the eaves with a maximum height of 3.5m.

With regard to no.18, the attached neighbour to the south, the extension would only be located 1m beyond the rear elevation of the property. The roof would be mon-pitched therefore the highest visible part to no.18 would only stand at 2.7m and go down to 2.4m. The highest part would only be 0.7m higher than a boundary fence which can be erected under permitted development. In addition the sun passes east-south-west and as the application site is due north, there will be very little shadowing. It is not therefore considered that the proposal would have any overbearing impact or any adverse impact upon the daylight and sunlight.

With regard to the detached neighbour to the north, no.14, the extension would only project by 1.8m beyond the rear elevation of the property. The proposal would be situated approximately 1.2m from the shared boundary of no.14.

The neighbour to the north (no.14) has objected to the proposal on grounds that the extension would be overbearing and cause overshadowing and dramatically reduce all natural daylight coming into their kitchen and bathroom. Given the projection of the extension (1.8m) and the separation distance (2.4m) between the two properties the impact is considered to be minimal and acceptable. The application property sits due south. The sun is at its more or less highest when due south so minimal shadowing will be result. On this basis, it is considered that the level of impact on no.14 would be within acceptable limits. The application could not therefore be resisted on this basis.

## **6 Conclusions**

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

- the proposed extension would not unacceptably harm the character or appearance of the host building or street scene, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- the proposed extension would not unacceptably harm the amenity of adjoining neighbours, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

## **7 Recommendation**

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

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

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

- C 2 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

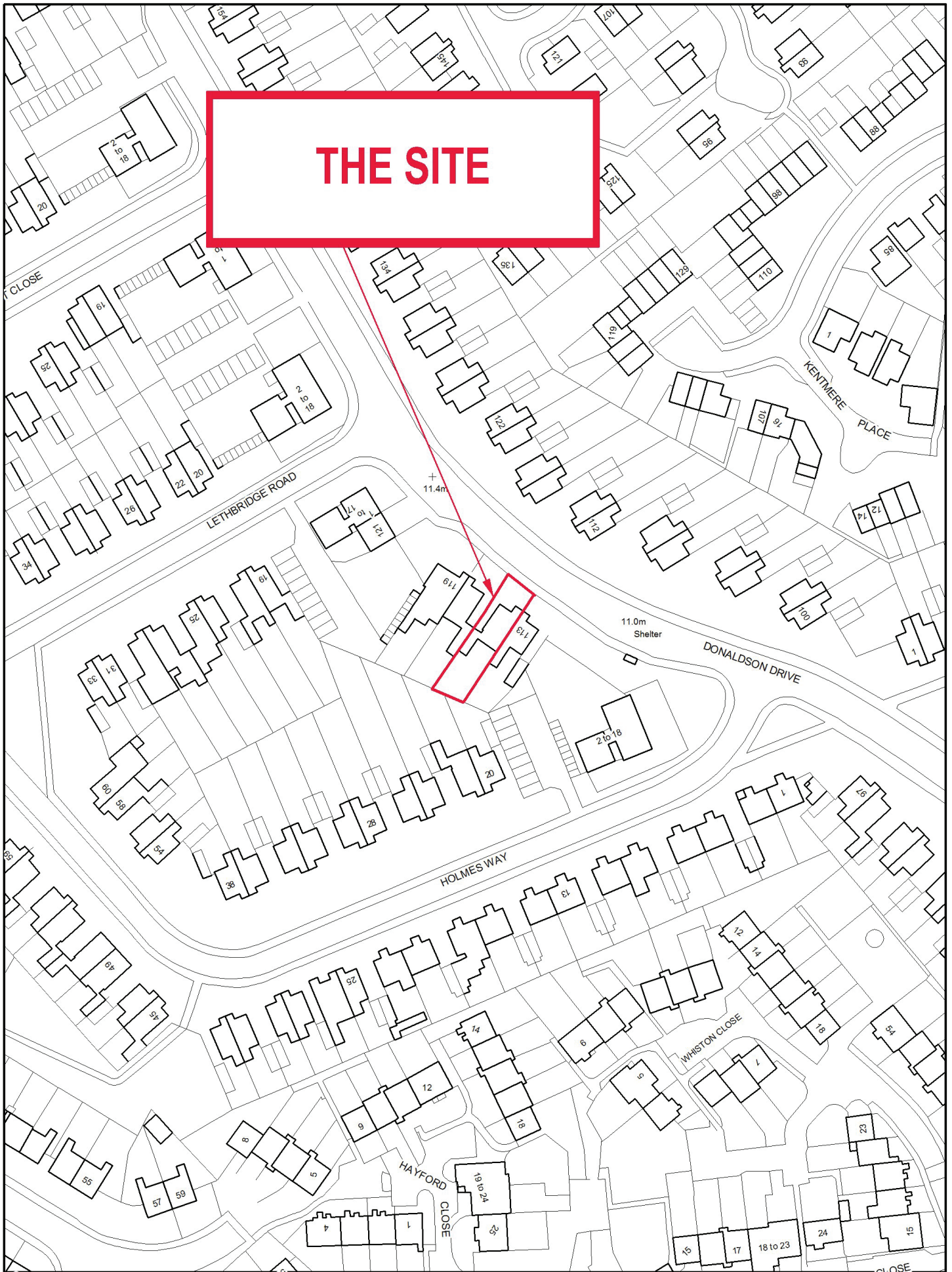
- Location plan
- Existing floor, elevations and block plan - 001
- Sections - 003
- Proposed floor, elevations and block plan - 002

Reason: For the avoidance of doubt and in the interests of proper planning.

Copies to Councillors: Alan Clark, James Lillis and John Whitby

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**Title: Committee Location Plan**

**16/02383/HHFUL**

**Site Address: 115 Donaldson Drive, Paston, Peterborough PE4 7XW**

**Planning Services  
PETERBOROUGH**

**Scale: NTS**

**Date: 8th Feb 2017**

**Created by: LMG**



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**Application Ref:** 16/02383/HHFUL

**Proposal:** Two storey rear extension

**Site:** 115 Donaldson Drive, Paston, Peterborough, PE4 7XW  
**Applicant:** Mr & Mrs C Jolley

**Agent:** Mr Tony Pignatiello  
M.A.P. Design Services

**Referred by:** **Head of Planning Services**

**Reason:** Agent is a member of staff.

**Site visit:** 11.01.2017

**Case officer:** Mr D Jolley  
**Telephone No.** 01733 453414  
**E-Mail:** david.jolley@peterborough.gov.uk

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

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

### **Site and surroundings**

The application site is one of a brick build semi detached pair of dwellings with tile roof. The dwelling has an open front garden, driveway to the side with space for two vehicles and a side rear garage. The rear garden is fully enclosed. The dwelling has a single storey extension to the rear.

