

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 10 JULY 2012

1.30 PM

Bourges/Viersen Rooms – Town Hall

AGENDA

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1. Apologies for Absence	
2. Declarations of Interest	
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There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

In accordance with Standing Orders, Members are asked to determine whether agenda item 5.7, Arborfield Mill, Helpston, which contains exempt appendices containing information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by Paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when these appendices are discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

5.7 06/00892/OUT - Arborfield Mill, Helpston, Peterborough

71 - 166

Committee Members:

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

Substitutes: Councillors: Kreling, Martin and Ash

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

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.

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Minutes of a Meeting of the Planning and Environmental Protection Committee
Held at the Town Hall, Peterborough on 12 June 2012

Members Present:

Councillors – Serluca (Chairman), Casey (Vice Chairman), Harrington, Hiller, Lane, Shabbir, Stokes and Todd.

Officers Present:

Mike Freeman, Senior S106 Officer
Nick Harding, Planning Delivery Manager
Amanda McSherry, Principal Development Management Officer
Julie Smith, Highway Control Manager
Carrie Denness, Lawyer – Growth Team
Alex Daynes, Senior Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillors North and Sylvester.

2. Declarations of Interests

Councillor Lane declared a personal interest in item 5.5 on the agenda as he was acquainted through his employment with the applicant.

Councillor Hiller declared a personal interest in item 5.3 as the application was in his ward.

Councillor Todd declared a personal interest in item 5.2 on the agenda as she was acquainted with Mr Branston.

Councillor Serluca declared a personal interest in item 5.1 on the agenda as she was acquainted with Mr Percival.

3. Member's Declaration of intention to make representations as Ward Councillor

No members of the committee declared an intention to speak on any of the items as ward councillor.

The chairman sought permission from the committee for Councillor Scott to speak as ward councillor at item 5.2. The committee agreed to allow Councillor Scott to speak.

4. Minutes of the Meetings held on 10 April 2012 and 24 April 2012

The minutes of the meetings held on 10 April 2012 and 24 April 2012 were approved as a true and accurate record.

5. Development Control and Enforcement Matters

5.1 12/00028/FUL - Re Built Garden Wall (Part Retrospective) at 51 Park Road, Peterborough, PE1 2TH

The Planning Delivery Manager introduced the application that sought planning permission for the construction of a front boundary wall. It was important to note that the application had been submitted following the unauthorised demolition of the site boundary walls at Nos.51, 53, 55 and 57 Park Road. Development had already commenced on the replacement wall at all four properties albeit this application related only to the boundary wall at No.51. The wall had not been completed at present and as such, the application scheme was part-retrospective. The finished wall was proposed to stand at a maximum height of 1.3 metres (to pier caps) and would comprise a 0.6 metre high red brick wall with black arrowhead and ball railings and red brick piers. The piers and wall were proposed to include moulded stone copings and caps. A pedestrian access was proposed to the north east of the front boundary with a 2.5 metre wide opening to the south east.

Councillor Maqbool spoke as Ward Councillor on behalf of the applicant, highlighting issues including:

- Previous walls were unstable and unsafe;
- Wider entrance to ensure disabled access for customers to the property using wheelchairs and mobility vehicles;
- The vehicle previously parked on the property was due to external events and was not associated with the premises;
- No dropped kerb was applied for as it was not intended to have vehicular access; and
- Space at the front of the property to ensure comfortable manoeuvring of mobility vehicles on the site.

Responses to questions from the committee included:

- The space was need to ensure mobility vehicles did not have to reverse on to the pavement but could turn on the site and continue onto the pavement especially if more than one mobility vehicle was there;
- Has previously had more than one mobility vehicle at a time;

A photo was passed round of atypical mobility vehicle (electric wheelchair) along with a photo of a car that had previously parked at the premises.

Simon Percival, the agent for the application, addressed the committee highlighting issues including:

- Extensive refurbishment of the houses from 51-57 Park Road by the applicant which served to enhance the conservation area;
- Conservation officers had not expressed any concern over the designs;
- Adjacent commercial property has off street parking at the front;
- Safe access for customers needed to and from the property;
- Little impact of the opening size on the street scene; and
- Not looking to remove the parking bay at the front of the property which obstructs vehicle access.

Responses to questions from the committee included;

- Could not pave the entire front of the property as trees were located there; and
- The parked vehicle was a contractors from a nearby site.

Mr Brackenbury, representing a nearby resident, spoke in opposition to the application highlighting issues including:

- Previous walls were demolished without permission;
- Evidence of cars parked on the site;
- The city council should not support new access ways in a conservation area;
- Had to allow the new wall as the previous was demolished; and
- Representations made in support of the application do not include planning considerations.

The Planning Delivery Manager addressed the committee and advised that there was no application for dropped kerbs or for the applicant to have vehicle access to the property. However, this could be submitted in the future.

The Highway Control Manager addressed the committee and advised that the 2.5m gap was considered excessive for mobility vehicles, a dropped kerb would need 5m space on either side for turning and would be refused in the current situation. A 1.5m gap was considered adequate for mobility scooters.

During debate, key points that were raised included:

- A smaller gap of 1-1.5 metres would be acceptable to officers;
- Size of gap out of context with the rest of the conservation area;
- Main need is for turning space behind the wall, not in the wall itself.

A motion was put forward and seconded to reject the application on the basis that the proposed gap in the wall was too wide and not in keeping with the conservation area. The motion was carried unanimously.

RESOLVED: to reject the application, in accordance with officer recommendations.

Reasons for the decision:

The partially constructed replacement boundary wall and in particular, the addition of a new access 2.5 metres in width, fails to respect and reflect the character and appearance of the Park Conservation Area. The relevant Conservation Area Appraisal and associated Management Plan clearly identifies the detriment that has been caused to the Conservation Area as a result of the creation of new access and in curtilage parking through the removal of existing front boundary walls and states that new or increased accesses will not be considered acceptable. As such, the application scheme results in significant harm to the character, appearance and setting of the identified heritage asset, contrary to the National Planning Policy Framework (2012) and Policy CS17 of the Peterborough Core Strategy DPD (2011).

5.2 12/00492/HHFUL – Construction of Two Storey Side Extension - Revised Application, 25 Nansicles Road, Orton Longueville, Peterborough, PE2 7AS

The Planning Delivery Manager introduced the application that sought planning permission for a side extension above the existing garage including a rear projection and a front projection. The

front and rear elements would have roofs perpendicular to the main house, so introducing a hipped roof facing the rear garden and a gable facing the street. The main eaves and ridge line of the extension roof would follow the existing roof lines.

The proposed extension would extend 2.5m from the side of house, in line with the existing garage, and project 1.1m at the front and 2.8m at the rear. At ground floor the extension will accommodate a kitchen extension, a new play room and a downstairs WC, upstairs it will accommodate two bedrooms, a shower room and a store.

Councillor Scott spoke as Ward Councillor in support of the application highlighting issues including:

- Many different types of houses existed in the road;
- Many properties have been extended;
- More space was needed for the owner's work with children to increase the bedroom size;
- No objections were received from neighbours; and
- Minimal impact on the street scene.

Mr Branston, the agent, and Mrs McLennon, the owner, addressed the committee highlighting issues including:

- Valid reason why more space in property needed;
- Would not extend past the existing frontage;
- The bend of the road would not make the extension impact on the street scene;
- Need more bedroom space to provide desk space for foster children.

During debate, key points that were raised included:

- Not a conservation area;
- No objections from neighbours;
- Minimal, if any, impact on the street scene;
- Other home improvements were at ground floor level, not first floor so not in keeping with other home developments in the road;
- Objections were raised concerning loss of parking space on the driveway;
- Expansion of other homes might follow but not necessarily detrimental to the street scene;
- Extension could improve the area;
- Frontages are currently uniform but rear of the properties were different;

A motion was put forward and seconded to approve the application, contrary to officer recommendation. The motion was carried (6 in favour, 2 against).

RESOLVED: (6 in favour, 2 against) to approve the application, contrary to officer recommendation, 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 Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C 3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into the south west side elevation of the permitted extension other than those expressly authorised by this permission or those expressly authorised by any future planning permission, and those windows that are approved shall be fitted with obscure glazing and fixed shut, as detailed on the approved plans, prior to first occupation, and thereafter retained as such.

Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

Reasons for the decision:

The proposed extension, although it would include a forward extension at first floor level, is considered to be acceptable in design terms as it is not so significant as to be detrimental to the character of the street scene which is mixed in nature. There will be no detrimental impact on the amenities of occupiers of neighbouring dwellings. The loss of the garage will not result in unacceptable parking congestion in the area. The proposal is therefore considered to be in keeping with Policy CS16 of the adopted Peterborough Core Strategy DPD.

5.3 12/00531/FUL - 2 Barn Conversions and 3 New Dwellings Wisteria Farm, 31 West End Road, Maxey, Peterborough

The Planning Delivery Manager introduced the application that sought the conversion of the main threshing barn and attached smaller barns, for the conversion and extension of the barn to the rear of the threshing barn and the conversion and extension of the cart shed adjacent to the access. Permission was also sought for the construction of two new dwellings.

Mr Gibbison (agent) and Mr Dalglish (applicant) addressed the committee highlighting issues including:

- The application attempts to improve the current consent for five properties;
- Support from the local parish council and residents;
- Worked with the local authority on the design of the scheme;
- Increase of trees could cover views of the garage which could not be moved in order to keep the design of the site;
- Improved scheme from previously approved application;
- Will generate S106 monies in this revised scheme ;
- Can condition restrictions to height for future purchases; and
- Changes proposed for Barn D would be incorporated into the scheme.

During debate key points that were raised included:

- It is an attractive scheme;
- Height condition would alleviate concerns;
- Improved design from previous submission; and

- Ward councillor supports the scheme along with neighbours.

A motion was put forward and seconded to approve the application, contrary to officer recommendation, subject to: revisions to the number of roof lights in plot C; revisions to roof lights and treatment of window openings; and signing of Section 106. The motion was carried (7 in favour, 1 against).

RESOLVED: to approve the application, contrary to officer recommendation, 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 No development shall take place until details of the materials to be used in the external surfaces of the dwelling have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

C 3 No development shall commence until details of the type, design and external finish of all windows; external doors and rainwater goods have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

C 4 The development shall not commence until details of all boundary walls and fences have been approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, in accordance with the approved details.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy (Development Plan Document) 2011.

C 5 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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

C 6 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

The scheme shall include the following details:

- **Proposed finished ground and building slab levels**
- **Planting plans including retained trees, species, numbers, size and density of planting**
- **An implementation programme (phased developments)**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 the Peterborough Local Plan (First Replacement).

C 7 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

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

C 8 The dwellings shall not be occupied until the area shown for parking on the approved plan has been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles, in connection with the use of the dwellings.

Reason: In the interest of Highway safety, in accordance with Policies T9, T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

C 9 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.

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

C10 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of 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 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 CS14 of the Peterborough City Council Core Strategy DPD Adopted 2011.

C11 Before the new access is brought into use, pedestrian visibility splays shall be provided in accordance with details submitted to and approved in writing by the local planning authority and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary and the proposed access.

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

C12 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the NPPF.

C13 Prior to first occupation of the development hereby approved the following bat and bird mitigation measures shall be implemented on site:

- **Provision of additional ledges suitable for nesting swallows within the open fronted car ports which are open to the ridge.**
- **Four House Sparrow nest boxes to be erected across the development.**
- **Incorporation of two under-felt bat roosts on the south facing roof pitch of building C (as per drawing in report).**
- **External lighting for the development to be directional and not illuminate the bat roosts or vegetation on site.**
- **Landscape planting to include native species or species known for their pollen/nectar production.**
- **The north boundary of the development should be a hedge and not timber fencing.**

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

C14 No demolition/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. The Scheme shall thereafter be implemented as agreed.

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

The archaeological work will consist of targeted open areas excavations in the eastern and western parts of the site. This condition will allow schemes for excavation and recording where archaeological remains are unavoidably threatened, as well as preservation in situ within the development design where this is feasible and desirable.

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 Planning Policy Statement 5 Planning for the Historic Environment and Policy CS17 of the adopted Peterborough Core Strategy DPD.

C15 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification)

- **no dormer windows or additional roof lights shall be inserted on any building**
- **no extensions shall be constructed on any dwelling or garage**
- **no outbuildings shall be constructed**

Reason: In order to protect the amenity of the residents and ensure that any alteration to the buildings are area appropriate in design terms, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C16 Foul water shall be disposed of by way of a connection to the nearest adopted foul sewer and surface water shall be disposed of by way of soakaway.

Reason: To prevent pollution and to prevent flooding in accordance with NPPF para 118 and Policy U1 of the Peterborough Local Plan 2005 9(First Replacement).

Reasons for the decision:

The proposal is a revised design and layout for a previously approved and commenced scheme. Whilst the new proposal involves the inclusion of land outside the village boundary as garden to the some of dwellings, the area of land involved is small and has the significant advantage of softening the appearance of the development from views from the countryside beyond. The proposed conversions and extensions to the barn buildings are sympathetic to their historic nature and previous use as are the proposed new build dwellings. The development will not result in unacceptable levels of overlooking or loss of privacy and will not have an overbearing appearance in terms of relationship with adjacent development. The adjacent right of way will remain unaffected by the development proposals. Satisfactory car parking is provided and the access is safe. Matters relating to materials, drainage, landscaping, habitat creation, energy efficiency, contamination and archaeology can be satisfactorily managed by way of the conditions below. The proposal is therefore in accordance with the following:

- Paragraphs 61, 95, 118, 121, 128, 129 of the NPPF.
- Policies C16, CS14 and CS17 of the adopted Peterborough Core Strategy DPD.
- Policies T9, T10, T11, LNE9 , LNE10 , LNE17and LNE19 of the Peterborough Local Plan (First Replacement).

The committee adjourned for ten minutes.

Councillors Todd and Shabbir left the meeting.

5.4 12/00618/HHFUL & 12/00619/LBC - Demolition and Rebuilding of 2no. Outbuildings and Erection of 1 New outbuilding at 14 Church Street, Thorney , Peterborough, PE6 0QB

The Principal Development Management Officer introduced the application that sought to demolish Outbuildings 1 and 2 and replace them with new outbuildings with approximately the same footprint areas. A new third outbuilding was also proposed.

A motion was put forward and seconded to approve the application as per officer recommendation. The motion was carried (unanimous).

RESOLVED: to approve the application subject to the conditions set out in the report.

Reasons:

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

The proposed new and reconstructed outbuildings would not adversely impact upon the

amenities of the Thorney Village Conservation Area or the setting of the Listed Buildings in accordance with policy CS17 of the Peterborough Core Strategy DPD.

The proposed new and reconstructed outbuildings would not adversely impact upon the amenities of the occupiers of the adjoining properties in accordance with policy CS17 of the Peterborough Core Strategy DPD.

5.5 11/01572/Ful - Construction of Permanent Rugby Clubhouse With Car Parking And Tennis Courts to Replace Temporary Facilities at Land at Former Bretton Woods Community School, Flaxland, Bretton, Peterborough

The Planning Delivery Manager introduced the application that was presented to the Committee on 7 February 2012, the proposal being to redevelop the area currently occupied by the parking, tennis courts and marquee, and incorporate a further 2800sq m or so of adjacent land into the developed area. The proposal included:

- Provision of 100 car parking spaces as well as 11 disabled parking spaces, parking for 3 coaches and allowance for cycles and motorcycles
- A new, solid construction, club house set slightly further away from the dwellings, to include changing rooms and support offices, a kitchen, bar and function room, and upstairs a further bar area and lounge
- Banked seating along the north elevation of the club house, overlooking the pitches
- Floodlighting around the main pitch (the one closest to the clubhouse)
- A new foul drainage connection
- A small grounds maintenance store
- A new security fence around the site perimeter
- Reinstatement of four tennis courts (these are currently underneath the temporary marquee club house).

It came to light that some consultations had not been carried out early in the application process, and Members resolved to grant consent subject to there being no objection from the Woodland Trust and the Forestry Commission. The concern mainly related to the impact of the new foul drainage connection, which was proposed to be installed through the woodland.

The Woodland Trust objected to the proposed woodland route of the foul drainage connection and therefore the application was brought back to Committee. An alternative route had been identified which was along an access road to the site.

Councillor Matthew Clements, representing Bretton Parish Council, addressed the committee and spoke against the application highlighting issues including:

- Located next to an ancient woodland site;
- Boundary fence too expansive and playing pitches too close to woodland;
- Flood lighting could have impact on woodland;
- Drainage pipe through woodland would be damaging especially if maintenance was needed;
- Suggest moving the fence back around 1.5m.

During debate key points that were raised included:

- Woodland Trust objected but council officers approved the drainage route;
- Should consider Woodland Trust concerns;

- Alternative route would alleviate all concerns posed regarding the damage to the ancient woodland; and
- The Legal Officer confirmed that the committee was only considering the consultation response regarding the drainage connection route.

A motion was put forward and seconded to approve the application with a condition to locate the foul drainage connection to be alongside the access road. The motion was carried (5 for, 1 against).

RESOLVED: to approve the application as per officer recommendation but with the following condition replacing **C15** in the report:

Foul water from the development shall only be disposed of by way of a connection to the adopted mains sewer via new sewer pipe which shall follow the route of the access road to the development. The details of this new sewer pipe shall be submitted to and approved by the local planning authority prior to the commencement of development (or by an alternative date agreed with the local planning authority) and shall be implemented in accordance with those approved details prior to the club house first coming in to use.

Reason: In the interest of pollution prevention and in the interest of ensuring the adjacent woodland is not damaged by the installation of the new sewer pipe. This is in accordance with NPPF para 109 and 118. Policies U1, LNE9 and LNE10 of the Peterborough Local Plan 2005 (First Replacement).

