

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 12 APRIL 2016**  
**1.30 PM**

**Bourges/Viersen Rooms - Town Hall**

**AGENDA**

**Page No**

**1. Apologies for Absence**

**2. Declarations of Interest**

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

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

**4. Minutes of the Meeting Held on 8 March 2016** **3 - 10**

**5. Development Control and Enforcement Matters**

**5.1 Land to the Rear of Thorpe Wood House, Thorpe Wood, Peterborough** **11 - 28**

**5.2 Review of Article 4 Directions in Peterborough** **29 - 40**

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

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



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

Committee Members:

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

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

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@peterborough.gov.uk)

**CASE OFFICERS:**

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

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

**NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 MARCH 2016**

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

**Officers Present:** Lee Collins, Development Management Manager  
Vicky Hurrell, Principal Development Management Officer  
Jim Daley, Principal Built Environment Officer (Archaeology and Building Conservation) (Item 5.3)  
Simon Ireland, Principal Engineer (Highways)  
Ruth Lea, Planning and Highways Lawyer  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Lane.

**2. Declarations of Interest**

Councillor North declared, in relation to agenda item 5.2 15/01431/OUT – Land to the East of Alwalton Hill, Fletton Parkway, Peterborough', that he was acquainted with a number of the parties involved. He was not, however, predetermined on the application.

Councillor Okonkowski declared that, in relation to agenda item 5.2 15/01431/OUT – Land to the East of Alwalton Hill, Fletton Parkway, Peterborough', he had attended a number of Norman Cross Action Group meetings. As such he would withdraw from the Committee for that item.

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

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

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

**4.1 12 January 2016**

The minutes of the meeting held on 12 January 2016 were approved as a correct record.

**4.2 26 January 2016**

The minutes of the meeting held on 26 January 2016 were approved as a correct record.

**5. Development Control and Enforcement Matters**

**5.1 15/01292/FUL – St Therasas House, Manor House Street, Peterborough, PE1 2TL**

The planning application was for the conversion to 12 bedsitting rooms at St Therasas House, Manor House Street, Peterborough.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update report.

Carole Aldous, resident, and Margaret Randall, resident, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- It was suggested that the application should be refused on the grounds of parking and highways;
- The local area had been experiencing parking problems for the past 10 years, to the point where it was believed residents would not receive parking permits;
- The survey that the applicant had undertaken did not match the plans submitted and it was believed that the plans would only work with small cars;
- The access to the parking at the rear of the development was considered to be substandard and too narrow;
- It was believed that the development was being shoehorned in and would have a detrimental effect of the area;
- Concern was raised regarding the believed increased potential for anti-social behaviour, with the proposal situation in a conservation area; and
- The issue of loss of privacy and the potential for overlooking into neighbouring gardens was raised.

Paul Sharman, agent, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The proposals were accepted by Planning Officers, with the exception of the parking and access;
- The area proposed for parking had been used for parking for 20 years;
- The site was close to the City Centre Core, as such it was not considered that all residents would own or use a car. Using 2001 census data, it was expected that 40% of the developments residents would own a car;
- The applicant had undertaken a traffic survey, in which it was found that only 60% of the on street parking available was utilised;
- In order to manage the access to the car park, the applicant intended to install a control system, most likely a barrier system; and
- Mr Sharman suggested that a number of points raised in objection by Simon Jackson MP, including intensification of use, insufficient parking, overlooking, poor quality development, and the detriment to the character of the street, were incorrect and could not be substantiated.

In response to questions from the Committee, the Development Management Manager advised that the previous use of the site as a funeral parlour could cater up to 35 people at a time. As such, this was considered to be the 'fall back' position and the proposed use would not be greater than this. Officers had considered the amenity, outlook, privacy and ambience of the proposal and had considered them acceptable. It was noted that a number of windows within the application would be obscure glazed and this would be secured by condition. When previously granting permission for a funeral parlour, the access and parking was considered acceptable, as the majority of visitors would be expected to park in the city centre.

The Principal Engineer (Highways) advised that the Highways Authority required, for a

shared access, a minimum width of 5.5 meters. The access as proposed fell significantly short of this.

In response to a query regarding refuse collection the Development Management Manager clarified that it was proposed for refuse to be collected privately and that, as the current use of the site required refuse collection to be made, this would not be a new issue arising from the application.

The Committee discussed the application and it was considered the application was acceptable in terms of design and impact on amenity. Concern was expressed, however, over the proposed parking and access arrangements. The Committee noted that the proposal were contrary to the Council's policy. In light of this, the objections raised by local residents, and the concern that allowing such a deviation from Council policy would create a precedent, it was considered that the development would be inappropriate.

A Member of the Committee raised the view that, as the development was near to the City Centre Core and in walking distance of amenities, provision of car parking facilities for each resident would probably be unnecessary. It was also noted that the proposal provided much needed low cost housing in the city centre.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation, for the reasons set out in the report. The motion was carried seven voting in favour, one voting against and one abstaining from voting.

**RESOLVED:** (seven voted in favour, one voted against and one abstained from voting) that planning permission is **REFUSED** for the reasons set out below.

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

The proposal was unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons set out in the report.

### **5.2 15/01431/OUT – Land to the East of Alwalton Hill, Fletton Parkway, Peterborough**

Councillor Okonkowski left the meeting at this point.

The planning application was for residential development with provision of a Primary School at Land to the East of Alwalton Hill, Fletton Parkway. This included new open space, highways and associated infrastructure, including new drainage features with details of part of the strategic landscaping submitted.