### **Proposal**

Permission is sought for a two storey full width extension to the rear.

## **2 Planning History**

No relevant planning history

## **3 Planning Policy**

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

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

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

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

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

#### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

### **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.

### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

## **4 Consultations/Representations**

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

Initial consultations: 7

Total number of responses: 1

Total number of objections: 0

Total number in support: 0

A single objection has been received in relation to the proposal;

Would having a side window affect the selling of our house?

Does the side window have to be as large as shown on the application?

We would like a similar extension will it be allowed?

Will the side elevation window be frosted as our drive and main entrance door will lose privacy?

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

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

### **The impact of the proposal on the character of the area**

The extension will be visible from the front of the dwelling in glimpsed views along the driveway as one passes along Donaldson Drive. Better views will be possible from the garage court to the south of the site, the extension will be constructed directly adjacent to the attached neighbours two storey rear extension. The proposed extension is of a reasonable scale and will not oversize or out of place, the design of the extension matched that of the host dwelling and it will not appear incongruous.

In light of the above it is considered that the extension will not harm the character of the area.

### **The impact of the proposal on the amenity of the occupiers of neighbouring dwellings**

The attached neighbour already has a two storey extension constructed directly adjacent to the shared boundary. The proposed extension is of a similar projection and as such will not overshadow or be overbearing to the occupiers of the attached neighbour.

The proposed extension will cause a small amount of overshadowing over the single storey rear extension of 117 Donaldson Drive, but this is not considered to be materially harmful. The two dwelling are separated by approximately 4.7 metres, this is considered to be an ample separation distance between the dwelling and the proposed extension will not be overbearing to the occupiers of number 117.

The construction of the full width rear extension necessitates the insertion of a 1st floor side facing window to serve what was the back bedroom (a middle bedroom under the proposal). This window will not facilitate views into the neighbouring property that a materially worse than the current arrangement. The neighbour has raised concern that the window will allow views into the neighbours rear door serving the rear extension. Views into this door will be possible but given the angle of view and the slight offset between the window and the door it is not considered that the impact upon the neighbours privacy is unacceptable. The neighbour has stated their drive will lose privacy, however this is open to the frontage and as such could not be currently considered to be private.

The neighbour has asked a number of questions in relation to the proposal. They have asked whether the new 1st floor side window will be obscure glazed. The LPA do not consider it reasonable or necessary to obscure glaze this window for the reasons discussed above. If this window were obscure glazed the LPA would not support the proposal as the room would not provide sufficient amenity to the occupiers.

The neighbours have asked whether the 1st floor side facing window needs to be as large as proposed. The LPA do not consider that this window has to be at the scale proposed but do not believe there is sufficient justification for requesting that it is made smaller.

The neighbours have asked whether the window would affect the resale of their property and whether they would be permitted a similar arrangement if they were to extend. Neither of these questions are material considerations to the determination of a planning application.

#### **Other matters**

The proposal results in the creation of an additional bedroom, but this does not increase the parking requirements. The dwelling can accommodate two vehicles off street and as such the proposal is compliant with policy PP13.

## **6 Conclusions**

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

- The proposal will not unacceptably harm the character of the area or the amenity of the occupiers of neighbouring dwellings; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP3 of the Peterborough Planning Policies (DPD) 2012.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

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

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

C 2 The development shall be carried out in accordance with drawing; 002.

Reason: For the avoidance of doubt.

C 3 The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors: Andrew Bond, Julia Davidson and Darren Fower

<b>PLANNING &amp; ENVIRONMENTAL PROTECTION COMMITTEE</b>	AGENDA ITEM No. 6
1.30 pm Tuesday 21 <sup>st</sup> FEBRUARY 2017	PUBLIC REPORT

Contact Officer(s):	Vicky Hurrell Theresa Nicholl	453480 454442
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**RESPONSE OF PETERBOROUGH CITY COUNCIL LOCAL PLANNING AUTHORITY TO NETWORK RAIL'S SUBMISSION OF AN ORDER UNDER THE TRANSPORT AND WORKS ACT 1992 TO THE DEPT. FOR TRANSPORT FOR THE WERRINGTON GRADE SEPARATION (OF THE RAILWAY LINES)**

R E C O M M E N D A T I O N S	
<p>That Committee approve this report as the formal consultation response of the Local Planning Authority to the Dept. for Transport in respect of Network Rail's proposed Werrington Grade Separation Order, and; that Members delegate responsibility to officers to have further discussions with the Dept. for Transport and Network Rail throughout the Order process with a view to resolving any outstanding issues, drafting conditions and the subsequent discharge thereof, should the Order be approved.</p>	

**1. ORIGIN OF REPORT**

- 1.1 This report is being brought to the Planning and Environmental Protection Committee because of the major nature of the proposal and the public interest in the scheme in Werrington and the surrounding area. Peterborough City Council is not the determining authority in this instance but, it is considered that the response of the Local Planning Authority to the Department for Transport (the determining authority) should be endorsed at Committee level.

**2. PURPOSE AND REASON FOR REPORT**

- 2.1 The purpose of this report is to explain the main aspects of the proposals, explain the procedure under which the draft Order has been submitted to and will be determined by the Secretary of State. It also sets out the officer's response and comments on the key issues which will form the Local Planning Authority response to the consultation.

**3.0 BACKGROUND**

**3.1 Description of the Proposal and its Function**

- 3.1.2 Network Rail has submitted a draft works Order under the Transport and Works Act 1992 to the Secretary of State which, if granted, will enable Network Rail to construct a new section of twin track railway line of approximately 2.7 km in length. It would stretch from a point 650m to the south of Cock Lane footpath through an area of primarily agricultural land to rejoin the Great Northern/Great Eastern (GNGE) line to the east of Lincoln Road. The new track would come off the Stamford lines and will move over to the west. The tracks will run in parallel to the East Coast Main Line (ECML) and will "dive under" the ECML (and as a consequence the A15 and Lincoln Road) before rising to join the GNGE lines.

