

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 18 FEBRUARY 2014

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

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

4. **Development Control and Enforcement Matters**

4.1 **The Boro Bar, Oundle Road, Woodston, Peterborough**

3 - 14

i) **13/01828/FUL - Installation of new sliding doors, replacement windows and infill of 4no. rear openings.**

ii) **13/01829/FUL - Installation of ATM Unit.**

iii) **13/01830/FUL - Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard.**

iv) **13/01831/FUL - Link extension to rear of the property.**

v) **13/01832/ADV - Installation of 3No externally illuminated fascia signs, 1No externally illuminated projecting sign and 3No non-illuminated branded panels.**



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.

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Committee Members:

Councillors: Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Todd, Casey, 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:

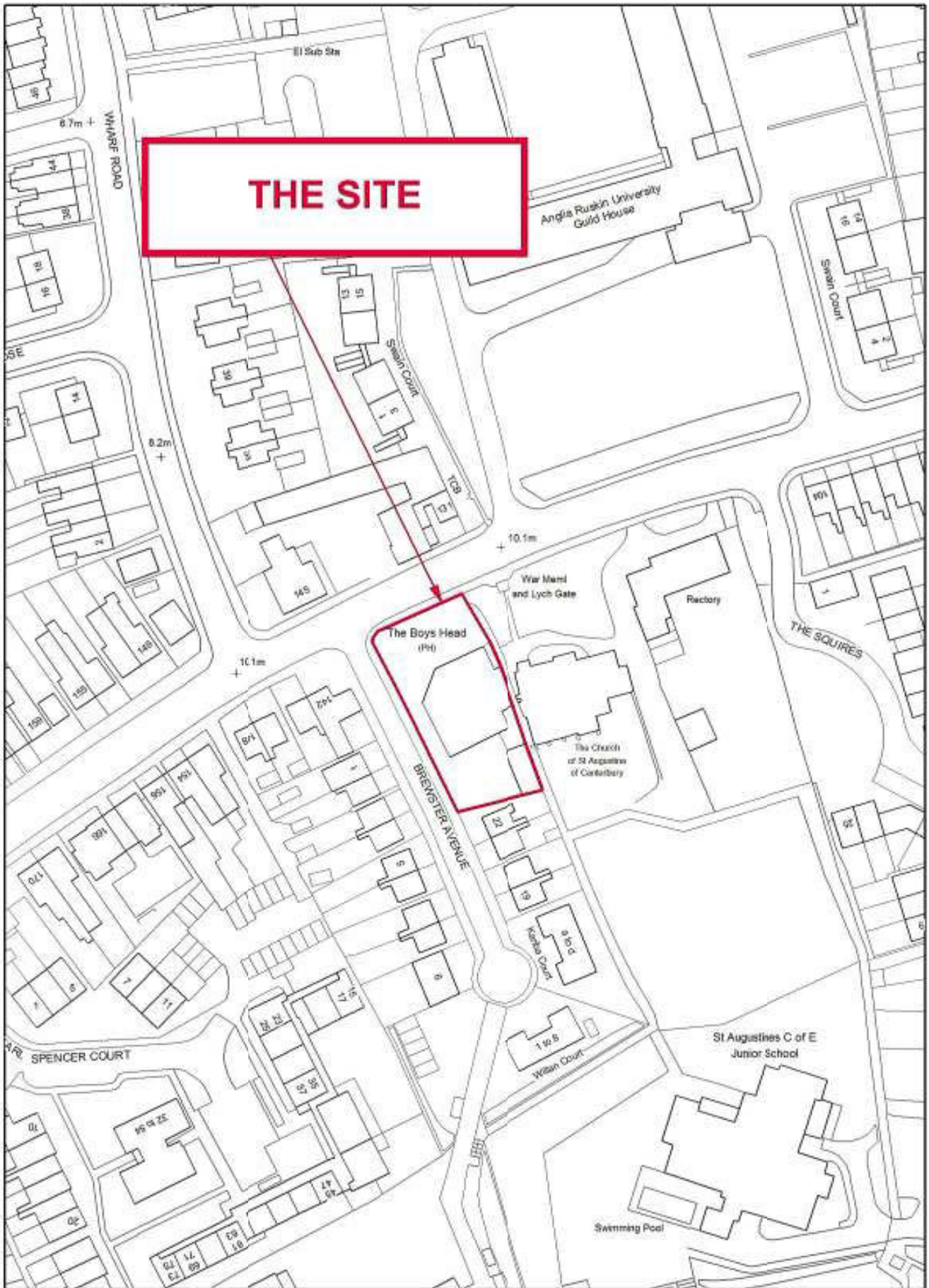
Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

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.



LOCATION PLAN The Boro Bar, Oundle Road, Woodston
 13/01828/FUL 13/01829/FUL 13/01830/FUL 13/01831/FUL 13/01832/FUL

Scale 1:1250 Date 7/2/2014 Name LG Department Planning Services

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Application Ref: 13/01828/FUL
Proposal: Installation of new sliding doors, replacement windows and infill of 4no. rear openings

Application Ref: 13/01829/FUL
Proposal: Installation of ATM Unit

Application Ref: 13/01830/FUL
Proposal: Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard

Application Ref: 13/01831/FUL
Proposal: Link extension to rear of the property

Application Ref: 13/01832/ADV
Proposal: Installation of 3No externally illuminated fascia signs, 1No externally illuminated projecting sign and 3No non-illuminated branded panels

Site: The Boro Bar, Oundle Road, Woodston, Peterborough
Applicant: Tesco Stores Limited

Agent: Mr James Dempster
 CgMs Limited

Referred by: Councillor Thulbourn
Reason: Due to the impact they will have on the local residents, the general change of character to the area, safety and environmental impact

Site visit: 18.12.2013

Case officer: Ms L Lewis
Telephone No. 01733 454412
E-Mail: louise.lewis@peterborough.gov.uk

Recommendation: GRANT subject to relevant conditions

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

The site is on the corner of Oundle Road and Brewster Avenue. Oundle Road is a main route into and out of the city centre, and is of a mixed character, dominated by housing but with a significant amount of small commercial and community uses. Immediately to the east of the application is St Augustine's Church, and at the end of Brewster Avenue (a cul de sac) is the driveway to Primary School. On the opposite corner of Brewster Avenue is a dry-cleaners and a letting agency. Within about 200 metres of the site is a Local Centre, including two convenience stores.

The Boro Bar itself may be better known as the Boys Head. It was constructed as a public house some decades ago, and has operated over the last several years as a variety of short-lived bars. There are several other pubs in the vicinity.

The building is on the List of Buildings of Local Interest, but it is not statutorily listed. Some neighbours appear to have confused this. The style of the building is a typically mid-20th century mix of arts and crafts inspired vernacular architecture, with some art deco influence.

The building addressed the street on three frontages. There is one elevation facing Oundle Road, another facing Brewster Avenue, and a third at 45 degrees facing the corner. Each of these elevations is designed to be a public face of the building, and the entrance door is on the corner

elevation. The main part of the building forms an L, and there is a single storey flat-roofed part to the rear filling in the angle of the L. There is also a small single storey part at the end of the building on Brewster Avenue. To the rear of the site, which reads as the side from Brewster Avenue, is a service yard. Part of this is set in, with a little corner not visible from the street, and it is in this corner that it is proposed to install the plant.

To the front of the building is an area of hardstanding which is used for parking. It is used for parking at school drop-off and pick-up as well as for parking associated with the business on the site. There is no boundary treatment to the street around this parking area and drivers are likely to take a fairly casual approach to getting on and off Oundle Road.

At the back of the service yard is a terrace of three garages. The link extension is proposed to link the main building to these garages, and so once it is built part of the service yard, including the place where the plant is to be installed, will not be visible from the street.

The proposed changes to the building include new front doors, new windows to the ground floor, and the bricking up of four openings to the rear of the building. Various signs are proposed, including new fascia signs, and an ATM in the small single storey part on the Brewster Avenue end of the building.

2 Planning History

13/01568/FUL	Installation of a new vehicle crossover	Withdrawn	21/11/13
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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 Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP11A - (a) Shop Frontages (including signage)

Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

PP17 - Heritage Assets

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

4 Consultations/Representations

Pollution Team

Has commented in relation to 13/01830/FUL (air-conditioning plant).

Noise levels may be above those normally acceptable. This can be addressed by imposing conditions restricting the noise output.

Environment Agency (16.12.13)

No objection

Peterborough Local Access Forum

No comments received

Rights of Way Officer

No comments received

The Open Spaces Society

No comments received

Ramblers (Central Office)

No comments received

Conservation Officer (17.12.13)

External alterations – will not undermine the character and appearance of the building. From a heritage consideration the proposed alterations can be supported. A condition regarding details of the profile and finish of the windows should be applied. The finish of the upper windows should match the replacement windows.

Nene Valley Nature Improvement Area (NIA)

No comments received

English Heritage (23.12.13)

No objection

Building Control Surveyor

No comments received

Police Architectural Liaison Officer (23.12.13)

No objection or recommendation.

Transport & Engineering Services (24.12.13)

In relation to advertisement application – a condition is requested requiring that the source of the illumination is not visible to users of the Highway, to avoid glare/dazzle that could be a danger to Highway users.

No objection to other applications

Peterborough Civic Society

No comments received

Local Residents/Interested Parties

Cllr Thulbourn has referred these applications to Committee on the grounds that there will be impact on local residents, the character of the area, safety and environmental impact.

Initial consultations: 87 (the same on each application)
Total number of responses: 21-24
Total number of objections: 21-24
Total number in support: 0

A petition was received with 17 signatures. The petition states "Stop Tesco Express on Oundle Road (Boro Bar Site)".

The following comments have been made by neighbours – general comments relating to all applications:

Timing of application not fair – over the public holiday period [Consultation period for neighbours was 11 December – 6 January]
Schools should have had input to this

Relating to the alterations to the building:

Change of door from wood to aluminium would change the character of the listed art deco building
Will new side windows affect our privacy [No 2 Brewster Avenue]?

Relating specifically to the ATM application:

There are already two ATMs in the area
A hole will have to be made in the building to insert the machine
People coming and going at all hours will affect residents and those attending schools and church
Security lighting and CCTV
More traffic attracted to the area after the shop is closed
Possibility of ram raiding is mentioned, this is terrifying to most residents who are not interested in having this close to them as it is an attraction to crime
Increase risk of children's safety with more traffic
Nisa shop has a free ATM so does the petrol station
Hearing the beeps will disturb our sleep

Relating to the application for air-conditioning plant

Not enough room for this
Noise impact will drone on 24 hours a day
Backs onto the footpath that runs down the side of the building
Children from local schools will be curious and will attempt to gain access
Lorries might hit the corridor unaware of what it contains
Will take away space needed by delivery lorries
Will it encroach onto the car park?

Relating to application for link extension

Will it encroach into the car park?
Would delivery lorries still be able to turn around if it was in place?

Relating to advertisement application

Large projected and illuminated sign not in keeping with the area and the Listed building
No other shop or premises in the area has a projecting illuminated sign
Will be lit up and encourage passing trade near a pedestrian crossing
How can it be low impact with the sign being larger than the existing sign, projecting and illuminated
New sign at the garage on Bakers Lane is an eyesore
Do not want an increasing number of signs further up the road

The comments below relate to the change of use which, as set out below, cannot be considered.

Is already a convenience store in the area
Local businesses have fought hard to stay in business

Why would a bully-style Tesco be allowed to compete with our local traders
There are two schools at the top of the road where the deliveries are
Impact on safety of children
Noise and light pollution
Articulated lorries will be manoeuvring down Brewster Avenue
Lorries parked on pavement and blocking light from houses
Tesco may say this will not happen but it has happened in other areas
Damage to curbs and pavements by vehicles
People coming and going will cause a problem to Oundle Road
Oundle Road is at capacity
Additional noise especially late night deliveries
Car park at the Boro Bar is full of cars even though Tesco isn't there yet
People will park on double yellow lines
Pedestrian crossing and pavement and the cycle path with potential for a serious accident
Deliveries will cause congestion as already happens with deliveries to the Palmerston Arms [a pub about 160m east]
Allowing these applications would show bias towards Tesco
Pub has different parking requirements to a shop
How many times have the lights and safety barriers had to be replaced?

5 Assessment of the planning issues

It has been decided, for the purposes of Committee, to present these five applications on one report as many of the peripheral issues are in common. Of course, each application has to be considered on its own merits, and Members will have to come to five individual conclusions. The report therefore contains five separate recommendations.

Change of use from pub to shop

Members will be aware that this does not require an application for planning permission. Change of use from a pub (use class A4) to a shop (use class A1) is Permitted Development, and the Local Planning Authority cannot prevent, challenge or control it.

These applications are for the supplementary changes including signage, changes to doors and windows, an ATM, some external plant and a small link extension between the main building and the terrace of garages to the rear.

Any impact relating to the change of use cannot form part of the assessment of these applications. Effects such as customer parking, access for delivery vehicles, traffic impact, people coming and going, cannot be taken into account in determination of the applications. Most neighbour comments have related to these issues, and to the impact on local independent businesses. Objections have also been received to the prevalence of Tesco outlets. These issues cannot be considered by the Local Planning Authority in this case.

A further application for external lighting has recently been received. This application is currently out to consultation. If it is referred to Planning Committee then it is likely to come before Members in March.

Application 13/01828/FUL

Installation of new sliding doors, replacement windows and infill of 4no. rear openings.

Assessment

The sliding doors will replace the existing doors, which are timber doors. It is not known whether they are original. The sliding doors will be installed within the existing opening, which will have to be slightly modified but the surround and canopy will not be affected.

Neighbours have commented that powder coated aluminium doors would not be found on an art deco building. The proposed doors are appropriate to the use, are of a plain, fairly low-key design, and are an easily reversible alteration. The Conservation Officer has confirmed that there will be no detrimental impact on the character of the building or the area.

The windows, which appear to be original, are painted metal. The ground floor windows to the front and side will be replaced by new windows, which will not have the fine horizontal glazing bars. Although these bars add to the character of the building, it is not considered that their loss would be sufficiently harmful to require refusal of the application. First floor windows will be made good and painted, which would not of itself require consent, being counted as repairs and maintenance. Three of the openings to be filled in to the rear are tucked around the back of the rear projection, and not visible from the public realm. The other is a single door. The infill will not cause any harm. Neighbours at No 2 Brewster Avenue (across the road) have commented on impact on privacy, but no windows are being added. The window openings will be the same, but the frames and glazing will be new. It is therefore not considered that there would be any impact on privacy.

Conclusion

The design of the alterations will not harm the character of the building

There will be no detrimental impact on neighbour amenity

The proposal is in keeping with Policies CS16 and CS17 of the Peterborough Core Strategy DPD and Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD.

Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall take place until details of the following 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.

New windows including profile and finish

Bricks to be used for infill (including samples).

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

Application 13/01829/FUL

Installation of ATM unit

Assessment

It is proposed to install the ATM (cash machine) in an existing opening, which would be partially bricked up around the new ATM. The opening proposed is on the side of the building, towards the back, 30m from the junction, opposite No 3 Brewster Avenue.

Officers are of the view that having an ATM in this location, so closely related to the houses, would be likely to have a detrimental impact on residential amenity. It would attract traffic 24 hours a day, people would be likely to park on the street and if they came up Brewster Avenue would almost certainly have to make a complicated manoeuvre to turn around again.

The applicant proposed closing the ATM at night, but many people would see the sign, go to use the ATM, and only then realise that it was closed. An ATM inside the shop would be appropriate and just as convenient.

There are ATMs in the area already. There is one at the petrol station on the corner of Bakers Lane, about 500m away to the west, and another in the Nisa convenience store, about 200m away to the east. In the city centre there are ATMs at Asda, about half a mile away, which would be available should people need cash urgently at night.

Officers do not consider that the appearance of the building would be harmed by the installation of the ATM, and there is no security objection from the Police (although a discreet camera and lighting would be appropriate should the ATM be permitted).

Recommendation

The Director of Growth and Regeneration recommends that planning permission is **REFUSED** for the following reason:

The installation of and ATM in this location would be likely to have a significant impact on neighbour amenity, especially at night. The site proposed for the ATM is on the part of the building closest to housing, where Brewster Avenue has the character of a residential street rather than a junction with a main road. An ATM would be likely to attract people at all times of the day and night, and while during the day this would be absorbed into normal activity, at night the increase in people and traffic movements would be noticeable and significant.

The increase in movements would be likely to have a detrimental impact on the amenity of nearby residents, contrary to Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

Application 13/01830/FUL

Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard

Assessment

This proposal is to install items of plant to the rear of the building. There is currently an area to the rear of the building which is referred to as a service yard – it is not currently enclosed, but would be enclosed by the extension proposed under application 13/01831/FUL (which is recommended for approval, see below).

The plant would not be visible from the public realm.

Plant can be noisy, and the applicant has provided a noise assessment. At the time of writing this report some information requires clarification, however the Pollution Control Officer has advised that planning conditions could be used to control the noise adequately. Acoustic screening could be used, which also would not be visible from the public realm.

The house most directly affected, potentially, would be No 22 Brewster Avenue, which is next door to the site. The distance from the plant to the side windows of No 22 would be about 20m, and in between would be the existing garages, and whatever acoustic screening is agreed by condition if required.

Neighbours have commented also that the plant would affect the footpath alongside the site, but it is not considered that being able to hear air conditioning plant from a footpath is harmful. It is not likely that the noise would penetrate into the church.

Conclusion

The plant would not be visible from the public realm

Noise likely to affect neighbours can be adequately controlled

The proposal is in keeping with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP2 of the Peterborough Planning Policies DPD.

Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 The night (23:00-07:00) rated noise level from all fixed, external machinery as determined by British Standard 4142:1997 shall not exceed 35dB at the façade of the nearest receptor. The rated noise level shall include a 5dB character correction.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

C3 The day (07:00-23:00) rated noise level from all fixed, external machinery as determined by British Standard 4142:1997 shall not exceed 46dB at the façade of the nearest receptor. The rated noise level shall include a 5dB character correction.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

C4 The sound power level (Lw) of each specified plant shall not exceed, in any circumstances, the stated level as determined by the applicant in their noise assessment reference KR03237.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

Application 13/01831/FUL

Link extension to the rear of the property

The link extension would extend from one of the doors at the rear of the building, to the side of the terrace of three garages. The extension would be about 5m long and 2.3m deep, and would have a flat roof slightly below the level of the flat roof to the garages. It would be constructed of matching brick, details of which would be agreed by condition.

There would be a door on each side of the link extension, one of which, to the back, would not be visible from the public realm. Neighbours have commented that the extension might block access for lorries, but the Highway Authority has not objected.

Conclusion

The design of the alterations will not harm the character of the building

There will be no detrimental impact on neighbour amenity

The proposal is in keeping with Policies CS16 and CS17 of the Peterborough Core Strategy DPD, and Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD.

Recommendation

The Director of Growth and Regeneration recommends that planning permission is GRANTED subject to 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall take place until details of the following 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.

Bricks and roofing materials (including samples)

Colour of the west facing door.

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

Application 13/01832/ADV

This application is for consent for seven advertisements. These are:

Fascia signs to each of the three building frontages, those to the front and corner to be illuminated using a trough light;

Two small signs, one to each side of the entrance door, carrying opening times and the “No

**Smoking” comment;
One projecting sign above the ATM
Signs affixed to one of the garage doors.**

Assessment

The three fascia signs are of approximately the same dimensions, and in the same locations, as fascia signs that have been on the building in the past. There are no signs currently on the building. They are of a suitable appearance, using one of the company’s designs which is more discreet. The fascias signs would be of a “woodtex” design, which is a brown sign with pinned lettering giving the corporate shop name. Two of these signs will be illuminated, however this will be discreet trough lighting, directed down over the sign. Neighbours have commented on the signs drawing attention, however that is the point of a shop sign, and there is no amenity or public safety reason to refuse the three fascia signs.

The small signs adjacent the entrance door are of no concern.

The Local Highway Authority has recommended a condition requiring that the source of illumination is not visible to users of the Highway. This is considered reasonable and is recommended.

As the application for the ATM is recommended for refusal, the sign drawing attention to it will not be required. In addition, this sign is proposed to be attached to the part of the building most remote from the main road. The lettering on one of the garage doors is also recommended for refusal, as it is in the part of the site that relates more closely to the residential part of the street, and is separate from the public part of the site. It is considered to be out of keeping with the character of that part of the site and street.

It is possible to issue a split decision for advertisement consent applications, and therefore there are two recommendations.

Recommendations

The Director of Growth and Regeneration recommends that Advertisement Consent is **GRANTED** for the three fascia signs, two of which are to be illuminated, and for the two small signs to each side of the entrance door, subject to the following conditions:

- 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
- 2. No advertisement shall be sited or displayed so as to:**
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or;**
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring speed of any vehicle.**
- 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.**
- 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**
- 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

Reason: In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or as subsequently amended.

C6 The source of the illumination shall not be visible to users of the Highway.