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

Councillor Sharp, Hampton Parish Council, and Councillor Reed, Yaxley Parish Council addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposed bus stops to service the site were considered to be too remote;
- The Secondary School that would serve the development was also believed to be too far away from the site to be practical;

- Concern was raised regarding the impact of noise from the Yearsley development, and at the lack of social infrastructure proposed on application site;
- It was suggested that car usage would increase, however, that no discussion of the proposed road network was permitted, as the application was outline only;
- Reference was made to the Design Statement and it was suggested that the application before the Committee conflicted with this;
- The proposed infrastructure, services, roadways, junctions, bus routes and communities facilities were believed to be inadequate;
- The change from employment use for some areas of the proposal was considered to be detrimental to the sustainability of the area; and
- It was suggested that the Design Statement would need to be reconsidered to provide for such a change.

Chris York and Olive Leonard, Norman Cross Action Group, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- The Norman Cross Action Group represented a number of Parish Councils, including Farcet and Stilton, and also included representatives from Cambridgeshire County Council;
- The Group did not object to the change of use of the land proposed, nor the principle of housing on the proposed site. The Group objected to the development of housing in isolation, without any infrastructure to serve it;
- It was believed that such isolation would place greater pressure on nearby settlements and increase car journeys;
- It was suggested that the infrastructure needed to be developed first, prior to any housing being provided on the site; and
- It was believed that the proposal as currently applied for would not provide sufficient quality of life for those residing there.

Steve Harley, agent, and David Boddy addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The applicant had worked closely with officers and it was highlighted the no objections had been received from any of the statutory consultative bodies;
- The principle of development had already been agreed;
- There was a need for additional housing and school provision within Peterborough, as such, space for a primary school had been included in the proposal;
- Although the application was outline only, the expected density of the development would provide for high quality living conditions;
- The level of traffic expected from the development had decrease following the change from employment use, the contribution to the Fletton Parkway development would, however, remain the same;
- The S106 Agreement did not include any contribution to a bus service, following evaluation of the Council's priorities. If the Committee wished for a contribution to bus services to be made, S106 contributions would have to be reduced in other areas. Mr Harley advised that this did not mean that no bus service would run;
- Mr Harley noted that, when viewed as part of a larger development, infrastructure would be provided; and
- Access to the local Secondary School, across the A15, would be via the existing footbridge.

In response to questions from the Committee, the Principal Development Management Officer advised that the access to the development had already been established with the previous employment use of the site. It was further advised that while the Fletton Parkway junction was under the control of Peterborough City Council, Junction 17 of the A1(M) was covered by Highways England, and the Old Great North Road was the responsibility of Cambridgeshire City Council.

The Principal Engineer (Highways) advised that traffic would be less under the current proposals than those of employment use, as the traffic would be heading in the opposite direction. Although the access to the Secondary School via the existing footbridge was a longer route, this would be the route encouraged for highway safety reasons.

The Committee discussed the application and noted that with any development similar to the one proposed, it would take time for infrastructure to develop, as the demand for services increased. It was suggested that individuals who bought houses on the site would be aware of the infrastructure available when doing so. The Committee were pleased to see that affordable housing was to be included within the development.

A number of Committee Members raised concerns about the lack of bus service contribution within the S106 Agreement, and the points raised by objectors in relation to the minimal infrastructure proposed.

A motion was proposed and seconded to agree that permission be granted, as per officer recommendation, subject to the conditions and delegations set out in the report, the completion of a S106 Agreement, and an additional condition to monitor traffic at the A15 / Old Great North Road junction. The motion was carried six voting in favour and two voting against.

**RESOLVED:** (six voted in favour and two voted against) that planning permission is **GRANTED** subject to:

- 1) The conditions set out in the report;
- 2) A condition to monitor traffic at the A15 / Old Great North Road junction;
- 3) Authority being delegated to the Corporate Director Growth and Regeneration to make any necessary or appropriate adjustments to these, including the imposition of new conditions;
- 4) The completion of a S106 Agreement including a mechanism to deal with the Fletton Parkway Contribution; and
- 5) The passing of an Appropriate Assessment with authority being delegating to the Corporate Director Growth and Regeneration to complete this and agree any necessary additional mitigation measures if required.

### **Reasons for the decision**

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

- Whilst this application would reduce the amount of employment land, that which remained would not be insubstantial and would be able to ensure the creation of new jobs. Government policy set out that allocations should be regularly reviewed and the Local Plan was currently being reviewed. The building of housing on this site instead of employment development would help meet the housing needs of the city and ensure that it had a five year housing supply. The principle of development was therefore considered to be acceptable.

- The transport information submitted with the application shows that it would not have any unacceptable impact upon the highway network and indeed would have less impact than the consented employment scheme. Subject to conditions relating the works to junction 17 of the A1(M), junction 1 of the Fletton Parkway and in respect of a provision of a link to the Old Great North Road the development was considered to comply with policy PP12 of the adopted Core Strategy. An updated Framework Travel Plan and full Travel Plan(s) could be secured through the S106 or conditions. Walking/cycling links to the Great Haddon core area could also be secured by condition. Subject to this it was considered that the development would accord with policy CS14 of the adopted Core Strategy.
- The development would change the nature of the existing site but it would have less visual impact than the consented employment scheme. It was therefore considered to comply with policy CS16 of the adopted Core Strategy.
- The potential impacts of the development on Orton Pit SSSI/SAC could be acceptably mitigated via the access control measures proposed. The development was, therefore, considered to be acceptable in accordance with policy CS21 of the adopted Core Strategy and the National Planning Policy Framework.
- Other ecological impacts of the development could also be acceptably mitigated so the development accorded with policy CS21 of the adopted Core Strategy and the National Planning Policy Framework.
- The impact of the development on existing trees and hedgerows within the site was considered to be acceptable subject to the imposition of conditions requiring more detailed assessment as development comes forward and protection measures. New landscaping would also be planted, including the provision of new hedgerows. The development was, therefore, considered to be acceptable in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.
- Following review of all aspects of the development the impact of the development on the amenity of neighbouring residents was considered to be acceptable in accordance with policy PP3 of the Planning Policies DPD.
- Subject to detailed design it was considered that the development will be able to afford future residents an acceptable level of amenity in accordance with policy PP4 of the adopted Planning Policies DPD.
- Further archaeological assessment would be required by condition as the development progressed. It was therefore considered to accord with the National Planning Policy Framework, policy CS17 of the adopted Core Strategy and policy PP17 of the Planning Policies DPD.
- Following assessment of the submitted information it was considered that the site could in principle be drained. Subject to the imposition requiring the submission and approval of more detailed drainage information the development was considered to comply with policy CS22 of the adopted Core Strategy and the National Planning Policy Framework;



- Via the imposition of a condition it was considered that the development would make a contribution towards the Council's Environment Capital objectives in accordance with policy CS10 of the adopted Core Strategy.
- Subject to the Viability Assessment and the completion of a S106 Agreement it was considered that the development would make sufficient contribution towards the infrastructure requirements arising from it. It therefore accorded with policies CS12 and CS13 of the adopted Core Strategy.