The aim of the proposal, as set out by Network Rail, is to increase capacity on the ECML. This will be achieved by removing conflicts that arise with trains heading to/from the GNGE route crossing the ECML at a flat junction (Werrington Junction). The works are in association with other projects i.e. the four track between Woodwalkton and Huntingdon, will create capacity for two additional high speed trains an hour by 2021 (currently 6paths so increasing to 8). In addition, ECML and GNGE trains will have fewer delays in times of perturbation. The benefits include a more robust timetable operation with reduced delays, allowing for better “pathing” of trains and better recovery from delays. This leads to a more efficient and effective service, in turn increasing its attractiveness and producing a wider economic benefit. The project is identified as being funded in Network Rail’s Delivery Plan for the ECML. The proposed works needed to achieve the new section of railway are described further below.

### **3.2 Effect of the Order and role of Peterborough City Council (PCC)**

3.2.1 If the Secretary of State for Transport grants the Order it will not only enable Network Rail to construct and operate the proposed scheme but it will grant the majority of the other necessary “permissions” required to carry out the scheme. This includes compulsory purchase of all third party interests required (including the purchase of the three residential properties described below), granting of planning permission for the works and necessary footpath closure/diversion orders. The Order would also grant consents needed under Sections 38 and 78 of the Highways Act although Peterborough Highways Services would be consulted on works which would otherwise have fallen to be dealt with under these provisions. The site boundary includes all of the land necessary for Network Rail to undertake the development.

3.2.2 Peterborough City Council is a consultee on the proposals and not the decision maker. To be clear this report represents the views of planning officers and our internal colleagues on matters relating to the planning aspects of the proposals only. We are not commenting on proposed compulsory purchases nor are we representing the views of other third parties (including PCC as landowner) who will need to submit their own comments to the Secretary of State. Local residents and businesses have been consulted direct by Network Rail and are able to make their comments direct to the Secretary of State. As such it is not for the Local Planning Authority to undertake external consultation and we have not done so. The deadline for all consultees to make comments is 9<sup>th</sup> February 2017. We have emailed the Secretary of State on behalf of the Local Planning Authority and requested an extension of time to Friday 24<sup>th</sup> February 2017 to take account of this Committee Meeting and call in procedures. The Secretary of State required a draft of this report to be forwarded as a holding response by the deadline of 9<sup>th</sup> February 2017 and this had been done. Members of the public are also required to forward their own responses to the Secretary of State by the 9<sup>th</sup> February 2017. Therefore, if Members accept this report it will be forwarded to the Secretary of State as the formal response of the Local Planning Authority. Should the Secretary of State decide to hold a Public Inquiry, any objections made by the Local Planning Authority would need to be capable of being defended by the officer concerned (e.g. highway safety issues by the local highway officer, ecology issues by the Wildlife Officer etc.)

3.2.3 Network Rail has submitted a draft Order, draft planning conditions, other formal documents such as a Funding Statement and Estimation of Costs (as required by the Order process), plans and engineering drawings and an Environmental Statement (ES).

3.2.4 The submission has been assessed by officers against the following relevant development plan policies;

#### **1. Peterborough Core Strategy**

- Policy CS10 Environment Capital
- Policy CS14 Transport
- Policy CS16 Urban Design and the Public Realm
- Policy CS17 The Historic Environment



Policy CS20 Landscape Character  
Policy CS21 Biodiversity and Geological Conservation  
Policy CS22 Flood Risk

## 2. Peterborough Planning Policies DPD

Policy PP1 Presumption in Favour of Sustainable Development  
Policy PP2 Design Quality  
Policy PP3 Impacts of New Development  
Policy PP12 The Transport Implications of Development  
Policy PP16 The Landscaping and Biodiversity Implications of Development  
Policy PP17 Heritage Assets  
Policy PP19 Habitats and Species of Principal Importance

## 3. Peterborough Site Allocations DPD

Policy SA17 Green Wedges

## 4. Cambridgeshire and Peterborough Minerals and Waste Core Strategy

Policy CS26 Minerals Safeguarding Areas

3.2.5 The Local Planning Authority has also had regard to its duties under Sections 66(1) and 72(1) of the Listed Buildings and Conservation Areas Act 1990 as to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of listed buildings.

3.2.6 The Local Planning Authority has also weighed the national policies and guidance contained within the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) alongside the development plan policies set out above.

### 3.3 The Proposed Scheme

3.3.1 The proposed scheme is for the creation of the new grade separated junction at Werrington involving the laying of new tracks including the “dive under” as set out above. The dive under will be constructed by hydraulic “jacking” of a three sided concrete portal structure into position and creating the approach and exit ramps. Additional works include the following;

- (a) Earthworks, landscaping, temporary structures, utility diversions, drainage ponds and all associated track engineering, overhead line equipment and signalling works;
- (b) Demolition of three residential properties located on Hurn Road and Lincoln Road due to the alignment required for the track;
- (c) Relocation and realignment of Brook Drain slightly to the west, including a culverted section of the Brook Drain South adjacent to the Thomas Cook Business Park;
- (d) Diversion of Werrington Drain over the dive under structure in an open channel;
- (e) Separation of Marholm Brook and Brook Drain so that Brook Drain no longer flows into Marholm Brook;
- (f) A bridge over the new dive under for utilities and to maintain public access between the A15, Davids Close and Lincoln Road;
- (g) Closure of Hurn Road under the A15 and diversion of Hurn Road along an upgraded Gas Works Lane, providing a single track access with passing places parallel to the A15, and maintaining access for vehicles, pedestrians, cyclists and equestrians;
- (h) Three new access roads for maintenance of the infrastructure:
  - (1) Access to the new railway, from Lincoln Road, to the north where it joins the GNGE
  - (2) Access to the dive under from Hurn Road to the south, along the western side of the new railway, and
  - (3) An access running along the south west side of the existing ECML corridor, including access to the new Stamford Lines and Brook Drain North, from near Bretton Way to Hurn Road.