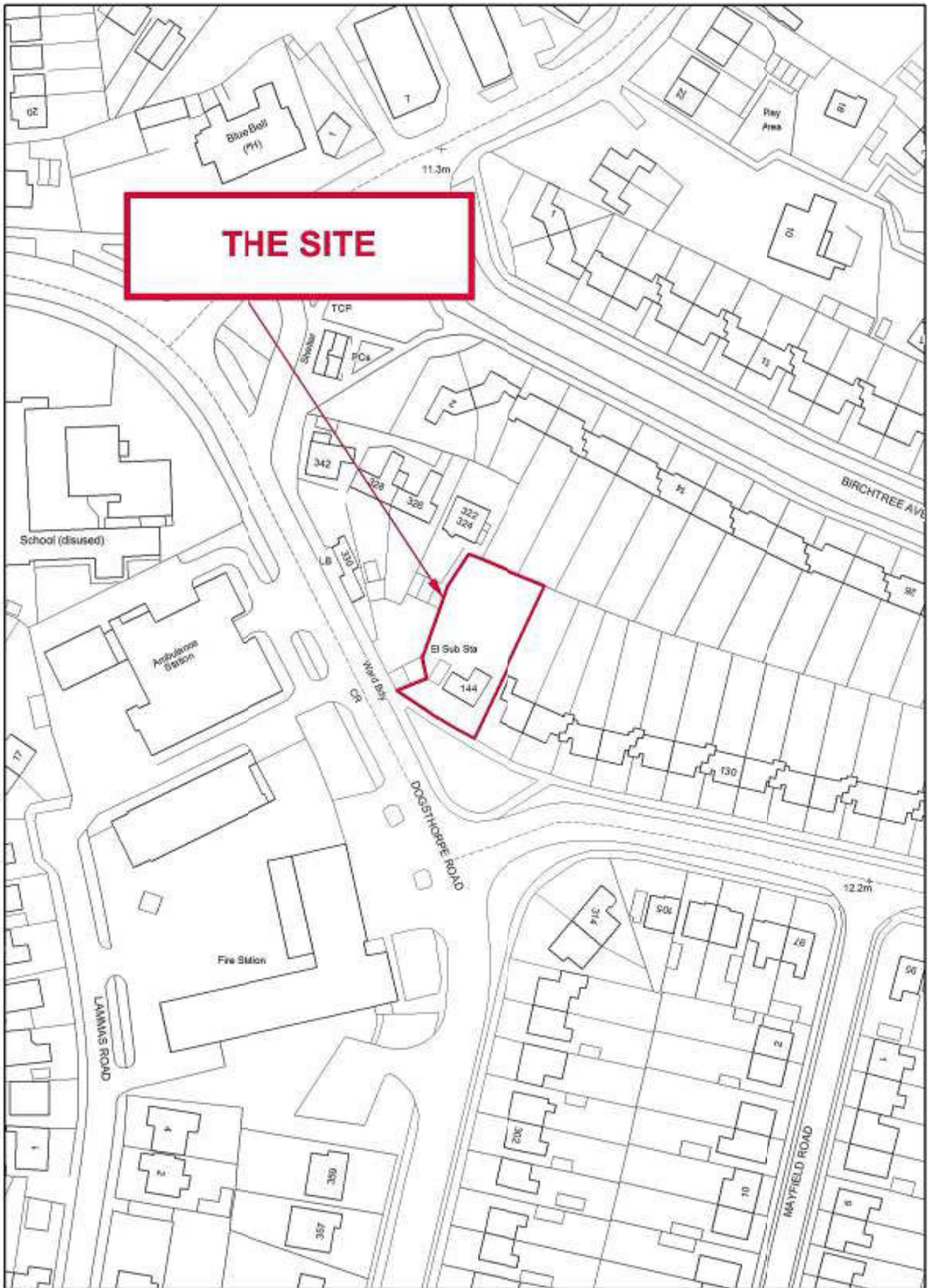
Reason: In the interests of Highway safety in accordance with Policy CS14 of the Peterborough Core Strategy DPD and Policy PP12 of the Peterborough Planning Policies DPD.

Recommendation

The Director of Growth and Regeneration recommends that Advertisement Consent is **REFUSED** for the projecting sign drawing attention to the ATM and the sign on the garage door for the following reasons:

The projecting ATM sign would draw the attention of customers to a part of the site that is better related to the residential part of the street, and which customers should not need to visit. The sign on the garage door is even closer to housing. The garage block is in terms of the streetscene more closely related to the adjacent housing than to the shop entrance, of the public face of the shop. It is considered that these two advertisements would have a detrimental impact on the character of the residential part of Brewster Avenue, contrary to the provisions of paragraph 67 of the National Planning Policy Framework, and Policy PP11(a) of the Peterborough Planning Policies DPD.

Copies to Councillors M E Lee, L Serluca, N Thulbourn



LOCATION PLAN 13/01505/FUL
 144 Elmfield Road, Dogsthorpe, Peterborough PE1 4HB

Scale 1:1250 Date 7/2/2014 Name LG Department Planning Services

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Application Ref: 13/01505/FUL

Proposal: Change of use from dwelling to day nursery D1 and rear extension

Site: 144 Elmfield Road, Dogsthorpe, Peterborough, PE1 4HB
Applicant: Mrs Robina Akhar

Referred by: **Councillor Ash** if decision by officers is to approve

Referred by: **Councillor Swift** if decision by officers is to refuse
Reason: **The applicant has been treated unfairly**
Site visit: 21.01.2014

Case officer: Mrs J MacLennan
Telephone No. 01733 454438
E-Mail: janet.maclennan@peterborough.gov.uk

Recommendation: **REFUSE**

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

The application site contains a two storey detached property located on the corner of Elmfield Road/Dogsthorpe Road. The property has an attached garage to the side (north-west) and has a single vehicular access off Dogsthorpe Road. The property has an open frontage with an area of hard-standing. To the rear of the property is a large garden area approximately 19m in width x 23m in length which is enclosed by 1.8m fencing to the west, north and east. There are mature trees along the rear boundary and along the north western boundary. The character within the immediate context is residential, directly to the west is an electricity sub-station and adjacent to this is the access to the properties at 322 and 324 Dogsthorpe Road which are set back from the highway some 35m but which lie approximately 3m to the rear boundary of the application site. The site lies on a notoriously busy section of Dogsthorpe Road and approximately 80m east of a busy junction with St Pauls Road and Welland Road. The character changes on the south western side of Dogsthorpe Road, directly opposite the site, where there is the Fire Station, a Fitness Centre and private hire/taxi office. The area to the front of the property is marked out with yellow lines.

Proposal

This application seeks permission for the change of use of the dwelling to a day nursery. The hours of use would be 0800 to 1800, Monday to Friday. It is proposed that there would be 32 nursery spaces and 3 full time and 1 part time staff. Access will be via the existing access off Dogsthorpe Road. The garage is to be demolished to allow entrance into the rear garden. Two alternative parking proposals have been put forward for consideration. Drg no. P1_a proposes parking for up to 10 vehicles to the rear of the site with 1 disabled parking space to the site frontage; Drg no. P1A proposes parking for up to 10 vehicles to the rear, including one disabled parking bay.

As part of the application permission is sought for a single storey rear extension. The extension would be 'L' shaped formed by the footprint of the existing building and would project approximately 5m from the rear building line and would extend the full width of the property (8.3m). The extension would have a flat roof for half its width to a height of 2.8m and then a dual pitched roof to a height of 4.2m. The extension would be used for a play area.

This is a resubmission of a previous scheme which sought permission for the change of use of the

dwelling to a day nursery providing up to 24 spaces (10/00840/FUL) which was refused due to highway safety issues and noise and disturbance to neighbouring occupiers.

The scheme now includes visibility splays within the site, additional on-site parking to the rear of the site and a parking survey has been undertaken to assess the availability of on street parking near to the site. The number of places has increased to 32.

2 Planning History

Reference	Proposal	Decision	Date
04/01616/FUL	Change of use of ground floor to A1 (retail)	Application Refused	15/11/2004
08/00574/FUL	4 x 2 bedroomed flats and 2 x 1 bedroomed flats	Application Refused	09/12/2008
10/00840/FUL	Change of use from dwelling to child day nursery (D1) and single storey rear extension	Application Refused	27/08/2010

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 11 - Noise

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

Peterborough Core Strategy DPD (2011)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user

groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

4 Consultations/Representations

Transport & Engineering Services – Objection – Recommend refusal due to inadequate access width which would be detrimental to highway safety.

The LHA raised various highway concerns under the previous application ref. 10/00840/FUL. The LHA considers that while the majority of the previous concerns have been addressed under this application the access width remains substandard. Less than 10m into the site the access narrows to 4.1m which is insufficient width to allow two vehicles to pass. This would result in a queuing/backing up scenario of vehicles which would then impede the free flow of traffic on the adjacent public highway – Dogsthorpe Road – which is very busy in terms of pedestrian and vehicular movements as is the junction with Elmfield Road/Dogsthorpe Road. There also remains a shortage of parking/drop off spaces on site. A parking survey has been carried out however, this is not strictly in accordance with highway standards.

Pollution Team – No objection - The Pollution Officer considers the proposal will introduce noise events of a new character to the rear of the existing premises which may result in concerns regarding amenity. However, the traffic noise events will be similar in character to those that persist currently in the general locality and a number of school playground/parking areas are in similar proximity as the proposal and they exist without significant community annoyance and complaints.

In addition, the officer considers that the acoustic fence is unlikely to make any difference regarding the likely acceptability of the proposal for neighbouring residents, since it is the noise character, rather than the noise level of those events, that is likely to result in disturbance. Whilst an acoustic fence of increased height may result in a reduction in noise levels by 5dB (for example), this will have very little effect on the subjective response to that event by receptors.

Landscape Officer – No objection – The Officer considers that the trees and shrubs on site are a mix of poor quality conifer and shrubs with a single semi-mature multi-stemmed Chestnut. None are worthy of TPO. Replacement tree planting should be considered as part of a landscape scheme.

Councillor C D Ash – Objection – Cllr Ash has looked at the plans on the website for this and the previous, unsuccessful application. He asks that if officers are minded to approve this application it be referred to committee for the following reasons:

The current application has not addressed the Highways issues and he agrees with the comments of the LHA. The councillor also notes that it appears that there are proposals for a number of parking spaces at the rear of the property and he is concerned that this will be harmful to the amenity of properties in Birchtree Avenue and to a degree 142 Elmfield Road. He adds that given the proposed arrangement for parking there seems to be no other option than for the play area to be adjacent to 142 and therefore as raised in the 2010 application this will be harmful by way of noise and disturbance to the amenity of 142 Elmfield Road.

Councillor C Swift – Support – Requests that the application is referred to Planning Committee

for determination by the full membership. Cllr Swift considers that the applicant has been treated extremely unfairly.

Local Residents/Interested Parties

Initial consultations: 15

Total number of responses: 2

Total number of objections: 1

Total number in support: 0

Two letters have been received from neighbouring occupiers raising the following issues:

- Why is the application being considered again after being refused 2/3 years ago?
- Insufficient parking
- The grassed area outside the site is being used for parking this will be made worse as a result in the proposal
- There are too many other businesses in the area
- There would be highway safety issues due to busy junction, yellow lines already forcing people to park on the grassed area
- All landscaping/trees should be contained within the boundary of the property - the boundary fence has been broken down causing significant nuisance and cost in the form of unwarranted landscaping work

5 Assessment of the planning issues

a) The Principle of development

This is a revised submission for the change of use of a dwelling to a day nursery and the scheme has been amended to address the reasons for the refusal of the previous scheme. The scheme now includes visibility splays within the site, additional on-site parking to the rear of the site and a parking survey has been undertaken to assess the availability of on street parking near to the site. The number of places has increased to 32.

It is noted that there are many examples of former dwellings being converted and subsequently occupied as nurseries and each case is considered on its merits. The main planning considerations with the proposal are the highway implications and the impact on neighbouring amenity.

b) Highway implications

The revised scheme proposes an amended access which now includes vehicle to vehicle and vehicle to pedestrian visibility splays within the site boundary. This has been achieved by shifting the access slightly to the east enabling space to accommodate the visibility splay to the west of the access and within the applicant's control. The plan also indicates that there would be a 5m wide access for 10m into the site this will also incorporate highway land and result in an area of grassed highway verge to be hard surfaced. This is acceptable to highways. Thereafter a shared access of only 4.1m is available within the site. The Local Highways Authority considers that this is insufficient width to allow two vehicles to pass safely in and out of the site, particularly if cars were to park along the access and this may result in a queuing/backing up of vehicles on to Dogsthorpe Road which would then impede the free flow of traffic on Dogsthorpe Road.

Furthermore the LHA would not wish to see vehicles waiting on the adjacent carriageway to enter the site whilst another vehicle is exiting the site.

It is acknowledged that the site lies very close to the busy intersection with St Pauls Road/Welland Road and also close to the junction with Elmfield Road/Dogsthorpe Road. However, notwithstanding the view of the LHA, it is considered that there would be sufficient space at the site entrance for vehicles entering and leaving the site to pass safely without causing detriment to the

adjacent highway.

A further consideration is that on street parking directly to the front of the site is restricted by yellow lines due to the site's proximity to the junction. A parking survey has been undertaken by the applicant which suggest that there is capacity for on street parking along Dogsthorpe Road and Elmfield Road. The LHA has advised that the survey has not been undertaken in accordance with Highway requirements however, it does demonstrate that there would be some on street parking provision. The applicant has verbally advised that there would be up to 32 children attending the nursery. It is the officer's view that there would not be available space near to the site for many vehicles dropping children off to park. Due to the age of the children, parents would need to park cars and take children into the nursery. It is likely that parents would take the easiest option and as it would not be desirable to park too far away from the site it is likely that they will pull up on to the site frontage and on to the grassed highway verge thus restricting the visibility of vehicles and resulting in cars pulling off/reversing on to Dogsthorpe Road.

The parking standards within the Adopted Peterborough Planning Policies DPD require that day nurseries provide 1 parking space for every full time member of staff as well as drop off/pick up facilities. It is proposed that the nursery will employ 3 full time members of staff and 1 part time. Two alternative site layouts have been submitted both of which propose 10 parking spaces to the rear of the site. It is considered that the additional parking provision would be sufficient for staff parking and would provide drop off and pick up facilities for parents. However, the on-site parking provision and the limited capacity for on street parking near to the site would not provide sufficient facilities for 32 children, thus cars would park in unsafe locations causing detriment to the users of the adjacent highway. It is considered that this site would not provide an appropriate location for a day nursery as the available space within the site is a constraint. Hence the proposal is contrary to policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

c) Neighbouring Residential Amenity

The change of use: As with the previous scheme it is proposed that a play area would be positioned within the rear garden adjacent to the shared boundary with number 142 Elmfield Road. The impact on neighbouring amenity was one of the reasons for the refusal of the previous application.

In addition, the previous application proposed 6 parking spaces within the rear garden area and it was considered that the noise and disturbance likely to be generated by vehicles would alter the domestic character of the site which would be detrimental to the occupiers of neighbouring dwellings.

The revised scheme now proposes 10 car parking spaces to the rear of the site. The application includes a 2m high acoustic barrier to the east and northern boundaries.

The pollution control officer agrees that the proposal would introduce noise events of a new character however the officer considers that there are many situations where school playgrounds/parking areas are close to dwellings which exist without significant community annoyance and complaints and that few complaints are received. The officer believes the acoustic fence is unlikely to make any difference regarding the likely acceptability of the proposal for neighbouring residents, since it is the noise character, rather than the noise level of those events, that is likely to result in disturbance. Whilst an acoustic fence of increased height may result in a reduction in noise levels by 5dB (for example), this will have very little effect on the subjective response to that event by receptors.

While it is acknowledged that the fence would prevent some noise emanating from the site, the proposed use of the site as a day nursery for up to 32 children would alter, significantly, the domestic character of the property and would result in an unacceptable level of noise and disturbance which would be harmful to the amenity of the occupiers of the neighbouring dwellings. Hence the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

The extension: The extension would project from the rear building line by 5m and would have a height of 4.2m. It is considered that the height and scale of the extension would not unduly impact on the amenity of the neighbouring property to the east.

d) Design and Visual Amenity

The proposed extensions would be to the rear of the property and not directly visible from the street scene. There are alterations proposed to the front elevation, primarily the addition of double doors and an access ramp. It is considered that the proposed extensions and alterations are in keeping with the existing building and would not result in any adverse impact on the visual amenity of the area and therefore conform to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP2 of the Adopted Peterborough Planning Policies DPD.

e) Landscape Implications

The location of parking within the rear garden would encroach on the root protection area of trees along the boundaries. The Landscape Officer considers that the trees/shrubs on site are a mix of poor quality conifer and shrubs with a single semi-mature multi-stemmed Chestnut and that none of the trees are worthy of a TPO. It would be more appropriate if the trees were replaced as part of a landscape scheme. The proposal therefore complies with policy PP16 of the Adopted Peterborough Planning Policies DPD.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

While some restrictions could be placed on the use through planning conditions, in this instance the site is not in an appropriate location for use as a day nursery due to lack of parking and subsequent highway implications and the detrimental impact on the amenity of occupiers of neighbouring dwellings. The proposal is recommended for refusal.

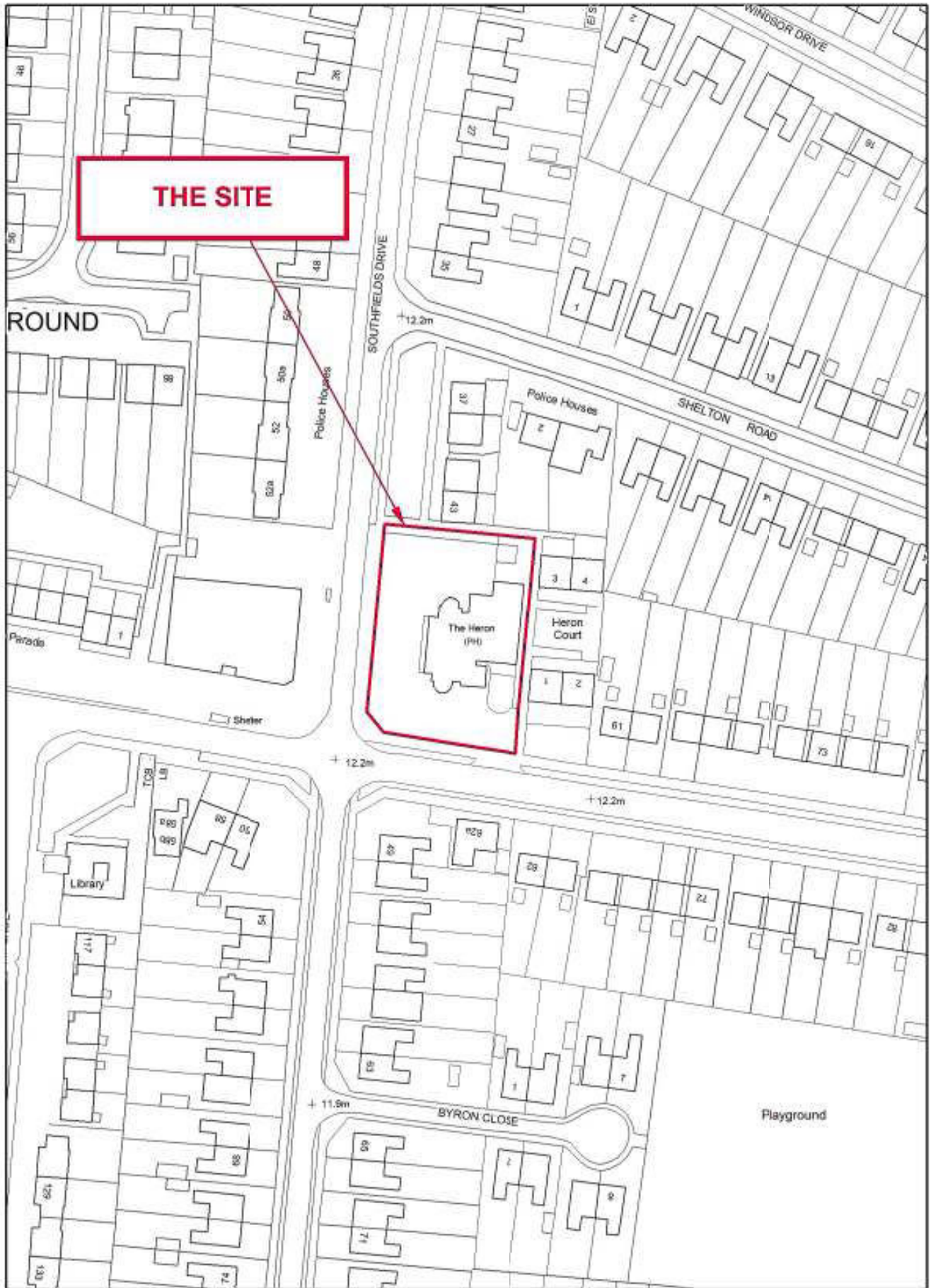
7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **REFUSED**

- R1 The application site would not be able to provide an appropriate number of drop off/pick up facilities for 32 children and notwithstanding the on street car parking survey which has demonstrated some capacity for on street parking provision, there would be insufficient on street parking capacity near to the site. As a result vehicles would park on yellow lines or on the wide grassed/paved area to the site frontage which would be detrimental to highway safety given the proximity of the site to the junctions. Hence the proposal is contrary to policy PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.
- R2 The proposed play area, by virtue of its proximity to the shared boundary with the neighbouring property at number 142 Elmfield Road, would result in an unacceptable level of noise and disturbance which would be harmful to the amenity of the occupiers of that property. Hence the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD:
- R3 The proposal would result in vehicles parking and turning in the rear garden of the property. The use of the site as a day nursery for up to 32 children has the potential for significant numbers of vehicular movements in and out of the site. The noise and disturbance likely to be generated by the vehicles of both clients and staff would alter, significantly, the domestic character of the property to the detriment of the occupiers of the neighbouring dwellings. Hence the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

Copies to Councillors A J Miners, C M Saltmarsh, C D Ash

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LOCATION PLAN 13/01604/FUL

The Heron, Southfields Drive, Stanground, Peterborough PE2 8Q3

Scale 1:1250 Date 7/2/2014 Name LG Department Planning Services

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PCC GIS



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Application Ref: 13/01604/FUL

Proposal: Demolition of public house and erection 12 two bedroom and 5 one bedroom apartments

Site: Heron Public House, Southfields Drive, Stanground, Peterborough
Applicant: Mr Woods of Baxter & King Limited

Agent: Mr Sharman of Sharman Architecture

Referred by: Councillor Brian Rush
Reason: The application is over development and too big for the site. It will dominate the area and the street scene and will be out of character with the area.

Site visit: 27 November 2013

Case officer: Mr A Cundy
Telephone No. 01733 453470
E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The Heron pub is on a prominent corner site at the junction of Southfields Drive and Lawson Avenue. The site forms a rectangular shape, is flat and covers an area of 1792 m². The pub is set back from the highway, with parking set between the footway and the building. The site is separated from the footway by a low post and chain fence.

To the north and east of the site are single storey elderly person bungalows. There is a local centre on the opposite corner including a hairdressers, florist, newsagent and two small supermarkets. Part of the local centre contains a 3 storey element encompassing retail units on the ground floor and two storeys of residential above. However the development will look towards a single storey retail store and associated car parking and service yard. The majority of dwellings within the immediate vicinity are 3 bedroom semi-detached dating from the mid-20th century and traditionally built with walls of facing brick and concrete roof tiles.