Reasons:

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

- a) The principle of having a rugby club on part of the Park is acceptable as it is a use that is compatible with the open space/recreational use of the park
- b) Adequate access and parking can be provided
- c) The design of the building is appropriate to the use and location
- d) Impact on the amenity of nearby residents can be adequately controlled by conditions relating to noise, lighting and hours of use
- e) It has no significant impact on the adjacent County Wildlife Site
- f) There is no significant impact on important trees

The proposal is therefore in accordance with Policies CS14, CS16, CS18 and CS21 of the adopted Peterborough Core Strategy DPD and Saved Policies T8, T9, T10, LNE10 and U1 of the Peterborough Local Plan 2005 (First Replacement).

5.6 06/00892/OUT - Revisions to the Signed Section 106 Agreement at Arborfield Mill, Helpston

The Legal Officer advised the committee of the exempt information contained with this report and advised that if the committee wished to discuss it, the committee should consider whether it should excluded the press and public before discussing it.

The Planning Delivery Manager introduced the application that sought authority to revise the existing Section 106 agreement from that agreed in April 2006 to the following:

- a) 6 No affordable housing units (4 units being for rent, 2 units being for shared equity)
- b) £85,000 towards the provision of primary and secondary school places
- c) £15,000 towards the provision of new or improved, sport, recreation, play or social facilities within Helpston Parish and
- d) retain the provision of a bus stop as per the existing agreement.

Although no-one had registered to speak against the application, a recent parish council meeting stated that they were opposed to any changes to the S106 concerning the impact of the 42 dwellings.

During debate, key points raised included:

- Linden Homes will make a loss on this development, the change will lessen this loss;
- Education provision still high as it is a priority for the council;
- Helpston would miss out on community funding if agree the revision;
- Concern over prices for house sales in the report could be made higher to increase S106;
- Asking price and sale prices can differ;
- Values of housing would have to increase to make a profit on the scheme;
- More information on the type of properties planned was needed to better judge the price claim in the exempt report; and
- Need to compare predicted sales prices with similar schemes nearby.

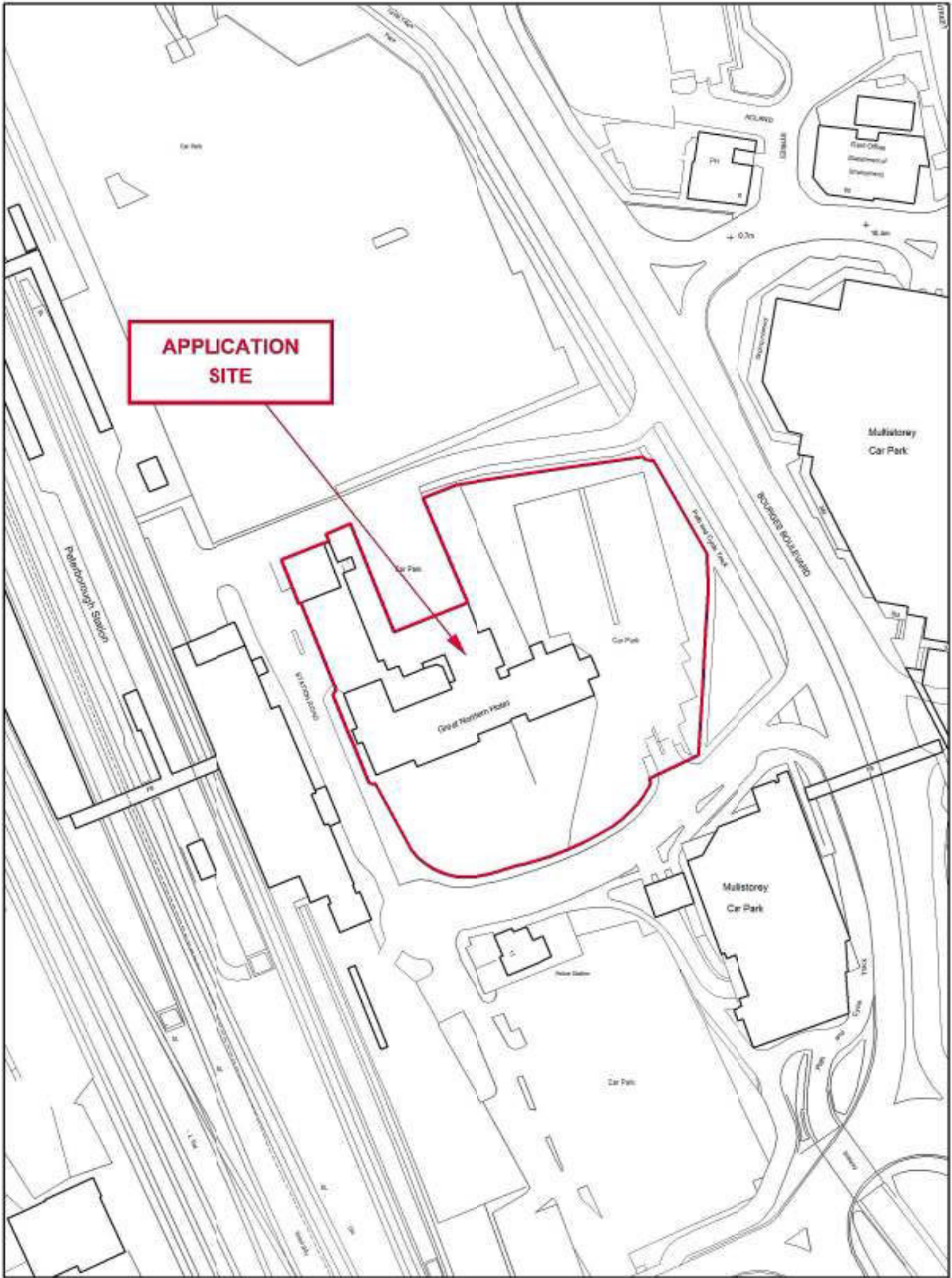
A motion was put forward and seconded to defer the application until additional information was received to support or otherwise the sales values assumed in the applicant's viability appraisal. The motion was carried (unanimously).

RESOLVED: Report to be brought back to committee which includes additional information to support or otherwise the sales values assumed in the applicant's viability appraisal.

Reasons:

To enable the committee to make an informed decision regarding the requested reduction in S106 contribution.

1.30pm – 4.05pm
Chairman



LOCATION PLAN 12/00329/OUT

Great Northern Railway Hotel, Station Road, Peterborough

Scale NTS **Date** 28/6/2012 **Name** AA **Department** Planning Services



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Application Ref:	12/00329/OUT
Proposal:	Extension of existing hotel together with new office building with retail A1 restaurants A3 and six apartments, including part demolition of the extension to the east and outbuildings to the north of the hotel building
Site:	Great Northern Railway Hotel, Station Road, Peterborough, PE1 1QL
Applicant:	Great Northern Hotel UK Ltd
Agent:	Assael Architecture Limited
Referred by:	Head of Planning, Transportation and Engineering Services
Reason:	The application is of wider public interest
Site visit:	24.05.2012
Case officer:	Miss A McSherry
Telephone No.	01733 454416
E-Mail:	amanda.mcsherry@peterborough.gov.uk
Recommendation:	GRANT subject to the signing of a LEGAL AGREEMENT and relevant conditions

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

The application site is approximately 0.75 hectares and is bound to the east by Bourges Boulevard and to the south, west and north by Station Road. The site lies within the city centre boundary and the Railway Station Opportunity Area and on the edge but outside the Central Retail Area, as defined in the Adopted Peterborough Local Plan (First Replacement) 2005. The site contains a hotel building with 33 rooms, a large area of surface car parking to the east and a small garden area to the south and is accessed via Station Road. The site is generally flat and enclosed by mature trees along the northern, eastern and southern boundaries. The surrounding context comprises a mixture of uses and is dominated by hard infrastructure including the railway line to the west and the Bourges Boulevard dual carriageway/public transport corridor and main transport link to the city to the east; beyond which is a 4/5 storey car park associated with the Queensgate shopping centre. The site is situated directly north of the station surface car park and multi storey Perkins car park and lies directly opposite the railway station building to the west. To the north of the site is the former Royal Mail Sorting Office, currently used as a temporary surface car park and where Outline planning permission has recently been granted for 'Redevelopment to provide office (B1) and retailing (A1, A3 and A4)' (ref. 10/01461/OUT). The site is also in close proximity to the North Westgate Opportunity Area.

Proposal

The application seeks outline planning permission to establish;

- The principle of development
- The quantum of development on the site.
- Access to the site

All matters relating to layout, scale, appearance and landscaping reserved to a later stage. Indicative plans of the layout, floor plans and elevations showing the heights, widths and depths of the proposed scheme are also provided. The proposal includes demolition of an extension to the east of the hotel building that contains the largest function room and outbuildings to the north. A new extension to the hotel would be built to the north (rear) of the hotel and a new office development is proposed on the eastern side, to be accommodated over 6 storeys stepped up in stages from the existing hotel building. The ground floor would provide café/retail uses with active frontages. Six residential apartments would be provided on the top floor of the office building. The development would provide two concealed parking areas, both of which would be accessed off

Station Road to the north. 20 no space would serve the hotel and 31 no spaces would serve the office/commercial/residential uses. A large public realm area would be located to the south of the site.

The proposal would provide:

- 13,010m² Gross Internal Area (GIA) B1 (office accommodation)
- 801m² GIA A1 (retail) and 801m² A3 (restaurant/café)
- 1,735m GIA C1 (hotel) extension to provide 47 additional bedrooms
- 6 no. residential apartments (3 x 3-bed and 3 x 2-bed)
- 51 car parking spaces
- 200 no. cycle parking spaces

2 Planning History

Reference	Proposal	Decision	Date
09/00708/FUL	Construction of car park associated with Hotel	Application Permitted	04/09/2009
10/00786/FUL	Construction of car parking and improved service and delivery yard	Application Permitted	05/08/2010

3 Planning Policy

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

The National Planning Policy Framework

Peterborough Core Strategy DPD (2011)

CS03 - Spatial Strategy for the Location of Employment Development

Provision will be made for between 213 and 243 hectares of employment land from April 2007 to March 2026 in accordance with the broad distribution set out in the policy.

CS04 - The City Centre

Promotes the enhancement of the city centre through additional comparison retail floor space especially in North Westgate, new residential development, major new cultural and leisure developments and public realm improvements, as well as protecting its historic environment.

CS10 - Environment Capital

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

CS11 - Renewable Energy

Opportunities to deliver on site or decentralised renewable or low carbon energy systems will be supported on appropriate sites where there are no unacceptable impacts.

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.

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

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.

CS21 - Biodiversity and Geological Conservation

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

Peterborough Local Plan (First Replacement) (2005)

R14 - Service Access (In City Centre, District and Local Centres)

Provision should be made for rear access servicing. Development should not result in a loss of or prejudice use of a service yard.

CC15 - Car Parking

Parking will not be permitted where off street parking is available. New provision should serve operational requirements/those with mobility difficulties only.

CC16 - Cycle Parking

New development should provide safe, secure, convenient and high quality cycle parking.

CC12 - Railway Station Opportunity Area

Permission will be granted for comprehensive redevelopment. Redevelopment must improve pedestrian and cycle accessibility

CBE11 - Buildings of Local Importance

Demolition/substantial alteration will not be permitted unless reasonable steps have been taken to retain the building unaltered or the benefits outweigh the harm to the building.

LNE09 - Landscaping Implications of Development Proposals

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

Material planning considerations

Peterborough Station Quarter Development Brief 2008
Peterborough Public Realm Strategy 2008
Peterborough Local Transport Plan 3 2011

4 Consultations/Representations

PCC Transport and Engineering Services - No objection – A Transport Assessment has been undertaken in support of this application. The proposal would result in an impact on the highway network and so some form of mitigation is required as part of the proposal. The Peterborough Local Transport Plan 3 identifies improvements to Bourges Boulevard and it is appropriate for this development to contribute towards those improvements, in lieu of carrying out specific junction/link improvements. A contribution of £1 million is sought. Also a submitted Framework travel plan is broadly acceptable though requires amendments to include specific targets and more robust measures to encourage the use of non car modes of travel. This should be secured by a S106

planning obligation. Together these requirements will address any impact on the highway network resulting from the development. It is noted that the proposal includes the potential for improved pedestrian/cycle access to/from the city centre which would include a link to the existing way finding route to the city centre. The details shall be secured by condition. 200 cycle parking spaces would be required and the details will be provided at reserved matters stage.

PCC Landscape Officer – No objection - The tree survey has been carried out in accordance with BS5837:2005. However, the trees have been made to fit the design rather than the tree constraints informing the layout. It is preferred not to see the loss of category A and B trees which are a material planning consideration and appropriate mitigation planting should be provided to offset the loss of trees. Replacement planting and landscape details should be secured by condition.

PCC Wildlife Officer – No objection – It is recommended that assessments are undertaken on trees and buildings for the likely presence of bats. An initial check is being made at this time to assess the likelihood of bats being present. Trees and shrubs might provide suitable habitat for nesting birds and a condition should be appended to restrict works during the nesting season. The incorporation of features to support bats and birds on the building should be explored. The proposal for the inclusion of green and or brown roofs into the development is welcomed.

PCC Conservation Officer – No objection in principle – Concerns regarding the form, massing and scale of the new build. It is preferred that the height of the building does not exceed the height of the nearby multi-storey car parks. Significant dialogue will be required to achieve an acceptable scheme prior to the submission of reserved matters. It is agreed that the site can accommodate the quantum of development proposed; however, the form and massing may require modification. For example, the element in line with the hotel forming the backdrop to the proposed public realm area should be of a similar scale to the hotel. The indicative step up to the multi-storey is inadequate lacking the necessary width. Further work will also be required on the hotel extension; the present pattern of fenestration is somewhat random and discordant. The eastern elevation is too close to the boundary and requires the removal of a number of trees of reasonable quality and the indicative footprint would restrict the opportunity for replanting. Careful consideration should be given to choice of materials and subsequent maintenance.

PCC Section 106 Officer – No objection - POIS contributions sought.

PCC Travel Choice – No objection – Recommends changes to the Framework travel plan to include: the Travel Plan co-ordinator must be identified prior to occupation with contact details supplied to PCC. The Framework Travel Plan should include baseline targets; measures should be implemented and not just talked about as measures that could be implemented; no. of cycle parking spaces and should look to promote the Peterborough wide car share scheme that has already been set up by PCC.

PCC Building Control Surveyor – No objection Building Regulations approval is required. Part M relating to disabled requirements is applicable. Note that sewers cross site.

PCC Archaeological Officer – No objection - The proposed development affects a building of local interest and Iron Age, Roman and medieval artefacts have been found in the area. A condition requiring a programme of archaeological work to include evaluation by trial trenching is recommended.

PCC Pollution Team – No objection – A contamination report has been provided however additional information is required to enable a more accurate assessment to be made. A noise assessment should be undertaken due to the close proximity of a busy road and the railway line. The proposal includes restaurants and therefore odour control management would need to be provided. These details should be secured by condition.

Police Architectural Liaison Officer – No objection – Access to undercroft parking areas should be securely gated with access control. If this conflicts with Highways, gates should be recessed. The following measures should be given consideration prior to any future detailed design submissions – sufficient CCTV coverage which should be linked to the City Centre CCTV monitoring station, detail designs should be discussed with Police Counter Terrorist Security

Advisors, in any detailed submission the applicant should demonstrate that the development would be capable of providing full and continued Airwave connectivity (a radio system used by Emergency Services). This should be secured by condition; public realm and lighting should be designed to ensure safety of access, clarity of views in public spaces and co-ordinated with city wide CCTV coverage.

Environment Agency – No objection - The proposed development site is less than 1 ha located in Flood zone 1. The application site should be considered under Flood Risk Standing Advice. Applicant should consider the surface water management good practice advice.

British Transport Police - No objection - The hotel is not policed by British Transport Police, but is obviously close to the station. It is not anticipated that the proposal would impact on the station other than possible traffic congestion if larger events are taking place within the hotel.

Anglian Water Services Ltd – No objection – There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. The site layout should take this into account and accommodate these assets within either prospectively adoptable highway or public open space. An informative should be appended to any grant of consent. The Flag Fen STW has capacity for foul drainage. The foul sewerage network has capacity for these flows. SUDS is the preferred method of surface water disposal – details should be secured by condition.

Neighbourhood And Empowerment Section – No objection – Comments given in respect of the priorities identified in the Community Action Plan where S106 monies could be directed.

Local Residents/Interested Parties

Peterborough Local Access Forum – Objection - Concerns regarding pedestrians and cyclists being directed to one of the most dangerous parts of the dual carriageway. How does this tie in with pedestrian movements resulting from other redevelopment in the area? Will the footbridge still be in use and how much will it be used if it is possible to cross the main carriageway at ground level? Once across the road pedestrians will be directed straight into the vehicle entrance/exit from the multi storey car park – how will this be managed safely? The safe movement of pedestrians/cyclists needs to be addressed before encouraging additional people to use this space.