- (i) Reconstruction of Cock Lane Footbridge;
- (j) Provision of a cycle/bridleway link under the A15;
- (k) Works to divert or protect buried services and overhead cables (utilities);
- (l) Signalling power supply units at Helpston level crossing (approximately 4km north west of the dive under and Hurn Road);
- (m) Creation of two new ponds and suitable habitat at land east of Foxcovert Road, to provide mitigation for the loss of one breeding pond for great crested newt as a result of the proposed scheme; and
- (n) Potential protective works at Lloyds Data Centre are included on a precautionary basis, but the nature of any works, if needed at all, is not yet known.
- (o) Insertion of signalling power supply from the substation on Hodgson Avenue along the footpath between Sunnymead and Redbridge

(It should be noted that at a meeting with officers on 31 January 2017, Network Rail confirmed that the draft Order includes all potential works. If the Order is granted, further surveys and detail to be worked up may result in lesser works in some instances e.g. tree removals. Once the Order is granted, works cannot go beyond the scope of the Order granted hence Network Rail have to take a “belt and braces” approach)

3.3.2 The Environmental Statement sets out the proposed temporary and permanent measures that Network Rail propose to mitigate against the aspects of the development where there will be significant effects of a negative nature. Permanent mitigation measures include;

- (a) Provision of an area of grassland and creation of a pond in the area of Foxcovert (subject to a separate planning application). If further surveys show that great crested newts will need to be moved to a new site, it is Network Rail’s intention to progress this at the end of 2017 ahead of the Order. If no newts are found in Spring 2017 surveys it will not be necessary to do this.
- (b) Water quality and wildlife habitats will be further improved through the separation of flows between Marholm Brook and Brook Drain- providing suitable habitat for the grizzled skipper butterfly and four spotted moth. There will be a replacement of the 1 hectare of habitat that will be lost due to the scheme.
- (c) The impact on rights of way is mitigated through retention of an existing access along the former Hurn Road, the safe crossing of the railway on a separate bridge parallel to the A15, the construction of a new public road to allow access to the remaining Hurn Road properties and the replacement of Cock Lane footbridge.
- (d) A landscape planting plan to mitigate for tree loss will be provided for by condition

3.3.3 Construction works are programmed to commence in Autumn 2018 and last approximately 30 months. The duration, intensity and scale of works will vary over this period. Core working hours will be 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturday with an hour either side for set up and close down. Non disturbing repairs or maintenance may need to be undertaken on Sundays. There will be short periods where 24/7 working will be required such as for the installation of the guide tunnels under the ECML which will have to be closed when this operation takes place. There will be two main works compounds serving each side of the ECML, one on the western side of the railway accessed off Stirling Way and one serving the eastern side (the jacked portal compound) accessed off the A15 along a temporary haul road towards Hurn Road. The two areas will be linked by a temporary bridge across the railway line for workers only. There will be stockpile areas for topsoil and subsoil within the scheme boundary. The compounds will need to be lit at night for safety purposes but the lighting will be such that it avoids illumination of nearby properties and bat commuting and foraging areas. Network Rail proposes to develop a detailed Code of Construction Practice (CoCP) which will include obligations, guidelines and measures (to be implemented by the contractors) to mitigate or reduce environmental effects during the construction phase. This CoCP is the subject of a proposed planning condition.

#### 4.0 Local Planning Authority Comments on the Proposed Scheme

4.1 The following internal officers/services were consulted on the submission; Peterborough Highway Services (the local highway authority), public rights of way officer, archaeologist, conservation officer, wildlife officer, tree officer, and drainage officer. The comments below are those of the planning officer taking into account those made by internal consultees. At the time of writing this report, discussions are on-going with Network Rail, therefore any changes to these comments which occur between publishing this report and the Committee meeting will be reported in an update to Members. The comments are divided into the following headings which reflect the topic areas in the ES and the submission documents e.g. the wording of the draft Order and the draft conditions;

- (a) Agricultural Land
- (b) Air Quality
- (c) Archaeology and Cultural Heritage
- (d) Biodiversity
- (e) Contaminated Land, Waste and Resources
- (f) Greenhouse Gases
- (g) Landscape and Visual
- (h) Noise and Vibration
- (i) Socio-economics
- (j) Traffic and Transport
- (k) Water Resources
- (l) Wording of the Order
- (m) Draft conditions

#### 4.2 **Agricultural Land**

The ES sets out that approximately 35 hectares of subgrade 3a and 3b agricultural land will be required temporarily to fulfil the project. Approximately 8 hectares of agricultural land will be required permanently for railway use or habitat mitigation.

***Officer Comment: The Local Planning Authority raises no comments or objections in this regard because the scheme is of national importance and in this context the loss of 8 hectares of agricultural land is not significant.***

#### 4.3 **Air Quality**

The ES contains an assessment of the effects of the construction phase on air quality and sets out generic measures for mitigating effects such as dust control. Network Rail proposes to deal with potential effects to air quality through condition i.e. the submission of a site specific CoCP. It is also proposed to submit a formal Section 61 application(s) (Pollution Act 1974) to the Council's Pollution Control Team and agree how the contractors will deal with issues such as sensitive work locations, plant and equipment to be used, proposed hours of operation, duration of works and delivery schedules and routes, through this mechanism. A Section 61 Notice is a "living document" that forms an agreement between the developer and the Pollution Control Authority (PCA) as to what practices and limitations will be employed during construction to minimise nuisance and disturbance. The PCA can only take enforcement action should the Section 61 notice be breached (thus creating a nuisance to a degree that action is necessary).

The Council's Pollution Control Officer has raised no objections but has requested that prior to any formal submission of Section 61 notices, the authority be supplied with drafts for comment one month in advance of the formal application. Network Rail has agreed this.

***Officer Comment: The Local Planning Authority considers that air quality mitigation can be adequately dealt with by condition and by the submission of S61 applications as set out above.***

#### 4.4 Archaeology and Cultural Heritage

The ES concludes that there will be no significant effects on designated and undesignated heritage assets (e.g. Conservation Areas, listed buildings etc.). There is potential for undiscovered archaeological remains within the areas of undeveloped land required for the project within the scheme boundary (agricultural land). The ES sets out that trial trenching will take place prior to the commencement of the main construction works and that where archaeology is encountered, further targeted excavation will be undertaken and all findings recorded.