There is an existing vehicular access to the site from Southfields Drive. There are double yellow lines along this part of Southfields Drive and along part of Lawson Avenue frontage.

The site is surrounded to the north and east with existing close boarded fencing. There are a number of trees within the site all of which are proposed for removal.

Proposal

Planning permission is sought for erection of 12 two bedroom and 5 one bedroom apartments with ancillary parking area (22 car parking spaces), two underground bins and communal landscaped amenity areas. The applicant is proposing 5 additional parking spaces within a new on street parking bay on Southfields Drive.

The building is a mix of two, two and half and three storeys with ridge heights varying from 8.95 metres, 9.85 metres and 10.2 metres.

The existing close boarded fencing to the north and east is to be retained with landscape/planting

to be added to. To the east and south of the site the boundary (which currently fronts onto the public roads) will be finished with vertical steel railings. The development will be constructed using traditional materials, including buff facing bricks, white render, orange pantile roofs at high level and plain tile roofs at low level.

The applicant has confirmed that the development will be in accordance with code 3 for sustainable homes.

2 Planning History

Planning application ref: 09/00107/FUL for change of use of garage to hardware store granted 13th May 2009.

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 4 – Assessment of Transport Implications

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

Section 6 – Presumption in Favour of Sustainable Development

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated.

Section 7 - Good Design

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

Section 11 - Biodiversity

Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

Peterborough Core Strategy DPD (2011)

CS02 – Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in

strategic areas/allocations.

CS08 – Meeting Housing Needs

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

CS10 – Environment Capital

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

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.

CS13 – Development Contributions to Infrastructure Provision

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

CS14 – Transport

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

CS16 – Urban Design and the Public Realm

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

CS21 – Biodiversity and Geological Conservation

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

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made

in accordance with standards.

PP14 – Open Space Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity. Development which would have detrimental impact will be refused unless there are overriding public benefits.

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

4 Consultations/Representations

PCC Local Highway Authority – Object and recommend refusal – The Local Highway Authority (LHA) have concerns that there is a shortfall of 10 parking spaces. The LHA are of the view that any additional vehicles parked on the nearby highway would exacerbate an already unsafe situation still further and increase the likelihood of vehicle to vehicle and vehicle to pedestrian conflict.

PCC Pollution – No objection

PCC Landscape Officer – No objection subject to landscaping conditions

PCC Wildlife Officer – No objection subject to the use of appropriate conditions

PCC Drainage Team – No objection – Recommend a condition requiring detail of a scheme for the provision and implementation of surface water drainage

PCC Archaeological Officer – No objection – The archaeological officer advises that a programme of archaeological work may be secured by condition.

PCC Strategic Housing – No objection - Policy CS8 of the Peterborough Core Strategy seeks the provision of 30% affordable housing on all development sites on which 15 or more dwellings are proposed. Accordingly I would anticipate 5 affordable homes on this site, subject to viability.

PCC Waste – No objection - We are happy with the position of the underground bins, the size of the bins need to be 1 X 5 cubic metre general waste & 1 X 5 cubic metre recycling.

Police Architectural Liaison Officer – No objection. The Police Architectural Liaison Officer (PALO) does however have concerns in relation to the under provision of allocated parking places within the development site and that parking should be provided within a safe parking court or in curtilage (within defensible space) of homes. Should permission be granted would recommend suitably worded conditions covering the style and height of boundary treatments, the design of the secure cycle store and detailed lighting provision for the rear parking court.

Environment Agency – No response

CIlr Rush – Objects for the following reasons:

- Policy PP2 – the proposal would have a detrimental effect on the character of the immediate adjoining properties and the surrounding area

- Policy PP3 – the proposal would result in a loss of privacy, loss of light to and overshadowing of nearby properties. The proposal would also have an overbearing impact on nearby properties
- Policy PP12 – the proposal would have an unacceptable impact on highway safety at the busy crossroads.
- The application is overdevelopment, too big for the site and that the proposal will dominate the area, the street scene and be out of character with the area as the surrounding properties are mainly older people's bungalows
- The nearby schools are already oversubscribed.

Local Residents/Interested Parties

Initial consultations: 21

Total number of responses: 37

Total number of objections: 37

Total number in support: 0

Thirty seven neighbour letters received raising the following issues:

- The proposal would not be in keeping with the character of the area
- The proposed building project is too big
- The development is totally out of character with all existing housing in the immediate vicinity, in height of the buildings and density of occupation.
- The apartments will be an eyesore like the flats developed in Coneygree Road
- There are bungalows surrounding the site, anything above two storeys would not be appropriate and would intrude on the privacy and light to nearby properties
- The impact on all nearby residents due to the obvious increase in noise caused by cars and a massive increase in the number of people will have a detrimental effect on the quality of life for all of the long term residents young and old.
- The parking will be a problem as there does not look like enough spaces for parking for 17 apartments which means there will be parking on the road
- The parking is accessible to all and therefore will be used by people other than residents i.e. those using the local shops
- The car parking area is secluded and therefore give opportunity for crime
- The proposed development is right adjacent to a notorious accident black spot namely the cross roads of Southfields Drive and Lawson Avenue. Any significant increase in the volume and movement of traffic in and out of this development will only exacerbate an already bad situation
- A smaller project of perhaps 10 or 12 properties may be more appropriate - particularly if it were only two storeys and thus would reduce potential problems relating to traffic at the Southfields Avenue/Lawson Road crossroads
- I understand that rubbish will be collected once a week by a crane situated on a lorry and this will cause congestion along Lawson Avenue/Southfields Drive
- I am concerned about the increase in crime from/to the homes and cars and the negative impact that this will have on my home and the quality of my life.
- There are well developed trees on the site which make a significant contribution to the landscape and should not be cut down/back
- The schools in the area are oversubscribed which will make matters worse with increased housing
- Loss of a good architectural designed building of good strong structure
- this is a well loved and very popular local amenity and provides a focal point for socialising and entertainment - the loss of this public house to be replaced by more drab flats would be a travesty!!
- Most of the residences have not been made aware of the application and its potential implications.

Officers have also received a petition with 33 signatories objecting to the application. The signatories are against the proposal to demolish the Heron Public House, for the development of 17 apartments

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Layout and impact on character of area
- Access and Parking
- Landscape and Ecology
- Affordable Housing and Life Time Homes
- Residential amenity – future occupiers of the site
- Open Space
- Impact on existing neighbours
- Drainage
- Archaeology
- S106

a) Principle of development

It is considered that the principle of residential development on this site is acceptable. In addition residential development on this brown field site adjacent to an existing residential area is an example of development which is encouraged in the NPPF. In addition it is felt that a residential development of this kind would be compatible with neighbouring land uses, and would not materially affect the amenity of adjoining dwellinghouses.

The loss of the pub has been objected to by several local householders, as they say it is a well loved pub and a very popular local amenity that provides a focal point for socialising and entertainment. While this may be a useful local facility, there are several other pubs nearby, and the proposal would not result in an absolute shortage of facilities in the area.

b) Layout and impact on character of area

Policy CS16 requires new development to respond appropriately towards the particular character of the site and its surroundings whilst not unacceptably impacting upon the amenities of occupiers of any nearby properties. The general character of residential properties in the surrounding area is that of single and two storey high properties that are semi-detached.

Notwithstanding the comments in part a) above the proposed development would occupy an uncharacteristically small plot for this scale of development in comparison to the majority of nearby dwellings and flats. The development as proposed would give the impression of a clumsy, cramped, overdevelopment of the site area. This would be particularly apparent from bulk and mass of the development, from the close proximity of the proposed building to the site boundaries, the way in which its footprint would occupy a high proportion of the available site and the lack of car parking. It is considered that the proposed development would therefore bring about an unsuitable change, out of keeping with the prevailing development pattern.

Further the proposed apartment block would project 8 metres and 6.6 metres forward of the established building line set by nos. 43 Southfields Drive and nos. 1 Lawson Avenue respectively. It is considered that the proposal by reason of its siting and scale would introduce an intrusive element that would destroy the uniformity and be at odds with the prevailing and consistent grain of development. Accordingly the proposal would fail to integrate itself successfully into its surroundings and would be harmful to the character and appearance of the area, contrary to policy CS16 of the Peterborough Core Strategy which stresses that new development should respond appropriately to the particular character of the site and its surroundings and should improve the quality of the public realm and contrary to Government advice in the National Policy Framework 2012 which lays great stress upon the importance of good design specifically paragraph 64 which states that poor design should be refused.

c) Access and Parking

The current adopted parking standards requires this development to provide a minimum of 32 car parking spaces. (5 x 1 bed = 5 number spaces + 1 visitor space / 12 x 2 beds = 24 number spaces + 2 visitor spaces). The developer is proposing 22 car parking spaces and 5 additional spaces within a new parking bay on Southfields Drive. The Local Highways Authority have concerns that there are a shortfall of 10 parking spaces. The applicant has submitted a parking survey with the application to demonstrate that cars could park on street. Due to the Council's accident records for this junction the LHA have discounted the information provided within the parking survey. The LHA advise that any additional vehicles parked on the nearby public highway would exacerbate an already unsafe situation still further and increase the likelihood of vehicle to vehicle and vehicle to pedestrian conflict. The highway engineers advise that the proposal is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD (2012) and should therefore be refused.

d) Landscape and Ecology

A tree survey has been submitted with the application. There are no trees on site worthy of protection. The Councils landscape officer raises no objections to the proposal subject to a landscape condition requiring details of new landscaping.

The wildlife officer advises that the existing building due to its relatively modern construction and not being located near to woodland or water does not meet the criteria requiring a bat survey. The wildlife officer raises no objection to the granting of planning permission subject to the use of appropriate bird box and landscaping conditions.

e) Affordable Housing and Lifetime Homes

The application proposes 30% affordable housing. The proposal therefore affords with policy CS8 of the adopted Core Strategy.

f) Residential amenity – future occupiers of the site

The applicant states that the internal layout and plan size of the proposal are designed to meet the requirements of the current government housing standards with respect to living accommodation. The applicant adds that the 2 bedroom 3 person apartments are 57-67 sq metres and the 1 bedroom 2 person apartments are 45 – 50 sq. metres. The applicant states that their construction and sustainability will be in accordance with code 3 for sustainable homes.

It is accepted that each dwelling would provide an adequate level of internal amenity for the future occupiers with the development taking advantage of natural sun/daylight provision.

The amenity area of the proposed apartments at approx. 164 sq. metres would not be adequate in terms of size; and siting. Specifically the siting of the amenity area to the rear of 1, 3 and 6 would be quite limited in terms of use and privacy. Whilst not grounds to refuse the application it does add to the sense that this would be a contrived and rather cramped development.

A secure underground bin store and secure cycle store are located along the eastern boundary of the site.

On balance it is considered that future occupiers of the dwellings would be afforded a satisfactory level of amenity in accordance with policy PP4 of the Adopted Planning Policies DPD.

g) Public Open space

As the development is for only 17 units, it is not practicable to have on site provision of public open space and so the developments Public Open Space needs can be met via a S106 contribution as per the POIS mechanism.

h) Impact on existing neighbours

The building is a mix of two, two and half and three storeys with ridge heights varying from 8.95 metres, 9.85 metres to a maximum of 10.2 metres. Taking into account the proximity of the block it

is considered that the development would not give rise to overshadowing or an overbearing impact in relation to the surrounding existing development. Taking into account the separation distance between and juxtaposition of neighbouring properties it is considered that the relationship with the existing development is acceptable. The proposal would not, therefore, result in any adverse impact on the amenity of the occupiers of existing neighbouring properties, specifically the single storey elderly person bungalows to the north and east of the site. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD 2012.

i) Drainage

The Council drainage engineers raise no objection to the proposed development subject to a condition requiring detail of a scheme for the provision and implementation of surface water drainage.

j) Archaeology

The proposed development site is located in an area of former arable land which was intensively developed during the 1960s and 1970s. The Council Archaeology officers advise that there are no known scheduled or unscheduled heritage assets within or immediately adjacent to the site, although evidence for Roman activity is known within a 500m radius through antiquarian observations, chance discovery of artefacts and recent excavations carried out to the north of the site. Further the officer adds that remains dating from the Bronze Age have been recorded during excavations in advance of the construction of Stanground bypass at less than 1km to the south. The Archaeology officer notes that the proposed development entails the demolition of the current public house, the footings of which occupy one quarter of the site and concludes that some degree of truncation of potential buried remains is therefore expected. It is recommended that a programme of archaeological work including exploratory trenches should, if permission be granted, be secured by condition

k) S106

The Council's Planning Obligation and Implementation Scheme (POIS) SPD (2010) seeks a contribution of £55,000 and a £1,100 monitoring fee. Therefore, subject to the signing of a Section 106 Legal Agreement the proposal would accord with Policy CS13 of the Peterborough Core Strategy DPD (2011). Notwithstanding the S106 has not yet been completed and in case this goes to appeal it needs to be added as a reason to refuse.

l) Other matters

In the interests of new development contributing towards the Council's aspiration to become Environment Capital of the UK, should permission be granted, a condition shall be attached with respect to ensuring the development be constructed so that it achieves a Target Emission Ratio of at least 10% better than building regulations at the time of building regulation approval being sought; it will therefore accord with Policy CS10 of the Peterborough Core Strategy DPD (2011).

6 Conclusions

Taking all matters into consideration officers conclude that the proposal would harm the character and appearance of the area contrary to Core Strategy Policy CS16 and would increase the likelihood of vehicle to vehicle and vehicle to pedestrian conflict contrary to Core Strategy Policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD (2012)

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **REFUSED** for the following reasons:-:

1 - The proposal for 12 two bedroom and 5 one bedroom apartments would occupy an uncharacteristically small plot for this scale of development in comparison to the majority of the nearby built form. The proposal would give the impression of a clumsy, cramped, overdevelopment

of the site area. This would be particularly apparent from bulk and mass of the development, from the close proximity of the proposed building to the site boundaries, the way in which its footprint would occupy a high proportion of the available site and the lack of car parking. It is considered that the proposed development would therefore bring about an unsuitable change, out of keeping with the prevailing development pattern. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011).

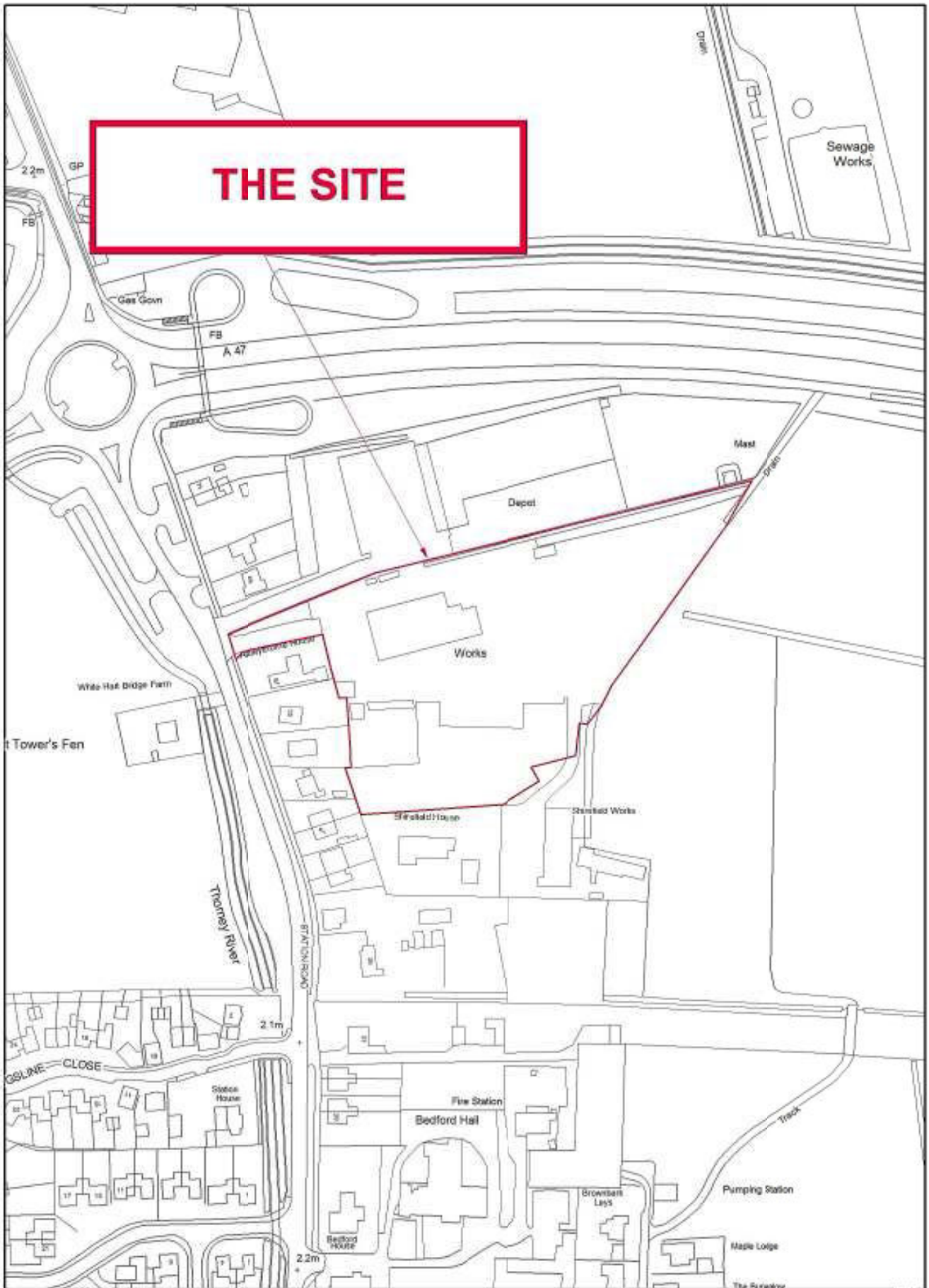
2 - The proposed apartment block would project 8 metres and 6.6 metres forward of the established building line set by nos. 43 Southfields Drive and nos. 1 Lawson Avenue respectively. The proposal by reason of its siting and scale would introduce an intrusive element that would destroy the uniformity and be at odds with the prevailing and consistent grain of development. Accordingly the proposal would fail to integrate itself successfully into its surroundings and would be harmful to the character and appearance of the area, contrary to policy CS16 of the Peterborough Core Strategy which stresses that new development should respond appropriately to the particular character of the site and its surroundings and should improve the quality of the public realm and contrary to Government advice in the National Policy Framework 2012 which lays great stress upon the importance of good design specifically paragraph 64 which states that poor design should be refused.

3 – There is insufficient space within the curtilage to provide parking facilities for the residential development proposed. This will result in vehicles parking on the highway nearby which would be detrimental to highway safety. This is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 and PP13 of the adopted Peterborough Planning Policies DPD (2012).

4 - The application proposal fails to make provision for additional infrastructure and community facilities which are necessary as a direct consequence of development and is therefore contrary to Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and the Planning Obligations Implementation Scheme SPD (2010).

Copies to Councillors B Rush, I Walsh, M Cereste

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LOCATION PLAN 13/01627/OUT

Unit 2, 61 Station Road, Thorney, Peterborough PE6 0QE

Scale 1:2500 Date 7/2/2014 Name LG Department Planning Services

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PCC GIS



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Application Ref: 13/01627/OUT

Proposal: Erection of 14 dwellings

Site: Unit 2, 61 Station Road, Thorney, Peterborough
Applicant: RM and CT Harlock

Agent: John Dickie Associates

Referred by: Cllr D Sanders
Reason: The land has the potential to accommodate residential development

Site visit: 12 December 2013

Case officer: Mike Roberts
Telephone No. 01733-454410
E-Mail: mike.roberts@peterborough.gov.uk

Recommendation: REFUSE

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

Proposal

The proposal is an outline planning application for the erection of 14 ‘live-work’ dwellings which means each dwelling having a room that could be used for employment purposes. Such employment uses could be expected to include uses within class B1 (offices and light industrial uses) of the Town and Country Planning (Use Classes) Order 2010.

The details of the layout, scale, access, landscaping and appearance of the development, i.e. the reserved matters, are not for consideration at this stage. An indicative housing layout has been submitted.

The residential development would be partly upon land that is allocated for employment use as well land currently in commercial use with the remaining housing located on a grassed area within the southernmost part of the site.

The existing vehicular access to the site, from Station Road, would serve the proposed development although access to the site is a reserved matter.

Site and Surroundings

The site is located towards the north of the village of Thorney within a site that has been principally in commercial use for a number of years. There is one two storey building located in the north-western area of the site which is used wholly for employment purposes that includes a business that specializes in providing stages for public events. This business involves the use of long heavy goods vehicles that are parked within the site when not in use. A large part of the site comprises a turning area for the HGV’s. The vehicle access to the site is off Station Road to the north west. This access road runs parallel with the access road to a development comprising a terrace of 6 one and a half/two storey industrial units located to north of the site, four of which are occupied. At least four of these buildings are in general industrial use. The larger of the buildings, located at the

western end of the row, is occupied by a metal engineering company that undertakes shot blasting work. Noise from that occupier is audible over the entire application site. All of these buildings have tall and wide openings in their south facing elevations which face towards the application site.

To the south of the application site is a substantially sized detached dwelling set back from the site boundary. There is a two storey high light industrial unit just beyond the south east of the site which has a vehicle access route through the application site to Station Road. This light industrial business is owned by one of the two applicants.

To the west, the boundary of the site is shared with the rear garden fences of the residential properties on the east side of Station Road. To the east of the site lies open countryside and allotments.

The whole site area falls within Flood Zone 3 of the Environment Agency Maps.

2 Planning History

Within the application site the following applications were submitted

06/02002/FUL – Residential development of 83 dwellings – **NOT DETERMINED**

92/P0087 – Industrial development – **APPROVED** - 5.11.1992

P0777/88 – Residential development – **REFUSED** – 20.10.1988

On land immediately to the south of the application site there have been the following applications

98/00314/FUL – Extension to light industrial unit – **APPROVED** – 20.5.1998

92/P0088 – Erection of a house and garage – **APPROVED** – 5.11.1992

92/P0086 – Erection of house garage – **APPROVED** – 3.11.1994

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 4 – Assessment of Transport Implications

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

Section 6 – Delivery of a wide choice of high quality homes

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated. There should be a wide choice of high quality housing, widening opportunities for home ownership and sustainable, inclusive and mixed communities should be created.