### **5.3 Article 4(1) Directions (Non-immediate) to Remove Permitted Development Rights at Specific Properties in the Barnack Conservation Area**

Councillor Okonkowski re-joined the meeting and Councillor Serluca left the meeting at this point.

The planning application was for an Article 4 (1) Directions (non-immediate) to remove permitted development rights for the installation of solar photovoltaic and thermal equipment at specific properties in the Barnack conservation area.

It was officer's recommendation that the Article 4 (1) Direction be made and served, and that authority be delegated to the Corporate Director Growth and Regeneration to confirm the Directions as appropriate following public consultation. The Principal Built Environment Officer provided an overview of the application and highlighted a number of key issues within the report.

In response to questions from the Committee, the Principal Built Environment Officer advised that the proposals were not intended to prevent residents from installing solar panels, however were mainly intended to provide the Council with an element of control over the style of solar panels used.

The Committee discussed the report and noted that the proposals appeared to have the support of local residents. It was considered that there was value in preserving the local conservation areas and that the Council should have a role in managing the installation of solar panels in such areas. A Member of the Committee raised the importance of encouraging sustainable energy and expressed concern over limiting residents access to this.

A motion was proposed and seconded to agree to make and serve a non-immediate Article 4(1) Direction to remove permitted development rights for the installation of solar photovoltaic and thermal equipment in the Barnack Conservation Area and to give delegated authority to the Corporate Director Growth and Regeneration to confirm the Directions as appropriate following public consultation. The motion was carried six voting in favour and two voting against.

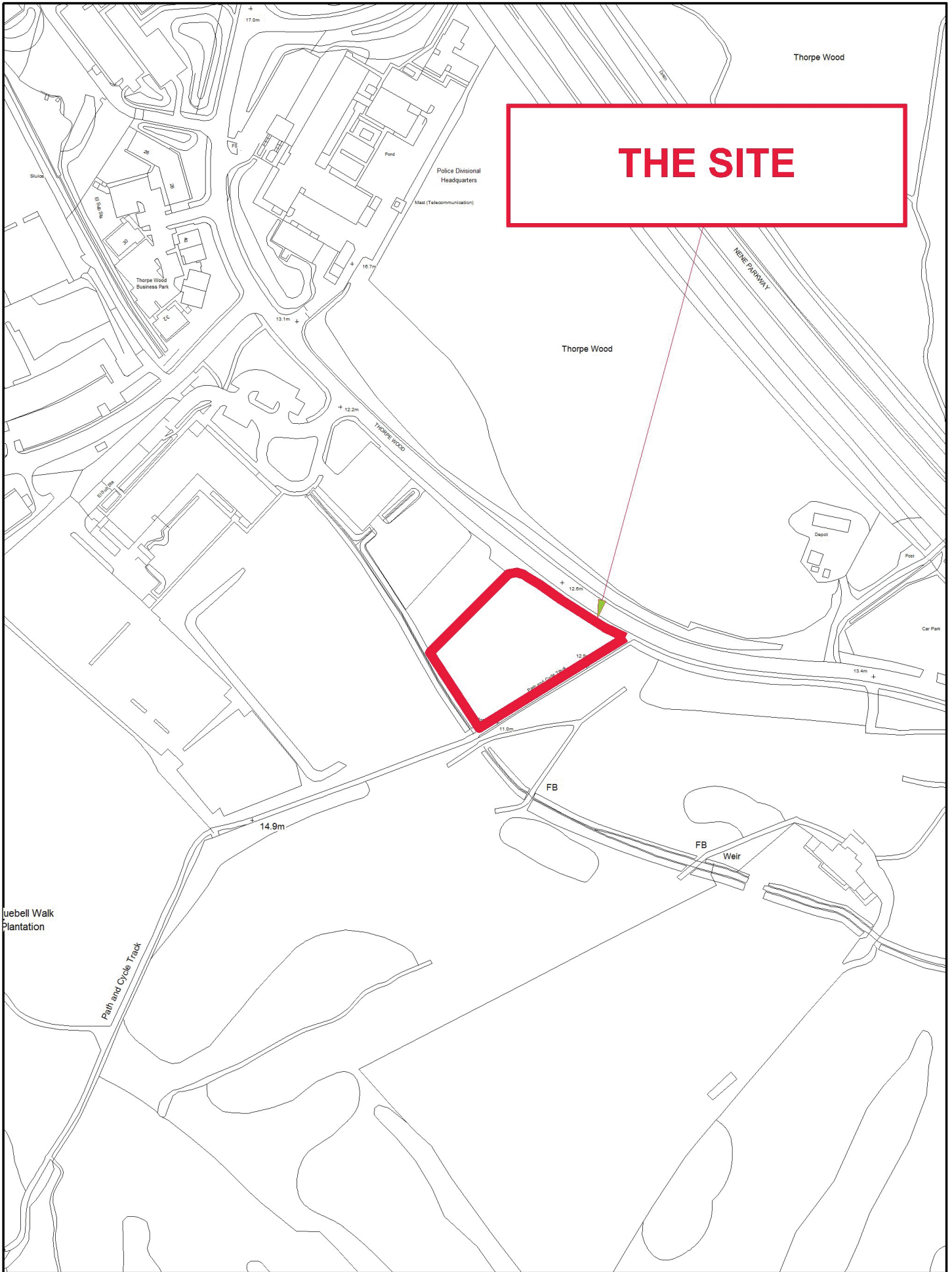
**RESOLVED:** (six voted in favour and two voted against) that:

- 1) The making and serving of non-immediate Directions under Article 4 (1) of the Town and Country Planning (General Permitted Development) Order 2015 to withdraw the 'permitted development' right of development within Part 14 Class A of the Order for the installation of solar photovoltaic and thermal equipment be approved to preserve the character and appearance of the Barnack conservation area; and
- 2) Authority be delegated to the Corporate Director Growth and Regeneration to confirm those Directions as appropriate following public consultation.