Peterborough Civic Society – Objection – The retention of the historic part of the hotel is welcomed and the transition between the western elevation of the hotel and the extension is better. The relocation of the vehicular access to the hotel car park to the north side and a reduction in height of the transitional block on the south side is supported. Concern remains regarding the height of the new office building. The 5 storey office element tightly abutting the existing Great Northern Hotel dominates the 3 storey building. A 5-6 storey building would be more appropriate so as not to impinge on views of the Cathedral when the skyline of Peterborough City Centre is viewed from the western side of the city. None of the planning studies produced between 2000 and 2005 was proposing development above 5 storeys. 6 residential units sit unhappily on top of the office building. It is not a workable solution for residents and office workers to share the same entrance, stairway and access. The eastern elevation presents only a sheer, blank, flat façade and is the most visible. This elevation should be reduced by at least 1 storey. The balconies at the south eastern corner are unsatisfactory. The floorspace to the balconies are outside the application site and have been included in the floor space. The floor space should be checked and revised certificates requested. The separating mass between the 3 storey hotel and 7 storey office block seems to float unhappily over the ground and first floor frontage. The 8 storey building will overshadow the station egress road and site to the north where a new area of pedestrian public realm space is proposed as part of the IGN development. This will reduce the attractiveness of this space as it becomes shaded. Suggest a wind impact analysis be undertaken. The western elevation will be the first impression for travellers leaving the station. The relationship with the existing hotel remains poor. It should be a more subservient structure, set back 2-3m from the building line of the existing hotel. The height of the extension, irregular fenestration pattern and a view into the undercroft car park is not acceptable and should match scale and mass of existing hotel. The main mass should be no higher than the eaves level of the existing building. The top

floor bedrooms could be accommodated within a mansard-type roof above the eaves line and would be less dominant on the original building. The design of the staircase at the north end of the bedroom block looks weak. There is no proposal to replace the large function room which may affect the viability of the hotel. The Network Rail short stay car park bites into the site. Its acquisition would enable an improved scheme. The Council should seriously consider compulsory purchase. The scale of the ground floor retail units are substantial and have the potential to further undermine retailing in the North Westgate area. The holding of a public exhibition for 6 hours on the afternoon of a working day is inadequate. The Massing Strategy Block Diagrams shows a diagrammatic profile of the Cathedral which is incorrect. The viewpoint on page 56 is misleading and should be considering views towards the Cathedral, not a vista from the west front outwards. The atrium will be dark and gloomy given that the 7 storey offices on the south side shade this area. The elevation drawings are inconsistent with the plans.

Network Rail Network Rail – Objection – The proposal along with the ING application lacks a comprehensive approach and is a missed opportunity to deliver a better planned mixed-use station precinct. There is concern regarding the traffic movements both at the front of the hotel and service area to the rear which will require awkward manoeuvring to exit the service entrance placed close to one of the station's car parks. The mixed use would require frequent deliveries and is incompatible with an already busy station approach road. As part of the station redevelopment proposals there are attempts to rationalise existing traffic and the proposal would increase traffic which would be counterproductive to our work. The transport assessment has not fully taken into account the road layout changes. There should be more comprehensive planning of how the proposal along with the ING application relates to the northern branch of Station Road. Funds should be obtained via a S106 agreement to contribute to the mitigation or improving Station Road. Conditions should be applied to the consent limiting the hours of servicing etc. so that vehicles avoid peak hours. The layout of the service area should be amended so that vehicles can leave in forward gear reducing disruption to vehicles on station road. There is concern that the proposal will impact on the existing Station car parks. If the parking for the hotel is unmonitored it could result in people using the station car park without paying. A condition should be appended requiring a parking management plan i.e. retail use could have a maximum of 2-4 hours and the hotel could provide permits. Conditions and informatives are suggested.

5 Assessment of the planning issues

a) Background

The application is subsequent to a pre-application submission where the principle of the proposal was supported. At that time advice was provided by the Local Planning Authority on a number of aspects that needed further consideration, including, inter alia: that the scheme should demonstrate its relationship with the surrounding built form, improvements required to the transition between the existing hotel building and the new extension and office development to enable the historic building to retain a stronger presence within the street scene, access arrangements should avoid conflict with vehicle users along Station Road and the scheme should indicate a desire line to encourage pedestrians/cyclists to a route to the rear of the multi storey car park to discourage pedestrians/cyclists using the route across Bourges Boulevard.

The application has been considered by the Design Review Panel on 24th May 2012. The Panel considered the scale of development and the proposed floorspace would not represent an overdevelopment of the site and that the site could accommodate the proposed building heights without detriment to the street scene context. The panel considered the large area of public realm proposed along the southern frontage would improve the pedestrian experience of this area and their journey into the city centre and improve the setting and appearance of the Great Northern Hotel by removing existing car parking on its frontage. It was acknowledged the design of the elevations would need to be more cohesive and at present there were too many ideas. The western elevation of the hotel extension raised concern; an active frontage would be desirable and further consideration given to the elevation design and upper storey, given that this would be the first thing visitors see when they leave the station.

b) The principle of development

The application site falls within the Railway Station Opportunity Area as defined in policy CC12 of

the Adopted Peterborough Local Plan (First Replacement) 2005. The policy seeks a comprehensive redevelopment across the area which would create an integrated and seamlessly connected mixed use city quarter focussed around a revitalised railway station area. The aspirations for this area is to provide a vibrant focus for the city which combines high quality design and creates a transformational gateway to the city centre. The station and its surroundings offer a first glimpse of the city and is where visitors form their first impression. It is considered a vital gateway to the city and its image is of great importance. The strategic objectives for the station quarter are to:

- Create a new commercial and mixed use Quarter
- Create a new high quality Gateway
- Reduce Severance and improve connections
- Create new areas of public realm

Policy CC12 states that the most appropriate way forward for the opportunity area is for a comprehensive redevelopment across the whole site and therefore the proposal is contrary to the provisions as set out in the policy. Notwithstanding the above and given the austere economic climate, the vision of a comprehensive redevelopment is unlikely to be realised in the foreseeable future. The proposal would consist of high quality office accommodation, and extension to the hotel accommodation, residential units and retail/restaurant/café uses at ground floor level providing active frontages of a type complementary to the station. The proposal would not prejudice the potential for the development of other sites within the Station Quarter Opportunity Area.

Office development

B1 Office development within the Railway Station Opportunity Area is listed as a potential use under policy CC12. The proposal would provide 13,010m² of new office floorspace within the city centre and the indicative plans demonstrate that the proposed quantum of office space could be accommodation within the site. In addition, the supporting text to policy CS3 of the Adopted Peterborough Core Strategy DPD states that one of the priorities for the Peterborough economy is to increase the supply of modern office space at higher densities in the city centre as such the equivalent of at least 3.5 hectares of employment land is proposed in the city centre. The proposal therefore accords with the provision of this policy. The development of further office floorspace is desirable in terms of the future well being of the economy and is welcomed.

Retail development

The scheme proposes A1/A3 uses at ground floor level which would provide active frontages and animation to the street scene. It is considered that this level of floor space would be complementary to the existing station and would not harm the vitality or viability of the central retail area and accords with policy CC12 of the Adopted Peterborough (First Replacement) 2005 and Policy CS15 of the Adopted Peterborough Core Strategy DPD.

Housing development

The scheme proposes 6 no apartments on the top floor of the office building. The site is a sustainable location adjacent to the railway station and within a few minutes walk to the bus station. The site is also well related to services and facilities that would serve the residential needs of the future occupiers of the apartments. The city centre is promoted as a location for a substantial amount of residential development under policy CS4 of the Adopted Peterborough Core Strategy DPD. One area for concern is the noise implications likely to arise from the railway station and details of noise mitigation measures would be secured by condition. The shared access arrangements for the residential and office units has been questioned, however this is an outline scheme and this issue can be considered further at reserved matters stage.

Hotel Accommodation

There is no objection to the loss of the hotel extension which is a later addition and is of low architectural merit. The extension to the hotel building would be complementary to the characteristics of the site and is an acceptable use as proposed under policy CC12 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Public realm

The creation of a large open space area to the south of the site is a positive element to the scheme and accords with a key objective of the Station Quarter Development Brief and the Public Realm Strategy and with the aspirations as set out under policy CS4 of the Adopted Peterborough Core Strategy DPD. The area currently has poor legibility from the station to the city centre. This element would enhance the sense of arrival to the city and clearly improve the way finding and define the route the city centre as well as creating an area of activity, accentuated by the ground floor shops and café spill out areas. The proposal accords with policy CS4 and CS16 of the Adopted Peterborough Core Strategy DPD.

c) Heritage Asset

The Great Northern Hotel is one of a limited number of surviving buildings which date from the days of the railway expansion period of the city in the 19th century. The building has been identified by the city council as a 'building of local importance' on the draft listing for its contribution to the character of the area, its historic significance and architectural interest and its retention is welcomed. The proposal includes the demolition of a 1970s extension to the east of the hotel building and outbuildings at the rear; and the erection of an extension to the rear of the existing hotel fronting the station. It is noted that a number of concerns have been raised regarding the detail of both the hotel extension and the new office development and it is acknowledged that the transition between the old and the new is an important element and further consideration is needed on this element of the scheme in order to preserve the architectural interest of the historic building. However, the application is in outline and the detailed design will be considered at reserved matters stage. The provision of a new public space to the south of the hotel would enhance its setting. The proposal does not offend policy CBE11 of the Adopted Peterborough Local Plan (First Replacement) 2005.

d) The scale and form of development

The application seeks outline planning consent to establish whether the quantum of development could be satisfactorily accommodated on the site. The appearance of the development is a matter that would be the subject of a reserved matters application. The proposed scheme has taken on board the comments provided by the Local Planning Authority in the pre application submission. The step treatment between the hotel and the office/commercial building to the east and hotel extension to the west now proposes setting the buildings back to create a shadow gap and junction between the new developments and the existing hotel building. The connections are designed to be constructed in glass to provide a clear visual separation between the new and the old.

An analysis of the heights of building in the immediate context has been submitted with the application. Directly to the south east is the Perkins Car Park which has 6 storeys and the multi storey car park on the eastern flank of Bourges Boulevard is of similar height. The Bourges Boulevard dual carriageway provides sufficient separation between the development site and the adjacent car parks to avoid a canyon effect. The characteristics of the site, its gateway location and surrounding built form lends itself to being able to accommodate a tall building. It is considered that the site can accommodate elements of 7/8 storey development without detriment to the immediate setting. The station area currently offers a poor sense of arrival and the proposal would provide a high quality landmark building and provide a sense of place which is important for the city's image in attracting major companies and investment in to the city.

The Civic Society has pointed to the ING development to the north of the site where a new area of public realm space is proposed and the possible overshadowing created by the 8 storey building. The concern regarding this aspect is noted, however, planning permission has been granted in outline only for the ING development and the relationship of the proposed scheme with that of the ING scheme would be considered under the reserved matters application.

e) Highway implications

The site benefits from excellent public transport links being immediately opposite the railway station and within 5 minutes walk of the bus station and in close proximity to the city centre and main shopping centre.

The current proposals represent a significant reduction in parking currently serving the existing hotel. Secure parking is provided for the hotel, residential and offices. The reduction in car parking accords with policy CC15 of the Adopted Peterborough Local Plan (First Replacement)

2005 which states that parking in the city centre should serve operational requirements and the needs of motorists with mobility difficulties. Measures to improve accessibility by means of transport other than the car should be provided in preference to new car parking. A Framework Travel Plan has been submitted with the application which is generally acceptable subject to the inclusion of target and robust measures to encourage alternative modes of transport other than the car. Once agreed the Framework Travel Plan will form part of a S106 agreement. It is proposed that 200 secure cycle spaces would be provided in line with policy CC16 of the Adopted Peterborough Local Plan (First Replacement) 2005. It is considered that the proposal would not unduly impact on the surrounding highway network and accords with policy CS14 of the Adopted Peterborough Core Strategy DPD.

Network Rail raises concern regarding the traffic movements resulting from the development both to the front of the hotel and the service area to the rear and in particular the manoeuvring of large vehicles into the service area. The proposals for the station are designed to minimise conflict by directing the public to enter and leave via the southern section of Station Road. Taxis and buses will still be permitted to use the route along the station frontage and the northern section. The Local Highway Authority considered that given the low levels of parking that the development would not cause significant transport problems. Tracking plans for large delivery vehicles are currently under consideration.

Network Rail wish to see contributions secured for enhancements to the Station Road as part of this development however, it should be borne in mind that because these roads are for the most part private this is not possible in planning terms. The LHA have requested developers to contribute to the Bourges Boulevard Enhancement Scheme which does include the two station access road junctions.

In respect of car parking it is assumed that, given the limited number of car parking spaces serving the hotel the developers would wish to limit any knock on effect on the station car parks; however, this is out of the control of the Local Planning Authority.

The Peterborough Local Transport Plan 3 identifies improvements to Bourges Boulevard which currently creates a major barrier and severance between the station and the retail core. Pedestrian permeability is poor and there are limited crossing points for visitors arriving at the station who are presently forced to use either subways or the footbridge over Bourges Boulevard. The indicative plans included in the Design and Access Statement show an 'at level' pedestrian/cycle route crossing Bourges Boulevard and a number of concerns have been raised regarding this aspect. The plans however, are indicative and this detail is not under consideration as part of the outline application. Improvements to the Bourges Boulevard and improved connectivity with the Queensgate Shopping Centre/City Centre are under consideration and a financial contribution is sought through this proposal towards those improvements. The proposal accords with policy CS4 of the Adopted Peterborough Core Strategy which seeks to improve connectivity with the City Centre.

f) Landscape Implications

The site contains trees that are protected by Tree Preservation Orders (TPO) to the south of the site and mature trees to the north and east. The trees are considered to add positively to the visual amenity of the area giving the current site a particularly verdant feel. The application is supported with a tree survey, arboricultural implications report and arboricultural method statement which have been considered by the Landscape Officer. In his view the trees have been made to fit the design rather than the tree constraints informing the layout. The indicative layout would require the removal of trees along the northern and eastern boundaries. Although some of the trees are within category A and B, many of the trees highlighted for removal are diseased, in poor condition or would be better replaced with a more appropriate specimen. For example the Group B Leyland Cypress trees to the east of the site provide good screening qualities however, the report states that the management of these trees would become increasingly difficult in the future. Inside the site the proposed car parking layout implicates the removal of Group A trees within the site. The report notes that while the trees are of reasonable quality their value is predominantly limited to the site. Whilst it is preferred that these trees are retained, their retention would prejudice the development of the site and given that the site lies within a development opportunity area it is considered that the benefits of the redevelopment outweighs the need for the retention of these trees. Replacement tree planting will be considered as part of a comprehensive landscaping

scheme which would be considered at reserved matters stage. The proposal therefore accords with the principles of policy LNE9 of the Adopted Peterborough Local Plan (First Replacement) 2005.

g) Ecology

The wildlife officer has recommended that the trees to be felled and buildings to be demolished be assessed for the presence of bats to determine whether further survey work is required. If this is the case then the surveys should be carried out and a report containing details of measures to mitigate any impact on biodiversity would need to be agreed prior to determining the application. It is considered that the likelihood of bats being present would be low given that the building is currently still used but an initial assessment is currently being undertaken and the information would be provided as an update to Members. The Wildlife Officer welcomes the provision of green roofs. A condition would be appended to ensure trees are not felled within the nesting season and to agree features that would support biodiversity gain. The proposal accords with policy CS21 of the Adopted Peterborough Core Strategy DPD.

h) Archaeology

Iron Age, Roman and medieval artefacts have been found in the area and there is the potential for the site to include heritage assets with archaeological interest. In accordance with policy CS17 of the Adopted Peterborough Core Strategy a desk based assessment has been prepared and submitted with the application. A condition requiring a programme of archaeological work to include a written scheme of investigation would be secured by condition in accordance with the requirements of the National Planning Policy Framework Section 12 and policy CS17 of the Adopted Peterborough Core Strategy DPD.

i) Environment Capital

The aspiration is for the development to achieve a BREEAM Excellent rating for the commercial space and Code Level 4 for the residential. The development would be designed to be a low carbon development and to exceed the minimum Building Regulations Requirement. The proposal will seek to deliver the aspirations outlined within policy CS11 'Renewable Energy' in the detailed design stage. The scheme also proposes green roofs to reduce run off and enhance biodiversity gain. The proposal accords with the provisions of Policy CS10 of the Adopted Peterborough Core Strategy DPD.

j) Crime prevention

The development is not compromised by excessive permeability caused by the inclusion of too many routes through the site. Vehicle, pedestrian and cycle routes are visually open, direct and well used and are not segregated. The Police Architectural Liaison Officer has advised that the undercroft parking areas should be gated. The application states that contact would be made with the local Crime Prevention Design Adviser before any detailed scheme is submitted which will need to provide details on CCTV, Anti-terrorism measures and Airwave connectivity in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

k) S106 obligations

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

POIS contributions

- Commercial use (A1 Retail/A3 Restaurant) – 1,602m² - £54,067.50
- Office Space (B1) 13,010m² - £58,545.00
- Residential (3 x 3-bed flats and 2 x 2-bed flats) - £27,000

Section 106 Matters

- Completion of Travel Plan and monitoring fee - £3,750
- Contribution towards Bourges Boulevard Enhancement Works - £1,000,000

The contributions are considered to be reasonably related to the development and accord with the

tests as set out under regulation 122 in respect of Community Infrastructure Levy.

l) Issues raised not covered in the report

- Inconsistency of plans – The plans are indicative and the scheme is not seeking approval of layout or elevation detail at this stage
- The Council should consider the compulsory purchase of the Network Rail short stay car park – this is not considered to be in the wider public interest for the City Council to enter into any compulsory purchase due to size and scale of land and nature of development proposed. The development of the site is not essential to include this piece of land.
- Loss of hotel conference facility and future viability of the hotel – The owners of the hotel would not prejudice the viability of their business. The Local Planning Authority could not insist upon its retention. Increased viability it likely to result from the increase number of bedrooms available.
- A wind survey should be undertaken to assess impact of taller buildings – This is not considered necessary in this instance. This is a city centre site where taller buildings are considered acceptable. Both the application under consideration and the ING scheme are outline proposals and the exact relationship between buildings would be considered at the reserved matters stage.
- The floorspace to the balconies are outside the application site and have been included in the floor space. The floor space should be checked and revised certificates requested - The quantum of floor space is supported; the precise layout is not agreed at this stage.
- The holding of a public exhibition for 6 hours on the afternoon of a working day is inadequate – There is no set requirement for style and length of public consultation.