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities

and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 10 - Development and Flood Risk

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

Section 11 - Re-use of Previously Developed Land

Should be encouraged provided that it is not of high environmental value.

Section 12 - Conservation of Heritage Assets

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

Peterborough Core Strategy DPD (2011)

CS02 – Spatial Strategy for the Location of Residential Development

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

CS08 – Meeting Housing Needs

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

CS10 – Environment Capital

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

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

Planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all of the requirements arising from the proposed development and mitigate the impact of that development on existing community interests with environmental limits. Conditions or a planning obligation are likely to be required for many proposals to ensure that new development meets this principle

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 Site Allocations DPD (2012)

Over half of the application site area, ref:- SA14.3 is allocated in the Site Allocations Document for Employment Uses only. The remainder already being in employment use. The Planning Inspector considered that the overall approach taken by the Council in allocating some land for employment development in Flood Zone 3A was consistent both with the relevant national planning advice and the Peterborough Core Strategy. Further the employment land allocations were considered to be justified and deliverable and the results were soundly based.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. A positive approach will be taken that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP04 - Amenity Provision in New Residential Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP14 – Open Space Standards

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

PP15 – Heritage Assets

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP20 - Development on Land affected by Contamination

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

Community Infrastructure Levy (CIL) Regulations 2010

Planning Obligations

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

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

In addition obligations should be:

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

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

4 Consultations/Representations

Local Residents/Interested Parties

Initial consultations: 35

Total number of responses:2

Total number of objections: 1

Total number in support: 1

Peterborough City Council Drainage Team - No objection in principle to the proposed development. Details of the design of the drainage systems, specification of the drainage elements, calculations of the attenuation requirements, ownership/maintenance details and overland drainage flow routes in the event of exceedance to demonstrate that neighbouring

properties would not be affected. The development would also need to take into account the PCC sustainable drainage (SuDS) responsibilities.

The Environment Agency - No objection to the application. and the development must be carried out in accordance with mitigation measures within the details submitted in the Flood Risk Assessment ASSOC, dated August 2013, and the following mitigation measures detailed:-

1. Finished floor levels of the dwellings must be set at 500 mm above existing ground levels with flood resilient construction incorporated.
2. Future occupants will be advised to sign up to flood warnings direct.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

The Environment Agency has advised that it is the role of the Local Planning Authority to review the submitted Sequential Test to assess its appropriateness.

PCC Highways Team – No objections in principle subject to -

- Access details being agreed to take into account HGV movements within the site.
- No third party land should form a part of the access arrangements
- 2m wide footpaths are required at least as far as the turning head
- The road layout should make provisions to accommodate a 10.5m long refuse vehicles
- Shared surfaces may be acceptable
- Each dwelling is to have a minimum of two parking spaces and cycle parking at a standard of 1 stand per bedroom. Visitor parking is to be in accordance with policy PP13 of the Peterborough Planning Policies DPD.
- Vehicle to vehicle visibility splays of 2.4m x 25m are required at the road junction. These can be achieved within the public highway, for a development comprising of 14 dwellings.
- Vehicle to pedestrian visibility splays are to be 2m x 2m on both sides of any access serving more than 1 dwelling. At single plot accesses this can be reduced to 1.5m x 1.5m.
- All visibility splays are to be kept free from obstruction over 600mm in height
- Forward visibility splays of a minimum of 20m will be required at bends within the site
- The roads must be designed to restrain vehicle speeds to a maximum of 20mph on carriageways and 10-15mph on shared surfaces

The North Level Drainage Board

- The development will reduce the impermeable area of the land but Greenfield water run-off rate 1.4litres per second per hectare will be acceptable
- There is concern with regards to the raising of the floor levels by 500mm. The site should not be raised as a whole as it would impact upon the properties that the site borders onto.

Environmental Health Pollution Control

Contamination

This Section does not concur with the conclusion of the Phase 1. There are a number of potential contaminative areas on site including buildings in a poor state of repair potentially containing asbestos, a spoil heap of unknown content, evidence across the site of waste disposal by burning,

stored materials, previous uses, and made ground that require further consideration and investigation by a suitably competent person.

Noise

During a site visit the sound of shot blasting from the adjacent industrial unit was pervasive across the whole site. Additionally it is noted that metal engineering takes place on that site, and associated impact noise was noted. This activity represents a significant restraint to the development of the site.

In this instance the potential for complaint is not associated with one specific noise source, but the characteristics of industrial behaviour. The conduct of such industrial processes in close proximity to residential development is unlikely to be successful. The ancillary activities (deliveries, loading/unloading of steel, manoeuvring of materials across the premises, fork lift truck usage, and work conducted outside the building envelope) are equally as likely to result in complaint as the principal work activities, should the development proceed.

The characteristics of many of these processes is that they are not continuous, are of short duration, and produce short-term, high energy impact noise. Such events are unpredictable, sudden in nature and consequently result in a startle effect that would be particularly annoying.

Furthermore such noise is difficult to assess and control, but would be from sources essential to the routine conduct of the business. It is unlikely that a scheme for the development will adequately mitigate against all potential work activities associated with the site, and these activities cannot be adequately controlled by the operator of the industrial premises. Proceeding with development is likely to result in an ongoing, onerous enforcement liability to the Council.

Thorney Parish Council

The Parish Council has advised that it has always considered this as their preferred development site in the village for the following reasons:-

- It is a Brownfield site which it believes should always be given preference over other sites
- As a previously developed site within the village envelope it does not extend development into the surrounding countryside and thereby encroach upon the rural setting of the village
- The site is tucked away behind the existing dwellings on the Station Road frontage and, as a consequence, will have little or no visual impact on the village
- It is easily accessible from the Thorney By-pass and is, therefore, unlikely to generate much traffic through the village
- We have never had any objections to the site being changed from employment use to residential use
- We believe that due the site's close proximity to the sewage works it will not generate the drainage/sewage infrastructure problems that are of concern in other parts of the village
- As there seems to be no long-term prospects of the site continuing for employment use the Parish Council welcome these proposals for its use for residential accommodation
- The Parish Council also welcome the proposals for the larger 4/5 bedroom houses with work at home facilities as we have long thought this to be a dwelling type much needed in the village
- The Parish Council understand there are some matters of drainage that concern residents adjacent to the site and assume full account of these will be taken into account as the project is developed in more detail
- The Parish Council has no objections to these proposals and would recommend approval being granted to this application

- The Parish Council would like to request that a share of any S106 monies arising from this project are allocated to a community project in the village. The particular project we have in mind is the extension of existing footpaths in Thorney Park to improve access across areas of the park which become waterlogged and boggy.

Waste Management Team

The development shall provide funding for the future waste and recycling needs of the City Council, as a result of the residential development, by way of a section 106 agreement.

Architectural Liaison Officer

The submitted indicative plans and supporting D&A statement, contains full and comprehensive indication of the applicants intentions, which if adhered to, should provide an acceptable scheme which will adequately address vulnerability to crime for this site.

Bereavement Services

The proposed development will potentially impact upon the service provided by Bereavement Services and will be subject to a S106 contribution towards the provision of a new cemetery as existing facilities are nearing exhaustion. The capital budget for the new cemetery is set at £1.158M to provide 15,000 graves. The S106 contribution per person is, therefore, £77.20.

(14 x 1 bed) x77.20 = £1080.80

Building Control

The development would require Building Regulations approval at the reserved matters stage.

Archaeological and Historic Background to the Site

The proposed development site contains no known designated or undesignated heritage assets. Archaeological work carried out between 2004 and 2005 during the construction of Thorney by-pass encountered no archaeological features, although it revealed a sequence of fen marine, alluvial and peat deposits, probably dating from the Mesolithic period onwards. The stratigraphic sequence suggests that this area was subjected to episodes of inundations and wet by the Bronze Age period.

The site has been developed and used as a brownfield since the late 1940s. As a result, parts of the site are likely to have been truncated.

The site has limited potential for the existence of archaeological remains; in addition, part of it has been truncated during the construction of the industrial unit. However, a gravel outcrop likely to represent the location of a Bronze Age barrow was recorded during the construction of the Thorney by-pass. Although presently unknown, similar gravel islands/outcrops may survive further to the west within the proposed development site.

It is recommend that a programme of archaeological fieldwork is secured to include the following:-

A desk-based assessment of the site, borehole survey/geotechnical data to be read and interpreted by a palaeo-environmentalist and on site work in accordance with a programme of archaeological work which would include an evaluation by trial trenching.

Mr Stewart Jackson MP

Fully supportive of the proposal and surprised that the recommendation is for one of refusal given

the high quality of houses that are proposed which it is felt would be to the benefit of Thorney.

49 Station Road, Thorney

Due to living directly in front of one of the new dwellings the occupiers are concerned that they would be overlooked. The field to the back of no.49, where the house is proposed to be built on the current plan, will be in a field which is regularly flooded when there is any decent amount of rain. There is concern that flooding may come into their garden.

Also they understand that at no.55 Station Road, the applicant has a pump, which has to be used every time there is heavy rain, to clear the flood water from the property of nos.53 and no.55. This is evidence that shows that there is a flooding issue.

There is concern about the standard of the pavement running down Station Road and the fact that there will be a lot more people using the path once the properties have been sold. There are regular power cuts at no.49 and there is concern that the extra properties will only make this worse. This also applies to the sewage system.

When the properties are in the process of being built all the heavy vehicles coming into the village should be from the bypass and not along Station Road, as there are already problems with the road outside no.49 as it has dropped, causing a problem to the traffic.

Senior Planning Obligations Officer

As the application is seeking outline planning permission only and the number of bedrooms in each dwelling is not known, were planning permission to be granted in accordance with the Planning Obligation Implementation Strategy infrastructure payments would be required. The contribution would be calculated based on a formula that sets out the infrastructure payment depending upon the number of bedrooms per dwelling as submitted at the reserved matters stage should planning permission be granted at the outline stage. There could be a need to secure an off-site contribution towards Public Open Space.

5 Assessment of the planning issues

The main considerations are:

- a) Principle of development and flood risk**
- b) Live-work residential properties.**
- c) Neighbouring land uses/Residential amenity**
- d) Contamination Implications**
- e) Highways Issues**
- f) Impact of the development upon the character and appearance of the area**
- g) Archaeology**
- h) Planning Obligation Implementation Strategy**

a) Principle of development and flood risk

Part of the site has been allocated for employment uses in the previous development plan of the Authority that was the Peterborough Local Plan, First Replacement, 2005. The boundaries of the

allocation and site area were identical to that of the current adopted Site Allocations DPD.

The National Planning Policy Framework (NPPF), paragraph 2, makes it clear that planning applications should be determined in accordance with the development plan unless material planning considerations indicate otherwise. The Local Planning Authority's development plan was prepared with a presumption in favour of sustainable development and is therefore compliant with the NPPF. It was approved by an independent Planning Inspector and adopted in 2012. The proposal is therefore contrary to the land use allocation in the Local Development Framework and there are no other material considerations to allow the Local Planning Authority to form a different view. The principle of the residential development is therefore considered to be unacceptable.

At the examination of the Councils Site Allocations Plans DPD the sites suitability was examined for both housing and employment use.

With respect to the housing potential it was considered that the Councils Strategic Flood Risk Sequential Test demonstrated that sufficient, reasonably available housing sites could be allocated to meet the housing requirements set out in the Peterborough Core Strategy without the need to allocate any housing development land in Flood Zones 2 and 3.

The Sequential Test submitted with the application was thorough. It did highlight, however, that there are allocated sites within the district that are available for residential development with no flood risk implications without having to rely upon residential development being located in Flood Risk areas, which the application site is.

The overall approach taken by the Council in allocating some land for employment development in Flood Zone 3A is consistent both with national planning (NPPF) advice and with the Peterborough Core Strategy because the use is less vulnerable to harm were flooding of the land to take place. Further there is a need to provide land within the larger villages for employment use. Policy SA14 of the Site Allocations DPD (2012) has allocated employment land in the village of Thorney that is a Key Service Centre by definition, to assist in diversifying the rural economy but being of a modest scale.

The employment land allocations in the Site Allocations Development Plan 2012 were considered, by the Inspector, to be justified and deliverable even though a longstanding allocation, and the results were soundly based. The loss of employment land was not acceptable.

Exception Test

An Exception Test was also undertaken, the conclusions of which were submitted with the application. This test is a requirement, as set out in the NPPF, is to assess whether a development would be acceptable on a site, designated as being within Flood Zone 2 and 3 where there are no suitable sites available in areas with no flood risk issues. This has to be a development that is 'needed' by the Authority. In this case the Exception Test fails on the grounds that the residential development of the site is not needed by the Authority as there are sufficient allocated residential sites in the district on land, not at risk from flooding, to satisfy the required increase in housing numbers until 2026.

The Environment Agency have not objected to the proposal. It has only assessed the proposal on safety grounds to minimise the potential for harm, in this case, of the future residents of the development. To achieve this they have advised that the ground floors of the dwelling should be raised by 500mm so the development could be mitigated from the risk of flooding. It has also advised that it is for the Authority to determine whether the development would satisfy the Sequential and Exception Tests which are stated in this Committee Report.

b) Live-work residential properties.

The proposed dwellings are to combine living accommodation with employment use. If taken up this type of property would be more sustainable than the typical dwelling house because of the potential for less vehicle movements during the day. Such a use could be for B1 (office or light industrial) use. Examples of the layout of the ground floor of the dwellings show a large room that would be available for a business use as an office, for example, for the residents to use. However, the use of the 'office' room would not be possible to control so it may be that the room would be used as a part of the residential use of the dwelling.

There is no specific need for residential 'live work' accommodation as proposed and the work element does not make the proposals acceptable.

c) Neighbouring land uses/Residential amenity

To the north of the application site is a terraced row of buildings, four of which are in general industrial use. The activity of the uses are noisy with one business undertaking shot blasting. Given the proximity of the proposed residential properties to the general industrial uses the occupiers of the dwellings would have a poor environment where noise impacts would be a constant disturbance to residential amenity. The noises generated from the industrial units to the north of the site are of a level that would be audible from across the whole of the proposed residential development area. Such noises cannot readily be controlled by the development or within the curtilages of the industrial units. Therefore the proximity of the proposed dwellings to the industrial units would result in an unacceptable level of amenity to the residential development. The Environmental Health Officer has advised that the application should be refused on noise grounds.

There would also be a constraint to the proposal from the operation of the light industrial unit to the south east of the site. Currently traffic generated by that business accesses to and from Station Road through the industrial land to the immediate north i.e. the application site area. However the proposal would result in the vehicular access to the business being through the application site. This would be detrimental to highway safety and the residential amenity.

d) Contamination Implications

Whilst a contamination report accompanied the planning application the Environmental Health Officer has advised that there are a number matters that have not been adequately dealt with the report. Whilst this is the case, were planning permission to be granted a condition(s) could require a comprehensive contaminated land investigation report be submitted to and approved by the Authority. The development of the site would thereafter have to be wholly in accordance with the agreed programme of works to remove contamination from the site.

e) Highways Issues

The Highways Officer has concerns, on highway safety grounds, with regards to the vehicles generated by the light industrial use (class B1) building, to the south east of the site, having to travel to and from Station Road through the proposed residential development. Such vehicles generated by the light industrial unit would be large in size and there would be a danger to residential safety and amenity.

f) The impact of the development upon the character and appearance of the surrounding area

The density of the development would provide for a spacious residential development, which could be accommodated without detriment to the character and appearance of the immediate area. The site is in a position that is tucked away from the general street.

At the proposed density of development there would be scope for landscaping, to include tree planting, along the boundaries of the site, that would enable the character and appearance of the development to relate in a satisfactory way to the open countryside and the boundaries to

surrounding residential and industrial properties.

The submitted indicative scheme is not for approval but gives an idea as to how the development could proceed.

g) Archaeology

The construction of the Thorney by-pass revealed that there was a Bronze Age barrow in the vicinity and there may be more within the immediate area, including within the application site. A programme of archaeology investigation would be required prior to the implementation of the development were planning permission to be granted.

h) Planning Obligation Implementation Strategy

The Strategy requires that, as a result of the development, there would be a need to fund infrastructure and facilities. No such legal agreement has been secured.

6 Conclusions

Taking all matters into consideration Officers conclude that the residential use of the site would be contrary to the sites allocation as there is no need for the dwellings given that sufficient land has been allocated by the Authority for the growth in residential development until 2026 and that the proposal has failed both the Sequential Test and the Exception Test which had to be undertaken given the sites location within Flood Zone3. Therefore the proposal would be contrary to policies CS2 and CS22 of the Peterborough Core Strategy, policy SA14.3 of the Peterborough Site Allocations Document, policies PP3 and PP4 of the Peterborough Planning Policies DPD and Section 10 of the National Planning Policy Framework.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED for the following reasons:-**

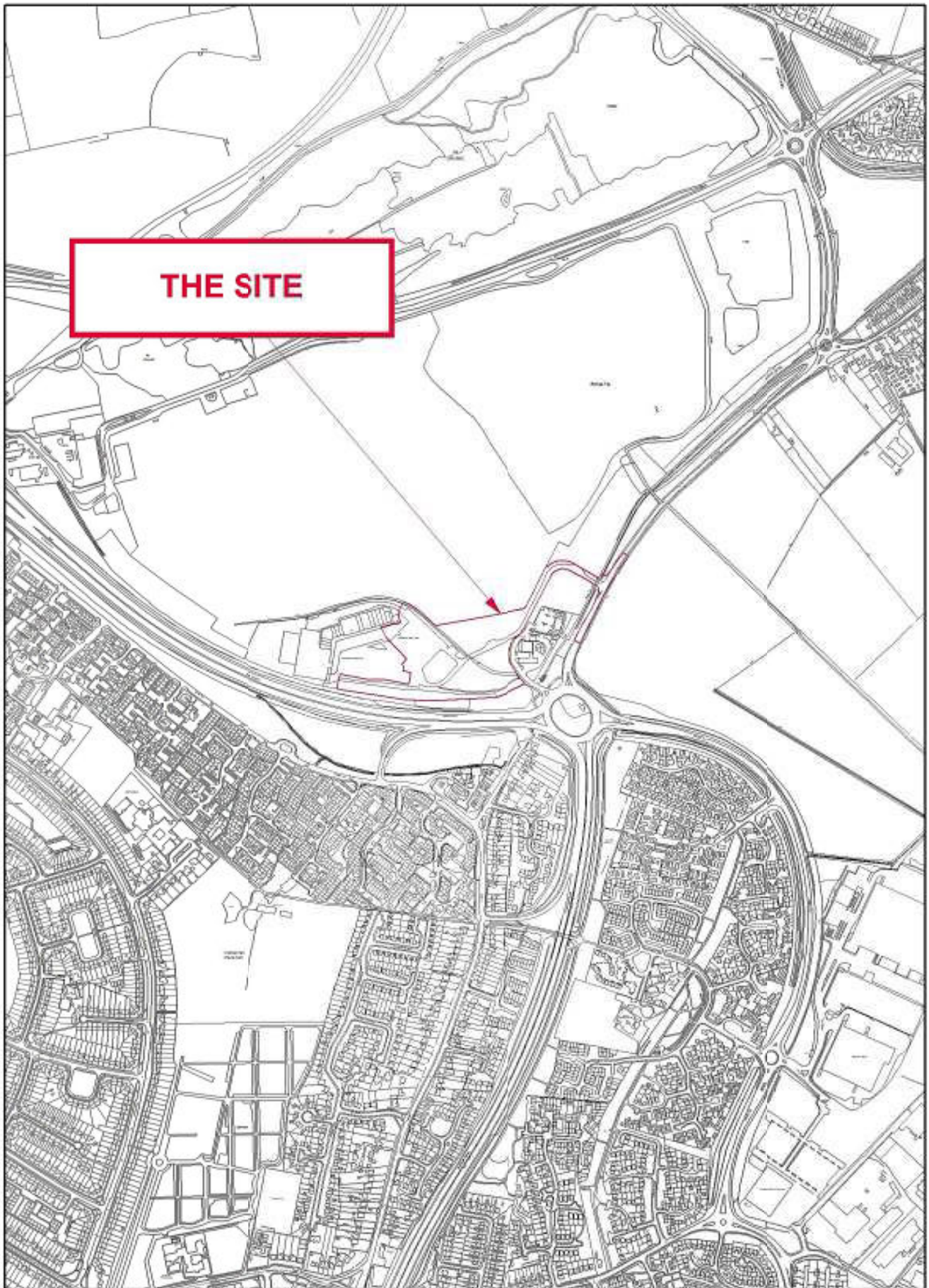
- 1.** The application site has, in part, been allocated for employment uses in the adopted Peterborough Site Allocation Document (2012). Its loss to residential use would undermine the Local Planning Authority's aims to retain employment land in rural areas and provide mixed and diverse rural economies. Therefore the proposal would be contrary to policy CS3 of the Peterborough Core Strategy and policy SA14.3 of the Peterborough Site Allocation Document (2012)
- 2.** The Local Planning Authority has sufficient land allocated for residential development which, if developed upon, would satisfy its target requirement for housing numbers until 2026, as set in the Peterborough Site Allocation Document (2012). A Sequential Test and an Exception Test was undertaken and submitted with the application. The results of the Sequential Test found that there were suitable allocated sites available for residential development within the district located in non-flood risk areas, i.e. Flood Zone 1, that could meet the housing target in the Peterborough Core Strategy. The Exception Test failed on the grounds that there is no need for the residential development in areas of a high flood risk potential. Therefore the proposal is contrary to policies CS2 and CS22 of the Peterborough Core Strategy and Section 10 of the National Planning Policy Framework.
- 3.** To the north of the application site is a row of general industrial units. The noise generated from the activities at those units is audible from across the whole of the proposed residential development site. This would be to the detriment of residential amenity. Therefore the proposal is contrary to policy PP4 of the Peterborough Planning Policies DPD.
- 4.** There is a light industrial unit to the south east of the application site. Access to this unit would

Through the proposed housing development. The vehicles going to and from this unit could have an adverse impact upon highway safety and residential amenity. Therefore the proposal is contrary to policies PP3 and PP12 of the Peterborough Planning Policies DPD.

5. The development proposal was not accompanied with a section 106 document to secure a contribution towards the infrastructure implications of the proposal and is therefore considered to be contrary to policies CS12 and CS13 of the Peterborough Core Strategy DPD.