### **Reasons for the decision**

The properties listed in the proposal for Article 4 Directions were considered to have the potential to result in significant impact on the Barnack Conservation Area by way of unrestricted installation of photovoltaic (solar/thermal) panels, by virtue of their location, prominence and visibility in longer views within the locality. It was considered that making the installation of such equipment at certain prominent properties the subject of planning control through the use of Article 4 Directions was in the interests of the proper planning of the area.

Chairman  
1.30pm – 4:15pm



**Title: Committee Site Plan**

**15/01912/FUL**

**Site Address: Land To The Rear Of Thorpe Wood House, Thorpe Wood, Peterborough**

**Scale: NTS Date: 30th March 2016 Created by: LMG**



**Planning Services  
PETERBOROUGH**



**CITY COUNCIL**

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**Application Ref:** 15/01912/FUL

**Proposal:** Erection of a 2 storey, 50 bed care home, to include landscaped gardens, parking and an electricity substation

**Site:** Land To The Rear Of Thorpe Wood House, Thorpe Wood, Peterborough,  
**Applicant:** Thorpe Wood Care Homes Ltd & User Friendly Properties Ltd

**Agent:** Mr Peter Flavill  
 Portess and Richardson

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

**Reason:** Departure from Local Plan Policy

**Site visit:** 30.11.2015

**Case officer:** Mrs A Walker  
**Telephone No.** 01733 454418  
**E-Mail:** astrid.walker@peterborough.gov.uk

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

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

### Site Description

The application site is located within site allocation SA11.12 'Land adjacent to Thorpe Wood House 2.48 ha' and is allocated for employment uses. The application site sits to the north side of the allocation and comprises approximately 0.47 hectares of vacant scrubland and wild grass. The remainder of the allocation is also vacant. The site has an existing vehicular access off Thorpe Wood. A shared cycle/footway runs alongside the eastern site boundary and connects into Nene Park. There are two mature Elm trees located to the southern corner of the site and a mature hedgerow along the southern site boundary. The site slopes down by approximately 1.8 m from Thorpe Wood Road to a stream which traverses the south/west boundary.

To the north of the site is Thorpe Wood road and the Police Headquarters beyond. To the east and further south is Thorpe Wood Golf Course and to the west Anglian Water and its associated car parking.

### Proposal

Planning permission is sought for the construction of a two storey care home (C2 Residential Institution) that will provide approximately 50 bedrooms delivering specialised dementia care to its residents. The building is proposed with a 'U' shaped footprint that fronts onto Thorpe Wood and the new estate road into the site, and wraps around fully enclosed and landscaped resident's gardens to the rear. It is envisaged that there will be approximately 35 full time members of staff and 15 part time members of staff working across three shift patterns delivering 24 hour care.

The site has an existing vehicular access off Thorpe Wood. 30 staff and visitor car parking spaces are proposed to the north west and south west side of the building and to an undercroft car park beneath the south west side elevation. Cycle parking has been indicated within the ground floor of the building and accessed via the rear car park (south west side). An electricity substation is proposed for location between the north east side of the building and the adjacent shared public footpath/cycle way that runs alongside the eastern site boundary.

## 2 Planning History

### Development Control Applications

02/01299/REM	Extension of existing offices with associated car parking	PER	08.03.2000	13.02.2003
08/00979/OUT	Residential development of 58 units and 4 storey office extension to Thorpe Wood House with associated car parking	REF	23.07.2008	29.10.2008
15/01912/FUL	Erection of a 2 storey, 50 bed care home, to include landscaped gardens, parking and an electricity substation	PCO	13.11.2015	

### Appeals

04/00063/REFPP	Variation of condition 3 of planning permission 97/01152/OUT to extend the period during which the planning permission can be implemented by a further two years	DISMIS	14.12.2004	18.11.2005
05/00032/REFPP	Erection of racquet and fitness club with parking, associated outdoor facilities and access	DISMIS	23.08.2005	10.02.2006
04/00067/APPEAL	Details submitted pursuant to Condition C15 of planning permission 97/01152/OUT	ALLOW	29.04.2004	02.02.2005

## 3 Planning Policy

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

### National Planning Policy Framework (2012)

#### **Section 1 - Alternative uses for Allocated Employment Sites**

Where there is no reasonable prospect of an employment use being implemented applications for alternative uses should be considered, having regard to market signals and the need to support sustainable local communities.

#### **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 - 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)**

#### **CS10 - Environment Capital**

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

#### **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.

#### **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)**

#### **SA11 - General Employment Areas and Business Parks**

Within the allocated General Employment Areas and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B8 within the GEAs, classes B1(a) and B1(b) within the Business Parks).

### **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.

#### **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.

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

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

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

## **4 Consultations/Representations**

It should be noted that two rounds of consultation have been undertaken on the application. Following the initial consultation phase the applicant has altered the site layout to increase the car parking provision and changed the description of development to include the provision of an electricity substation on the northern corner of the site. The revised deadline for the submission of any further representations is 31 March 2016. Should any further representations be received then these will be included in the Planning Committee Update report.