6 Conclusions

- The proposal would provide 13,010m² of new office floorspace within the city centre and the site can accommodate the quantum of development within the indicative heights without detriment to the immediate context;
- The proposed A1/A3 uses would provide active frontages and are complementary to the existing station;
- The site is also well related to services and facilities that would serve the residential needs of the future occupiers of the apartments;
- The extension to the hotel building would be complementary to the characteristics of the site and would enable the continued operation of one of Peterborough's historic asset;
- The public realm would enhance the sense of arrival to the city and improve the legibility to the city centre;
- The proposal would not unduly impact on the surrounding highway network;
- The proposal does not have an unsatisfactory impact on any ecological feature or trees of significant value;
- the proposal makes satisfactory and justified off site provision towards improvements to Bourges Boulevard a contribution towards the social and physical infrastructure demands that it will place on the city; and
- The proposal would provide a high quality landmark building important to the city's image and would not prejudice the potential for the development of other sites within the Station Quarter Opportunity Area.

Hence the proposal accords with policies CC12, CC15, CC16, LNE9 and LNE10 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS3, CS4, CS10, CS12, CS13, CS14, CS16, CS17, CS21 and CS22 of the Adopted Peterborough Core Strategy DPD 2011 and the National Planning Policy Framework.

7 Recommendation

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

C 1 Approval of the details of the siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter

called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to 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.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

C 3 Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

C 4 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 to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

C 5 No development approved by this planning permission shall be commenced until:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause a risk to human health or pollution of Controlled Waters and in accordance with the National Planning Policy Framework.

C 6 Construction work should not begin until a scheme for protecting the proposed residential apartments from noise has been submitted to and approved by the local planning authority; all works which form part of the scheme should be completed before any part of the noise sensitive development is occupied.

The World Health Organisation has provided guidance that "general outdoor noise levels of less than 55dB LAeq are desirable to prevent any significant community annoyance" and that "a level of less than 35dB(A) is recommended to preserve the restorative process of sleep". These recommendations should be regarded as the maximum noise levels to be permitted within or around the noise sensitive development.

Additional guidance on suitable internal noise levels can be found in BS 8233:1987 and in WHO Guidelines for Community Noise. The Building Research Establishment document "Sound Control For Homes" (ISBN 0-85125-559-0) provides guidance on scheme design and controlling external and internal noise.

Reason: In order to protect the amenity of the future occupiers and in accordance with policy H16 of the Adopted Peterborough Local Plan (First Replacement) 2005 and the National Planning Policy Framework.

- C 7 All ventilation of steam and cooking fumes from commercial kitchens to the atmosphere should 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 should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences.**

Where mechanical extract ventilation is used, Sound Power Level (SWL) data is required by this Department to enable an adequate assessment of the likely impact on local residents.

Reason: In order to protect the amenity of the future occupiers and in accordance with policy H16 of the Adopted Peterborough Local Plan (First Replacement) 2005 and the National Planning Policy Framework.

- C8 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation and evaluation by trial trenching has been submitted to, and approved by, the local planning authority in writing. The Scheme shall thereafter be implemented as agreed.**

Reason: to secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Policy CS17 of the adopted Peterborough Core Strategy DPD and the National Policy Framework Section 12.

- C9 A community safety and crime reduction strategy shall be submitted to and approved in writing by the Local Planning Authority as part of any subsequent reserved matters application. This shall include details of measures of address anti terrorism, CCTV coverage, Airwave connectivity and lighting to ensure safety of access, clarity of views in public spaces and co-ordinated with city wide CCTV coverage. Development shall be implemented in accordance with the approved details and retained as such in perpetuity.**

Reason: In the interests of general amenity and crime prevention, in accordance with Policy CS16 of the Core Strategy DPD 2011.

- C10 No development shall commence until a surface water disposal scheme has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the works have been carried out in accordance with the approved scheme unless otherwise approved in writing by the Local Planning Authority.**

Reason: To prevent environmental and amenity problems arising from flooding and in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD.

- C11 (a) Works shall be carried out in strict accordance with the tree survey/tree protection measures submitted in support of this application dated 9th January 2012 which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree**

Preservation Order currently in force; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

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

C12 A scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority as part of any subsequent reserved matters application. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

The scheme shall include the following details:

- Proposed finished ground and building slab levels**
- Planting plans for replacement trees, species, numbers, size and density of planting**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005.

C13 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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

C14 The development shall achieve as a minimum, an energy efficiency of 10% above the Building Regulations standard at the time of Building Regulations being approved for the development, unless this requires a zero carbon development.

As an alternative to the above energy efficiency requirement, a proposal which exceeds other requirements in policies CS10 and CS11 of the Adopted Peterborough Core Strategy and which is considered by the Local Planning Authority to be of greater benefit in achieving those policy objectives may be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to deliver energy efficiencies in accordance with Policies CS10 and CS11 of the Adopted Peterborough Core Strategy DPD.

C15 A maximum GIA of 13,010m² B1 (Office) floorspace, a maximum GIA of 1,602m² A1/A3 (commercial) floorspace and a maximum 6 residential apartments (3 x 3-bed and 3 x 2-bed) will be provided within the development. The detailed layout of the development shall be submitted to and approved in writing as part of the reserved matters application

Reason: To enable the Local Planning Authority to control the amount of development on this site and in accordance with policies CS16 and CS17 of the Adopted Peterborough

- C16 A maximum GIA of 801m² A1 (retail) floorspace and a maximum GIA of 801m² A3 (restaurant/café use) will be provided within the development. The detailed layout of the A1 and A3 units will be submitted to and approved in writing as part of the reserved matters application**

Reason: In order to protect the vitality and viability of the City Centre in accordance with CS15 of the Adopted Peterborough Core Strategy

- C17 Measures to enhance and encourage biological gain within the site shall be submitted to and approved in writing by the Local Planning Authority as part of any subsequent reserved matters application. The enhancements shall include:**

- a range of bird and bat boxes that cater for a number of different species such as House Sparrow, Starling & Swift as well as for Bats.
- details regarding numbers, designs and locations of the bird and bat boxes should be provided by the applicant

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy and PPS9

- C18 Prior to the occupation of any of the development hereby approved, the parking, turning/loading and unloading areas shall be laid out on site in accordance with the approved details and thereafter used for no other purpose than the parking, turning and loading/unloading of vehicles in connection with the development.**

Reason: In the interest of the safety of the users of the public highway in accordance with policy CS14 of the Adopted Peterborough Core Strategy DPD.

- C19 Prior to the first occupation of the development; an enclosed and secure cycle shelter to accommodate 200; cycles shall be installed on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. That area shall thereafter be retained for the purpose of cycle parking in connection with the use of the approved; in perpetuity.**

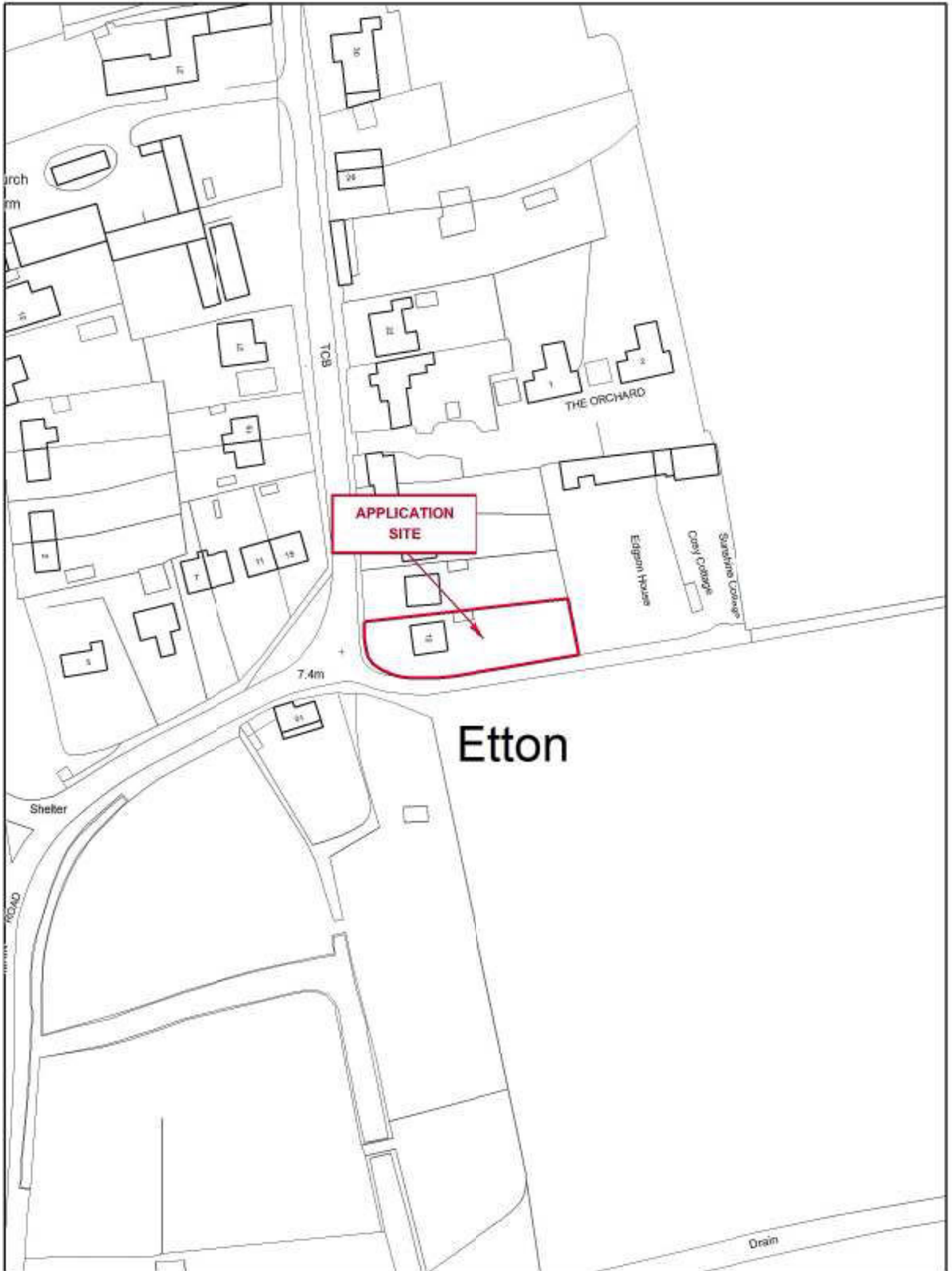
Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policy T9 of the Peterborough Local Plan (First Replacement) 2005.

- C20 Prior to the commencement of the development details of the footway/cycleway link from the site to the existing designed pedestrian/cycle crossing point on the station approach road shall be submitted to and approved by the Local Planning Authority. The link shall be implemented prior to the occupation of any of the development.**

Reason: In the interest promoting the use of non-car modes to visit the site in accordance with Policy CS14 of the Adopted Peterborough Core Strategy DPD.

Copy to Councillor Mohammed Jamil, Councillor Nazim Khan MBE and Councillor Mohammed Nadeem

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LOCATION PLAN 12/00609/HHFUL

12 Main Road, Etton, Peterborough PE6 7DA

Scale NTS **Date** 28/6/2012 **Name** AA **Department** Planning Services



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Application Ref: 12/00609/HHFUL

Proposal: Proposed single storey side and rear extensions with additional living space in roof

Site: 12 Main Road, Etton, Peterborough, PE6 7DA
Applicant: Mr Kevin Fordham

Agent: L Garfield (Builders Ltd)

Referred by: Cllr Hiller
Reason: Over development, impact on neighbours, impact on conservation area
Site visit: 16.05.2012

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@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 site is a detached 1960's chalet style dwelling of brick and tile construction, located within the Etton Conservation Area, adjacent to the edge of the village envelope. The dwelling is one of three similar chalets; the other two have been altered by in one case the insertion of a dormer window and the other a porch. The site is enclosed by a large conifer hedge at the southern boundary and a mix of fencing and shrubbery for other site boundaries. The dwelling sits within a generous plot and there is parking for at least two vehicles to the front of the property.

Proposal

Permission is sought for the erection of two storey side and rear extensions and a single storey extension. The two storey side extension will measure 4.25 metres wide by 8.4 metres deep, with a dual pitch roof measuring 2.5 metres above ground level at the eaves and 6.3 metres at the apex. The two storey rear extension will project beyond the rear wall of the existing dwelling by 3.75 metres, matching the 7.0 metre height of the existing dwelling. The single storey rear extension will measure 4.05 metres deep by 2.5 metres wide and will be located to the side of the proposed two storey rear extension.

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.

CS17 - The Historic Environment

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

Peterborough Local Plan (First Replacement) (2005)

LNE09 - Landscaping Implications of Development Proposals

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

4 Consultations/Representations

Wildlife Officer (26.06.12)

Landscaping: I note that the proposals involve the removal of the existing conifer hedgerow. Should this take place, I would recommend that it is replaced with a native hedgerow to include species such as Hawthorn, Hazel, Blackthorn, Dogwood and Wild Privet.

Nesting Birds: The hedge is likely to provide suitable habitat for nesting birds during the nesting season (1st March to 31st August). I would therefore recommend that a condition such as outlined in EC04 of the standard conditions be attached.

Bats: I note that bats have been observed foraging in the area, however this property is likely to have a low potential to support roosting bats. In the unlikely event that any bat is encountered during works then operations should cease immediately and a qualified ecologist contacted.

Parish Council

No comments received

Conservation Officer (31.05.12)

The proposal has been amended in line with my previous comments (as the front wall of the side extension has been set back by 45cm and the ridge line has been dropped by 70cm in order to make the extensions appear subordinate to the host dwelling) and I no longer wish to sustain any objection to the proposal.

The loss of the conifer hedge (although non native) will be detrimental to the setting of the conservation area. The applicant should be encouraged to set back the new close boarded fencing 600 or 700 m from the boundary so that a native or more naturalistic hedge could be replanted.

I have no objection to the use of sun pipes. However the proximity of those proposed run the risk of appearing too cluttered. I request a condition requiring manufacturers details of the proposed units together with their exact location.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 3

Total number of objections: 2

Total number in support: 0

Two objections have been received which raise the following concerns:

Overshadowing/loss of Light

The proposed extensions are in reality 2 storey extensions, due to the nature of the rooms being created in the roof, which will overshadow and reduce natural light into our 1st floor bedroom, kitchen, and lounge patio, ground floor conservatory, ground floor family room and rear garden. The drawings issued for the planning application do not show the relationship between our property, as the next door neighbour, being 14 Main Road and the proposed development works.

Loss of Hedgerow / Trees

The proposed removal of a long lived well established hedgerow and wildlife habitat; the site plan As existing refers to a low level post and wire fence to the southern boundary of 12 Main Road and

Date: 26.06.2012

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does not make any reference to the existing long lived well established conifer, leylandii & hawthorn hedgerow, this being the existing demarcation / boundary line between the residential area and the open countryside/farmland. This boundary hedgerow also being a significant habitat for wildlife. The plans do not make any reference to the protection/retention of this hedgerow. The retention of existing trees contained within the garden of 12 Main Road; the plans as submitted do not make any reference to the protection/retention to any of the existing well established trees.

Bats

The applicant has not properly considered the impact of the proposal on bats. We confirm that we have for last two years witnessed a colony of bats feeding at dusk through the rear garden of 12 Main Road and would wish that the colony not be disturbed unnecessarily.

Over Development & Overbearing Impact

Visually overbearing impact; due to the size, depth, width and height of the proposed extensions they would have an unacceptable effect on the scale and character of the dwelling. The drawing show that the footprint of the building is to be increased by some 120%

Street Scene

After the removal of the hedgerow this development would have a detrimental effect on the street scene of both Main Road and the bridal way.

Boundary Treatment

The existing site plan shows a 1800 timber fence on the border between my property and 12 Main Road Etton. This is incorrect. There is just a ranch style fence along the border, and either side of that fence are various hedging plants. I would object to a 6ft panel fence being erected along the border as I do not think it would be in keeping with the area and I believe the hedge plants offer a much more natural and pleasant border between the two properties.

Access

Full access must remain via the track to my property (and to my neighbours to the east of Edgson House) during any building work at all times.

Water Supply

Reassurance required that water supply to my property will not be affected at any time during the proposed development.

5 Assessment of the planning issues

The main considerations are

- The impact upon the character of the Etton Conservation Area
- The impact upon the amenity of the occupiers of neighbouring dwellings
- The impact upon wildlife

The impact upon the character of the area

The submitted plans appear to show that the established coniferous hedge acting as the site boundary will be lost as part of the proposal. The conservation officer raised this as a concern as did the two objections received. These concerns have been put to the applicant but at the time of writing no change to the proposal has been received. Notwithstanding this as the Conservation Officer highlights in his comments the loss of this hedge cannot be resisted and does not benefit from protection. The hedge does not enjoy protection under the Conservation Area legislation and so could be removed by the occupier of the property at any time. As such, the proposal cannot be opposed on the grounds of the loss of the hedge.

The extension more than doubles the footprint of the dwelling but it is considered that the configuration of these extensions, in combination with the site's location within the streetscene combine to mitigate the impacts that might arise from such a substantial extension. Although described within this report as a two storey extension, the proposal is visually closer to a 1.5 storey extension (as the first floor accommodation is in the roof void), the 6.3 metre overall height and 2.5 metre eave height are relatively modest.