Copy to Councillors D A Sanders, D McKean

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LOCATION PLAN 13/01722/WCPP

Peterborough Garden Park, Peterborough Road, Eye, Peterborough PE1 4YZ

Scale 1:10000 Date 7/2/2014 Name LG Department Planning Services

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PCC GIS



PETERBOROUGH

CITY COUNCIL

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Application Ref: 13/01722/WCPP

Proposal: Variation of conditions C5 (Drawings) and C34 (Floorspace) of planning permission 12/00290/OUT - Construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping

Site: Peterborough Garden Park, Peterborough Road, Eye, Peterborough
Applicant: Garden Parks (Peterborough Two) Limited

Agent: Mr Mark Underwood
 Deloitte LLP

Referred by: Director of Growth and Regeneration

Reason: Previous application was a member decision

Site visit: 28th November 2013

Case officer: Mr A P Cundy
Telephone No. 01733 453470
E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site and Surroundings

The site is located on the edge of Peterborough, positioned between Dogsthorpe and Parnwell to the south, and Eye village to the north east.

The site is bounded to the north by the landfill site, and to the south the Paston Parkway dual carriageway and Junction 8 roundabout. The existing Garden Park retail development is located to the west and the petrol filling station, KFC restaurant to the east. The site is accessed via the Garden Park vehicle access from Eye Road.

The site covers an area of 4.32ha, and currently forms part of the adjacent Garden Park retail development. The site is made up of car parking, wooded area and some unused land.

Proposal

On the 21st February 2013 outline planning application ref: 12/00290/OUT for construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping was granted permission by members of the Planning and Environmental Protection Committee. As part of the planning permission there were conditions limiting the amount of gross floor space and a limit on the amount of convenience/comparison.

This revised scheme before committee has been devised to facilitate the specific requirements of a foodstore operator with whom the developer are in advanced negotiation. This Section 73 application seeks to vary Conditions 5 and 34. Specifically this current application seeks to make the following changes to the outline planning permission:

- Relocation of the proposed store to a position away from the end of the existing retail terrace, so that it is closer to the existing Petrol Station on Eye Road – this relocation will take place within the original application site boundary
- An increase in the gross floor area of the food store from the consented upper limit of 6,040sq metres to 7,060 sq metres (the increase in gross floor area relates solely to an increase in the 'back of house' storage area)
- Net sales area to remain at 4,227 sq metres, albeit the total floor space given over to the sale of comparison retail goods will increase from 25% (as capped by the extant planning permission) to 41% of the total retail floor area.

The remainder of the scheme is unchanged from the existing scheme.

2 Planning History

Planning application ref: 12/00290/OUT for Construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping was granted by members at their meeting on the 14th August 2012. Attached to this permission were 36 conditions. Condition 5 and 34 as listed below are relevant to the subject application.

C 5 The development hereby approved shall be carried out in accordance with the following approved details:-

Site Location Plan (10/030 / P-01 Rev C)
 Existing Block Plan (10/030 / P-03 Rev A)
 Proposed Masterplan – Indicative (10/030 / P-05 Rev B)
 Parameters Plan - (10/030 / P-06 Rev B)
 Parameter Plan Building Siting (10/030 / P-07 Rev C)
 Proposed access (ITM 7068-GA-004 Rev B)
 Tree Constraints Plan (7816/01 Rev A 1/2)
 Landscape Strategy Proposals (CLD/223901 Rev A)
 Tree Retention and Removal (CLD/223902)
 Design and Access Statement
 Planning and Retail Assessment
 Air Quality Assessment Report
 Ground Investigation Report Ref: C12090 + C12581
 Extended Phase 1 Habitat Survey
 Flood Risk Assessment
 Sustainability Statement
 Transport Assessment
 Framework Travel Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting planning permission as set out above.

C 34 The proposed A1 foodstore shall comprise a maximum 6,040 square metres Gross External Area (4,227sqm total net sales floorspace (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) of which 3,170 sqm is convenience goods and 1,057 comparison goods).

Reason: The information submitted to support the application is based on a maximum 6,040 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

Other applications

07/00011/OUT	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	Application Permitted	31/03/2008
08/00989/REM	Reserved matters application for the appearance only of the garden centre development pursuant to outline planning application 07/00011/OUT, and alterations to the approved subdivision as per C6 of 07/00011/OUT	Application Permitted	30/09/2008
09/00062/WCPP	Variation of Condition 5 of Planning Permission Ref: 07/00011/OUT amending the range of goods and services permitted on site	Application Permitted	04/06/2009
08/01586/REM	Reserved matters application for the landscaping only of the garden centre development pursuant to outline planning application 07/00011/OUT	Application Permitted	26/06/2009

3 Planning Policy

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

National Planning Policy Framework (NPPF) (2012)

- Paragraph 187 and 197 - Advocates a positive approach to supporting sustainable economic development
- Paragraph 24 and 26 - Retains the key tests set out in the previous PPS4 i.e. the sequential approach and impact

Cambridgeshire and Peterborough Minerals and Waste Development Plan DPD 2012 SSP W8Q Dogsthorpe Waste Consultation Area

Peterborough Core Strategy DPD (2011)

Policy CS4 – 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.

Policy CS10 – Environment Capital - Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK

Policy 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.

Policy 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.

Policy CS13 – Developer contributions to infrastructure provision - Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

Policy 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.

Policy 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.

Policy 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.

Policy 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.

Policy 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.

Minerals & Waste Core Strategy DPD 2011

CS28 - Waste Minimisation, Re-use, and Resource Recovery

Developers are encouraged to minimise waste, re-use and recover resources.

CS30 - Waste Consultation Areas

Development will only be permitted where it is demonstrated that this will not prejudice existing or future planned waste management operations.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP03 - Impacts of New Development

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

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

PP20 - Development on Land affected by Contamination

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

4 Consultations/Representations

PCC Archaeological Officer - No objection - No further archaeological work is deemed necessary in this area.

PCC Drainage Team – No objection

PCC Landscape Officer – No objection – The officer asks for a condition to secure a replacement landscape scheme and 5 year maintenance programme

PCC Minerals And Waste Officer (Policy) - Objection - The application site is within the Waste Consultation Area (WCA) due to the site's location adjacent to the active landfill site. Whilst the proposal acknowledges the presence of the landfill site it does not fully assess what the likely impacts of the landfill will be on the proposed development due to its close proximity. The indicative layout proposes little by way of mitigation between the two sites e.g. landscape screening etc. The proposal would benefit from a landscaping scheme to provide a buffer between the two uses. Future areas of landfill working are permitted in very close proximity to the site boundary, and there are likely to be considerable amenity issues for future users of the proposal should the proposal be granted in such close proximity with little, if any additional mitigation.

PCC Planning Obligations – No objection – Agree a POIS contribution of £397,125, a further £642,625 towards public realm improvement works in existing centres including the city centre, £300,000 towards Sustainable Transport Projects (including those within the Local Transport Plan (LTP)), £30,000 towards PECT Forest, an on site skills centre or £500,000 for training within the local community and finally £3,750 towards travel plan monitoring

PCC Pollution Team – No objection – Subject to conditions with regards to contaminated land

PCC Strategic Planning - Deloitte LLP are justifying the original proposal for 4,227 sqm (net) of retail floorspace and the increase in comparison retail floorspace. The Strategic Planning officer is not convinced why such a large storage area is required on site considering as most stores are able to programme their deliveries to reduce the need for storage space. However the officer advises that if minded to approve this application, it must be conditioned that the additional 1,020 sqm of floorspace shall be used for storage only and not as retail floorspace for selling goods.

PCC Transport & Engineering Services – No objection – The highway engineers accept that the new floor area will not increase the traffic generation to the site and would raise no objections to the variation of condition subject to a restriction on the overall retail floor area. Further the highway engineers have no objection to the car parking levels staying as per the original application given that it is accepted that there will be no increase in traffic generation.

PCC Wildlife Officer – No objection

SAB Trial - Anglian Water - No comments received

Environment Agency – No objection

North Level District Internal Drainage Board - No comments received

The Wildlife Trusts (Cambridgeshire)

No comments received

Local Residents/Interested Parties

Peterborough Civic Society – Objection - The society consider that the building is separated to an unacceptable degree from other retail elements of the site and needs to be moved in order to properly integrate with them. The civic society are also opposed to the increased proportion of comparison good floor space proposed which they consider is contrary to the legitimate planning objective of maintaining viability and vitality both of the Garden Park development itself and of Peterborough City Centre.

Werrington Neighbourhood Council - No comments received

Councillor C D Ash

No comments received

Councillor A Miners

No comments received

Councillor C Saltmarsh

No comments received

Councillor D Sanders

No comments received

Councillor McKean – No objection – However asked that if the developers are intending to increase the size and number of vehicles going to the site then it would be useful if further S106 monies be made available to improve the right turn entrance to the site and Junction 8 Capacity when approach from Eye and for vehicles exiting from the site. Further Councillor McKean stated that it would be in their interest and beneficial to traffic flows if delivery vehicles arrived and left via junction 8.

Eye Parish Council – Objection – We have concerns with the traffic flow caused by the parking of 600 vehicles at the proposed supermarket and the impact that this may have on Eye village.

Local Residents/Interested Parties

Initial consultations: 70

Total number of responses: 3

Total number of objections: 3 (The objections are listed above and are from Cllr McKean, Eye Parish Council and Peterborough Civic Society)

Total number in support: 0

5 Assessment of the planning issues

The main issues are:-

- Principle of Development
- Retail implications of the development
- Transport
- Drainage
- Landscape and ecology

- Landfill
- Design
- S106

1. Principle of Development

As indicated above, this application seeks consent for amendment to condition 5 of the original outline planning permission to allow for the re-siting of the supermarket away from the end of the existing retail terrace, for amendment to condition 34 to allow for an increase in the gross floor area of the food store from the consented upper limit of 6,040 sq metres to 7,060 and to increase the floor space given over to the sale of comparison retail goods from 25% to 41%.

In this instance permission is sought for the above changes to facilitate the specific requirements of a food store operator with whom the developer are in advanced negotiation. No other changes are proposed to the approved scheme.

The principle of a food store at Peterborough Garden Parks is established. The only issues which can, therefore, be taken into consideration in determining this application are those that relate directly to the impact of the siting of the food store, the increase in gross floor space and the change to the convenience/comparison split.

Since the outline application was granted the Peterborough Local Plan (First Replacement) has been replaced by the Peterborough Planning Policies DPD (2012) which in line with the Peterborough Core Strategy DPD (2011) and National Planning Policy Framework (NPPF) places stronger emphasis upon supporting economic growth through the planning process. The Local Planning Authority are now also in receipt of the GVA Retail Study Update (see section 2 below) This application if granted, would allow the submission of a detailed scheme (reserved matters application) by the food store operator and subject to this being acceptable, for work to commence on site thereby creating both construction jobs and permanent jobs once the facility is opened.

Given the context, this application can only be resisted if it is concluded that if the changes outlined above would have an adverse impact and if this 'harm' outweighs all other considerations, particularly economic ones. The impacts are assessed below.

2. Retail implications of the development

The proposed revised scheme would increase the gross floorspace by 1,020 sqm and increase comparison goods floorspace from 1,057 sqm (25%) to 1,733 sqm (41%) and reduce the convenience floorspace from 3,170 sqm (75%) to 2,494 sqm (59 %) while maintaining the same net sale area of 4,227 sqm. The proposed increase in floorspace of 1,020 sqm will be for 'back of house' storage area.

Core Strategy Policy - CS15, Planning Policies DPD –PP9 and NPPF para 24 to 27 are particularly applicable to this application. These policies require a robust sequential approach and impact assessment to support this subject out of centre retail proposal.

Sequential Approach

The purpose of the sequential test is to demonstrate whether there are other, sequentially preferable sites which could accommodate the proposed uses. Policy CS15 sets out the Council's stance on the sequential approach. It identifies the sequence of appropriate locations before this out-of centre location can be considered for retail development. The sequence is City Centre sites, District Centre sites, Local Centre sites and then Out of Centre sites in locations that are accessible by a choice of means of transport. The applicant has submitted an updated sequential test.

As required by the NPPF (and reflected in Local Plan policy) the applicant, in agreement with the Council, again identified seven sites/opportunities. The sites assessed were Millfield District Centre, Werrington District Centre, Paston Reserve Local Centre (proposed) North Westgate, Rivergate, Station Quarter and Royal Mail Sorting Office, Bourges Boulevard.

In permitting the earlier outline application members agreed with officers that there were no sequentially preferable sites. The updated submission has been assessed. Officers are satisfied that the situation has not changed.

Retail Impact

As required by national planning policy and reflected in local plan policy the applicant has submitted an updated report which assesses the impact that the revised development would have on existing retailing in the city centre and on nearby district centres. The assessment assumes the net floor space will comprise 2494 sq metres of convenience space and 1733 sq metres of comparison floor space.

The GVA 2009 retail study (updated in Jan 2013) states that between 2008 and 2026, assuming that none of the committed developments come forward, there will be capacity for up to 43,252 sq metres of new comparison floor space in the city. If the committed developments are implemented there would be capacity for 33,444 sq. metres. This represents a fall of 64,556 sq metres on the previous study and thus the figures quoted in the earlier committee report. This fall has been caused by the recession and reduced spending power.

Officers are still of the view that the proposed scheme at 1733 sq metres would not result in an excess of comparison floor space being provided.

GVA 2009 retail study (updated in Jan 2013) stated that between 2008 and 2026 there will be no capacity for convenience floor space in the city. This is a reduction of 7000 sq metres on the figures quoted in the earlier study and committee report.

Notwithstanding the subject application proposes 676 fewer sq metres of convenience floor space than that approved under the outline and for this reason it would be wrong of officers to refuse the current application because of the lack of capacity.

The applicant estimates that 12.5% of the store convenience turn over of 40.82 million (total turnover 2018) would be diverted from the existing Sainsbury's at Oxney Road a further 12.5% from Morrisons on Lincoln Road. In addition there will be an impact on the food stores anchoring existing centres notably the applicant estimates 10.25% from Werrington District Centre 3.4% from Bretton Centre, 7.5% from Tesco, Serpentine Green, 3.55% from Peterborough City Centre and 3.5% from Millfield District Centre.

Members need to be aware that the cumulative convenience impact (that is if every supermarket permission is implemented) there would be a 37.56% on Morrisons, Lincoln Road, 37.21% on Sainsbury's Oxney Road, 19.1% on Peterborough City Centre, 22.4% on Bretton District Centre, 27.9% on Werrington District Centre, 14.29% on Tesco, Serpentine Green, 7.5% on Orton District Centre and 8.07% on Millfield District Centre.

Whilst officers continue to have concerns about the impact of trade draw from a number of retail locations, a number of matters should be noted:

1. There have again been no objections raised against the proposal from any of the existing supermarket operators in the City. If they considered the proposal a significant threat, then one would presume they would have objected to the proposal.
2. Neither the Morrisons store or the Sainsbury Store are located in local or district centres and so the impact on these stores would not impact on the functioning of any wider local / district centre function
3. Whilst the impact of trade draw on the City Centre and the Bretton Centre at first appears to be significant, it should be remembered that food retail is not at the core business of the City Centre (it is in the main a comparison shopping destination) and that the bulk of food shopping is most likely to be by those living close to the city centre or by those undertaking linked trips. In the case of the Bretton Centre, this development is made up of three food stores and five large (high street multiple) non-food retailers. Visits to this centre will be made up of a combination of food store only trips, comparison store only trips and linked trips involving both. It will be the same situation for the Garden Park Development and so trade diversion is going

to be influenced by the offer presented by the high street names occupying the existing units on each development.

4. Serpentine Green accommodates the City's largest supermarket and a number of high street multiples in what can be described as a 'mini-shopping mall'. Consequently the site draws customers from the whole city. Given this and the fact that future development at Hampton and Great Haddon will continue to feed customers to the centre, officers do not consider the Garden Park proposal would prove to be significantly detrimental to Serpentine Green.

Notwithstanding the above, it is accepted that whilst the revised proposal would not have a catastrophic impact on existing centres, there would be some impact. It is considered that this harm could be mitigated through a S106 contribution towards infrastructure and public realm improvement works, job creation and training and sustainable environmental improvements. This matter is dealt with in more detail in the Section 106 section of this report.

The NPPF advocates a positive approach to supporting sustainable economic development. Taking into account that the proposal would:

- provide for new investment and development of an under used site and would
- provide for additional new employment (creation of up to 300 new permanent jobs for local residents + creation of up to 150 jobs during construction of the proposed store)
- contribute towards triggering regeneration within the city centre and district centres

It is considered that the proposal would indeed support economic growth in the widest sense.

Notwithstanding it is accepted that most visitors to the site will be by car and it can be questioned whether this customer dominated use is in indeed within a sustainable location. The applicant is, however, offering £300,000 toward sustainable transport projects and £30,000 towards PECT Forest in Peterborough. Officers consider that any harm caused by car trips to this destination would be offset by the two contributions.

Conclusion

Your officers have determined that:

1. there are no sequentially preferable sites
2. the 2,494 convenience floor space proposed, whilst lower than that approved under the outline, will use up considerable retail capacity for convenience floorspace to 2026
3. the proposed development would have a moderate rather than a catastrophic impact on the city centre and district centres and that these impacts can be mitigated against.
4. the proposal would:
 - provide additional employment opportunities in a deprived area of the city
 - contributes towards the regeneration of District Centres
 - Contributes towards regeneration of the city centre
 - provide people in the locality and wider Peterborough with an alternative food shopping option

Transport

The proposal to increase the floor area of the store would under current guidance require the submission of a revised Transport Assessment to determine the impact of the additional trips generated by the development. The developer would then be expected to provide measures to mitigate the impact of these trips. In this case the proposal is to increase the Gross Floor Area of the store but not the actual retail floor area. It is accepted that as a larger percentage of the floor area is to be used for comparison goods rather than convenience goods that there would be additional storage requirements.

The applicants have stated in their Transport Assessment addendum that trips to the store would reduce given the new mix of comparison/convenience goods however robust evidence has not been submitted to support this. The Council's highway engineers consider that the impact of the new floor area will not increase the traffic generation to the site and would raise no objections to the variation of condition subject to a restriction on the overall retail floor area. Condition 34 is recommended accordingly.

Further the highway engineers have no objection to the car parking levels staying as per the original application given that it is accepted that there will be no increase in traffic generation.

Drainage

The original outline application for food store was supported by a flood risk assessment. The site is in a low flood risk area (zone 1) and so there is no concern with the principle of the development, particularly as the surrounding sites have already been developed. The Environment Agency and the Council's drainage engineers raise no objection to the changes proposed.

Landscape and ecology

The landscape impacts of the proposed development were considered when the original planning permission was granted and found to be acceptable (subject to conditions). Subject to the reimposition of the relevant conditions the proposal is considered to accord with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD

A Phase 1 Habitat Survey was prepared in support of the previous application. It concluded that all habitats within the site had low value to nature conservation at the local level. Therefore the impact on the ecological integrity of the local area was deemed to be insignificant. The changes proposed would not have any impact upon the conclusions of this survey which remain valid. The Council's wildlife officer has no further comments to that raised on the outline application

Landfill site

The principle of a food store on this site has already been approved. This was approved in the knowledge that the site lies immediately to the south of and abuts the boundary of Dogsthorpe landfill site. Whilst the current application and specifically the resiting of the store has not explicitly assessed the impact of the proposal on the landfill site, the adjacent Garden Park retail development and neighbouring commercial land uses already co-exist in close proximity with the existing landfill site. It is therefore considered that this together with the fact the proposal is in outline only at this stage, and the specific layout and buffer landscaping to mitigate negative impacts can be dealt with at future reserved matters stage that refusal on the basis of harmful impact on the landfill site could not be substantiated.

Design

The application is only an outline application and so the appearance of the development is a matter that will be the subject of a future submission. However the amount of development is known in terms of floor space and indicative plans have been submitted that show a basic layout. Officers are satisfied that:

- the proposed floor space can be accommodated on the site
- the indicative height and design demonstrates that a supermarket can be designed so as to not adversely harm the character of the area
- that there will be opportunities around the buildings to provide purposeful public realm and landscaping

S106 considerations in respect of the Garden Park application

As a new planning permission would be created there is also a requirement for a new S106 Agreement to be entered into to secure the obligations sought as part of the previous application with amendments as necessary to take into account the increased gross floor space. In the main the S106 will replicate the original agreement. The only areas where a contribution has changed

are:

- POIS increased from £339,750 to £397,125
- Additional £42,625 towards Infrastructure and public realm improvement works in existing retail centres including the city centre
- S106 monitoring increased from £35,470 (£25,470 if skills centre provided on site) to £37,395/£27,395 respectively

As with the previous application the S106 offered by the applicant is structured in 2 parts. Part 1 Planning Obligation Implementation Scheme (POIS) Contribution, Part 2 Mitigation Package. Applying the Council's Planning Obligations Implementation Scheme (POIS) to the proposed floor space, a contribution requirement of £397,125 is generated and the applicant has offered this full amount.

In order to ensure transparency of decision making, it is essential that any package on mitigation can be linked directly to the identifiable (planning) impacts of the development, and those impacts are set out above in this report. In addition to the full POIS contribution, the applicant has offered the following mitigation package and your officers consider that this can be legitimately defended:

- A S106 contribution of £642,625 to fund infrastructure and realm scheme for enhancements or improvements in allocated centres including Peterborough City Centre
- A S106 contribution of £300,000 towards sustainable transport projects including those within the Council's Local Transport Plan
- A S106 contribution of £30,000 to support PECT Forest in Peterborough project
- A S106 contribution of £500,000 towards specific training and skills opportunities or provision of a skills centre

To summarise the S106 will require contributions in respect of the following:

- £397,125 - POIS
- Travel Plan including £3,750 contribution towards monitoring
- £642,625 - Infrastructure and public realm improvement works in existing retail centres including the city centre
- £300,000 - Sustainable transport projects
- £30,000 - PECT Forest in Peterborough
- Provide an onsite skills centre or if not provided on site provide a £500,000 contribution to the two colleges City College Peterborough and Peterborough Regional College for training within the local community to up skill local people to take on jobs created by the proposal
- £27,395 (if skills centre is provided on site) / 37,395 - Monitoring fee

These requirements accord with both national and local policy the Tesco / Witney principles and regulation 122 of the Community Infrastructure Levy Regulations (2010) in that each element of the obligation is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Other matters

If planning permission is granted then a new planning permission for the whole food store development would be created. As such it will be necessary to re-impose all previous conditions with any appropriate alterations.