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

No objection. Whilst the Local Highway Authority still has concerns about the parking provision, the number of spaces does not conflict with the requirements of Policy PP13 of the Peterborough Planning Policies DPD. Tracking has been submitted which uses a vehicle slightly smaller than the PCC refuse vehicle and shows the vehicle overrunning landscape areas and on one area of land opposite the access road. Notwithstanding this the internal access road is privately owned and would not be adopted as public highway. This being the case if a PCC vehicle were used and resulted in slight overrunning this would not be a maintenance issue for the LHA. The cycle store does not appear to be able to accommodate more than one useable stand, therefore a condition should be imposed on the Decision requiring acceptable cycle parking provision.

### **PCC Tree Officer**

No objection subject to securing an updated arboricultural protection scheme, tree protection measure, methodology statement and a pruning specification by condition.

### **PCC Pollution Team**

No objection. It is recommended that a noise protection scheme is secured by condition to ensure that the development provides adequate protection against noise levels arising from the adjacent road (Thorpe Wood).

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

No objection.

### **Archaeological Officer (07.12.15)**

No objection. An archaeological evaluation of the site and subsequent excavation of the most significant part of the site was carried out in the middle of the 1990s. The evaluation exposed the remains of an Iron Age ditched enclosure visible on aerial photographs and located in the eastern corner of the site. Therefore no further archaeological work is required in advance of the proposed development.

### **Building Control Manager (27.11.15)**

Building Regulation Approval is required for the development.



It is noted that there are a number of instances where bedrooms open directly into lounge and dining rooms. Part B recommends that bedrooms are opened off protected corridors. Major redesign may be necessary to accommodate this requirement.

**Cambridgeshire Fire & Rescue Service (27.11.15)**

No objection. The applicant is strongly advised to consider installing a sprinkler system throughout the building given the nature of the development and the vulnerable occupiers.

**Waste Management**

As this development is a nursing home as opposed to a sheltered living scheme/extra care they will not pay Council tax and are not therefore entitled to a free waste collection service from Peterborough City Council as the Local Authority. The development will be a commercial business and will have to arrange for a private waste collection service to service the site. Therefore I am not in a position to comment on the waste collection from this development.

**The Woodland Trust**

No comments received

**Forestry Commission**

No comments received

**Lead Local Drainage Authority**

No objection in principle, however other than suggesting the use of a soakaway to manage the surface water on site no drainage details have been provided. It is therefore recommended that a condition is imposed on the decision requiring the submission of a detailed drainage scheme prior to the commencement of the development. This should include confirmation that the ground conditions are favourable to the use of soakaways.

**PCC S106 Planning Obligations Officer (04.12.15)**

The proposed development will not be CIL liable as it is in excess of 15 or more apartments.

**PCC Travel Choice**

No comments received

**PCC Wildlife Officer (16.12.15)**

No objection.

**PCC Strategic Housing (08.12.15)**

No comment. There is no requirement for affordable housing. The proposal is classed as a C2 Use and as such there is no provision of self-contained accommodation.

**Highways England**

No objection. The proposal does not result into any direct access onto the A47 Trunk Road and a framework Travel plan has been submitted with the application.

**Local Residents/Interested Parties**

Initial consultations: 3

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No letters of representation have been received in response to the development.

**5 Assessment of the planning issues**

The main planning issues are:

- 1) The principle of the development
- 2) Design, layout and the impact of the development on the character of the area
- 3) The impact of the development on neighbour amenity
- 4) Highways Implications
- 5) Landscaping Implications
- 6) Wildlife Implications
- 7) Flood Risk
- 8) Contamination

### **1) The principle of the development**

The application site is allocated under site Allocation SA11.12 'Land adjacent to Thorpe Wood House 2.48 ha' of the Peterborough Site Allocations DPD for employment use. The application site, referred to by the applicant as Plot 3, takes up approximately 0.47 ha of this wider 2.48 ha site allocation. The proposal to construct a Care Home on the site, which is classed as a C2 Residential Institution, is therefore a departure from Local Plan policy. As such the applicant was asked to provide justification for the loss of this employment land as part of this planning application.

The applicant has demonstrated that the land allocated under SA11.2 'Land adjacent to Thorpe Wood House' has been vacant for over 20 years despite its extensive planning history. There have been various applications for employment uses dating back to 1994 (94/P0913 Office Development with access and car parking – outline), with a more recent pre-application enquiry for an office use in 2014. To date however, the site has never managed to attract a pre-let and be built out for any of the proposals for which it has received planning permission.

Historically it is recognised that there has been a surplus of employment land across the Development Plan area. The recently approved planning application for residential development on the Great Haddon employment land has however, resulted in the loss of approximately 62 ha of employment land and depleted this surplus. Notwithstanding this, it is not considered that the loss of this site would prejudice the likely available employment land supply. Employment land is currently being reviewed as part of the emerging replacement Peterborough Local Plan and new employment sites will naturally come forward as part of this process. Furthermore Paragraph 22 of the National Planning Policy Framework states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The applicant has demonstrated that despite extensive attempts over a period of circa 20 years that the land has never been successfully marketed for employment use.

In addition, in allowing the loss of 0.47 ha of employment land the development will bring a currently vacant site into productive use and deliver a much needed, specialised dementia care unit. It is recognised that there is a need for this type of care in Peterborough and that there is currently a shortfall in bed spaces with waiting lists for the existing facilities. The development will also provide the equivalent of 42 full time jobs that albeit not through an employment use will still contribute to the creation of new jobs within the city, which is a corporate priority for the Council.

On balance therefore, it is considered that whilst the proposal would result in the loss of a small amount of employment land, the proposal would result in the provision of much needed specialised dementia care and bring a site which has sat vacant for over 20 years into productive use and create the equivalent of 42 full time jobs. The development is therefore considered acceptable in principle in accordance with Paragraph 22 of the National Planning Policy Framework as there is no reasonable prospect of the site coming forward for employment uses.