The proposal does represent a significant change in the appearance of the host dwelling but this is not necessarily harmful. The existing dwelling is of little merit, especially when compared to some of the historically significant buildings within the locality and it is therefore not considered to be crucial to try to completely preserve the character of the host dwelling.

The proposal is not considered to be harmful to the setting of the adjacent listed building Corner Cottage which is located over 25 metres away. This is considered sufficiently far from the application site as not to be impacted on by the proposal. Views of corner cottage are from Main Street or from the track adjacent to the application property are unaffected by the proposal. It should be noted that the Conservation Officer has raised no objections regarding the impact upon the adjacent listed building.

The applicant has revised the proposal in line with conservation officer comments, the front wall of the side extension set back by 45cm and the ridge line dropped by 70cm and it is now considered that the officer has no objections to the proposal.

The impact upon the amenity of the occupiers of neighbouring dwellings

It is considered that the two storey side extension will have no impact upon the amenity of the occupiers of neighbouring dwellings. However the two storey rear and single storey side/rear extensions do have some impact.

The proposal will result in some overshadowing of the neighbours conservatory and rear amenity space close to the dwelling, during the winter months (October to March). The single storey element that is to be constructed adjacent to the site boundary is not considered to be harmful to the amenity of the occupiers of neighbouring dwelling. It will cause no more overshadowing than the full height extension that it is attached to.

The impact upon wildlife

An objector has stated that the application site is home to a colony of bats and that they would not wish to see this colony affected by the proposed alterations. The Wildlife officer has been consulted in response to this representation and has stated that the existing dwelling has a low potential for bats as the dwelling is structurally sound. As stated above, the hedge which could be a habitat for wildlife can be removed without permission and therefore it would be unreasonable to refuse the application on the basis of the loss of the hedge. The Wildlife Officer has requested that the standard bird nesting condition be appended to any permission and that any replacement planting be native species, a landscaping condition will also be appended to the permission requiring details of all new and proposed planting and for details of all boundary treatments, to ensure a satisfactory treatment for the village envelope boundary.

Although not specifically detailed within the application documents observations on site suggest that none of the sites established trees will be affected directly by the building works as they will be clear of the foundations of the proposed alterations. Notwithstanding this all trees with a stem diameter of 75mm when measured at 1.5 metres above ground level are protected due to their location within a conservation area, this is considered to be adequate protection given that no trees are proposed to be felled as part of the application.

Objections received

Some of the matters raised by the objectors have been dealt with above. The additional points raised shall be dealt with below.

Boundary Treatment - The replacement of the ranch style fence between the application site and Edgson House can be undertaken under permitted development and so is not a matter over which we have control.

Disruption to Water Supply During Construction Phase – This is not a matter over which planning has control.

Access Track being Blocked During Construction Phase – This is not a matter over which planning has control.

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 amenity of the occupiers of neighbouring dwellings; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011.
- The proposal will not harm the character of the Etton Conservation Area; in accordance with policy CS17 of the Peterborough Core Strategy (DPD) 2011.
- The proposal will not result in the loss of natural features that make a positive contribution to the local environment; in accordance with policy LNE9 of the Peterborough Local Plan (First Replacement) 2005.

7 Recommendation

The Head of Planning, Transport and Engineering Services 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 external materials used to construct the roofs and walls of the development shall match in size, colour and texture those used on the existing house.

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

- C 3 In the event that the existing hedgerow that fronts Main Street and extends adjacent to the track at the side of the application property is removed, it shall be replaced by a hedgerow within the first available planting season as follows:

Double staggered row, 30cm centres, with 7 plants per linear metre which each plant being protected by a 400mm high plastic spiral rabbit guard supported by a 750mm stake or cane.

The species mix should be as follows:
40% Hawthorn (*Crataegus monogyna*)
30% Hazel (*Corylus avellana*)
10% Blackthorn (*Prunus spinosa*)
10% Field Maple (*Acer campestre*)
10% Holly (*Ilex aquifolium*)

- C4 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless a report has been submitted to the Local Planning Authority that demonstrates that there are no nesting birds present in the hedgerows being removed.

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

- C5 Prior to the commencement of development manufactures details and the precise location of the sun pipes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

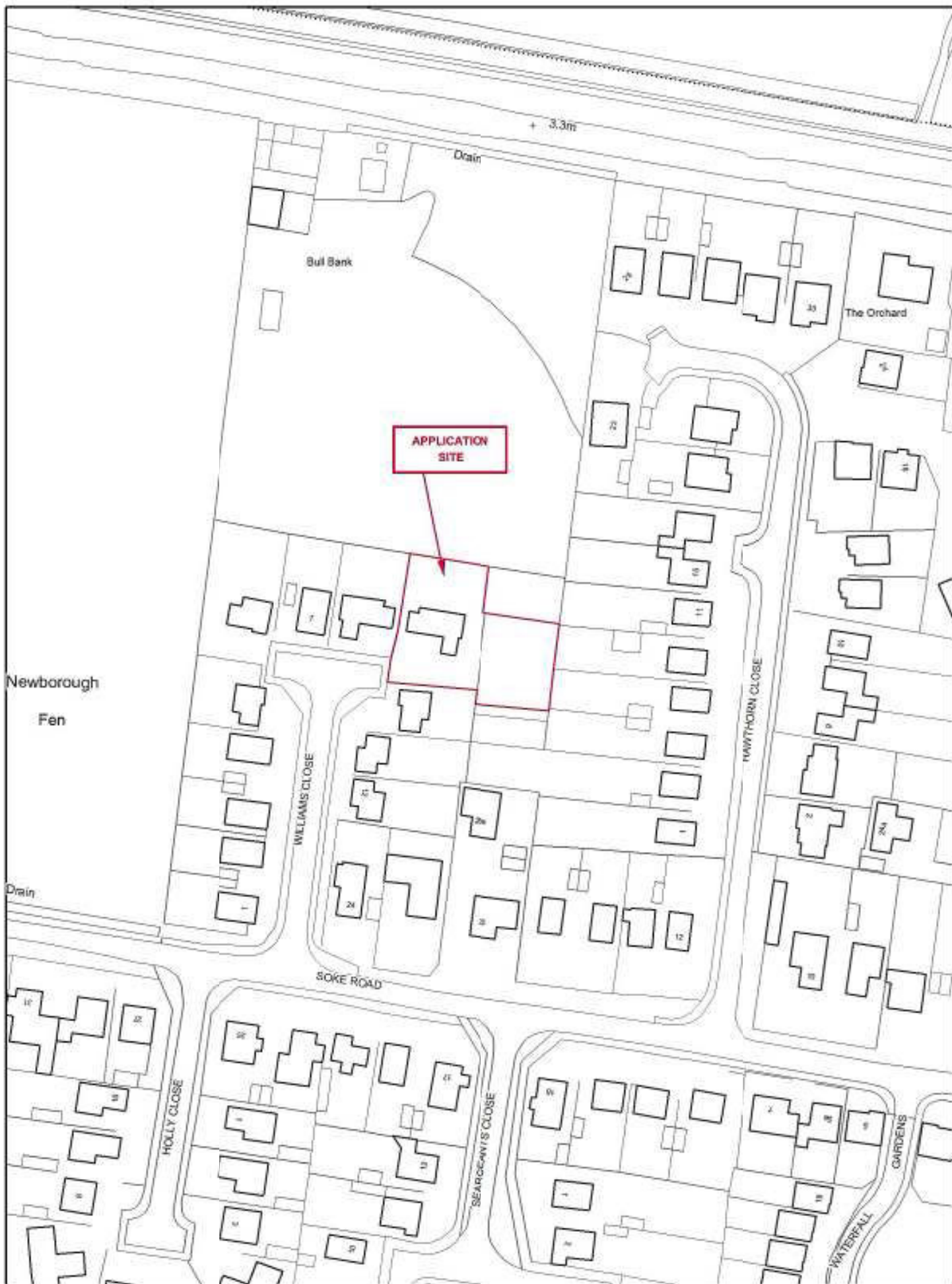
Reason: In order to preserve the special architectural and historic character of the Etton Conservation Officer in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), PPS 5 and Policy CS17 of the adopted Peterborough Core Strategy DPD.

Copy to Councillor Peter Hiller

Date: 26.06.2012

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LOCATION PLAN 12/00758/NONMAT

9 Williams Close, Newborough PE6 7RZ

Scale NTS

Date 29/6/2012

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

PCC GIS

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Application Ref: 12/00758/NONMAT

Proposal: Non-material amendment to planning permission 06/01257/FUL - Erection of single storey dwelling and detached single garage

Site: 9 Williams Close, Newborough, Peterborough, PE6 7RZ

Applicant: Mr A Nelder

Agent: Mr R Garnett
ARC Survey and Design

Referred by: Cllr Harrington

Reason: The position of the proposed dwelling does not match the original drawings as the proposed dwelling is sited 1.5m away from no 7 Hawthorne Close boundary instead of 2.4m stated in the plans. This will lead to loss of privacy, overbearing and loss of landscaping.

Site visit: 22nd June 2012

Case officer: Miss A McSherry
Telephone No. 01733 454416
E-Mail: amanda.mcsherry@peterborough.gov.uk

Recommendation: The amendment sought can be considered to be a non material amendment to 06/01257/FUL

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

Site and Surroundings

The application site is located within the limited growth village of Newborough. Williams Close is a residential cul de sac consisting of a mixture of single storey and two storey residential properties. The application site was formerly part of the garden of No.9, which is a single storey detached dwelling. The application site is located at the end of the street set back from the road in a corner position.

The properties on Hawthorn Close to the east of the application site are chalet bungalow style residential properties.

Proposal

Planning permission was refused under planning reference 06/01257/FUL for a single storey dwelling and detached single garage on the site. This decision was overturned at appeal and planning permission was allowed.

A non material amendment is being sought to planning permission 06/01257/FUL to position the bungalow closer to the eastern boundary of the site. The foundations have been installed on site and it has been found that the distance between the bungalow and the boundary varies between 1.5 and 1.9m due to the irregularity of the boundary. The approved position under planning permission 06/01257/FUL was 2.4m, the plans did not show the irregular nature of the boundary correctly. Therefore the property has moved between 0.5m and 0.9m closer to the eastern boundary.

This application is to consider the change to the building position on site only.

2 Planning History

Reference	Proposal	Decision	Date
06/01257/FUL	Erection of single storey dwelling and detached single garage	Application Refused	06/02/2007
06/00596/FUL	Erection of one and a half storey dwelling	Application Withdrawn	08/06/2006

3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

4 Consultations/Representations

Councillor D Harrington

Refers the application to Committee as the change will lead to loss of privacy, loss of landscaping and be overbearing.

Local Residents/Interested Parties

Initial consultations: 10

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

3 Objections received from residents in Hawthorn Close and Williams Close. The concerns raised are:-

- This is manipulation of the planning system
- The development should be build in accordance with the approved plans of the Inspectors decision
- Detrimental to the amenity of existing residents
- Incorrect measurement information in the original planning application
- The applicant did not advise the planning department that the piles were not in the approved position
- The residents were against the original decision as where the Council, but residents have had to accept the decision of the Planning Inspector
- Built too close to the neighbouring boundary
- Threat to the boundary trees and hedges belonging to residents in Hawthorn Close
- The boundary planting has been cut back removing privacy

5 Assessment of the planning issues

The main considerations are:-

a) Non material amendment applications

This is an application under s.96A therefore it is not an application for planning permission; it is an application for a non material amendment to a previous planning permission.

Section 96A of the Town and Country Planning Act 1990 was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008, to allow a mechanism to make non-material amendments to planning permissions.

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme – what may be non-material in one context may be material in another. The local planning authority must therefore be satisfied that the amendment sought is non-material in order to grant an application under s.96A.

Therefore Members are only been asked to consider:-

- the change in the position of the building,
- the effect of this change,
- the comments of neighbours in respect of this change, and
- whether they consider the change to be non material to the original planning permission.

Therefore in reaching a decision on this proposal Members would not be reissuing the original planning permission as this still stands, regardless of this decision. Members are only being asked to consider the non material amendment that is being sought. The non material amendment can either be approved or refused. The applicant has no right of appeal.

b) The impact on neighbours

The single storey nature of the bungalow would prevent any overlooking into any of the surrounding neighbouring gardens. The only window proposed on the east elevation is an en-suite bathroom window.

The bungalow whilst being closer to the properties on Hawthorn Close would still be positioned in excess of 25m from the rear of these properties therefore it is not considered the proposed alteration to the bungalows position could be considered detrimental to the amenities of the occupiers of these properties in terms of any harmful overbearing or overshadowing impact.

c) Impact on the character of the area

The Planning Inspector in his decision on planning permission 06/01257/FUL stated

'The existing plot is a relatively generous corner plot which extends to some depth towards the rear boundary of properties on Hawthorn Close. I consider that it is capable of accommodating the proposed development without harm to the character of the area.'

Officers do not consider the change in proximity to the eastern boundary now proposed would alter this view and still consider that the amendment being sought would not result in harm to the character of the area.

d) Impact on landscaping

When the Inspector granted the original planning permission he considered the impact of the new bungalow on the boundary planting with Hawthorn Close. He concluded that he did not believe there would be harm caused to this planting and discounted this as a reason to prevent the development.

Members need to therefore consider whether the change of proximity to the trees from the approved 2.4m, to the distance now, between 1.5m to 1.9m would be harmful.

The existing boundary tree and hedge planting is located within the rear garden spaces of the properties in Hawthorn Close. The overhanging boundary planting has been cut back on the application site, which the applicant is entitled to do under their common law rights. It is considered the remaining planting is still sufficient to afford an acceptable level of privacy for neighbouring sites.

The cutting back of the boundary planting and piling on site has already taken place, so any harm to the roots of the boundary planting will have already occurred, and cannot now be prevented.

The eastern elevation of the bungalow only contains a bathroom window; therefore it is not considered the closer proximity to this boundary would result in any pressure to cut back this boundary planting further.

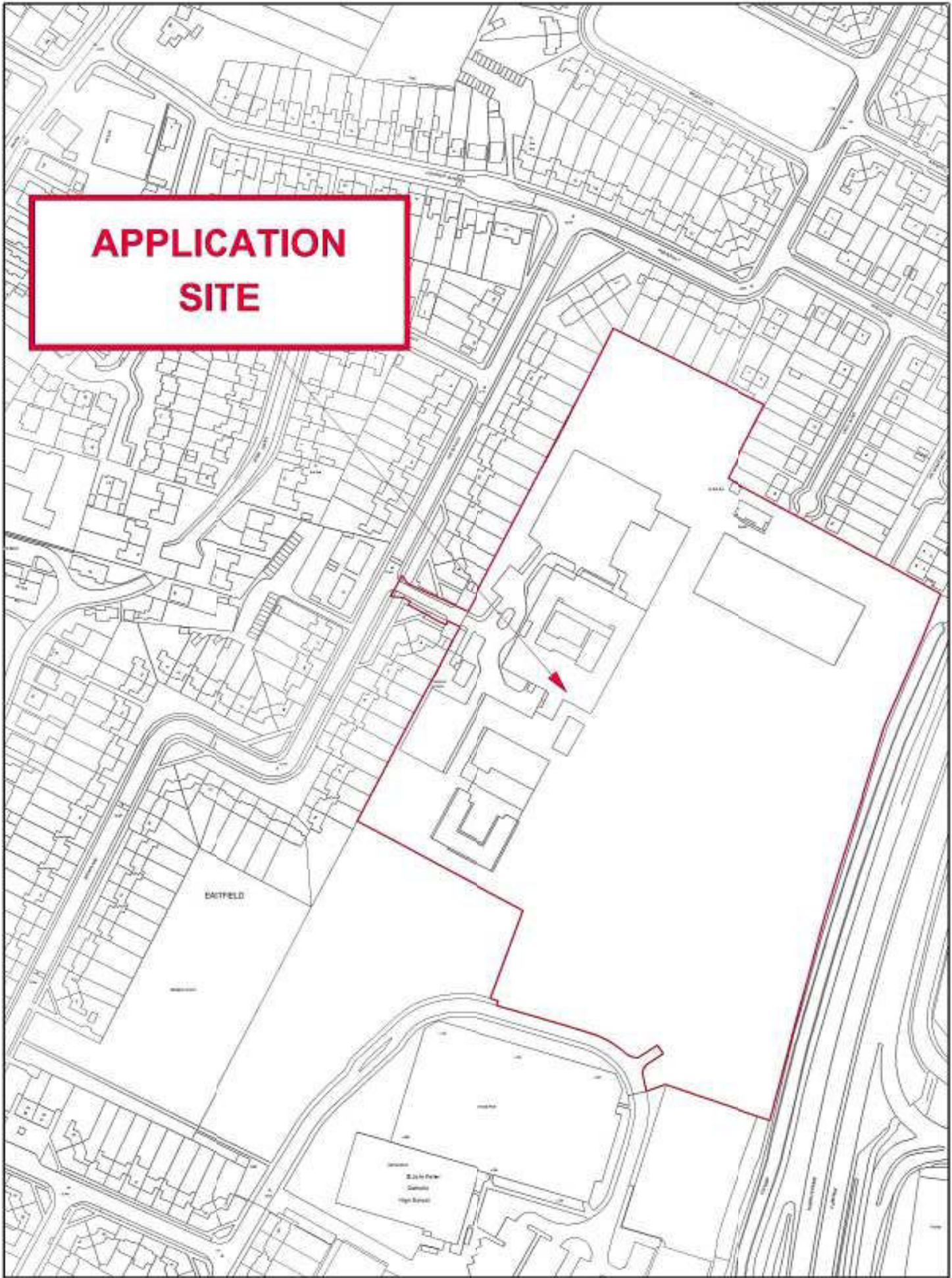
6 Conclusions

Officers do not consider the change to the position of the bungalow would result in any significant harm to the character of the area, the amenity of neighbours, or the boundary planting. It is therefore concluded that the proposal to locate the bungalow closer to the boundary by between 0.5m and 0.9m is an acceptable non material amendment to planning permission 06/01257/FUL.