The Council's Archaeologist has stated that in principle, the ES reflects the requirements outlined during consultation with PCC and that the proposed archaeological mitigation reflects that agreed in discussions with PCC. However, the ES does not include an archaeological management plan as agreed during discussions but this is dealt with in the proposed archaeology condition. Revisions and amendments to the programme of work may be required in consideration of further scheme details and fieldwork results and although unlikely, the need for preservation in situ should not be discounted.

The Council's Conservation Officer has stated that from a heritage consideration the proposed works will not have an adverse impact on the setting of listed buildings and would accord with Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and is in accordance with the relevant development plan policies and the National Planning Policy Framework (NPPF). The work will preserve the character and appearance of the Werrington Conservation Area in accordance with Section 71(1) of the above Act and is in accordance with development plan policies and the NPPF (Heritage considerations).

***Officer Comment: It is considered that the archaeological requirements can be adequately dealt with by condition. The condition suggested by Network Rail requires amendment to that set out below. Subject to this the Local Planning Authority raises no objections with regard to archaeology and cultural heritage..***

#### 4.5 Biodiversity

The proposed scheme will result in the loss of approximately 1 hectare of Marholm Crossing and Brook Drain County Wildlife Site (CWS). Approximately 700 metres of hedgerow will be removed. In mitigation, a hectare of species rich grassland to attract the Grizzled Skipper butterfly will be created. The works around the realignment of Brook Drain will create habitat suitable to attract the Four Spotted Moth. 1.2km of species rich native hedgerows will be created. Should Great Crested Newts be found and require translocation, an area of land near to Foxcovert Road will be compulsorily purchased in order to create two newt ponds. If the ponds are required a separate planning application would be submitted to the Local Planning Authority for determination.

The Council's Wildlife Officer has advised that an Ecological Management Plan should be provided to the LPA in advance of the commencement of any works. Such Plan should set out the details of all the works, mitigation and enhancements proposed and details of associated monitoring and reporting. Post development monitoring should be undertaken for a five year period. The proposed mitigation in relation to the nationally scarce Four Spotted Moth appear adequate. Overall the scheme is likely to result in significant disturbance to the relevant affected species and habitats, therefore it is recommended that the ecological enhancements suggested in Section 9.9 of the ES are also fully implemented to include the establishment of 4 hectares of suitable habitat south of the new Stamford lines. The details could be provided by a suitably worded condition.

***Officer Comment: At a meeting with Network Rail on 31 January 2017, it was accepted by the Wildlife Officer that as long as 1 hectare of new habitat is provided in mitigation, PCC could not insist on an additional 3 hectares. However, this is desirable and hopefully could be worked towards and provided on the land to be acquired for the Brook Drain works adjacent to Lloyds Data Centre. An Ecological Management Plan is proposed to be provided by imposition of a condition. Officers***

***consider the condition suggested by Network Rail requires amendment to the wording set out below. Subject to this condition, the LPA raises no objections with regard to biodiversity/ecology. When making the decision the SOS will need to take into account the relevant statutory regulations such as the Habitats Regulations.***

#### **4.6 Contaminated Land, Waste and Resources**

The ES sets out how risks from contamination will be managed through the imposition of the CoCP to be submitted via a condition. All top soil will be stored on site according to best practice. Some sub soil will need to be retained and the remainder will be removed off site, the receptor of which is yet to be established. The submitted plans show the position of the soil storage bunds within the project area. It is recognised that the scheme will result in a loss of mineral resource through loss of some of the mineral safeguarding area. There is potential to extract sand and gravel from the affected areas to avoid its sterilisation. The developer will implement a Site Waste Management Plan and Materials Management Plan to minimise waste and manage the re-use of excavated materials.

The Council's Pollution Control Officer has not made specific comments about contamination and has not raised objections in this regards.

***Officer Comment: As Mineral and Waste Planning Authority, PCC would prefer to see sand and gravel being extracted and used on site where possible rather than sterilisation. However, the needs of the project would outweigh the loss of the safeguarded area. There are no objections regarding contaminated land, waste and resources subject to the imposition of the condition requiring a CoCP.***

#### **4.7 Greenhouse Gases**

The ES has assessed the impact of the construction and operational phases of the project.

***Officer Comment: The Local Planning Authority has no comments or objections to raise in this regard. This matter may be commented on by other parties.***

#### **4.8 Landscape and Visual**

The ES has evaluated the effects of both construction and operation upon the landscape and visual receptors. There is a tree survey which indicates trees and wooded areas which are likely to need removal to facilitate the scheme. There are no significant effects upon important landscape receptors including Milton Hall Grade II\* Registered Park and Garden or Werrington Conservation Area. Once completed the scheme will not result in any significant effects on landscape or visual receptors. There will be temporary effects throughout the construction period and visually these will be significant e.g. large spoil mounds within the project area of up to 4 metres in height and mobile plant such as cranes. Mitigation will include considerate placement of site compounds, lighting etc. but nonetheless the temporary effects will be significant in the short term.

The ES has included consideration of the impacts from several views in and around the project area.

The Council's Tree Officer has commented that where tree loss can be minimised it should be especially to trees falling within TPO 37/1989 in the area of the Hurn Road/Lincoln Road bridge works and in the Hodgson Road area. There will be a loss of trees owned by PCC and further discussion should take place about this regarding compulsory purchase or temporary access rights to land (with the Council as landowner). There will be a large amount of tree loss to accommodate the project especially in the area where the Lincoln Road/Hurn Road works will take place. Most of this tree loss will involve planting that was put in place when the A15 bypass was constructed. Significant mitigation planting will be needed and this should be submitted prior to the commencement of development. Trees to the south of the railway line adjacent to Belham Wood will be protected by a buffer which is to be welcomed. Tree protection has been outlined on the plans which appears to be

appropriate and reasonable. Overall impact on high amenity and valuable trees is low. Clarification on impact on TPO trees, PCC owned trees, mitigation and tree protection should be secured through conditions.