It is noted that the applicant has referred to the proposed Care Home as both a C2 Residential Institution and a C2A Secure Residential Institution within the application submission. From the submitted information it is therefore unclear which class the development falls under however, both are considered acceptable in principle. Notwithstanding this it is recommended that a condition is imposed on the Decision restricting the use of the site to either a C2 or C2A care home use only in

order to prevent the applicant from invoking permitted development rights and changing to another use within these classes.

## **2) Design, Layout and Impact on the character of the area**

The application site sits to the east of the Thorpe Wood Business Park which contains a variety of office buildings. It is not considered that there is an overriding character to the area or that given the nature of the use proposed it should seek to replicate design features from these buildings.

The proposal is for a two storey brick built building, with a 'U' shaped footprint. The proposal will wrap around the site and provide a frontage to Thorpe Road and the new internal road into the site. A private landscaped garden area will be located to the rear of the building. The design of the building is fairly simple but accentuated through changes in roof design, glazing and detailing to the fenestration. A simple palette of materials is proposed, and it is recommended that the details are secured by condition in order to ensure an appropriate finish to the building.

The concerns about the internal layout and design raised by the Building Control Department are not a planning matter, but it may be that if the development goes through the Building Regulations process and a redesign is necessary, amendments to this scheme or a new planning application may need to be submitted to the Planning Authority for determination.

The position of the building on the site makes effective use of the land and the majority of the bedrooms face out onto the landscaped gardens and golf course, although not all. The Council's pollution control officer has recommended that given the proximity of the building to the adjacent highway, Thorpe Wood, a noise protection scheme is secured via condition to ensure that traffic noise arising from the road does not result in unacceptable noise levels for the future occupiers. It is anticipated that this scheme would include noise insulation, triple glazing and where non-opening windows are required alternative means of ventilation. The building itself will serve as adequate noise insulation to the garden given that it will wrap around the communal garden area.

It is therefore considered that the development is in accordance with Section 11 (Noise) of the National Planning Policy Framework, Policy CS16 of the Peterborough Core Strategy and Policies PP02 and PP04 of the Peterborough Planning Policies DPD as the development will not result in a detrimental impact on the character of the area and a satisfactory level of amenity will be provided for the future occupiers.

## **3) Impact of the development on neighbour amenity**

The application property would be located within the Thorpe Wood Business Park and there are no nearby residential properties. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP03 of the Peterborough Planning Policies DPD as it will not result in any adverse impact on neighbour amenity. In addition, because the site is within a business park where the surrounding uses are offices, it is considered that the residents of the care home would have an acceptable level of amenity.

## **4) Highways Implications**

The Local Highway Authority (LHA) has not objected to the development. The site has an existing access off Thorpe Wood. The LHA raised concerns over the number of car parking spaces proposed with the layout as originally submitted as it only showed 13 useable car parking spaces. The proposal has however, been amended to include an undercroft car park beneath the south west side of the building and 30 car parking spaces are now proposed.

For a Secure Residential Institution (C2A Use) Policy PP13 of the Peterborough Local Plan requires that car parking provision is assessed on a case by case basis. The applicant has based the 30 spaces proposed on the requirements of Policy PP13 for a C2 Residential Care Home use, which is the provision of one space per full time member of staff, plus one visitor space per three beds. The applicant has advised that there will be the equivalent of 42 full time members of staff working over 3 shifts, which equates to 14 staff per shift which will require 14 spaces. With one additional visitor space per three beds a further 16 spaces are required. This results in the need to

provide 30 spaces, which the applicant has.

The applicant runs other care homes across Peterborough and based on their operational experience of car parking demand at these sites has advised that the highest demand for staff parking occurs during week day mornings when residents visitor numbers are usually at their lowest. Resident's visitors tend to visit during the early evening and the weekends. Hence, the peak demand on car parking spaces by the two user groups tends not to conflict and there is usually sufficient space.

Notwithstanding this it is also noted that the site is accessible by alternative modes of transport and not all staff will necessarily drive to work. The applicant has submitted a framework Travel Plan that will be built upon in order to encourage car share and travel to work by alternative options. It is not considered necessary to condition the travel plan for the scale of this development. Also it is likely that many of the employees will live within a suitable distance of the development where other modal journeys will in any event be a preferable option to the car.

Whilst cycle parking is indicated to the ground floor of the building no further information in relation to the number of stands/cycle parking layout has been provided. Policy PP13 requires the provision of one stand per 5 members of staff and residents parking on a case by case basis. This equates to a minimum of 8 stands which would provide 16 spaces. It is therefore recommended that cycle parking details are secured by condition.

It is therefore considered that the level of car parking proposed is sufficient based on the requirements of Policy PP13. The Framework Travel plan will provide a basis for building on encouraging travel to the site by alternative means of transport and cycle parking will be secured by condition.

The tracking submitted with the application is based on a slightly smaller vehicle than those used by Peterborough City Council's refuse collection Team. The tracking shows that the vehicle will slightly overrun however, given that this will be over an internal access road that will be privately owned and not adopted highway this will not cause a highway maintenance issue. It is also acknowledged that refuse will most likely be collected by a private waste collection service, as the development is exempt from Council Tax, and their vehicles tend to be smaller than a PCC vehicle.

The proposed development is therefore considered acceptable in accordance with Policy CS14 of the Peterborough Core Strategy and Policies PP12 and PP13 of the Peterborough Planning Policies DPD as it will not result in a detrimental impact on highway safety and sufficient on site parking can be provided.

## **5) Landscape Implications**

The Landscape Officer has not objected to the development however, has raised concerns about the proximity of the building to the two Elm trees located adjacent to the southern corner of the site in terms of the substantial pruning that would be required to facilitate the development and the likely shading issues to windows close to the gable end given the height and size of trees. Although the Trees are not the subject of a Tree Preservation Order (TPO), given their rarity and their positive impact on the visual amenity of the area they are considered worthy of a TPO.