7 Recommendation

The case officer recommends that the reduction in the distance between the eastern wall of the property and the boundary from the previously approved 2.4m to between 1.5 and 1.9m now, is an acceptable non material amendment to planning permission 06/01257/FUL.

Copy to Councillor David Harrington



**APPLICATION
SITE**

LOCATION PLAN 12/00717/R3FUL
City of Peterborough Academy, Former Hereward Community College
Scale NTS **Date** 28/6/2012 **Name** AA **Department** Planning Services



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Application Ref:	12/00717/R3FUL
Proposal:	Refurbishment and development of the former Hereward school buildings and site to create the new City of Peterborough Academy, work consists of refurbishment of the existing buildings including construction of a new two storey link block, two additional classrooms and a small extension to the changing rooms, demolition of existing plant room A new single storey Special Education Needs (SEN) school for 90 pupils will also be constructed on the site
Site:	City Of Peterborough Academy, Former Hereward Community College, Reeves Way, Eastfield
Applicant:	Peterborough City Council
Agent:	Ryder Architecture
Referred by:	Head of Planning, Transport and Engineering
Reason:	In the wider public interest
Site visit:	16.05.2012
Case officer:	Miss A McSherry
Telephone No.	01733 454416
E-Mail:	amanda.mcsherry@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 is the former Hereward Community College site. The site has not been used as a school since 2007; however Peterborough City Council have recently been using the buildings on a small scale informal basis for meetings, training space etc.

The site covers an area of 6.32 hectares, and comprises a mainly flat site, with school buildings, playing fields, car parking and landscaped areas.

The surrounding land uses are residential to the north and west, St John Fisher School to the south and Frank Perkins Parkway dual carriageway to the east.

The proposal comprises:

- To construct a new single storey Special Educational Needs School (SEN) of 2,414 sqm to accommodate 90 pupils.
- To refurbish and re-open the existing school buildings for the new City of Peterborough Academy
- Three extensions to the main school building:
 1. undercroft classrooms (200 sqm gross internal area (g.i.a)) extension in Block 1;
 2. a two storey link block between existing buildings (687 sqm g.i.a); and
 3. an extension to the sports changing rooms (19 sqm g.i.a)
- New internal vehicle access road, car parking and cycle parking. A total of 143 car parking spaces proposed and 136 cycle spaces with room for future expansion of the cycle parking facilities
- Resurfacing of the existing tennis courts

- Improvements to the existing grass pitches on the site
- Replacement of the existing disused multi use games area (MUGA) with a third generation (3G) surface.
- Refurbishment of the existing pavilion changing block for school and community use
- Re-location of wildlife area
- New elevation screen structures to the east and west elevations
- New pedestrian and cycle access to site from Viney Close
- Widening of the access road from Reeves Way to school
- Upgrading of two nearest bus stops to the site
- Landscaping

2 Planning History

Reference	Proposal	Decision	Date
07/01807/FUL	Construction of retirement complex comprising 260 apartments with associated communal facilities, car parking, amenity space, landscaping and access	Application Withdrawn	05/05/2010
07/01769/R4OUT	Residential development comprising up to 230 units with associated access road, car parking, amenity space and landscaping	Application Withdrawn	24/10/2011
99/00067/R3FUL	Site fencing (retrospective)	Application Permitted	21/07/1999
98/01166/R3FUL	Sports hall extension, new gym, changing rooms, stores and office	Application Permitted	25/01/1999

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)

CS10 - Environment Capital

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

CS13 - Development Contributions to Infrastructure Provision

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

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

CS19 - Open Space and Green Infrastructure

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

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 Local Plan (First Replacement) (2005)

T08 - Connections to the Existing Highway Network

Permission will only be granted if the access is onto a highway whose design/function is appropriate for the level of traffic which would be using it.

T09 - Cycle Parking Requirements (Outside the City Centre)

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

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

Parking should be provided in accordance with the identified standards.

T11 - Motorists with Mobility Difficulties

Provision of 1 space or 4% whichever is the greatest.

LT03 - Loss of Open Space

Development will not be permitted if it would result in a loss giving rise to a deficiency, unless alternative provision is made/ the loss is appropriately mitigated against.

LNE09 - Landscaping Implications of Development Proposals

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

LNE10 - Detailed Elements of Landscape Schemes

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

4 Consultations/Representations

Environment Agency

Objection – The revised flood risk assessment (FRA) does not comply with the requirements of the new technical guidance of the National Planning Policy Framework. Specifically this is in respect of the datasets used. Their objection can be overcome by the submission of a revised FRA to cover the deficiencies raised.

Anglian Water Services Ltd

No comments received

Building Control Surveyor

No objections - Building Regulations approval is required. Part M relating to disabled requirements is applicable.

Transport and Engineering Services

No objection – subject to imposition of planning conditions and the school engaging with Enterprise to ensure acceptable refuse/recycling collection arrangements are put in place, which will need to be outside of periods when children will be accessing or egressing the site.

Landscape Officer

Details of the tree survey information requested. The landscaping detail can be dealt with by condition.

Pollution Control Team

No objection – subject to conditions

Police Architectural Liaison Officer

Date: 07.06.2012

No objections – Comments made in respect of the fencing and access gates. The lighting proposals are adequate. The CCTV proposed is acceptable.

Wildlife Officer

No objection - subject to the imposition of conditions

Sport England

No objection – subject to the imposition of conditions

Drainage Team

No objection - Recommend a surface water drainage condition be imposed.

Archaeological Officer

No objection – Subject to the imposition of an archaeological trial trenching and watching brief condition.

Local Residents/Interested Parties

Initial consultations: 119

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No comments received

5 Assessment of the planning issues

The main issues are:-

a) Siting, design and layout of new development

The new SEN school has been designed at single storey height only, to respect the surrounding two storey residential properties and not significantly reduce their privacy or be overbearing. The design involves a central courtyard arrangement with classrooms surrounding it, with external play areas beyond to the side and rear of the building. It is considered that the siting, scale and design of this new building would be in keeping with the character and design of the existing school buildings, and would not have any adverse visual impact.

The refurbishment and proposed extensions to the main school buildings are also considered to be of an acceptable scale and design which is in keeping with the existing development. The new elevation screens proposed on the front and rear elevations of the main school building will add visual interest and give cohesion to the elevations.

b) Impact on neighbours

The extensions to the existing school buildings are all within the building lines of the existing building, positioned sufficient distance from surrounding residents as to not have any detrimental impact on their amenity.

The new SEN building will be positioned closer to the existing residents in Viney Close and some in Reeves Way, than the existing school buildings. It has been designed to be single storey high building only to prevent overlooking from first floor windows. It is not considered the new building would be overbearing for these adjacent properties or harmfully overshadow them. Willow screen fencing is proposed on the inside of the existing palisade fencing to provide privacy for residents and a landscape buffer strip is also proposed to protect amenity of neighbouring sites.

There will be new car parking proposed on site along the rear boundary of the residential properties in Reeves Way. It is considered the willow screen fencing should be continued along this boundary adjacent to the car parking to protect neighbouring amenity.

c) Highway implications

The vehicle access to the site would be via the existing access from Reeves Way. The access road from Reeves Way is required to be widened with alterations to the pedestrian footpaths and crossings as part of this proposal. The access road alterations are acceptable and will improve the existing situation and will provide better traffic flow in and out of the site, together with better provision for access for pedestrians and cyclists.

Emergency services and maintenance vehicles only will also be able to access the site from Viney Close; this is considered to be acceptable.

The main pedestrian and cycle access to the site will be as existing from Reeves Way. However it is proposed to install a pedestrian gate at the end of Viney Close that will be managed during the school day to allow pedestrian and cycle access only. Due to the narrow width of Viney Close and poor turning arrangement it is not considered this pedestrian gate would encourage parent drop off in this street. Particularly due to the proximity to the main gate in Reeves Way which is far more attractive in terms of drop off due to the larger length and width of the street.

d) Ecology

The application was submitted with a Phase 1 Habitat Survey and subsequent reptile, amphibian and bat surveys. The reptile survey found no evidence of reptiles being present on site; therefore no further action is required with regard to reptiles.

The bat surveys carried out found no evidence of roosts within the site. There was however, a low number of bats recorded utilising the site therefore the recommendations set out in the bat report e.g. the provision of a minimum of three bat bricks/ boxes to be incorporated into the site design and for light spillage to be minimised wherever possible, to avoid disturbance to bats and other species, will be secured by the imposition of planning conditions.

The detailed survey of the three ponds within the Environmental Study Area (ESA) found no evidence of Great Crested Newts, however numerous Smooth Newts and frogs were recorded breeding within this area of the site. The Ecological Report therefore recommends that the ESA is retained and enhanced for amphibians. However the development proposals go against this advice and show this wildlife area as an area of extended car parking.

Due to the layout of the site it does not seem possible to retain this existing wildlife area and provide all the required car parking for the school needs. Therefore whilst it is acknowledged that retention of the wildlife area and relocation of car parking would be the preferred solution, in the absence of suitable alternative location for the car parking it is proposed to create a new wildlife area on the site and relocate the existing amphibians to it, before removing this existing area for car parking. This will be secured by the imposition of a planning condition.

As per the ecological report, a condition is recommended to ensure that any site clearance takes place outside the bird nesting season (1st March to 31st August), to protect nesting birds as the habitats present may support them.

To enhance the biodiversity of the site, it is recommended bird nesting boxes as well as bat boxes are secured by condition and the use of wildlife friendly species in the landscaping scheme would be encouraged.

It is therefore considered subject to the above planning conditions, including an ecological strategy to secure the necessary ecological mitigation measures, including new habitat creation, that the proposal would be acceptable in ecological terms.

e) Trees

The site is not within a Conservation Area and there are no Tree Preservation Orders covering trees on the site.

There are a number of trees that will be felled as part of the proposed development but they are predominately low category trees, due to their poor condition, or small size and not ones that should prohibit, subject to suitable replacement planting, any new development. A new landscape

scheme is proposed for the site to mitigate for the landscaping to be lost, this will be secured by way of a planning condition.

The impact on the existing trees on site is considered to be acceptable, in accordance with Policy LNE9 of the Peterborough Local Plan (First Replacement) 2005, subject to a suitable replacement planting and protection of the trees to be retained on site.

f) Sport England

The main Academy will reuse the existing school buildings and will not encroach onto the main school playing field to the east of the school buildings. This playing field currently covers an area of approximately 3.3 hectares and will be marked out for senior football x2, junior football x1, cricket x1, rounders pitch x2, 400m grass running track x1, athletics field event facilities and training/practice facilities.

The land of the proposed SEN school is a separate grassed area to the main playing fields which does not appear to have been used historically for sports pitches and is not large enough for senior or junior pitches. The land could however be used as a general training/warm up area therefore its loss for sport purposes needs to be weighed against potential benefits to sport in approving this overall scheme.

The proposal has the following benefits to sport for both school and local community:

- Bringing back into use existing outdoor and indoor sports facilities (the site also contains a 3 court sports hall and ancillary 1 court hall) and making them available for wider community use
- Improvements to indoor facilities referred to above (including associated changing facilities) to make them suitable for both school and community use
- Laying of new artificial/natural turf cricket pitch and associated cricket nets for school and community use
- Improvements to existing grass pitches to make them suitable for school and community use
- Existing synthetic pitch to be re-surfaced with 'third generation' (3G) surface
- Existing tarmac tennis courts to be re-surfaced and re-painted

It is therefore considered overall that the proposals deliver significant sporting benefits to school and community, bringing back into use and enhancing sports facilities that have been largely unused since the Hereward Community College closed in July 2007.

It is also accepted that the amenity grassland which will house the new SEN building has only a limited value in terms of potential for additional pitch use, and it is noted that this land does not appear to have been used for formal sports provision when the site was last used as a school.

Sport England are therefore satisfied that the benefits to sport from the new and/or enhanced facilities together with the improved community access to them outweigh any detriment caused by the loss of part of the former playing field.

Sport England is satisfied that the proposal meets exception E5 of their policy, in that the proposal includes new/enhanced indoor or outdoor sports facilities, where the benefit to the development of sport would outweigh the detriment caused by the loss of playing field.

g) Energy efficiency

It is proposed to remove the existing oil fired heating boilers in the main school and replace them with new high efficient gas fired heating and hot water plan, this will reduce the carbon impact of the building by about 30%. It is also proposed to improve the lighting systems, metering, building management controls and ventilation systems with some combined heat recovery systems. Together with the use of air source heat pumps for selected areas of the building.

For the new SEN building it is a requirement to achieve 10% better than Building Regulations in terms of target emissions, and this would be secured by way of a planning condition. It is proposed to achieve this target under a hierarchy of passive measures, energy efficiency and

finally renewable technologies. These are likely to include:-

- Thermal envelope improvements and passive solar control - through roof design and glass specification
- Air tightness improvements
- Daylight driven lighting systems
- Natural ventilation to all appropriate areas
- High efficient heating and hot water generation equipment
- Radiant ceiling heating panels
- Inverter driven pumps and fans
- Low energy fans
- LED lighting to circulation and classrooms
- Photovoltaic installation

This approach is considered to be acceptable and in accordance with Policy CS10 of Peterborough Core Strategy.

h) Drainage

A Flood Risk Assessment has been submitted. The site is in low flood risk area and so there is no concern with the principle of the development especially as the site was previously in education use. The surface water disposal strategy involves making use of the existing system plus two new surface water drainage networks on site, to restrict the discharge rate of surface water back into the main system. There is an objection from the Environment Agency because the Flood Risk assessment has not used the correct data source in line with the technical guidance of the National Planning Policy Framework. This is being addressed by the applicant and Members will be updated of the position at Committee.

6 Conclusions

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

- The siting, scale and design of the extensions and external alterations and the proposed new school building are considered to be appropriate and a visual enhancement to the site. This is in accordance with Policy CS16 of the Core Strategy DPD 2011.
- The proposed buildings and layout of the site, including the widened access road and new car parking, are not considered to unacceptably impact on the amenities of neighbouring sites. This is in accordance with Policy CS16 of the Core Strategy DPD 2011.
- The proposed car parking and access road arrangements are considered to be sufficient for this school. The increased cycle parking and bus stop improvements are acceptable to encourage the increased use of more sustainable travel modes. This is in accordance with Policy CS14 of the Core Strategy DPD 2011.
- The impact on existing trees and ecology is considered to be acceptable, and replacement trees and biodiversity/landscaping improvements are proposed. This is in accordance with Policies LNE9 and LNE10 of the adopted Peterborough Local Plan (First Replacement) 2005 and Policy CS21 of the Core Strategy DPD 2011.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to:

- Resolution of the Environment Agency objection
- the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

C2 No development other than groundworks and foundations shall take place until details of all external materials have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

C3 Prior to the permanent occupation of development, details of all boundary fences (including new willow fencing and new vehicle/pedestrian access gates), and external lighting shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, and thereafter shall be maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy CS16 of the adopted Peterborough Core Strategy DPD.

C4 Prior to the occupation of the new SEN building a scheme for the hard and soft landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any new classroom or the completion of development, whichever is the earlier.

The scheme shall include the following details:

- Proposed finished ground and building slab levels
- Planting plans including retained trees and their protection, species, numbers, size and density of planting
- An implementation programme (phased developments)

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

C5 A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the new SEN building. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the Local Planning Authority. The Plan shall include the following details:

- Long term design objectives
- Management responsibilities
- Maintenance schedules

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

C6 No construction of the SEN shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework

C7 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework

C8 If, during development, contamination not previously considered is identified, then the LPA shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the LPA. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

C9 No construction/demolition/excavation works or removal of shrubs/trees/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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

C10 Before the development is occupied a scheme for the provision of bat and bird boxes, to include details of their siting and specifications to accommodate a range of different species, shall be submitted to and agreed in writing by this Planning Authority. This scheme shall thereafter be fully implemented prior to the occupation of the new SEN building on site.

Reason: In order to preserve and enhance the biological diversity of the woodland and surrounding area, in accordance with PPS9 and Policies LNE10 and LNE17 of the Adopted Peterborough Local Plan (First Replacement).

C11 Prior to the commencement of the development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

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

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

Reason: In the interests of highway safety in accordance with Policy CS14 the Adopted Peterborough Core Strategy.

C12 Prior to the occupation of the new school building, details of the proposed improvement works at the two nearest bus stops (references PEE437 and PEE436) shall be submitted to and approved in writing by the Local Planning Authority. The bus stop works shall include shelters, bus boarders, and real time passenger information. The works shall thereafter be implemented as such prior to first occupation of the new SEN school building and permanent occupation of the main Academy.

Reason: To encourage the use of sustainable travel modes, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

C13 Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highways. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy CS14 of the Adopted Peterborough Local Plan (First Replacement).

C14 Before the occupation of new SEN School and the permanent use of the main academy buildings the parking, turning and loading areas shown on the approved plan shall be drained and surfaced, and that area shall not thereafter be used for any purpose other than parking, turning and loading of vehicles, in connection with the use of the academy buildings.

Reason: In the interest of Highway safety, in accordance with Policies CS14 of the Peterborough Core Strategy DPD (2011) and T10 and T11 of the Adopted Peterborough Local Plan (First Replacement).