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 proposal

- a) Cannot be reasonably accommodated within the city centre (more specifically within the central retail area) or district centres within the short to medium term
- b) Will not result in a significant material impact on the City Centre or Districts centres as a consequence of trade draw either individually or in conjunction with other recent developments, planning approvals or schemes under construction
- c) Any impact caused to the city centre will be offset via a S106 obligation, with monies towards Strategic Infrastructure and Public Realm Improvements in the city centre.
- d) Is located on the edge of an existing retail park so there is likely to be link trips to the other units within the retail park
- e) Would not result in an unacceptable impact on the local road network or compromise highway safety
- f) Can be controlled by condition in respect of design and layout, crime and disorder, environment capital/renewable energy, infrastructure / infrastructure provision, transport, biodiversity, flood risk and archaeology
- g) Would not result in a detrimental impact on protected species or related habitat
- h) Represents significant investment and employment creation

And is therefore considered to be in accordance with Core Strategy Policies CS4, CS10, CS11, CS12, CS13, CS14, CS15, CS16, CS21, CS22, with Peterborough Planning Policies PP01, PP03, PP09, PP12, PP13, PP16, PP19, PP20, Minerals & Waste Core Strategy Policies CS28 and CS30 and the Peterborough Planning Obligations Implementation Strategy SPD,

7 Recommendation

The Head of Planning Services recommends that this application is APPROVED subject to:

- reference to Government Office as a Departure application under the Town and Country Planning (Departures Direction) 1999 and as a Retail proposal under the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993;
- the completion of a Section 106 Planning Obligation
- the following conditions:

C 1 Approval of the details of the siting, design and external appearance of the building(s), 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 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 The development hereby approved shall be carried out in accordance with the following approved details:-

**Site Location Plan (10/030 / P-001 Rev D)
Topographical Plan (10/030 / P-002 Rev B)
Existing Block Plan (10/030 / P-003 Rev B)
Existing Site Sections (10/030 / P-004 Rev A)
Proposed Masterplan – Indicative (10/030 / P-005 Rev C)
Parameters Plan - (10/030 / P-006 Rev C)
Parameter Plan Building Siting (10/030 / P-007 Rev D)
Proposed Site Sections – (10/030 / P-008 Rev A)
Proposed access (ITM 7068-GA-004 Rev B)
Tree Constraints Plan (7816/01 Rev A 1/2)
Tree Constraints Plan (7816/01 Rev A 1/2)
Landscape Strategy Proposals (CLD/223901 Rev A)
Tree Retention and Removal (CLD/223902)
Design and Access Statement dated November 2013
Planning and Retail Assessment dated 11th November 2013
Air Quality Assessment Report
Ground Investigation Report Ref: C12090 + C12581
Extended Phase 1 Habitat Survey
Flood Risk Assessment
Sustainability Statement
Transport Assessment
Framework Travel Plan**

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting planning permission as set out above.

C 6 Prior to the commencement of development samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall thereafter be carried out in accordance with the approved details.

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

C 7 The landscaping scheme to be submitted as a reserved matter shall include the following details:

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

The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or completion of development which ever is the earlier.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy CS21 of the adopted Peterborough Core Strategy DPD

C 8 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed, become diseased or unfit for purpose (in the opinion of the LPA) within 5 years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerow dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy CS21 of the adopted Peterborough Core Strategy DPD.

C 9 A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. 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 policy CS21 of the adopted Peterborough Core Strategy DPD.

C10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012)

C11 No removal of tree/hedgerows or 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.

C12 Prior to the commencement of the development external lighting details including the design of the lighting columns, their locations and LUX levels shall 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 prior to the first occupation.

Reason: In the interests of residential amenity, highway and community safety in accordance with

C13 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:-

- 1. Details of any flood flow routes, where flooding occurs on site and to what depths.**
- 2. Details of the proposed attenuation pond.**
- 3. All microdrainage calculations – which support the information already submitted as part of the FRA.**
- 4. Options to maintain the volume of attenuation but reduce the size of tank 6.**
- 5. Confirmation as to who is to maintain the surface water system for the lifetime of the development.**
- 6. Confirmation that runoff will not be increased post-development.**
- 7. New surface water to be installed prior to the removal of tanks 4 and 5 (or diversion of the same).**
- 8. Full design details of the proposed deep storage tank.**
- 9. The proposed new ditch requires to be in place prior to the removal of the existing ditch and the 0.6m diameter culvert as shown on drawing no 1686-D-2.**

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

C14 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,**
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
- adjoining land,**
- groundwaters and surface waters,**
- ecological systems,**
- archaeological sites and ancient monuments;**

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

C15 No development 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.

C16 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.

C17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 7.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 8.

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

C18 Prior to occupation of any part of the development the permanent space within the site as shown on the approved plans shall be provided to allow all vehicles visiting the site to park, turn, load and unload clear of the public highway.

Reason: In the interests of highways safety in accordance with Policy CS14 of the Peterborough Core Strategy and Policy PP12 Peterborough Planning Policies DPD (2012)

C19 Prior to occupation of the development hereby permitted, the developer shall fully implement (to issue of First Provisional Certificate under the Section 278 Agreement) the off-site highway improvement works as shown in the approved plan.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy and Policy PP12 Peterborough Planning Policies DPD (2012).

C20 Prior to commencement of that part of the development involving works to the public highway, details of the detailed design of the proposed signalised junction shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include traffic signals and associated equipment, lighting, construction, drainage, safety fencing, street furniture, kerbing, signing and lining and a Stage 2 Safety Audit. The works shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: In the interests of highways safety in accordance with CS14 of the Peterborough Core Strategy and Policy PP12 Peterborough Planning Policies DPD (2012)

C21 Prior to the occupation of the development the access roads, parking areas, footways, turning areas and loading and unloading areas shall be constructed to surface course level.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the

Peterborough Core Strategy.

C22 Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, 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 for the control of dust arising from building and site works;
- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- 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 and unload clear of the public highway and details of any haul routes across the site;
- a scheme for parking and turning of contractors vehicles;
- a scheme for access and deliveries including hours.

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

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

C23 Within 3 months of the date of this consent a Stage 1 Road Safety Audit together with the designer's response having been through an iterative process for the new junction including all approaches (as shown on plan ITM7068-GA-004B) shall be submitted to and approved in writing by the Local Planning Authority.

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

C24 Notwithstanding the layout shown on Plan ITM7068-GA-010, prior to commencement of development, the detailed design of the layout to prevent right turn manoeuvres in to the site along with a Stage 2 Road Safety Audit that has been through an iterative process with the designer shall be submitted to and approved in writing by the Local Planning Authority. The new junction will be continuously monitored by the developer for a period of one year post substantive completion (Issue of First Provisional Certificate under the Section 278 Agreement). If there is any evidence of queues forming on a regular basis from the new junction up to and on to Junction 8 of the A1139, the developer must install a water barrier system within one week from that date to prevent right turn manoeuvres in to the site and within 6 months from that date implement the fully detailed and approved scheme currently shown in sketch form on Plan ITM7068-GA-010, subject to detailed design and a road safety audit.

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

C25 Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. 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 Peterborough Core Strategy.

C26 Any security gates will need to be located off the existing or any proposed public highway areas.

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

C27 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 Core Strategy.

C28 Development shall not commence before a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting the use of non car modes to travel to and from the site in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

C29 Prior to the commencement of any development hereby approved, full details of car parking and cycle parking layouts shall be submitted to and approved by the Local Planning Authority, the details of the car parking shall include signing, lining access/egress points and the details of the cycle parking shall accord with Peterborough City Council Cycle Parking Guidelines. The car and cycle parking shall be laid out in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the safety of all highway users in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document

C30 Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. These details shall also include the levels of adjoining land and any building within 15m of the boundary of the application site. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Core Strategy DPD 2011.

C31 The "approach" to the principal entrance to the buildings, being the entrance that would be used by visitors arriving by car, shall be level (with a gradient of no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.

Reason for decision: In order to meet the needs for access for all in accordance with Policy CS16 of the Core Strategy DPD 2011.

C32 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of general amenity and fire safety, in accordance with Policy CS16 of the

Core Strategy DPD 2011.

C33 The development hereby approved shall have a target emissions rate 10% lower than required under building regulations at the time that building regulations approval is sought for the development.

Reason: To facilitate the City Council's Environment Capital agenda and to comply with Policies CS10 & CS11 of the Peterborough Core Strategy Development Plan Document.

C34 The proposed A1 foodstore shall comprise a maximum 7,060 square metres Gross External Area (4,227sqm total net sales floorspace (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) of which 2,494 sqm is convenience goods, 1,733 sqm comparison goods)

Reason: The information submitted to support the application is based on a maximum 7,060 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

C35 There shall be no subdivision of the retail unit and no insertion of mezzanine floors, without the prior approval of the Local Planning Authority.

Reason: To ensure that the development does not affect the vitality or viability of nearby retail centres in accordance with policy CS15 of the Core Strategy DPD 2011, and the National Planning Policy Framework.

C36 A maximum 288 sqm GEA Skills Centre, 390 sqm GEA Cycle hub facility (with a maximum of 25% of the net floorspace for ancillary sale of bicycles and cycling goods), and 360 sqm GEA Children's Play facilities shall be provided by the development. The detailed layout of the development shall be submitted to and approved in writing as part of the reserved matters application. The skills centre, cycle hub and children play facilities hereby approved shall only be for those purposes only and no other, and apart from the ancillary retail sales element of the cycle hub, shall not be used for any A1 retail use.

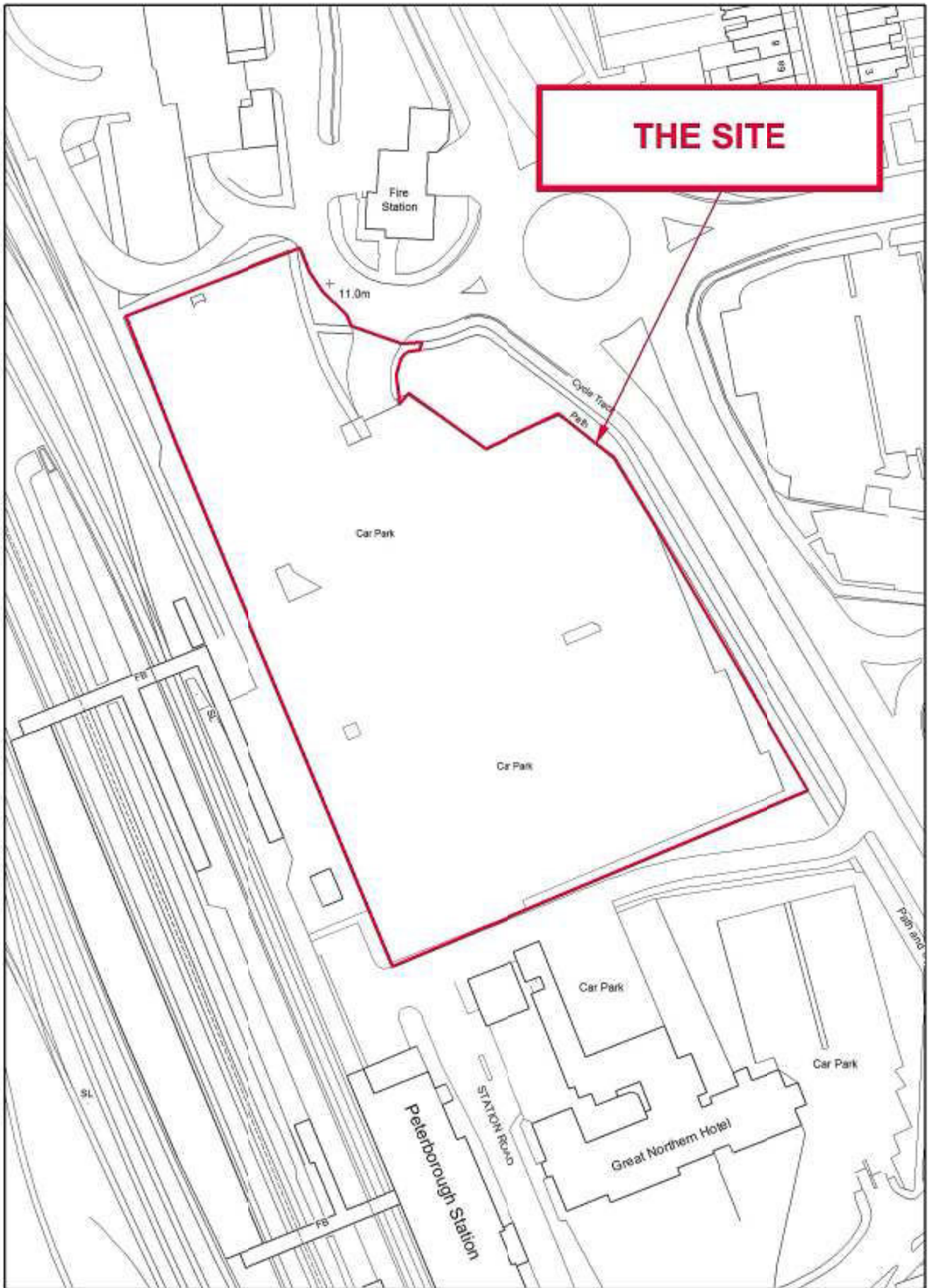
Reason: To enable the Local Planning Authority to control the amount of development on this site and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Transport and Engineering Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure a S106 Obligation however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy CS12 of the Peterborough Core Strategy Development Plan Document.

Copies to Councillors D Sanders, D McKean

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LOCATION PLAN 13/01849/FUL

Former Royal Mail Sorting Office, Bourges Boulevard, Peterborough PE1 1AE

Scale 1:1250 Date 7/2/2014 Name LG Department Planning Services

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PCC GIS



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Application Ref: 13/01849/FUL

Proposal: Construction of a new retail supermarket (Class A1), with car and cycle parking facilities, public realm improvements to Station Road and associated landscaping works

Site: Former Royal Mail Sorting Office, Bourges Boulevard, Peterborough, PE1 1AE

Applicant: Peveril Securities/Waitrose

Agent: Mr Simon Chadwick
Signet Planning Limited

Site visit: 19.12.2013

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

Site and Surroundings

The application site is located within the city centre boundary and Railway Station Opportunity Area as defined by saved policies of the Local Plan, and the emerging City Centre DPD. The site is adjacent to but not within the central retail core retail as defined by the Local Plan and the emerging City Centre DPD. The Bourges Boulevard public transport corridor runs along the eastern boundary of the site, together with part of the cycle route network.

The existing Great Northern Hotel site is positioned to the south of the site, to the north is railway station land that is used for car parking and the fire station site, and to the west of the site are the railway platforms and tracks. Beyond Bourges Boulevard to the east of the site is the North Westgate Opportunity Area and the city centre multi storey car parks associated with the Queensgate shopping centre.

The application site covers an area of approximately 1.3 hectares, and is currently in use as a temporary Railway Station car park, with space for 496 cars. The site was formerly used as the Royal Mail sorting office site, however this use was relocated and the building subsequently demolished.

Proposal

Planning permission is sought for a new supermarket, with a gross internal area of 3,762 sq.m. and 2,537 sq.m net sales area plus café. The proposed retail floor space will be split into 75% for convenience goods, and 25% for comparison. It is proposed that this will be a Waitrose supermarket and it will replace the existing Waitrose store within the Queensgate shopping centre.

246 car parking spaces are proposed, including disabled and mother and toddler spaces, and 28 cycle spaces. Vehicle access to the site will be taken from Mayor's Walk.

2 Planning History

Reference	Proposal	Decision	Date
10/01461/OUT	Redevelopment of site to provide office (Use Class B1) and retailing use (Use Classes A1, A3 and A4) with associated vehicular access/egress, car parking and landscaping	Application Permitted	19/03/2012
10/00007/SCREEN	Request for Environmental Impact Assessment Screening Opinion relating to proposed redevelopment of site	Comments	23/11/2010
10/00277/FUL	Redevelopment of the former Royal Mail Sorting Office to provide a temporary surface level car park consisting of 500 spaces	Application Permitted	14/04/2010
09/01072/FUL	Redevelopment of the Former Royal Mail Sorting Office site to provide a surface level car park consisting of up to 500 spaces for a temporary period of five years	Application Permitted	19/11/2009
09/00466/FUL	Redevelopment of the former Royal Mail Sorting Office site to provide a surface level car park consisting of up to 500 spaces for a temporary period of five years	Application Withdrawn	07/09/2009

3 Planning Policy

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

National Planning Policy Framework (2012)

Peterborough Core Strategy DPD (2011)

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.

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.

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 Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP20 - Development on Land affected by Contamination

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

Peterborough Local Plan (First Replacement) (2005)

CC12 - Railway Station Opportunity Area

Peterborough City Centre Plan (DPD) – Proposed submission version (2014)

CC1 – Sustainable Development

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

CC2 – Retail

Proposals for retail development outside or inside the Primary Shopping Area (PSA) will be determined in accordance with Policies CS4 and CS15 of the Core Strategy.

CC4 – Railway Station Policy Area

CC4.3 - Railway Station East Opportunity Area

Development proposals for the Station East Opportunity Area should deliver a mixed-use, commercial-led development, including: retail uses ancillary to, and associated with, the railway station (other than the consented convenience retail development on the former Royal Mail site); and assisting in the delivery of improved connections between the Area and the City Core.

CC11 – Transport

Within the area of the City Centre Plan, all development which has transport implications will be expected to make a contribution to the delivery of the City Centre Transport Vision (or any subsequent vision set out in a more recent Peterborough Local Transport Plan). This will be in the form of on-site provision, such as the creation of a high quality public realm; the provision of cycling infrastructure and/or attractive pedestrian facilities; and the making of appropriate accessibility improvements for people with disabilities; as well as off-site contributions (by way of a planning obligation) where these are necessary as a direct result of the proposed development.

4 Consultations/Representations

Transport & Engineering Services

No objections – Subject to the imposition of conditions and the securing of a financial contribution by legal agreement to provide the new pedestrian crossing and public realm improvement works off Bourges Boulevard.

Archaeological Officer

No objection – Subject to the imposition of an archaeology watching brief condition. The site is within an area of archaeological significance however a large part of the site is likely to have already been disturbed and/or truncated by the expansion of the railway, and former land uses. Should any significant archaeological finds be uncovered during works further archaeological investigation will be required.

Drainage Team

No objection – Subject to the imposition of a surface water drainage condition.

Planning Policy & Research

No objection – A larger supermarket store was approved under planning reference 10/01461/OUT in 2012. The updated retail assessment submitted with this proposal is considered to be

acceptable and the proposal would not have any significant adverse impact on the city centre or any of the district centres. Due to the imposition of the new pedestrian crossing of Bourges Boulevard being secured by way of a legal agreement, the site can be considered as an 'edge of centre', rather than out of centre retail location.

Wildlife Officer

No objection – Subject to a condition to secure bird and bat boxes on site, to achieve biodiversity gain.

Landscape Officer

No objection – However the on-site planting is lacking and appears to have been designed secondary to the building and car parking. Recommend the imposition of planning conditions for the proposed landscaping and its management.

Environmental Health (Food)

No objection – Food business must comply with the business layout regulations and be registered with the Local Authority.

Pollution Team

No comments received

Police Architectural Liaison Officer

No objection - This proposal will increase the public use movement in this space, and so will have an impact on community safety and vulnerability to crime. The close proximity of the site to the railway station is likely to attract crime and anti-social behaviour. The proposals design should deter or address the potential impact of a terrorist related attack. CCTV coverage is required to cover the car park, cycle parking and the new public realm areas, and this should be secured by condition. A height barrier to the car parking area is supported. A condition is recommended to ensure all security measures and vulnerability to crime issues are suitably addressed.

British Transport Police

No objection – The cycle parking on the south of the site appears to have limited natural surveillance making it vulnerable to crime, in an area that already has a cycle crime problem. The station suffers from low levels of anti-social behaviour and alcohol related offences, however this new licensed premises may attract street drinkers and associated anti-social behaviour problems. British Transport Police have a police 24 hour post close to the station which covers Lincolnshire, Bedfordshire and Hertfordshire and are concerned addition policing problems generated from the development could distract them from their responses to work in this wider area.

Environment Agency

Object – In the absence of an acceptable flood risk assessment. A revised flood risk assessment has been submitted and the Environment Agency's further comments are awaited.

Anglian Water Services Ltd

No objection – Subject to the imposition of a surface water drainage condition. The developer will also need to ensure that the Anglian Water assets within or close to the development boundary are not impacted upon by the development.

Fire Community Risk Management Group

No comments received

Peterborough Civic Society

Welcome the proposed larger Waitrose store and the spin off benefits this could bring to the vitality and viability of the area. This is a key city centre site and the first thing visitors will see when arriving in the city by rail. The second entrance to the building on the southern side should be to the café area, with outdoor seating area, to ensure this is a fully active and welcoming elevation. This is key to stimulating the new pedestrian route from the station to the city. The quality of the

proposed paving and hard landscaping in this new pedestrian route between the Station and Bourges Boulevard is extremely important and should be co-ordinated with other surrounding land. There must be a physical separation between this route and the car parking. The western elevation facing the railway line and footpath/cycleway is poor and needs enhancement possibly with a mural. The proposed car parking should be pulled away further from the boundary with Bourges Boulevard with a soft landscape boundary to demarcate it from the public realm of Bourges Boulevard. We feel the proposed vehicle access will cause significant problems for the free flow of traffic on the Bright Street roundabout.

Network Rail

No objection in principle, but has some specific requirements which must be met, particularly due to the close proximity to the development of an electrified railway.