The Tree Officer's preferred option would be for the building to be moved further north and away from the trees by approximately 2 m in order to prevent the trees from being excessively pruned. However, given the constraints of the site and the need to provide the number of bedrooms proposed and associated car parking this has not been explored by the applicant. The submitted Arboricultural Report has suggested a 2 m reduction to the crown will be required in order to facilitate the development however, these calculations are on the basis that the calculations/measurements for the crown are correct. The Tree Officer considers it likely that more severe pruning will be required. Notwithstanding this, given that the pruning will not kill the trees and given that the impact of the pruning will only be visible when viewed from one aspect, he is of the view that on balance, the development will not be so detrimental so as to warrant a

recommendation of refusal on these grounds. This is subject to securing an updated Arboricultural Report which includes a specific pruning schedule by condition.

Whilst the issue of shading caused by the two Elms is recognised, given that the windows proposed to the south west end gable are to serve a stair well and a lounge sensory room with two windows, it is not considered that the arrangement will be sufficiently detrimental to the future occupiers. However, ongoing pruning of the trees will be required to manage the situation.

There is a bund immediately adjacent to the Elm Trees that has not been considered in the submitted Arboricultural Report. The applicant has advised that this will be retained. Given that the bund itself will form a physical barrier the Tree Officer is of the view that minimal tree protection will be required. However, updated Tree Protection details which include the bund and any works necessary to it will be required by condition to ensure that the Trees are adequately protected throughout the development stage.

A landscaped area is indicated to the rear of the building. This is intended to serve as landscaped gardens for use by the future residents. It is recommended that a condition is imposed on the Decision to require the submission of a landscaping scheme for this and the wider site.

It is not considered that the proposal will result in any adverse impact on the off site trees located to the south western boundary.

Subject to securing an updated Arboricultural Report by condition it is considered that the proposal will not result in an unacceptable impact on the existing landscape features of the site and the proposal is therefore considered acceptable in accordance with Policy PP16 of the Peterborough Planning Policies DPD.

## **6) Wildlife Implications**

The Wildlife Officer has not objected to the development.

An Ecological Survey has been submitted in support of the application, however, the site has not been assessed with regards to bats. Whilst the Wildlife Officer is satisfied that no trees with bat potential are likely to be directly affected by the scheme, he does consider that the mature hedgerow and trees along the southern site boundary do have the potential to support foraging/commuting bats, particularly given that this landscape feature provides excellent habitat connectivity for bats travelling between the adjacent Thorpe Wood County Wildlife Site and Bluebell Wood CWS. It is therefore recommended that conditions are imposed on the Decision requiring the submission of a lighting scheme, to ensure that all external lighting is baffled downwards away from the southern boundary hedgerow and that a range of bat roosting features are installed at suitable locations across the site.

The applicant's ecologist found no evidence of badgers within the application site, however there are clear large mammal tracks through the site. In addition, there are several nearby records of badgers and there is suitable badger habitat and potential for setts to be present in the land surrounding the site. The Wildlife Officer has therefore advised that as a precaution, all construction trenches shall be covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped. It is recommended that this scheme of protection for badgers and mammals is secured by condition.

The applicant's ecologist reported finding no water in the stream that forms the western site boundary during their survey in October. However, having visited the site in December, this water course was found to be holding water with a steady water flow observed. Whilst no direct evidence of water voles was found, the Wildlife Officer considers that this stream does have some potential to support water voles, particularly given that numerous records exist nearby. He has therefore recommended that a 5-10 metre habitat buffer along the watercourse is provided. However, the proposed layout shows that a buffer of this size could not be accommodated within that layout. It is therefore recommended that prior to development taking place within 10 metres of the watercourse

that a further vole survey be carried out. Should voles be present, mitigation measures will need to be submitted to and approved by the local planning authority.

The proposal involves the removal of vegetation which may support nesting birds. An informative will be appended to the Decision reminding the applicant about the restrictions to works on trees/vegetation during the bird breeding season. To mitigate for the loss of potential nesting habitat, The Wildlife Officer has recommended that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. It is recommended that this is required by condition.

Thorpe Wood County Wildlife Site (CWS) and Bluebell Wood CWS are both located in close proximity to the application site. The Ecological Scoping Survey Report submitted with the application has failed to consider potential impacts on these sites as a result of the proposed development. Notwithstanding this, The Wildlife Officer considers that, provided the measures set out above with regard to protected species are secured by condition, then this proposal is unlikely to have an impact upon the features for which these sites have been designated as County Wildlife Sites.

It is therefore considered that subject to securing the further details outlined above by condition the proposed development will not result in a significantly detrimental impact on the biodiversity of the site and its surroundings. The proposal is therefore in accordance with Policy CS21 of the Peterborough Core Strategy and Policy PP16 of the Peterborough Planning Policies DPD.

#### **7) Flood Risk**

The site lies in Flood Zone 1 and is classed as being at a low risk of flood. As the proposed development is less than 1 ha in size a Flood Risk Assessment is not required with the application.

A drainage scheme for the site will be secured by condition.

It is not therefore considered that the proposal will be vulnerable to or increase the potential of the site to Flood Risk, in accordance with Section 10 of the National Planning Policy Framework or Policy CS22 of the Peterborough Core Strategy.

#### **8) Contaminated Land**

There is no known contamination on the site. It is recommended that a condition is imposed on the Decision requiring that the development ceases in the event that unsuspected contamination is discovered during the development phase, until an appropriate remediation scheme has been agreed with the Local Planning Authority.