C15 Prior to occupation, full details of the proposed cycle parking shall be submitted to and approved in writing by the Local Planning Authority. Before the occupation of new SEN School and the permanent use of the main academy buildings the space shall be laid out within the site in the locations agreed with the Local Planning Authority, in accordance with the approved details for 136 bicycles to be parked (and for future expansion to at least 280 spaces), and those areas shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to promote the use of sustainable modes of transport, in accordance with Policies CS14 the Adopted Peterborough Core Strategy and T9 of the Adopted Peterborough Local Plan (First Replacement).

C16 Prior to the occupation of new SEN School and the permanent use of the main academy buildings the pedestrian/cycle routes shown on the approved plan shall be constructed with hard surfacing and drainage.

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

C17 Prior to the permanent occupation of the main academy buildings, a scheme for the required off-site highways works shall be submitted to and approved by the Local Planning Authority. The submitted scheme shall include:

The main elements to the scheme will include (but not exclusively):-

- Widening the site access spur off Reeves Way to 6.5m width.
- Removing the existing southern footway to the access spur road.
- Connections between the new pedestrian/cycle access routes into the site with the existing footpath/cycleway and footways.
- Widening the northern footway adjacent to the site access spur road to 3m from the site access to its junction with the 'diagonal' footpath.
- Upgrading of surface water drainage where applicable
- Bus stop improvement works.

The works shall be completed before the new SEN School or the permanent Academy buildings are brought into permanent use.

Reason: In the interests of highway safety, and to promote the use of sustainable modes of travel, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy and T4 of the Adopted Peterborough Local Plan (First Replacement).

C18 Prior to the permanent occupation of the main academy buildings a RTPI screen and sustainable travel information point have been installed in the main reception. This information point shall be kept up-to-date with the latest information leaflets for cycle and walking routes and bus timetables.

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy, T4 of the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Guidance (PPG13

Planning and Transport).

C19 Prior to the occupation of the new SEN School and the permanent occupation of the main academy buildings a revised School Travel Plan shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details.

Reason: To ensure that the development is sustainable and will not generate adverse traffic to the area, in accordance with Policies CS14 of the Adopted Peterborough Core Strategy, T4 of the Adopted Peterborough Local Plan (First Replacement) and Planning Policy Guidance (PPG13 Planning and Transport).

C20 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

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

C21 Prior to the commencement of the use a Community User Agreement shall be submitted to and approved in writing by the Local Planning Authority. The Agreement shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved Agreement shall be implemented upon commencement of use of the development.

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Policy LT3 of the Peterborough Local Plan (First Replacement) 2005.

C22 The proposed improvements to the existing playing fields on this site, as set out in the submitted agronomists report dated 1 June 2012, shall be fully implemented in accordance with a timetable to be submitted to, and agreed in writing by, the local planning authority after consultation with Sport England.

Reason: To ensure the school retains playing field provision to a suitable quality to meet school and community needs, and to accord with Policy LT3 of the Peterborough Local Plan (First Replacement) 2005.

C23 No ground works shall take place/commence until a programme of archaeological work including a monitoring and recording brief of all groundwork and evaluation by trial trenching and a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. The Scheme shall thereafter be implemented as agreed.

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 Planning Policy Statement 5 Planning for the Historic Environment and Policy CS17 of the adopted Peterborough Core Strategy DPD.

C24 Prior to the commencement of any groundworks, a scheme for the provision and implementation of surface water drainage shall be submitted to the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification at such time(s) as may be specified in the approved scheme. The following also needs to be submitted as part of any approved works/scheme:

- **The applicant should provide written confirmation of approval from Anglian Water to discharge surface water into their drainage systems.**
- **Details of gully, petrol interceptor, attenuation features and pumping package specifications.**

Reason: To reduce the impact of flooding on the proposed development and future occupant's in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD.

C25 Lighting installed on the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E3 in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution (Revised) (2005). In circumstances where reasonable concern arises from resultant lighting levels the applicant will be required to demonstrate compliance with the condition, e.g. by measurement or calculation.

Reason: In order to protect the amenity of local residents and highway safety, in accordance with Policies CS16 and CS14 of the adopted Peterborough Core Strategy DPD.

C26 All ventilation of steam and cooking fumes to the atmosphere should 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 should be submitted to and agreed in writing by the Local Planning Authority before installation and should be installed before the use of the premises commences. The document prepared for the Department for Environment, Food and Rural Affairs (DEFRA), recommends best practice for 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (2005).

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

C27 Before the occupation of the SEN school hereby permitted a scheme should be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site (e.g. plant/fan/extract noise). These provisions could include physical and/or administrative measures.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

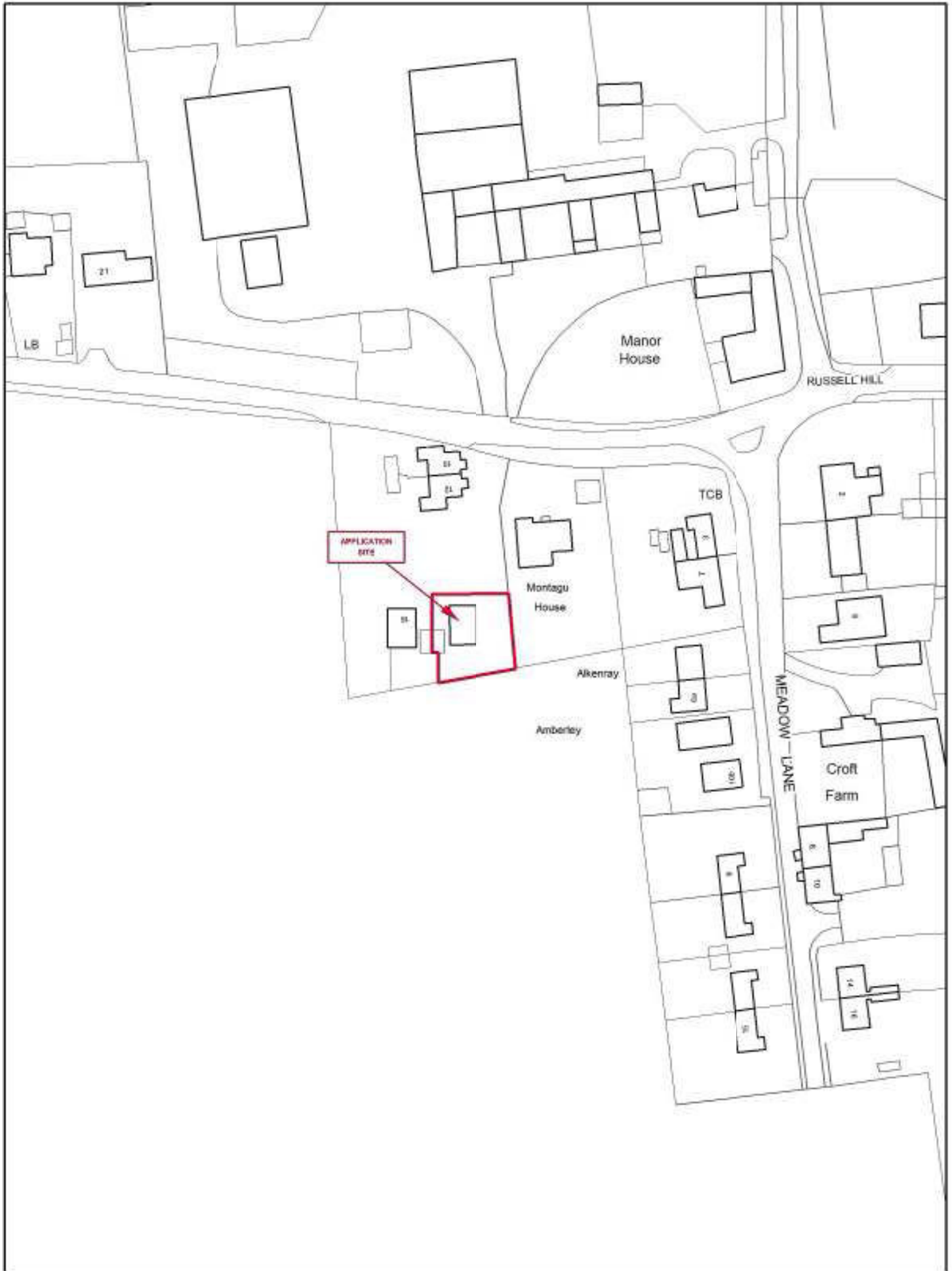
C28 Within 3 months from the date of this permission a detailed ecological strategy/Habitat creation/relocation scheme for the relocated wildlife area and relocation of the existing species on site shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- (a) Purpose, aims and objectives for the scheme;
- (b) A review of the site's ecological potential and any constraints;
- (c) Description of target habitats and range of species appropriate for the site;
- (d) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;
- (e) Selection of specific techniques and practices for establishing vegetation;
- (f) Sources of habitat materials (e.g. plant stock) or species individuals;
- (g) Method statement for site preparation and establishment of target features;
- (h) Extent and location of proposed works;
- (i) Aftercare and long term management;
- (j) The personnel responsible for the work;
- (k) Timing of the works;
- (l) Monitoring;
- (m) Disposal of wastes arising from the works.

All habitat creation works shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the programme agreed with the Local Planning Authority.

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

Copy to Councillor Jo Johnson, Councillor Nabil Shabbir and Councillor Marion Todd



LOCATION PLAN 12/00983/CTR

14 Russell Hill, Thornhaugh, Peterborough PE8 6HL

Scale NTS **Date** 29/6/2012 **Name** AA Department Planning Services



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Application Ref: 12/00983/CTR

Proposal: Section 211 Notice, Conservation Area application: Removal of all Norway Spruce trees apart from 1 row closest to the eastern boundary at 14 Russell Hill, Thornhaugh PE8 6HL

Referred by: Head of Planning, Transportation & Engineering

Reason: Level of public interest

Case officer: John Wilcockson

Telephone No. 01733 453465

E-Mail: john.wilcockson @peterborough.gov.uk

1 Summary/Outline of the Main Issues

In line with Section 211 of the Town & Country Planning Act, a Notice to fell Norway Spruce trees protected by Thornhaugh Conservation Area has been submitted.

The main considerations are:

- Are the works arboriculturally appropriate, and if not, are the trees worthy of protection by way of inclusion into a TPO?

The Head of Planning, Transportation & Engineering recommends that the Planning Service raise no objections to the works.

2 POLICY

Decisions must be taken in accordance with the Policy and Legislation below.

Peterborough Trees & Woodlands Strategy 2012, Policy PP 1 - *There will be a presumption against the cutting down, topping, lopping or uprooting of any tree subject to a Tree Preservation Order (TPO) or tree within a Conservation Area, worthy of TPO status...*

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. *Section 211 Notice to carry out works to trees within a Conservation Area.*

3 Description of Site and Surroundings

There are in excess of 20 Norway Spruce trees located within the garden of 14 Russell Hill, Thornhaugh on the eastern strip between the side of the house and the neighbouring garden of Montagu House. This strip is approximately 10 metres wide by 30 metres long. Although the house is built in a cul-de-sac, the trees can be seen from both Russell Hill in Thornhaugh and the A47 heading west.

4 Planning History

- 07/01268/FUL – Construction of 2 dwellings was granted.
- In 2011, the owner of the land removed some of the Norway Spruce trees to increase parking at the property. The matter was investigated by the Case Officer and the Enforcement Team. No action was taken because it was concluded that the works would have been approved if they'd

been applied for. It is an offence to carry out works to trees in a Conservation Area without first submitting a Section 211 Notice, as such, the owner was instructed to plant 3 replacement trees.

- 12/00171/CTR – Notification to fell all Norway Spruce trees. This application was withdrawn following objections from local residents and the Parish Council.

5 Consultations/Representations

The Section 211 Notice consultation period is due to close on the 24th July, a further update on representations received will be given at the meeting. Whilst it may appear that this report has been prepared prematurely, the Council only has 6 weeks to determine Conservation Area tree works Notices and this makes it difficult to fit in with committee schedules.

INTERNAL

None yet received.

EXTERNAL

None yet received.

NEIGHBOURS

An email has been received from the owner of the adjacent property objecting on the following basis:

- Loss of visual screening and serious visual intrusion from both the house and the garden.
- Aside from 3 trees that were removed as part of the approved layout, the remaining trees were to be retained.
- With the issue of the tree felling in 2011 without consent, there is a need under Enforcement for the trees to have been left in place and that the agreed number of 3 replacement trees were insufficient.
- Why has the owner submitted applications to remove the trees if there is no planning condition?

COUNCILLORS

Councillor John Holdich objects to the Notice on the basis of the loss of boundary treatment and that the issues with the trees could be resolved with appropriate management.

6 Reasoning

Introduction

Consideration of Section 211 Notices

In a Conservation Area, all trees above 75mm diameter measured 1.5m from ground level are automatically protected.

Under Section 211 anyone proposing to cut down or carry out work on a tree in a conservation area is required to give the Planning Service six weeks' prior notice (a 'section 211 notice').

The purpose of this consultation period is to give the Planning Service an opportunity to consider whether the works are arboriculturally appropriate and if the trees are worthy of TPO protection.

Tree condition

The trees are approximately 30 years old with an average height of around 10-12m. A number of the smaller trees have been shaded out by more vigorous specimens although all trees are in poor health. The health of the trees is more than likely due to the fact that they have been planted on clay soils. As a

species, Norway Spruce do not grow successfully on clay soils due to the extreme physiological changes between winter & summer soil condition of drought & saturation. These extreme shifts of waterlogging & drought bring about stress in the trees from which they do not recover. The weather patterns over the last 3 years will, without doubt, have exacerbated this problem.

It is estimated that due to their overall condition, within 20 years, there will be very few trees still alive.

Landscape value

The trees can be seen on approach to & exiting the village and they have some screening benefits for Montagu house and properties on Meadow Lane. The trees can also be seen from the PROW that enters Meadow Lane from the south. The trees can be seen from the A47, but, as there is no footpath alongside the A47 itself, the loss of the trees will not be detrimental from this viewpoint. Equally, the majority of the views from the A47 will be from a car and as such, consideration should be given in landscape design terms to road speed – at 50mph; the trees are far enough away that their loss will not be an impact visually to road users.

Are the works necessary and do the trees Merit a TPO?

Given that the trees are not cited as being in a dangerous condition, nor causing physical problems to the adjacent property, the proposed felling is not required. Therefore the decision rests on whether the trees are worthy of a TPO. The trees meet the part of the assessment in terms of the visual amenity value in respect of views from a public place. However, the trees are in poor health and do not have a long life ahead of them. For this reason, it is considered that it is inappropriate to serve a TPO.

In response to the objections the Case Officer makes the following points in rebuttal:-

- The loss of these trees will result in visual intrusion; however this is not a factor that can be considered when determining the application. In any event, the trees are such poor condition that whilst there is no doubt that they offer some softening and screening properties, the crowns are so thin that they are an ineffective visual barrier.
- The felling of the trees in 2011 was a breach of Conservation Area regulations only, there was no Condition applied on the Planning Permission for the dwelling that required the trees to be retained.
- With regards to replacement trees, the available planting space could only accommodate 3 trees considering future growth.
- The owner has to submit applications for the trees as the property is within the Conservation Area.

7 Conclusions

It is the opinion of the Case Officer that no objections should be raised to the Section 211 Notice for the following reasons:-

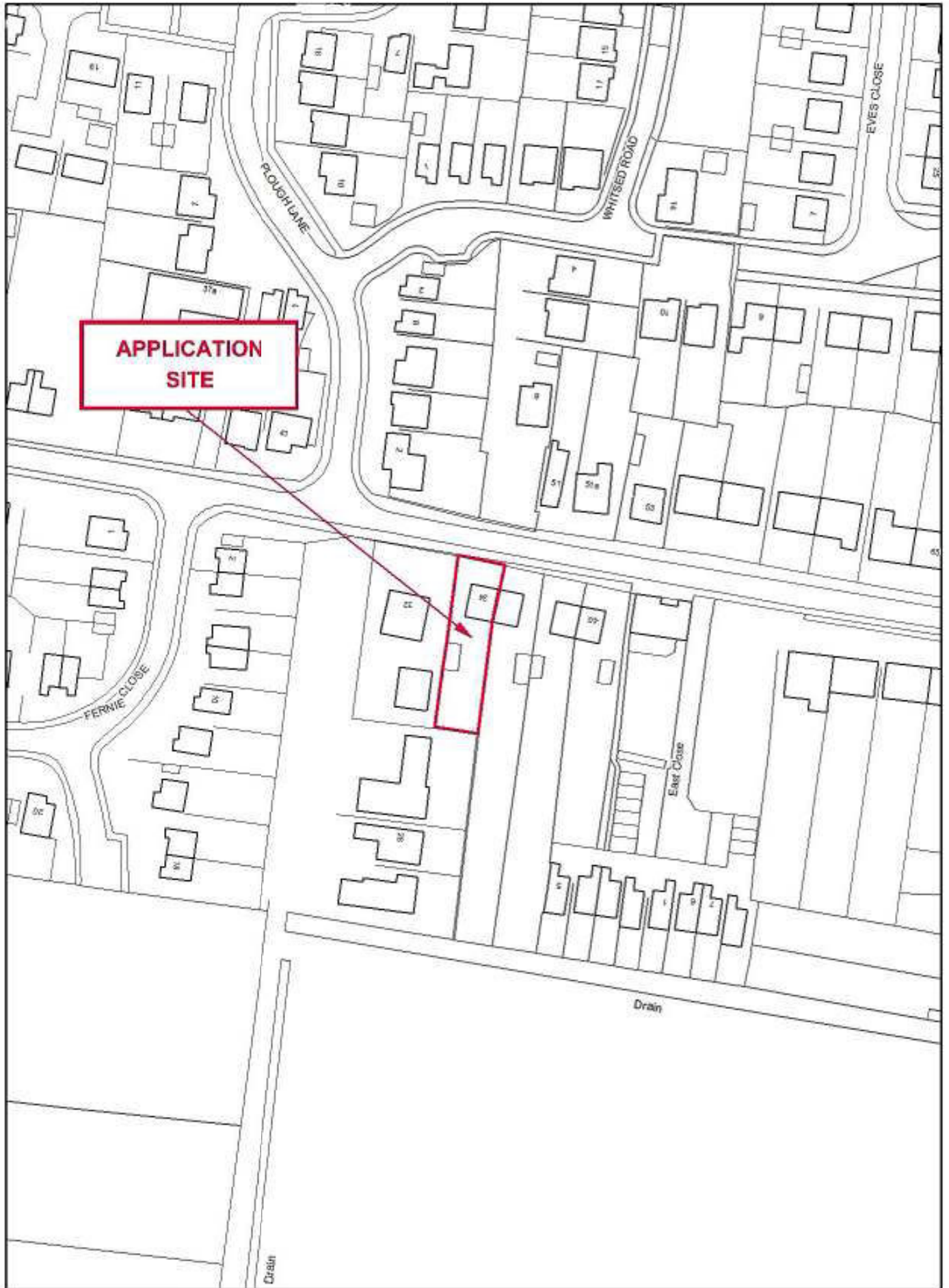
- The trees are not worthy of a TPO due to their poor condition and the fact that they have an estimated life expectancy of less than 20 years.
- If a TPO is served and the owner thereafter applies to fell, and the application is duly refused, it is the Case Officer's opinion that due to the condition of the trees; the Planning Service would lose on appeal.
- The trees are too close to the building and cannot remain in that location without pruning works, which would reduce their visual amenity value.