Local Residents/Interested Parties

Initial consultations: 28

Total number of responses: 8

Total number of objections: 8

Total number in support: 0

8 letters of objection have been received raising the following concerns:-

- The existing Waitrose store in Queensgate is more accessible to the bus station, and for bus users, than the location of the new store. The new store's location is more convenient for train users than bus users
- The elderly and those with mobility difficulties who currently use the bus to access the existing store, may no longer be able to do so, due to the increased walking distance. They will have to do their shopping online.
- There appears to be inadequate links to the bus stops, cycle routes and pedestrian footpaths. The development appears to give car access priority.
- Concerned about traffic flows to the site, particularly in peak times when roads around the site are extremely busy.
- There should be a separate vehicle entrance and exit point for customers
- There may be traffic difficulties for customers exiting and entering the site from Mayors Walk. A yellow box junction may cause traffic problems
- Has the scheme been future proofed in terms of size of delivery vehicles, if delivery vehicles to the site were to increase in size in a few years would they still be able to turn on site to prevent any dangerous reverse of large delivery vehicles on Mayors Walk
- Don't propose any pedestrian links on to Network Rail's footpath parallel to the railway line, previous attempts have been blocked by the landowner.
- The existing traffic exiting Mayors Walk already queues and has difficulty accessing the adjacent Bright Street roundabout as the dominant traffic flow is north to south. The traffic from this development, will add to these problems, and queuing traffic may prohibit traffic entering or leaving the application site.
- The development may attract traffic via Thorpe Park Road and Mayors Walk. This route already has issues with high volumes of traffic, speeding, inadequate junctions and poor road widths, which this development could add to. Service vehicles must not use this route and should be restricted to using Bourges Boulevard only.
- Traffic management measure should be put in place to deal with the existing traffic problems on Mayors Walk and Bourges Boulevard, and that the increased traffic of the development.
- The Waitrose building should be relocated on site, so that its frontage faces immediately on to Bourges Boulevard, to provide an active frontage on to what is proposed to be a more pedestrian friendly environment by the proposed City Council public realm enhancement works. The car parking should be positioned to the rear of the building, so it is not so dominant in the Bourges Boulevard streetscene, and does not give the

impression of an out of town development

- The development has little or no architectural merit, and will have a negative first impression for those arriving to the city by rail.

5 Assessment of the planning issues

The main considerations are:-

a) Background

This planning application follows the previous approval by the Planning and Environmental Protection Committee on 21st February 2012, of an Outline application for the redevelopment of the site to provide offices (Use Class B1), and retailing use (Use Classes A1, A3, and A4) with associated vehicular access/egress, car parking and landscaping in March 2012.

It is proposed that part of the S106 financial contribution from this development if approved will be used to contribute towards the City Council's Bourges Boulevard Improvement Scheme: Bright Street to Crescent Bridge. This is a scheme of significant public realm improvement works on this stretch of existing Bourges Boulevard dual carriageway, including 2 new at grade pedestrian crossings, to help increase connectivity and improve the public realm environment between the railway station and city centre. This scheme is part of a wider city centre transport and regeneration strategy. The scheme aims to help unlock key city centre brownfield opportunity sites within the Railway Station area, which have remained undeveloped in part due to poor pedestrian linkages to the city centre.

The main differences between the previously approved outline scheme and the current proposal

- is the deletion of the proposed (Use Class B1) offices,
- the deletion of the smaller A1, A3 and A4 units,
- and the reduced in the size of the proposed supermarket from 4,300sqm GEA to 3,762sqm, which the named proposed occupier of Waitrose

b) Single rather than Mixed use development

The aspiration for the re-development of this site within the Railway Station Opportunity Area has always been for a mixed use development to maximise the use of this key city centre site which is located in a very sustainable central location, next to the Railway Station and in close proximity to the Bus Station. However despite this mixed use aspiration being incorporated in Planning Policy CC12 of the Peterborough Local Plan (First Replacement) since 2005, and approval 2 years ago of a mixed use office and supermarket scheme 10/01461/OUT, there has been no interest from anyone willing to redevelop the site for a mixed use scheme.

Therefore consideration now has to be given as to whether this site should remain undeveloped for the foreseeable future as no mixed use can be secured or whether we now accept in these difficult economic times that a single supermarket re-use of the site would be preferable to regenerate this key city centre site and provide improved pedestrian linkages from the Railway Station to the City Centre. It is Officers view that on balance a single retail supermarket re-use of the site would be preferable to regenerate this key city centre site and provide improved pedestrian linkages to city centre, rather than wait, currently an unknown amount of time, but probably a number of years, until the economy improves to achieve a mixed use redevelopment of the site.

c) Retail use

A retail assessment supported the planning application 10/01461/OUT and assessed the appropriateness of the site for a 4300 sqm GEA supermarket, with a net sales area of 3000sqm, 900sqm of which was for comparison goods. The sequential test carried out demonstrated that there were no other suitable sites available higher in the retail hierarchy. It also considered the

retail impact of the proposal on other retail centres and retail supermarket stores, and concluded that the impact would not be significantly or unacceptably harmful.

An updated retail assessment has been submitted in support of this proposal. The store now proposed is smaller, with a gross floor area of 3,762 sqm rather than 4,300sqm, and a net sales area of 2,537 sqm rather than 3000sm. The net sales floorspace now proposed is broken down into 75% (1,903 sqm) for convenience and 25% (634sqm) for comparison goods. The updated retail assessment still concludes that there are no sequential preferable sites higher in the search sequence having considered the in city centre sites of the North Westgate Asda/Rivergate site and found neither of these to be suitable or available for the development proposed.

Retail Impact

The retail impact of the proposal on the city centre as a whole together with the other retail commitments of the approved but not yet implemented supermarket planning approvals at the Garden Park and Maskew Avenue would be less than 3%. The two main supermarkets that would be impacted upon by the development are the Morrisons on Lincoln Road and the Sainsbury's on Oxney Road. However as these stores are located in out of centre locations, they receive no planning policy protection. The impact of the proposal on all in centre existing stores would not be significant or of a level that would threaten the vitality or viability of these centres.

The application site due to its proximity to the city centre retail centre, and with the financial contribution to provide a new at grade pedestrian crossing to increase the accessibility of the site to the centre can be considered to be an 'edge of centre' rather than 'out of centre' retail location. Therefore the conclusion of the retail assessment are accepted and the proposal is considered to be in accordance with the NPPF and Policy CS15 of the Core Strategy.

d) Highway Implications

The previous application 10/01461/OUT, for 6,000sm offices, 4,300sqm A1 foodstore, and 850sqm A1, A3 and/or A4 considered the traffic impact of development and the traffic modelling submitted. It concluded that whilst there would be an impact on the Bright Street Roundabout western approach, the traffic would not queue back across the Bright Street roundabout. On that basis the Local Highway Authority raised no objections.

This application now proposes a smaller floorspace supermarket, with the deletion of the offices and ancillary retail units, therefore the traffic impact of this development will be less than previously approved.

The Local Highway Authority have considered the Transport Statement submitted with this proposal, and are satisfied that the traffic implications will be less than the previously approved scheme and are acceptable.

Highways raised concerns about the proposed parking layout in close proximity to the access and the manoeuvring space for vehicles and delivery vehicles at the access. They also raised concern about the ability of the service yard to accommodate the deliveries required. These issues have all been addressed through the revised plans received.

New Pedestrian Crossing

The site is located within the city centre boundary, and adjacent to but not within the city centre retail core. For a site to be considered 'edge of centre' rather than 'out of centre' in retail hierarchy terms it need to be both positioned at the edge of a centre and be within easy walking distance. In terms of the application site, it is located adjacent to the city centre retail area, but it is separated from it by Bourges Boulevard, which presently only has a single footbridge, to link it to the city centre, with no lift to provide disabled access. Therefore the view taken previously and now is that for the site to be truly an edge of centre site, a new at grade pedestrian crossing of Bourges Boulevard would be required.

The applicant therefore proposes as part of the development to make a financial contribution to the City Council's Bourges Boulevard Public Realm improvement works to provide the installation of a new at grade pedestrian crossing of Bourges Boulevard in close proximity to the site, to improve the pedestrian connectivity and strengthen the sites position as an edge of centre site, with the potential for linked trips.

Parking

The car park is proposed to be managed on the basis that it will be free to Waitrose customers for a short term period, beyond which there will be a charging policy. This will prevent the car park being used either by railway station commuters, or long term visitors to the city centre, for which there are other more suitable car parking facilities available.

There is no objection to the level of car parking proposed for the size and nature of supermarket development proposed.

Taxis

Waitrose have no objection to taxis entering the site, dropping off and leaving the site to allow customers the choice of using taxis as their mode of transport. However due to the constrained size of this city centre site, Waitrose requirements for minimum level of car parking and the close proximity of the site to the railway station taxi rank they do not propose to provide any on site dedicated taxi facilities. There is no Planning Policy requirement for on-site taxi rank facilities to be provided at supermarkets therefore in this instance on site taxi rank facilities could not be insisted upon.

Conclusion

The Local Highway Authority are therefore satisfied that the proposal will not result in any unacceptable highway safety issues, and that whilst there will be traffic impacts particularly on Bright Street Roundabout they are not of a level that would be unacceptable or would require any highway improvement works to address them. Therefore subject to the impositions of conditions and the financial contribution to provide the new pedestrian crossing that the development is acceptable in highway terms and in accordance with Policies CS14 and PP12.

e) Design and layout

The site is unusual in its streetscene positioning in that it has 3 public roadside elevations; 1. to the south onto Station Road, 2. to the east on to Bourges Boulevard, and 3. to the north on to Mayor's Walk. It also has the railway line and public footpath leading to the railway station on its western side. Therefore it is extremely difficult to design a scheme on site which would provide active frontages on all 4 road/pedestrian frontages of the site.

With this in mind, and to try and encourage more pedestrian footfall from the railway station past the site, and into the city centre using the newly proposed pedestrian crossings of Bourges Boulevard, it was considered key that the Station Road frontage had to have activity to encourage people to use this new pedestrian route.

Therefore a second access to the new store was proposed on the south west corner of the building leading to a café area internally, with external seating area all of which would be visible from the railway station entrance/exit. It was considered this would be key to attracting pedestrian activity both to the site and to use the newly created public realm area in front of the building which would then lead people into the city centre across Bourges Boulevard. This new wide pedestrian public realm area in front of the building on the south side of the site provides a much improved route for visitors to access both the supermarket site and the city centre. The materials/street trees proposed to be used in this area are to match and complement those to be used in the City

Council's Bourges Boulevard Public Realm improvement works. The new pedestrian crossing of Bourges Boulevard will be paid for by a financial contribution secured by legal agreement as part of this proposal, which the City Council will use to assist the delivery of its proposed public realm works, which are due to take place later this year.

Therefore whilst it is regrettable as some objectors have raised, that an active frontage to the building could not be achieved directly on to Bourges Boulevard, it was considered more important that the active frontage be achieved on to Station Road to encourage pedestrian activity to and through Station Road to help strengthen this key proposed link for pedestrians into the city centre.

The car parking that fronts on to Bourges Boulevard will be, as it is presently, positioned on land that is lower in height than the land of the footpath on Bourges Boulevard therefore its visual impact on the appearance of the Bourges Boulevard streetscene will be reduced to that of an acceptable level. Details of the proposed boundary treatments will be agreed by condition.

There are some small areas of soft landscaping proposed in the car parking area, together with new street trees proposed on the new public realm area on the south of the site. Whilst this is limited in soft landscaping terms, this has to be viewed in the context that the site has very limited soft landscaping at present as it is a hard landscape car park, it is a city centre where land is at a premium and the site will be viewed in terms of the adjacent improved Bourges Boulevard where quite a number of new street trees are proposed. Therefore on balance the new landscape and tree planting are considered to be acceptable for this development site, in accordance with Policy PP16.

The biodiversity of the site will be enhanced by the provision of bat and bird boxes on site, which will be secured by way of a planning condition.

Issues of site security and reducing the sites vulnerability to crime have been raised, by the Police Architectural Liaison Officer and British Transport Police. The applicant has agreed to install CCTV to cover the car parking and new public realm area. It is considered that this together with any additional on-site security measures can be secured by planning condition. The comments of the British Transport Police about the site attracting anti-social behaviour and street drinking are acknowledged however it is considered with the use of CCTV and Waitrose own on site security management processes that this would not be a significant issue, or one that could warrant a refusal of planning permission.

Waitrose have confirmed they will provide accessible toilet facilities in store in line with current building regulations. Whilst enhanced accessible toilet provision over and above the normal requirements of building regulations would be desirable, it could not be insisted upon.

f) Impact on neighbouring sites

It is not considered that the proposed development would have any adverse impact on the adjacent railway station use. The developer when constructing development in close proximity to the railway line will need to ensure that they follow Network Rail's specific requirements to ensure that the development will not interfere with the safe operation of the railway line. Network Rail raises no objections in principle to the development, subject to their specific requirements being met.

It is not considered that the proposal would have any adverse impact on the adjacent Fire Station site or the existing Great Northern Hotel site or their extended development proposal for an extended hotel, offices, 6 apartments and some small A1 and A3 uses approved in February 2013 under planning reference 12/00329/OUT, but not yet implemented.

It is considered that the height, scale, siting and design of the proposed supermarket building and car park would not have any adverse impact on any of the surrounding uses. This is in accordance with Policies CS16 and PP3 of the Core Strategy and Planning Policies DPD.

g) Drainage

The flood zone mapping shows the site falls within Flood Zone 1, where it is considered there is low probability of flooding. The proposed supermarket is considered appropriate land use within this Flood Zone.

Due to the size of the site, greater than 1 hectare, a Flood Risk Assessment is required to support the application to demonstrate an acceptable surface water drainage strategy, based on sustainable drainage principles.

The Environment Agency have objected to the first submitted Flood Risk Assessment as it does not meet their specific technical requirements to provide a suitable basis for assessment of the flood risks arising from the development. Therefore a revised Flood Risk Assessment has been submitted and is currently with the Environment Agency for consideration. Members will be updated of any revised comments received in the Committee Update Report.

h) S106 Obligation

Under the Planning Obligations Implementation Scheme a S106 Contribution of £211,612.50 should normally be paid for the development proposed. However the amount has been reduced by £16,567.75 to £195,044.75 (plus monitoring fee), in light of the economic viability issues with the scheme. A financial contribution of £614,275 is also being made toward the required enhancements to Bourges Boulevard including the new pedestrian crossing. A £2,500 travel plan monitoring fee is also sought. The applicant has indicated a willingness to complete a Legal Agreement for the sum sought.

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 siting, scale and design of the supermarket proposal is considered to be acceptable with no unacceptable adverse visual impact on the surrounding area.
- The site's 'edge of centre' location meets the criteria of the retail sequential test, in that there are no other available sites for the supermarket higher in the retail hierarchy
- The retail proposal will not result any significant detrimental impact on the city centre or district centres as a consequence of trade draw either individually or in conjunction with other recent developments, planning approvals or schemes under construction
- Whilst a Mixed use development would have been preferable, this single retail supermarket use will provide enhanced redevelopment benefits for the site and the wider area with the provision of a new pedestrian crossing and enhanced pedestrian routes to the city centre.
- This development does not compromise the development of any other parts of the Railway Station Opportunity Area coming forward.
- The proposal would not be detrimental to any protected Cathedral views
- The proposal would not result in an unacceptable impact on the local road network or compromise highway safety or the implementation of the Primary Public Transport Corridor
- There would be no adverse impact on any neighbouring sites
- The proposal is therefore considered to be in accordance with Policies CS4, CS13, CS14, CS15, CS16 of the Core Strategy, Policies PP01, PP02, PP03, PP9, PP12, and PP16 of the Planning Policies DPD, Policy CC12 of the Local Plan and Policies CC2, CC4 and CC11 of the emerging City Centre Plan.

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **GRANTED**

subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

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

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

- C 2 No development shall take place until details of all external building materials and all road/paving 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 Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 3 No development shall take place/commence until a watching brief programme of archaeological work, including a Written Scheme of Investigation, has been submitted to, and approved by, the local planning authority in writing. No development shall take place unless in complete accordance with the approved scheme, should any archaeology of importance be found further on site archaeological investigation works may be required. The approved scheme shall be implemented in full including any post development requirements.**

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C 4 Prior to the occupation of the development the cycle parking shall be implemented in accordance with Peterborough City Council Cycle Parking Guidelines.**

Reason: In the interests of promoting the use of sustainable modes of travel to visit the site in accordance with Policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD

- C 5 Prior to the commencement of any development hereby approved, full details of the vehicular and pedestrian accesses to the site from the public highway shall be submitted to and approved by the Local Planning Authority. The accesses to the site shall be implemented in accordance with the approved plans prior to the occupation of the development.**

Reason: In the interests of highway safety in accordance with Policy PP13 of the adopted Peterborough Planning Policies DPD

- C 6 Prior to the commencement of any development hereby approved, full details of the proposed off site highway works (yellow box junction) shall be submitted to and approved by the Local planning Authority. The highways works shall be implemented in accordance with the approved plans prior to the occupation of the development.**

Reason: In the interests of highway safety in accordance with Policy PP13 of the adopted Peterborough Planning Policies DPD

C 7 Prior to the commencement of any development hereby approved a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The details within the CMP shall include:

- o Haul routes to and from the site**
- o Hours of working**
- o Parking turning and loading/unloading areas within the site**
- o Compound/Storage/Welfare facilities**
- o Wheel washing facilities (wheel washing facilities shall be capable of cleaning the wheels, body and underside of the chassis of the construction vehicles)**

Reason: In the interests of highway safety in accordance with Policy PP13 of the adopted Peterborough Planning Policies DPD

C 8 Prior to the occupation of the development hereby approved, the existing access to the site shall be closed in accordance with details to be submitted to and approved by the Local planning Authority. The highways works shall be implemented in accordance with the approved plans.

Reason: In the interests of highway safety in accordance with Policy PP13 of the adopted Peterborough Planning Policies DPD

C 9 The areas shown on plan 1429 URB FS [03] 00 53 Rev 00 for the parking, turning and loading/unloading of service vehicles shall be provided prior to the first trading of the store of the development thereafter used for no other purpose than the parking, turning and loading/unloading of service vehicles in connection with the permitted retail use.

Reason: In the interests of highway safety in accordance with Policy PP13 of the adopted Peterborough Planning Policies DPD

C10 Prior to the commencement of any development, 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:

- Full and up to date design details of the proposed drainage systems for this development should be forwarded for approval**
- Calculations to support the final site drainage design**
- Written confirmation of approval from Anglian Water of any proposed discharge of surface water into their drainage systems, including confirmation of the allowable discharge rate.**
- Confirmation of whether infiltration is possible on site to manage all or part of the surface water through furthering testing as suggested in the Flood Risk Assessment for the site.**

Reason: To reduce the impact of flooding on the proposed development and future occupants, in accordance with Policy CS22 Peterborough Core Strategy DPD (2011).

- C11 Prior to the first occupation a scheme of bird and bat boxes including details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details before first occupation.**

Reason: In the interests of biodiversity in accordance with Policy CS21 of the adopted Peterborough Core Strategy DPD (2011) and the NPPF.

- C12 Prior to the occupation 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**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies CS20 & CS21 of the adopted Peterborough Core Strategy DPD and policy TD1 of the Trees & Woodlands Strategy 2012.

- C13 Any trees, shrubs or hedges forming part of the approved landscaping that die are removed, become diseased or unfit for purpose [in the opinion of the LPA] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.**

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies CS20 & CS21 of the adopted Peterborough Core Strategy DPD.

- C14 A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. 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 CS20 & CS21 of the adopted Peterborough Core Strategy DPD and TD1 of the Trees & Woodlands Strategy 2012.

- C15 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local**

Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

- C16 The new unit hereby approved shall be used for the retailing of a single supermarket goods unit only and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1995 (or as subsequently amended)).**

Reason: The information submitted to support the application is based on a maximum 3,762 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the planning policies and has been found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

- C17 The proposed foodstore shall comprise a maximum 3,762 square metres Gross External Area (2,537sqm total net sales floorspace (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) of which a maximum of 634 sqm shall be for comparison goods).**

Reason: The information submitted to support the application is based on a maximum 3,762 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the planning policies and has been found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

- C18 The draft Framework Travel Plan submitted with this application shall be in place prior to commencement of the development. Within 3 months of the occupation of the development, multi-modal surveys shall be carried out to ascertain the existing office/superstore modal shares. Within 6 months of occupation of the development a detailed Travel Plan setting SMART targets shall be implemented using the multi modal surveys as a basis for the targets and outlining measures that shall be implemented to achieve those targets.**

Reason: In the interests of promoting the use of non-car modes to travel to and from the site in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

- C19 Prior to the commencement of construction, a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**

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

- C20 The development hereby approved shall have a target emissions rate 10% lower than required under building regulations at the time that building regulations approval is sought for the development.**

Reason: To facilitate the City Council's Environment Capital agenda and to comply with Policies CS10 & CS11 of the Peterborough Core Strategy Development Plan Document.

C21 The proposed pedestrian crossing of Bourges Boulevard shall be implemented prior to the opening of the supermarket hereby approved.

Reason: To ensure that the proposal provides for the necessary connectivity improvements to link better the site to the city centre in accordance with Policies CS14, CS4 of the Core Strategy and Policies CC12 and T8 of the Local Plan.

C22 Within three months of the commencement of development details of the external lighting, boundary treatments, and CCTV provision shall be submitted to and approved in writing by the Local Planning Authority. These approved details shall thereafter be implemented prior to occupation.

Reason: In the interests of residential amenity and to protect wildlife in accordance with policy CS16 and CS21 of the Peterborough Core Strategy DPD (2011).