**Officer Comment: It is considered that subject to amended conditions concerning submission of a landscaping scheme (to include further clarification on tree removal) and a tree protection scheme, there are no objections regarding landscape. The large amount of tree loss is weighed against the benefits of the scheme and proposed mitigation planting and it is considered that the overall benefits outweigh the harm. It is accepted that once the scheme is complete there will be very little impact or change to medium to long distance views towards the project area. In this respect the proposed dive under scheme as opposed to a “bridge over” scheme is to be welcomed.**

#### 4.9 Noise and Vibration

An assessment has been undertaken of the likely significant noise effects of construction and operation. The starting point/baseline condition is the operation of the ECML and GNGE lines as of 2016. There will be impacts on some residential properties during the construction period and particularly from vibration associated with sheet piling works for a limited period. The affected properties are at Whiteley Park and Gascoigne and a commercial property near the Stirling Way compound. The vibration is assessed as not causing any structural damage to property. Property on Hurn Road will be protected by temporary hoardings through the construction period. There will be impacts from construction noise on residential properties nearest to the construction works for periods through the construction phase and this will cause a degree of disturbance. This will be mitigated to ensure that the impacts are within the acceptable ranges set out in the applicable standards applied to measuring noise associated with national network construction. It is noted that higher noise thresholds are applicable for this type of construction. Noise thresholds are permitted to be exceeded for temporary periods. The assessment concludes that there are no periods where the noise level is so great or prolonged to warrant Network Rail moving people to other temporary accommodation whilst certain works take place. Discussions are on-going between Network Rail and the Lloyds Data Centre concerning possible noise and vibration impacts their business (it is for Lloyds to make any representations about this).

The Council's Pollution Control Officer has not commented directly on noise impacts on particular properties and has not challenged the methodology employed in the noise assessment. It has been accepted that noise levels will form part of the suite of agreements between the operator and the Pollution Control team through the submission of Section 61 applications (explained above)

**Officer Comment: No objections subject to the imposition of a condition requiring a CoPA to be submitted and approved by the Local Planning Authority.**

#### 4.10 Socio Economics

Impact of the development on socio economics of the area has been assessed in the ES.

**Officer Comment: No objections in this regard. The Local Planning Authority would welcome Network Rail offering local jobs and training opportunities for local people including local students of engineering and those seeking employment.**

#### 4.11 Traffic and Transport

The Local Highway Authority has advised that the majority of previous concerns have been dealt with at the meeting held with representatives of Network Rail and PCC Planning Services on Monday 6<sup>th</sup> February 2017. The Highway Authority makes the following comments;

### General

It is noted that typing errors and corrections will be addressed at the next detail design stage. It is noted that matters relating to site compound layouts / works access layouts - access, parking, turning, loading/unloading, storage, wheel wash facilities, etc. will be dealt with in Part 2 of the Code of Construction Practice, which is expected to be conditioned.

### Diversion of footway/cycleway/bridleway

It is now understood that the permanent diversion of the pedestrian/cyclist/equestrian route along Lincoln Road to a new structure adjacent to the A15 will be in addition to the existing route over WEB1 (Lincoln Road) after the bridge extension works to WEB1 are complete. It is the view of the LHA that the diversion route would not be desirable, given the option of two routes, therefore the LHA would question the reasoning behind retaining the diverted route. That said, the LHA would not raise any formal objection to it.

### Hurn Road (new route)

I understand that Network Rail wish to retain the configuration of a 3.7m carriageway (with passing bays), 1.8m hedge and 3m wide hard surfaced footway/cycleway/bridleway. The LHA remain to be concerned about the lack of natural surveillance afforded to the pedestrians as a result of the existing/proposed hedge. The LHA would prefer to see a configuration of a 3.7m carriageway (with passing bays), 2m hard surfaced footway (a reduction to 1.8m could be considered if land constraints are an issue) and a 3m wide grassed bridleway. The LHA would also like to make the point that it may be unlikely that the stems of the hedgerow are located within the 1.8m strip of soft landscaping. In terms of adoption of the proposed new routes, the LHA would suggest that the carriageway element is adopted as public highway maintained at public expense and the footway/cycleway/bridleway is processed as a Right of Way, with the land owner being responsible for its future maintenance together with the adjacent hedge.

### Construction Traffic

Further detailed information has now been provided regarding traffic generated during each phase of the construction period, which will result in a negligible impact on the surrounding road network. As such, the LHA raise no concerns about the impact or require any mitigation.

### Summary

Whilst the LHA remain concerned about the configuration of the realigned section of Hurn Road and would still question the need for the diverted pedestrian route to be permanent, on the whole we are in support of this proposal subject to the addition of conditions concerning submission of a Construction and Demolition Management Plan, wheel cleansing, details of the permanent replacement Hurn Road, pre-commencement surveys and remote signage. A number of informatives are also recommended.

***Officer Comment: It is agreed by Network Rail that if the proposed access routes at Lincoln Road/Hurn Road were to be reduced from that shown on the submission that further public consultation would need to take place as this is not a minor amendment to the scheme. Whilst one route would be more desirable, there are no objections to this element of the scheme as submitted. With regard to the construction detail of the new Hurn Road leading from Gasworks lane, it is considered that this can be agreed directly with the Local Highway Authority and does not need to form part of a planning condition. There is a balance between retention of the hedge in this location for visual and biodiversity purposes and highway safety/construction issues. The Local Planning Authority raises no objections to the retention and incorporation of the existing hedge into the scheme as submitted. We would prefer the hedge to be retained if possible. However it is accepted that if this is not possible at the detailed design stage the removal of the hedge would not be a material amendment to the scheme. The requirements for details of haul routes, dust and mud mitigation, noise management, wheel cleaning, road surveys etc. will be agreed as part of the CoCP to be submitted by condition and in the opinion of the Local Planning Authority do not need to form part of a***

**separate condition. With regard to agreements under Sections 38 and 278 of the Highways Act, Network Rail confirmed that these will be dealt with under the Order and not on application to the Local Highway Authority, however the LHA will retain certain consultative rights. Issues such as signage and future adoption of highways and structures are matters that can be dealt with outside of the planning process i.e. directly with the Local Highway Authority. Therefore the Local Planning Authority raises no objections in this regard subject to the imposition of the condition requiring submission of the CoCP.**

#### **4.12 Water Resources**

Significant works to Brook Drain and the surrounding and associated water courses is required to enable the Stamford lines to be moved to the west to enable the dive under to be constructed. Network Rail has been discussing and agreeing these works with the Environment Agency.