8 Recommendation

The Head of Planning, Transport & Engineering recommends that NO OBJECTIONS are raised to this Section 211 Notice and therefore the trees can be felled.

Copy to Councillor John Holdich OBE and Councillor Diane Lamb

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LOCATION PLAN

34 School Road, Newborough

PCC GIS



Scale NTS Date 19/6/2012 Name MKB Department Planning Services

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Application Ref: T.P.O 7_11

Proposal: Provisional Tree Preservation Order 7_11 at 34 School Rd, Newborough

Referred By: Head of Planning, Transportation & Engineering

Reason: Objections have been raised to the provisional TPO

Case Officer: John Wilcockson

Telephone: 01733 453465

E-mail: john.wilcockson @peterborough.gov.uk

1 Summary/Outline of the Main Issues

A provisional Tree Preservation Order (TPO) 7_11 at 34 School Rd, Newborough has been served following concerns from a member of the public that the tree was about to be felled. The provisional TPO has been the subject of public consultation and as an objection was received, the Committee are required to determine the application in accordance with para 2.6.2.1 of the Council's Constitution.

The main considerations are:

- Are the trees worthy of inclusion into a TPO in terms of public visual amenity value?
- Are the proposals reasonable and justified having regard to the letters of objections raised?

The Head of Planning, Transportation & Engineering recommends that the TPO is **CONFIRMED**.

2 Policy

Decisions must be taken in accordance with the Policy and Legislation below.

Peterborough Trees & Woodlands Strategy 2012, Policy 7.2 - *The Council has powers to make and enforce Tree Preservation Orders (TPO)..... in cases of potential threat it will seek to legally protect trees by use of TPO.....The resource of privately owned trees within the City is a significant asset to its population.*

Town and Country Planning Act 1990(Tree Preservation)(England) Regulations 2012. Section 198 states that LPAs may make a TPO if it appears to them to be:

'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'

3 Description of Site and Surroundings

The tree is a mature Ash (*Fraxinus excelsior*) growing within the front garden of 34 School Road, Newborough, the property is a brick built semi. The tree is approximately 20m high and has a crown spread of approximately 5m from centre point. The main trunk of the tree is located approximately 8 metres north west of the property and is growing within a gravel driveway adjacent to the neighbour's boundary and the adopted footway to the front of the dwelling.

The tree is one of only a handful of mature trees within the street and is visible when approached from both the east & west.

It is considered that the tree provides positive landscape value on School road which is an area that is largely lacking in trees.

4 Consultations/Representations

INTERNAL

None

EXTERNAL

An initial objection has been received from the owner of the property, the following points were raised:

- The owner was informed by the LPA earlier in 2011 that the tree was not protected by a TPO.
- Cost of on-going repairs to driveway and trip hazard caused by roots.
- Blocked salt-glaze drains caused by heave from the growth of tree roots.
- Risk of injury caused by falling branches onto the footpath & road.
- Risk of injury to footpath users from bird droppings.
- Damage to the adopted footpath.
- Tree is too large for it's' location and should be replaced with something smaller.

NEIGHBOURS

No comments received

COUNCILLORS

No comments received

5 Reasoning

Introduction

A Tree Preservation Order is a legal order made by local planning authorities to preserve important trees, groups of trees or woodlands that have a public amenity.

A request for a TPO on the tree was made by a member of the public who thought the tree was about to be felled.

An initial site assessment was made of the tree as per "Tree Preservation Orders : A Guide to the Law and Good Practice" and the tree in question met the requirements for inclusion into the Order in that the tree provides public visual amenity value within the landscape and the loss of the tree would be of detriment to that landscape.

Under Section 201 of the Town & Country Planning Act, a TPO was served on the 23rd November 2011 and the 28 days consultation period took place.

As an objection has been received, the matter has to be considered by the Committee.

In response to the above objections the Case Officer makes the following points in rebuttal:-

a) The owner was informed in 2011 that the tree was not protected.

In terms of the events leading to the TPO being served, when the owner first contacted the Planning Service in 2011, it was the case that the tree was not protected. The Officer that the owner spoke to had inspected the tree in 2003 and recalled at that point in time, the tree was not worthy of inclusion into a TPO. The decision at that stage was based on the tree's poor form following historic pruning that had greatly reduced the visual amenity value of the tree.

A week or so later, the Planning Service received a request from a third party asking that authority to inspect the tree to decide if the tree should be protected by a Tree Preservation Order.

An inspection was duly undertaken of the tree and that confirmed that the tree had positively outgrown the historic poor pruning works. The tree had formed a balanced crown and the re-growth points appeared to be structurally sound. The assessment concluded that the tree positively contributed to the street scene.

b) Risk of damage to persons and property and the associated costs of repair

It is the Case Officer's opinion that the tree could continue to co-exist in close proximity to the property and driveway. It is accepted that tree root damage can sometimes be more than merely superficial. Consideration can be given to the replacement of existing surfacing with a new one engineered to accommodate tree roots. For example a gravel drive is considered to be a relatively low cost solution and any future root growth could easily and relatively cheaply, be addressed by adding further gravel. The evidence of damage can be seen on the owners' driveway.

With regards to the drainage pipe issue, there are frequently problems with the clay pipes and subsidence issues, sometimes as alluded to, roots can expand and also cause a pipe to fail. More often than not, the pipe fails through age or ground movement and the tree roots cause secondary damage. Irrespective of the tree it is considered essential that any leaking pipes are repaired. Once repaired or lined with modern plastic piping it is unlikely that the tree would cause any further problems. There has been no evidence supplied in support of the claims made regarding damage to pipes.

In terms of Health & Safety, the City Council would not refuse any works applied for so long as they are justified and are in accordance with sound arboricultural practice. Applications to prune the tree would be duly considered in light of any supporting justification/evidence provided.

Birds are wild animals and as such, cannot be controlled, it would however be inappropriate to fell a tree just because birds frequent it. Although bird droppings are a nuisance it is considered an issue that is normally tolerated within residential gardens.

Engineering solutions can be found to rectify issues with damage to footpaths.

c) Suitability of the tree species for the location

It is the Case Officers' opinion that there is sufficient space for the tree to be able to accommodate future growth without the need for extensive pruning.

d) On-going discussions

Committee will note that a considerable period of time has passed since the provisional TPO was served. The time has been spent trying to negotiate a position where the visual amenity value of the tree would be maintained whilst at the same time permitting the owner to carry out works to address their concerns.

Unfortunately, it has not been possible to reach an agreed position.

6 Conclusions

It is the opinion of the Case Officer that the TPO should be for the following reasons:-

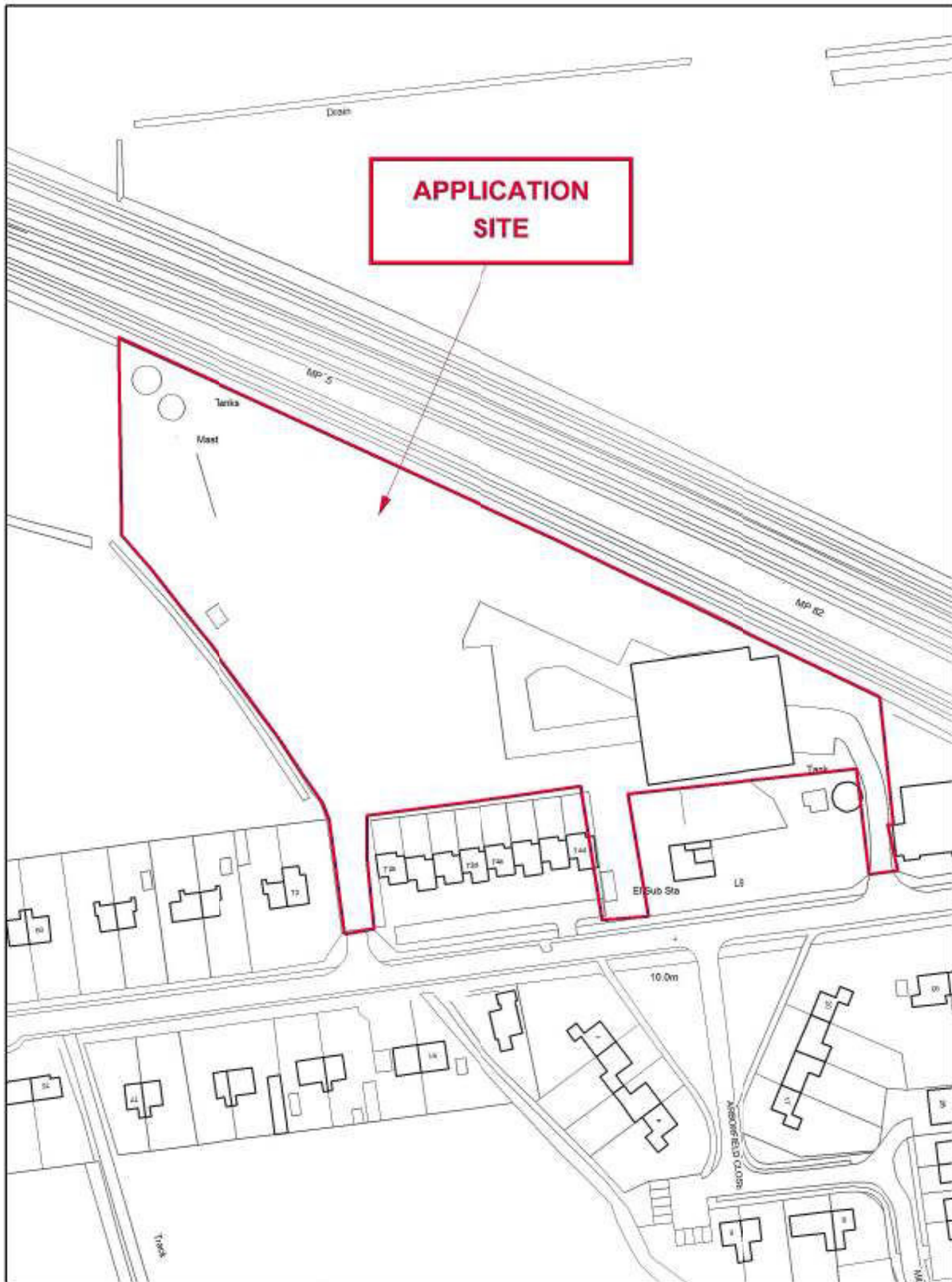
- The tree offers public visual amenity value and it is considered that the loss would be of detriment to the greater public and the landscape in this location.
- It is the opinion of the Case Officer that tree appears to be in good health and could provide 20 yrs + visual amenity value based on its' current condition.

7 Recommendation

The Head of Planning, Transport & Engineering recommends that this provisional TPO is **CONFIRMED**.

Copy to Councillor David Harrington

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LOCATION PLAN 05/00892/OUT

Aborfield Mill, Ginton Road, Helpston

Scale NTS Date 29/6/2012 Name AA Department Planning Services



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*This report contains appendices which are **NOT FOR PUBLICATION** in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that they contain information relating to the financial or business affairs of a particular person (including the authority holding that information) and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.*

Planning and EP Committee 10 July 2012

Item No. 5.7

Application Ref: 06/00892/OUT

Proposal: Revisions to the Signed Section 106 Agreement

Site: Arborfield Mill, Helpston

Applicant: Linden Homes

Referred By: Head of Planning Transport and Engineering Services

Reason: Revision of Section 106 of Interest to Members

Case Officer: Mr Nick Harding
Telephone No.: 01733 454441
E-mail: nicholas.harding@peterborough.gov.uk

Recommendation: To give the Head of Planning, Transport and Engineering the Authority to Vary the existing Section 106 Agreement.

1 Report

At its meeting in June 2012, the Committee resolved to defer the consideration of a proposed revision of the Section 106 agreement associated with the above development. Committee wished to see more information that supported the sales values that formed a key part of the viability assessment submitted to evidence the need to reduce the Section 106 burden.

Outline planning permission was granted in April 2006 for residential dwellings and associated development (with approval of reserve matters 07/01462/REM being given for 42 dwellings in January 2008). The outline permission was subject to a Section 106 planning agreement which requires the development to make provision for the following:

- A bus stop
- 13 affordable dwellings
- £105,511.98 contribution towards school places
- £189,511.98 contribution towards community facilities
- £20,000.00 contribution towards the Clare Trust

(the figures above are exclusive of any index allowance which may be attributed to the contribution under the terms and conditions of the Section 106 agreement).

Whilst a start has been made on the development, no dwellings have been completed or sold. With the change in the housing economy, the developer has found that the development is uneconomic to build with all the Section 106 provisions in place. The developer has therefore come to the City Council to renegotiate the Section 106 agreement. Policy CS 10 of the adopted Peterborough City Council Core Strategy recognised that Section 106 agreements should be negotiated on a site by site basis and Government has issued statements to the effect that Council's should renegotiate Section 106 agreements where developments have been found to be unviable as a result of

changing market conditions.

Initially, the developer requested, that due to the poor viability of the scheme, there should be no Section 106 obligations at all. To support this request, an economic appraisal of the development costs was submitted to the Local Planning Authority. Officers of the Council have looked at the appraisal and are satisfied that the costs and returns are representative. The conclusion of the appraisal (which is supported by your officers) is that even with there being no Section 106 agreement in place, the development would make a loss for the developer. A copy of the viability report is contained in Appendix 1, which is **not for publication** in accordance with paragraph 3 of Schedule 12A of Part 1 of the Local Government Act 1972 in that they contain information relating to the financial or business affairs of a particular person (including the authority holding that information) and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it.

The Parish Council was asked for its view on there being no Section 106 obligation agreement in 2011, and it responded by saying that this would be unacceptable.

Since this time, the City Council has considered a similar case at Newborough (Guntons Road). In that case, the Planning & Environmental Protection (PEP) Committee rejected a proposal to reduce the development's Section 106 contributions to zero and secured a contribution of £5000 towards Parish facilities. Using the principle that the PEP Committee would not accept a zero Section 106 contribution, officers re-entered into negotiations with Linden Homes. The results of these negotiations are as follows:

- a) 6 No affordable housing units (4 units being for rent, 2 units being for shared equity)
- b) £105,511.98 towards the provision of primary and secondary school places
- c) £15,000 towards the provision of new or improved, sport, recreation, play or social facilities within Helpston Parish.

The bus stop provision from the existing agreement is to be retained.

Linden Homes is prepared to go forward with the development on this basis even though it will result in a financial loss. This is because it is important for the operation to have turnover (for turnovers sake) in the business. Linden Homes have stated that not progressing the scheme increases the risk that staff in the locally based firm and external contractors may have to be made redundant.

Update

Following the deferment at the last PEP Committee meeting, Linden Homes has submitted a report that has looked into actual sales values in comparison to those estimated in the viability report. The report and viability reports that test the sensitivity of the development's viability in relation to sales values are attached in Appendix 2, 3, 4 and 5, **not for publication**. The conclusion of these reports is that:

1. the estimated values are appropriate
2. that even with a 19% increase in sales values, the development would only break even.

2 Parish Council Comments

The Parish has formally indicated that it is unhappy with the latest Section 106 revisions proposed as it is felt that the development should properly contribute towards its impact on the village.

Cllr Over has indicated that he would support any comments made by the Parish.

3 Conclusions

It has been demonstrated that the approved development is not viable and the current Section 106 agreement worsens that situation. A revised Section 106 agreement has been negotiated which delivers local benefits and new development albeit at a financial loss for the developer. Whilst the proposed revised Section 106 does not provide as many benefits as desired by the Parish Council, it is considered by officers that a satisfactory position has been negotiated.

4 Recommendation

The Head of Planning, Transport & Engineering Services be given authority to vary the existing Section 106 agreement as follows:

- A) Delete (with the exception of the construction of a bus stop) the provisions of the current Section 106 with B to D below;
- B) 6 No. affordable housing units (4 being for rent and 2 being for shared equity);
- C) £105,511.98 towards the provision of primary and secondary school places; and
- D) £15,000 towards the provision of new or improved sport, recreation, play or social facilities with Helpston Parish.

Copy to Councillor David Over

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