C23 The development hereby permitted shall be carried out in accordance with the following approved plans:-

- URB FS 08 90 01 A01
- URB FS 03 00 53 A00
- URB FS 08 00 04 A01
- URB FS 08 00 01 A00
- URB FS 08 20 01 A00
- URB FS 08 10 01 A00
- URB FS 08 00 02 A00
- URB FS 08 80 01 A00
- URB FS 08 70 01 A00

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

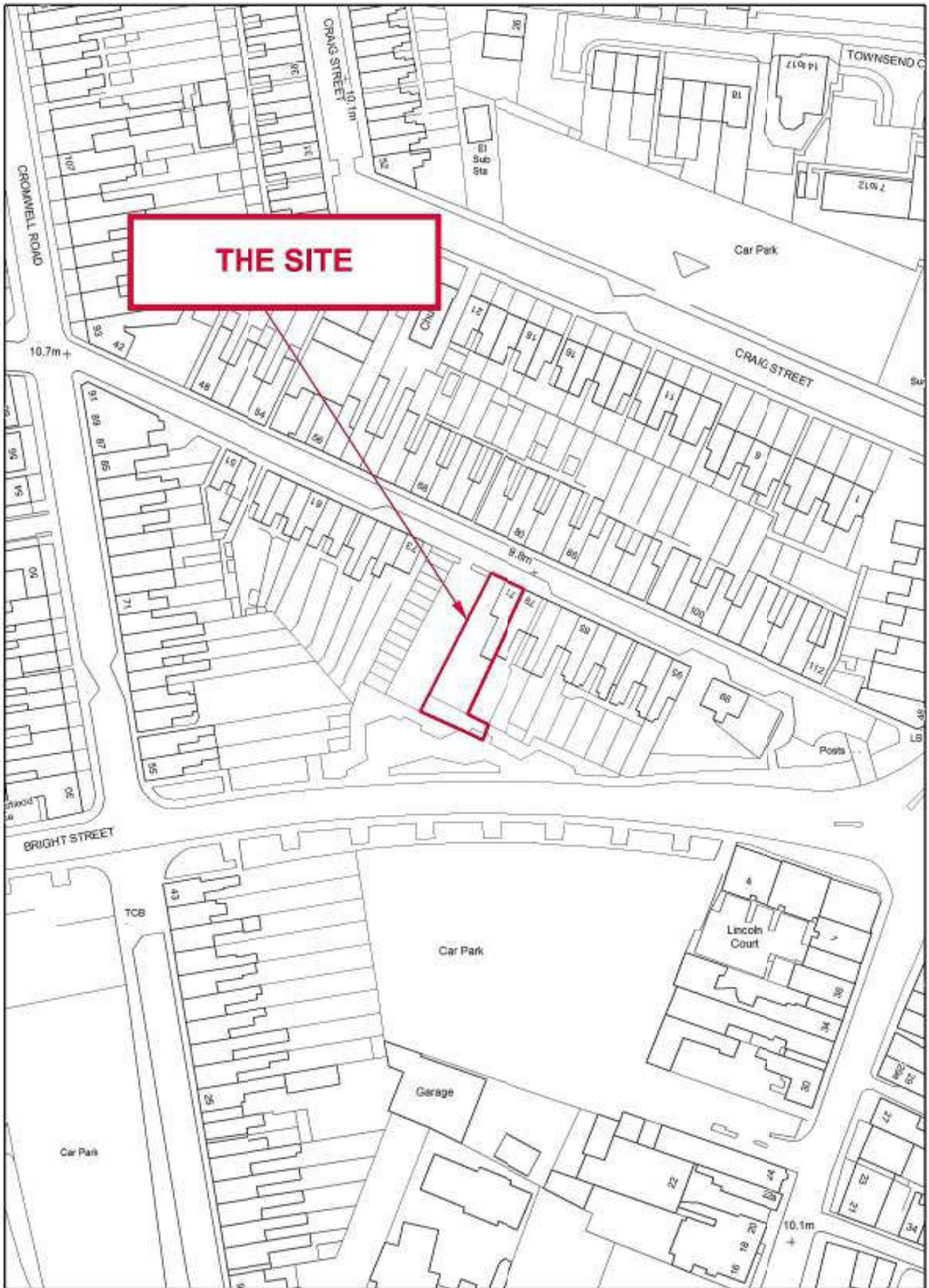
C24 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the 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.

C25 Prior to the roof construction, details of any services which may be visible on external elevations, particularly pipes and extract or ventilation equipment and utility meter boxes, shall be submitted to and agreed in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details and retained as such thereafter.

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

Copies to Councillors M Nadeem, N Khan MBE, M Jamil



LOCATION PLAN 13/01874/R4FUL

Land Rear Of 77 Russell Street, Millfield, Peterborough PE1 2BJ

Scale 1:1250 Date 7/2/2014 Name LG Department Planning Services

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PCC GIS

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Application Ref: 13/01874/R4FUL

Proposal: Repositioning of boundary fence to extend garden and change of use of landscaping strip

Site: Land Rear Of 77 Russell Street, Millfield, Peterborough, PE1 2BJ

Applicant: Mr Wasim Akhtar

Agent: Mr Zahir Ahmed

Referred by: Councillor Nadeem

Reason: Owing to the history of the site

Site visit: 23.12.2013

Case officer: Miss L C Lovegrove

Telephone No. 01733 454439

E-Mail: louise.lovegrove@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises an area of designated Public Open Space, located to the northern side of Bright Street. There is a significant area of hardstanding with shrub borders adjacent to the public footway and to the rear of residential properties along Russell Street and Cromwell Road. The site is bound to the south by public footway and to the north and west by 1.8 and 2 metre high fencing and brick walls. There are a number of mature shrubs within the site and a semi-mature Cherry tree.

Proposal

The application seeks planning permission to extend the garden land associated with No.77 Russell Street by approximately 4.5 metres to the rear and to the rear of the neighbouring dwelling No.79. It is proposed for the fence to stand at 1.8 metres in height with an access gate along the rear boundary.

The application currently under consideration is identical to the scheme which has already been refused planning permission under delegated powers (reference 13/01085/R4FUL).

2 Planning History

Reference	Proposal	Decision	Date
13/01085/R4FUL	Repositioning of boundary fence to extend garden and change of use of landscaping strip	Application Refused	11/09/2013

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.

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.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

Peterborough City Centre DPD (Proposed Submission) (2014)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

CC03 – City Core Policy Area

CC3.5 North Westgate Opportunity Area – Planning permission will be granted for comprehensive mixed-use redevelopment which is well integrated with the existing retail area. The design, layout and access arrangements must enhance the transition between the residential area to the north and city centre.

CC10 – City North Policy Area

Development will be acceptable provided that it respects the character and built form of the surrounding area.

4 Consultations/Representations

Landscape Officer

Objection - The proposal will result in the loss of public open space within a Ward where there is already a deficiency. In addition, existing valuable landscape features will be incorporated within a garden where it is likely that they will be removed. The repositioning of the boundary fence will create a hard landscape boundary to the open space in contrast to the soft boundary that currently exists which will result in a negative landscape impact.

Transport & Engineering Services

No objections.

Wildlife Officer

No objection - Replacement native landscape planting should be sought to prevent a net loss to biodiversity.

Property Services

No comments received.

Police Architectural Liaison Officer

No objections, recommendations or observations.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Impact upon the character and appearance of the surrounding area

a) Background

Councillor Nadeem has requested that the application be referred for determination by Members of the Planning and Environmental Planning Committee owing to the history of the application site and advice previously given to the Applicant by Officers of the Local Planning Authority.

Approximately three years ago, the Applicant applied to the City Council's Property Services Team to purchase the land subject to this application. Approval was granted for this, in principle, subject to the change of use being granted planning permission. At the time, informal Officer opinion was provided that the change of use of the land could be acceptable, however no planning application was ever submitted and no formal written advice issued.

In the intervening period between this earlier advice and the current planning application, planning policy has been revised through the adoption of the Local Development Framework which, in the context of the application, was underpinned by a City-wide open space quantitative/qualitative assessment. In addition, the area of land has been subject to a significant level of replanting in order to address previous issues of anti-social behaviour. Accordingly, for the reasons given below, the proposal is no longer in accordance with adopted planning policy and is therefore unacceptable.

b) Principle of development

As detailed in Section 1 above, the application site comprises designated Public Open Space. The Peterborough Open Space Study Update (2011) provides details on all open space provision throughout the City, broken down by the type of space and the level within wards. With regards to Central Ward, within which the application site is located, there is a shortfall of Public Open Space provision of all types. As such, any existing space is of significant value. Policy CS19 of the Peterborough Core Strategy DPD (2011) clearly states that:

'To protect existing open space, planning permission will not be granted for development which would result in the loss of existing open space if that loss would give rise to a deficiency in open space, or would be in an area where there is already a deficiency...'

It also provides two criteria whereby this loss may be found acceptable - if the proposed development would be ancillary to the use of the site as open space, or if alternative provision is made of an equivalent size. The application proposal would result in the loss of open space to residential garden land and no alternative provision is proposed. The site is located within an area which is already deficient of all types of open space and accordingly, it is considered that the application scheme is wholly at odds with this adopted policy. On this basis, the principle of the change of use is unacceptable.

c) Impact upon the character and appearance of the surrounding area

At present, the application site comprises an open parcel of Public Open Space which has recently been re-landscaped. The site is formed by a mixture of hard surface, low level shrub planting with mature shrubs and a semi-mature Cherry tree along the boundary with properties to the rear of Russell Street. Accordingly, the overall appearance is of a soft landscape within the hard built form along Bright Street which makes a positive contribution to the visual amenity of the area. The proposal would result in the loss of some soft landscaping and the semi mature tree would be incorporated into the garden land of No.77 Russell Street. The tree in its present form is not worthy of protection by way of a Tree Preservation Order however it does make a positive contribution to the locality. There is no guarantee that this tree would be retained following the grant of permission and its loss should be resisted. The proposal would introduce a hard fence line in contrast with the soft landscape boundary that currently exists. It is considered that this impact, in combination with the potential loss of key landscape features would result in an unacceptable impact upon the character, appearance and visual amenity of the locality. The proposal is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **REFUSED** for the following reason(s):

- R 1 The proposed garden extension would result in the loss of existing Public Open Space within Central Ward which already has a significant deficit in provision. The proposed use of the land is not ancillary to the use of the site as open space and nor has the scheme proposed alternative provision within the surrounding area. Accordingly, the proposal would result in the unacceptable loss of important existing open space, contrary to Policy CS19 of the Peterborough Core Strategy DPD (2011).
- R 2 The application scheme will result in the loss of valuable soft landscape features within the streetscene along Bright Street and the replacement with a hard boundary fence which will appear stark in contrast. Overall, the proposal will result in an unacceptably negative impact upon the character, appearance and visual amenity of the surrounding area, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors M Nadeem, N Khan MBE, M Jamil

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 5
18 FEBRUARY 2014	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste - Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer:	Nick Harding (Group Manager, Development Management)	Tel. 454441
Reporting Officer:	Paul Smith (Development Implementation Manager)	Tel. 453468

PLANNING COMPLIANCE QUARTERLY REPORT ON ACTIVITY & PERFORMANCE - OCTOBER TO DECEMBER 2013

RECOMMENDATIONS	
FROM : Director of Growth and Regeneration	Deadline date : February 2014
That Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service's planning compliance performance and activity and identify if there are any lessons to be learnt from the actions taken. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference Part 3, Section 2 para. 2.5.1.4 'To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers'.

2. TIMESCALE.

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

- 3.1 In the third quarter of 2013/4 a total of 107 service requests had been received (it is usual to average 150 cases per quarter). And taking into account the number of cases closed over the period (131 cases) as at 31 December 2013, there were 235 live cases being investigated / in the process of being resolved.
- 3.2 The Technical Services Team acknowledged 98% of new service requests within 3 working days this quarter, well above the target of 80% and 89% of initial site visits were made within 7 days of the service request being received.
- 3.3 A total of 30 enforcement notices were issued in the quarter and 8 enforcement notices issued in previous quarters have been checked and were found to have been complied with.

3.4 There had been 43 less cases received than the quarterly average of 150. The number of cases closed was 19 below the quarterly average. There are no prosecution cases to report this quarter. Further details of the Planning Compliance Team Quarterly Report on Activity & Performance is attached at Appendix 1.

4. IMPLICATIONS

4.1 Legal Implications

There are no legal implications relating to this report on performance.

4.2 Financial Implications

This report itself does not have any financial implications.

INFORMATION ITEM: PLANNING COMPLIANCE TEAM QUARTERLY REPORT ON ACTIVITY & PERFORMANCE – Qtr 3 (October - December 2013)

Description	No.	Comments
Complaints Received	107	<i>The number of cases received was 43 below the average for a quarter</i>
Complaints Resolved (cases closed as % of cases received)	131 (122.4%)	<i>The number of cases closed was 19 below the average for a quarter, but we closed 24 more than we received</i>
Complaints on Hand and /Pending. (On hand = all cases & includes awaiting action by others)	235/155	Cases on hand has fallen by 3 since Last Quarter and the number of cases pending has fallen by 35.
Enforcement Notices Served		
Type of Notice	No.	Comments
Operational Development	7	Physical building works
Change of Use	11	Unauthorised use is required to end
Temporary Stop Notice	1	Lasts for one month – prior to stop notice
Stop	5	Ends use permanently
Advert Removal	1	Gives interested party 22 days to remove it.
Breach of Condition	2	Require compliance with planning condition
Planning Contravention	2	Requisition for information
Discontinuance Notice	1	Requires advert with expired consent to be removed after five years
Total Notices Served	30	
Enforcement Notices Complied With		
Type of Notice	No.	Comments
Section 215 Notice	1	10/00157/ENF215 14 Gilpin Street Scaffolding and other goods and chattels removed from drive of dwelling
Planning Contravention Notice	1	13/00490/ENFBUS 30 Vergette Street Dwelling used as base for House Clearance Business
Enforcement Notice	1	12/00443/ENFACC 62 Bamber St
Operational Development Notice	3	12/00242/ENFGAR 417 Lincoln Road unauthorised smoking shelter revised to comply with retrospective permission 13/00114/ENFACC 5 Westgate unauthorised canopy over flat roof revised to comply with retrospective permission 12/00425/ENFMOB 1127 Bourges Boulevard unauthorised mobile building relocated to comply with retrospective permission and car sales & valeting ended
Change of Use Notice	1	13/00188/ENFCOU 787 Lincoln Road. Use of storage building for fitting of car tyres
Temporary Stop Notice	1	13/00253/ENFCOU Land To The Rear 49 Padholme Road. Use as car wash and loss

		of many back gardens stopped.
Total	8	

Other Notable Outcomes	
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Court Action Agreed		
Type of Notice	No.	Comments
None		
Prosecutions		
Type of Notice	No.	Comments, including cost awards
None		

Performance Measures			
	Description	% / Time	Comments
	% of cases closed within 8 weeks if No Breach found.	76%	Target of 80%
	Average time (weeks) to resolve all cases closed last quarter.	44 weeks	No target
LPI	% of complaints acknowledged within 3 working days.	98%	Target of 80%
LPI	% of site inspections carried out within 7 days of acknowledgement.	89 %	Target of 80%

Cumulative Compliance Performance Yearly Average			
Description	Target	Last quarter	This quarter
Enforcement cases closed within 8 weeks if no breach found.	80% within 8 weeks	84%	76%
Acknowledgement of enforcement complaints.	80% within 3 working days	98%	98%
Enforcement site visits carried out within 7 days of acknowledgement.	80% within 7 days	93 %	89%

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 6
18 FEBRUARY 2014	PUBLIC REPORT

Cabinet Members responsible:	Councillor Cereste, Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement	
Contact Officer:	Nick Harding (Group Manager, Development Management)	Tel. 454441
Reporting Officer:	Andrew Cundy (Area Manager, Development Management)	Tel. 453470

PLANNING THREE MONTH APPEAL PERFORMANCE REPORT

RECOMMENDATIONS	
FROM : Director of Growth and Regeneration	Deadline date : N/A
That Committee notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 It is useful for Committee to look at the Planning Service's performance at appeals and identify if there are any lessons to be learnt in terms of appeal outcomes. This will help inform future decisions and potentially reduce costs.
- 1.2 This report is for the Committee to consider under its terms of reference Part 3, Section 2 para. 2.5.1.4 'To receive regular progress reports on all current planning enforcement matters, and lists of planning decisions taken by officers under delegated powers'.

2. TIMESCALE.

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

- 3.1 The number of appeals lodged has fallen this last three months from 11 to 9 compared to the previous three months. A total of 10 appeals have been determined which is 5 more than the previous three months.

	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013	01/10/2013 – 31/12/2013
Appeals Lodged	3	8	11	9
Method of Appeal				
a) Householder	0	2	5	5
b) Written Reps	2	5	5	3
c) Informal Hearing	1	1	1	1
d) Public Inquiry	0	0	0	0

	01/01/2013 – 31/03/2013	01/04/2013 – 30/06/2013	01/07/2013 – 30/09/2013	01/10/2013 – 31/12/2013
Appeals Determined	13	7	5	10
Appeals Dismissed	9	4	3	9
Appeals Allowed	3	2	2	1
Split Decision	1	0	0	0
Appeals Withdrawn	0	1	0	0
Success Rate	69%	67%	60%	90%
Householder	1	0	2	6
Written Reps	10	5	3	1
Informal Hearing	2	1	0	3
Public Inquiry	0	1	0	0

3.2 In the last three months the Council's decision was upheld in 90% of the cases.

3.3 The table at Appendix 1 gives a summary of the appeal outcomes in the last 3 months with a commentary where there is scope for service improvement.

4. IMPLICATIONS

4.1 Legal Implications

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

4.2 Financial Implications

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

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
1	13/00775/HHFUL - 18 Exeter Road, Millfield, Peterborough - Two storey side and rear extensions to dwelling (Re-submission)	Delegated	Dismissed	The inspector concluded that the proposal would result in an overbearing feature when viewed by the occupants of No.16. Further that there would be a loss of daylight to the rear garden close to the house and to the nearest bedroom of No. 16 resulting in overshadowing and an oppressive feature which would be detrimental to the living conditions of the occupants of No.16. The inspector added that, due to the orientation of the site the proposal would result in some loss of sunlight to No.16 during the latter part of the day.	No
2	12/01639/FUL - Land To The North Of 54 Main Street, Ailsworth Peterborough - Construction of two new detached properties with garages	Delegated	Dismissed	The inspector concluded that the proposed development would have a significant adverse effect on the character and appearance of the Ailsworth Conservation Area and on the amenities of residents of 54 Main Street.	No
3	13/00529/HHFUL - 1371 Lincoln Road Peterborough - Proposed car port	Delegated	Dismissed	The inspector concluded that the proposal would breach significantly the general line of the houses fronting Lincoln Road. The inspector added that the car port would intrude into the openness of the front gardens thus causing significant harm to the character and appearance of the area.	No
4	12/01565/FUL - Land On The South West Side Of Northey Road Peterborough - Use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins for use as a utility and storage and 1 x storage container - part retrospective (resubmission of 11/01987/FUL)	Delegate	Allowed	The inspector concluded that the scheme, subject to appropriate conditions, would not harm the character and appearance of the countryside and would have a neutral, as opposed to an adverse effect on the setting of the SAM. Further the inspector added that had he identified that this would have resulted in less than substantial harm to the SAM, other material considerations (in this case, the public benefits of the proposal in the form of providing a settled site for a gypsy family and their young children in an area with significant unmet need for traveller site which is unlikely to be addressed in the foreseeable future) would have outweighed the negligible harm caused.	Yes

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
5	13/01086/PRIOR - 90 Vere Road New England Peterborough - Single storey rear extension	Delegated	Dismissed	The inspector noted that the proposal would result in an 8 metre long, 3 metre high wall close to the boundary No. 92. The inspector concluded that due to the orientation of the site and the height and length of the proposed extension that there would be a loss of daylight and some sunlight to No 92. The inspector added that due to its size and position adjacent to the site boundary the proposal would also result in an overbearing feature when viewed by the occupants of No.92.	No
6	13/01131/HHFUL - 213 Lincoln Road Peterborough - Ground floor rear extension	Delegated	Dismissed	The inspector concluded that the proposal would have a significantly detrimental impact upon the living conditions of the occupants of No 215 Lincoln Road due to the overbearing impact, loss of outlook and overshadowing effect. The inspector added that the proposed extension would be noticeably higher than the existing rear wall and would add to the expanse of blank walling and sense of enclosure at what is a prominent location within the street scene. The inspector felt that this would create a sterile and unappealing aspect, to the detriment of the character and appearance of the area.	No
7	13/00220/HHFUL - 71 Reeves Way Eastfield Peterborough - Two storey side and rear extension and single storey side extension	Delegated	Dismissed	The inspector concluded that the extension would not be subservient and would consequently have a harmful effect on the appearance of the host property. The inspector added that the appeal proposal would have a significantly harmful effect on the character of the area by virtue of its incongruous appearance within the strong pattern of uniformly spaced semi-detached properties and the resultant loss of the visual gap between Nos 69 and 71.	No
8	12/01942/FUL - Ground Floor South Wing Winchester Place No 80 Thorpe Road Peterborough - Change of use of ground floor to Class A1 (retail) use, front and rear extension, car parking and new vehicular access to Thorpe Road - Resubmission	Delegated	Dismissed	The Inspector noted that there were 64 vacant units within the city centre and a vacant unit in the Mayors Walk Local Centre. The inspector stated that there are units within both the Local and City Centre which could provide opportunities for additional convenience and comparison shopping and are sequentially preferable to the appeal site. The inspector added that the alternative sequentially preferable sites within the City Centre, and within the Mayor's Walk Local Centre, each provide opportunities for linked trips and improved consumer choice. The Inspector stated that the Local Centre in particular could be vulnerable to the diversion of trade and footfall to this out of centre location, with potentially detrimental erosion of its vitality and long term health.	No

	PROPOSAL	DELEGATED OR COMMITTEE DECISION? T= turnover of officer recommendation at committee	APPEAL ALLOWED OR DISMISSED?	INSPECTOR'S REASONING	AWARD OF COSTS?
9	13/00564/ADV - 9 Westgate Peterborough - 1 internally illuminated fascia sign and 1 internally illuminated projection sign - Retrospective	Delegated	Dismissed	The inspector concluded that the proposal would fail to preserve or enhance the character and appearance of the Peterborough City Centre Conservation Area of the setting of the listed building (Bull Hotel a grade II listed building) The inspector added that the proposed signs would conflict with the interests of visual amenity.	No
10	13/00688/HHFUL - 99 Scotney Street New England Peterborough - Two storey side extension and loft conversion including construction of front dormer	Delegated	Dismissed	The inspector considered that the proposed extension, due to its close proximity to No. 93 and its height would result in overshadowing and an overbearing impact and cause significant loss of daylight to habitable rooms. The inspector recognised that habitable room windows would face onto the proposed site wall of the extension and considered that this would contribute to the occupants of No. 93 sense of being hemmed in. The inspector also considered that given the increase in bedrooms together with the restricted dimensions of the proposed parking space within the extension is likely to increase on-street parking and that this would prejudice vehicle movements on the road.	No

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