The Council's Drainage Team has sought clarification on who will be managing and maintaining the newly diverted watercourses including the new culvert. The Drainage Team also wish to see detailed design when it comes forward. Network Rail has confirmed that if the Order is granted it will dis-apply the requirement to seek formal consent but the Lead Local Flood Authority (PCC) holds protective provisions and must be consulted on any formal and detailed design.

***Officer comment: No objections subject to the timing of works to the watercourses taking full account of the impacts on biodiversity and protected species (see "biodiversity/ecology" above). This can be dealt with through the proposed ecology condition.***

#### **4.13 Wording of the Order**

Part 7 of the Order under the heading "Power to deviate" states that Network Rail may deviate upwards from the levels shown on the sections by no more than 3 metres and to any extent downwards as may be necessary or convenient. The LPA raises no objection to this. Part 7 (a) states that Network Rail may deviate laterally from the lines or situations shown on the deposited plans to the extent of the limits of deviation for this work. The LPA comments that the limits for proposed lateral deviation are not clear and so we have asked Network Rail to clarify this.

#### **4.14 Conditions**

Network Rail has provide a draft of proposed conditions they think appropriate for the planning permission they seek to secure from the Secretary of State as part of their Order consent. The Local Planning Authority has reviewed this part of the submission as follows;

Folder 4 - Rule 10 (6) Request for Planning Permission  
Schedule 1 Proposed Planning Conditions

Interpretation (for the purpose of the conditions)

"preliminary works"

(ii) condition 7 should read condition 6

(iii) As written this is ambiguous and should read "the erection of contractors' work compounds and site offices where such works do not require excavations and/or the construction of foundations and/or piling works"



## The Draft Conditions

Network Rail's conditions are set out in Folder 4. The Local Planning Authority's recommended changes are set out below;

Condition 1 is acceptable

Condition 2 should be amended to read;

The development must be carried out in accordance with the drawings listed in Schedule 2 of the Rule 10(6) Request for Deemed Planning Consent

Reason: To clarify what is hereby approved

Condition 3 Landscaping should be amended to read;

- (i) No tree removal or de-vegetation shall take place until a written landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.
- (ii) The landscaping scheme to be submitted shall include a tree removal plan which identifies any trees which are to be retained or lost which are not identified as such on the submitted plans and documents. Best practicable means shall be demonstrated to minimise tree loss. The landscaping scheme shall also include details of mitigation as shown in (NR to provide complete reference here including volume) and must contain details of soft landscaping including:
  - (a) The number, species, size and planting density of any proposed planting;
  - (b) The cultivation and importing of materials and other operations to ensure plant establishment;
  - (c) Details of hard surfacing materials
  - (c) Details on landscape management and maintenance regime; and
  - (d) An implementation timetable
- (iii) The approved scheme must be implemented in accordance with the approved details and as set down in the implementation timetables or any subsequent revisions that have been approved in writing by the Local Planning Authority.
- (iv) Should any trees or plants die, become diseased, be destroyed or removed within a period of five years from planting, they shall be replaced with species of a similar size and type in the next available planting season.

Reason: In the interests of the visual appearance and biodiversity of the area in accordance with the Peterborough Council Core Strategy policies CS16 and CS20 and policy PP16 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because it relates to tree removal and retention which shall take place during preliminary works or at the start of the development.

Condition 4 Tree Protection should be amended to read;

Prior to the commencement of the preliminary works or any development, details of tree protection measures shall be submitted to and approved in writing by the Local Planning Authority. The details shall include root protection and other arrangements to be made in accordance with BS 5837:2005 to protect the trees to be retained (in accordance with condition 3). The approved details must be implemented throughout the period of de-vegetation and tree removal and throughout the construction period in the area to which the works relate.

Reason: In the interests of the visual appearance and biodiversity of the area in accordance with the Peterborough Council Core Strategy policies CS16 and CS20 and policy PP16 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because it relates to tree removal and retention which shall take place during preliminary works or at the start of the development.

Condition 5 Code of Construction Management is largely acceptable but should be amended at (c). The condition should read as follows;

The development must not commence until a Code of Construction Practice (CoCP), including the relevant plans and programmes referred to in (b) below (which incorporates the means to mitigate the construction impacts identified by the Environmental Statement), has been submitted to and approved in writing by the Local Planning Authority. The CoCp shall be in two parts; Part A shall provide a general overview and framework of environmental principles and management practice to be applied to the scheme along with all construction – led mitigation identified in the ES.

(b) Part B of the CoCp must include (but not necessarily exclusively) the following plans and programmes:-

- (i) An external communications programme;
- (ii) A pollution prevention and incident control plan;
- (iii) A waste management plan;
- (iv) A materials management plan including a separate soils mitigation plan;
- (v) A nuisance management plan concerning dust, wheel wash measures, air pollution and temporary lighting; and
- (vi) A noise and vibration management plan including a construction methodology assessment.
- (vii) A road condition survey for all construction routes into and out of the project area
- (viii) A traffic management plan including routes, off road parking for all construction vehicles and management of the proposed site compounds

(c) The CoCP must be implemented in full throughout the period of the works

Reason: To mitigate construction impacts arising from the development in accordance with Peterborough Core Strategy policies CS14 and CS16 and policies PP3 and PP12 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because the CoCP, due to its nature must be implemented from the outset of the development.

Condition 6 Ecology is largely acceptable but should be amended to read as follows;

No development or preliminary works shall take place until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development and preliminary works shall only take place in complete accordance with the approved Ecological Management Plan and/or any subsequent revisions as may be approved in writing by the Local Planning Authority. The Ecological Management Plan must reflect the survey results and ecological mitigation and enhancement measures set out in the Environmental Statement (NR to provide full reference) of the Environmental Statement and must also include an implementation timetable and a five year post completion monitoring schedule and measures to be taken if mitigation is found to be failing during this period.

Reason: To mitigate against the effects the development will have on species and habitats and to enhance local biodiversity in accordance with policy CS21 of the Peterborough Core Strategy and policy PP16 of the Peterborough Planning Policies DPD. This is a pre-commencement condition because the ecological management plan must be deployed from the preliminary works stage onwards.

Condition 7 Archaeology should be amended to read as follows;

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

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

Condition 8 Means of Enclosure is largely acceptable but should be amended to read as follows;

Within 6 months of the commencement of the development, details of all permanent means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the erection of the means of enclosure. The approved means of enclosure shall be erected in full in accordance with the approved timetable and retained as such thereafter.

Reason: In the interest of public safety and visual amenity in accordance with policy CS16 of the Peterborough Core Strategy and policy PP2 of the Peterborough Planning Policies DPD.

Condition 9 – not necessary if each condition requiring submission states that approval must be obtained by the Local Planning Authority (LPA) in writing. The condition can't be enforceable on the LPA because the LPA is not the developer or in the majority of the case not the landowner. Conditions are enforceable against the persons with the interest in the land and not the LPA. The current provisions under the town and country planning secondary legislation and government guidance require LPAs to respond to discharge of condition applications, S73 applications and non-material amendments in writing and within specific timeframes. The condition is therefore unnecessary and unenforceable. We consider that the LPA can't be lawfully bound by conditions in such circumstances. The LPA can't take enforcement action against itself.

## **5.0 CONCLUSION**

Taking all of the above into account, the Officer recommendation is that Local Planning Authority raise no objections to the proposed scheme subject to the imposition of the conditions set out by the Local Planning Authority in this report on any planning permission that may be granted by the Secretary of State.

It is further recommended that Members delegate responsibility to officers to have further discussions with the Dept. for Transport and Network Rail throughout the Order process with a view to resolving any outstanding issues, drafting conditions and the subsequent discharge thereof, should the Order be approved.

Copies to Councillors: Judy Fox, John Fox and Stephen Lane

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<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>	<b>AGENDA ITEM 7</b>
<b>1.30 pm 21 FEBRUARY 2017</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 Planning)	Tel. 454441
Reporting Officer:	Paul Smith (Compliance & S106 Manager)	Tel. 453468

**PLANNING COMPLIANCE QUARTERLY REPORT ON ACTIVITY & PERFORMANCE  
OCTOBER TO DECEMBER 2016**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM :</b> Director of Growth and Regeneration	<b>Deadline date :</b> February 2017
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**

In the third quarter of 2016/17 we received a total of 127 service requests (we usually average 150 cases per quarter). Taking into account the number of cases closed over the period (156 cases) as at 31 December 2016 we had 153 live cases being investigated / in the process of being resolved. The Technical Services Team acknowledged 93% of new service requests within 3 working days this quarter, well above the target of 80%. 97% of initial site visits were made within 7 days of the service request being received, again well above the 80% target. A total of 9 enforcement notices were issued in the quarter. 5 enforcement notices fell due within the quarter and all have been complied with. There were no enforcement notices issued in the previous quarter that have not been complied with on time.

No Court Action requests in relation to enforcement cases were made this quarter.

No prosecutions have been sought this quarter either.

Please see the attached Appendix for further details of the Planning Compliance Team Quarterly Report on Activity & 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.

**Financial Implications** – This report itself does not have any financial implications

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

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

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

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

**Contract Services** – This report itself has no Contract Services implications.

**Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the enforcement process has due regard to such considerations.

## **APPENDIX**

### **INFORMATION ITEM: PLANNING COMPLIANCE TEAM QUARTERLY REPORT ON ACTIVITY & PERFORMANCE – (October to December 2016)**

<b>Description</b>	<b>No.</b>	<b>Comments</b>
Complaints Received	<b>127</b>	The number of new cases has fallen by 36 from the last quarter
Complaints Resolved (cases closed as % of cases received)	<b>156 (123%)</b>	The number cases closed has risen by 40 from the last quarter
Complaints on Hand/Pending	<b>153/117</b>	Cases on hand has fallen by 13 since the last quarter and the number of cases pending has fallen by 9
<b>Enforcement Notices Served</b>		
Listed Building Enforcement Notice	1	16/00208/ENFACC Elms Farm Wittering
Breach of Condition Notice	1	16/00012/ENFBCN 213 Clarence Road
Planning Contravention Notice	3	16/00176/ENFCAR 12 Edwalton Avenue* 16/00176/ENFCAR 12 Edwalton Avenue* (* 2 notices 1 car sales and 1 car storage) 16/00300/ENFCAR 62 Newark Avenue
Operational Development Notice	2	16/00208/ENFACC Elms Farm Wittering 16/00118/ENFEXT 1116 Bourges Boulevard
Change of Use Notice	2	15/00231/ENFCOU 10 St Pauls Road New England 16/00523/ENFCOU 4 Southlands Avenue
<b>Total Notices Served</b>	<b>9</b>	

<b>Enforcement Notices Due and Complied With in the Quarter</b>		
Type	Due	Comment
Planning Contravention Notice	3	16/00176/ENFCAR 12 Edwalton Avenue * 16/00176/ENFCAR 12 Edwalton Avenue * (* 2 notices 1 car sales and 1 car storage) 16/00300/ENFCAR 62 Newark Avenue
Operational Development Notice	1	16/00202/ENFBUS 40 Cobden Street
Change of Use Notice	1	16/00169/ENFOTH 81 - 83 New Road
<b>Total Notices Complied with</b>	<b>5</b>	

<b>Other Enforcement Notices Complied With in the Quarter</b>		
Type	Due	Comment
Operational Development Notice	2	15/00444/ENFEXT 349 Lincoln Road 15/00070/ENFOTH 583 Lincoln Road
<b>Total Notices Complied with</b>	<b>2</b>	

<b>Enforcement Notices Due but Not Complied Within the Quarter</b>		
Site	Date Due	Comments
<b>Total</b>	<b>0</b>	

<b>Other Notable Outcomes</b>	
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Breaches Remedied	50	
Permissions granted	18	
<b>Court Action Agreed</b>		
Failure to comply with enforcement notice. Summons Issued		
Total	0	
<b>Prosecutions</b>		
Total	0	

<b>Performance Measures</b>			
	Description	% / Time	Comments
	% of cases closed within 8 weeks if No Breach found.	92%	Target of 80%
	Average time (weeks) to resolve all cases closed last quarter.	20 weeks	No Target
LPI	% of complaints acknowledged within 3 working days.	93%	Target of 80%
LPI	% of site inspections carried out within 7 days of acknowledgement.	97 %	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	92%	95%
Acknowledgement of enforcement complaints.	80% within 3 working days	93%	96%
Enforcement site visits carried out within 7 days of acknowledgement.	80% within 7 days	97%	98%