## **6 Conclusions**

- The applicant has demonstrated that despite various planning approvals and extensive marketing of the development is therefore considered acceptable in accordance with Section 22 of the National Planning Policy Framework which stipulates that planning policies should avoid the long term protection of employment use where there is no reasonable prospect of a site being used for that purpose.
- The loss of employment land is not considered detrimental to the likely long term supply of available employment land. Employment land is currently under review and new sites will be put forward as part of the development plan making process.
- The design and layout of the building is considered acceptable and will not result in a detrimental impact on the character of the area or neighbour amenity.
- The car parking provision is considered acceptable and a detailed travel plan and cycle parking will be secured by condition. The development will not therefore result in any adverse impact on highway safety.
- An updated Tree Report will be provided by condition. It is therefore considered that suitable tree protection measures and working practices will be followed throughout the construction phase hence the development will not result in an unacceptable impact on the

- landscape features of the site.
- Suitable ecological enhancements and protection measures will be secured by condition hence the development will not result in an unacceptable impact on the biodiversity of the site.

The development is therefore in accordance with Sections 1 (paragraph 22), Section 7, Section 10 and Section 11 of the National Planning Policy Framework, Policies CS14, CS16, CS21, CS22 of the Peterborough Core Strategy and Policies PP01, PP02, PP03, PP04, PP12, PP13, PP16 of the Peterborough Planning Policies DPD.

## **7 Recommendation**

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

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

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

- C 2 The development shall be constructed in complete accordance with the following drawings and details hereby approved:

- Location Plan S01 Revision A.
- Existing Site Plan S02
- Proposed Site Plan - P01 01 Rev B dated 25.02.16
- Proposed Ground Floor Plan P02 01 Rev A
- Proposed First Floor Plan P02 02 Rev A
- Proposed Elevations 1 of 3 P05 01 Rev B dated 17.02.16
- Proposed Elevations 2 of 3 P05 02 Rev B dated 17.02.16
- Proposed Elevations 3 of 3 P05 03 Rev B dated 17.02.16
- Proposed Roof Plan P03 01
- Proposed Perspective P06 03 Rev A dated 17.02.2016
- Proposed Perspective P06 04 Rev A dated 17.02.2016
- Substation Detail and GRP Enclosure - ENDS 07-0102.01 version E dated 25.11.14
- Thorpe Wood Care Home Limited Framework Travel Plan dated November 2015
- Ecological Scoping Survey of Land off Thorpe wood, Peterborough carried out by Hillier Ecology Limited dated October 2015

Reason: To clarify what is hereby approved and to ensure a satisfactory external appearance in accordance with Policy CS16 of the Peterborough Core Strategy and Policy PP02 of the Peterborough Planning Policies DPD.

- C 3 Notwithstanding the submitted information, no development shall take place above base course until details of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- Walling and roofing materials
- Windows and doors
- Rainwater goods
- Any externally visible sustainable technologies
- Any externally visible flues, vents, chimneys or similar features
- The finish of the electricity substation.

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 4 Notwithstanding the submitted information, and within 3 months of the commencement of development a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme
- Details of the hard surfacing materials.
- Boundary treatments including the design, height, location and finish.

The approved hard landscaping scheme shall be carried out as part of the development and shall be completed prior to the first occupation of the development and the soft landscaping shall be carried out within the first available planting season following completion of the development or first occupation (whichever is the sooner) or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased 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 to those 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 visual amenity and the enhancement of biodiversity in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.

C 5 Notwithstanding the submitted information, no development shall take place on the site until an updated arboricultural protection scheme has been submitted to and agreed in writing by the Local Planning Authority. The arboricultural protection scheme shall include:

1. A site meeting between the site agent/architect/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer which shall inform the;
2. Submission of a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction - Recommendations methodology. The Method Statement/Tree Protection Plan shall identify (not necessarily exclusively) the following:

- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the site;
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised.
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc.;



- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;
- Details of signage to be erected within the tree protection areas  
The approved scheme shall be implemented in full, strictly in accordance with the agreed details/plans and shall be retained as such for the lifetime of the demolition/construction of the development.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP14 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because it is necessary to demonstrate up front that the existing trees on the site can be adequately protected throughout the development phase.

- C 6 The parking, turning and loading/unloading area shown on the proposed site plan (P01)01 Rev C shall be provided prior to the occupation of the proposed development and thereafter maintained for the purposes of parking, tuning and loading/unloading in association with the development.

Reason: In the interests of highway safety in accordance with policy PP12 adopted Planning Policies DPD.

- C 7 Notwithstanding the submitted information and prior to the occupation of any part of the development, plans showing at least 8 cycle stands (6 spaces) in a secure, overlooked and covered location shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall thereafter be provided in accordance with the approved details and shall subsequently be retained for the purposes of parking bicycles in connection with the development.

Reason: To provide adequate cycle parking provision to serve the development and encourage sustainable modes of transport in accordance with Policy PP13 of the Peterborough Planning Policies DPD.

- C 8 Prior to the commencement of the development a construction management plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall include:

- Haul routes to and from the site.
- The location of parking, turning, loading and unloading areas for construction vehicles.
- The location of storage compounds and welfare facilities.
- Wheel washing facilities capable of cleaning the wheels and underside of the chassis.
- Location of any temporary access points.

The information in the construction plan shall be adhered to throughout the entire construction period.

Reason: In the interests of highway safety in accordance with policy PP12 adopted Planning Policies DPD. This is a pre-commencement condition because it is necessary to demonstrate that the development can be constructed without resulting in a detrimental impact on the adjacent highway, Thorpe Wood.

- C 9 Within 3 months of the commencement of the development a lighting scheme for the site including the following, shall be submitted to and approved in writing by the Local Planning Authority:

- design
- location

- levels of luminance
- LUX plan
- confirmation that lighting will be baffled downwards and away from the potential bat habitat along the southern boundary hedgerow.

The lighting scheme shall thereafter be implemented on site in accordance with the approved details prior to the first occupation of any part of the building and no other external lighting shall be erected.

Reason: In the interests of highway safety, public amenity and biodiversity in accordance with Policies CS14, CS16 and CS21 of the Peterborough Core Strategy and Policies PP03, PP12 and PP16 of the Peterborough Planning Policies DPD.

- C10 Prior to first occupation of the development a scheme of nesting boxes for birds shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for a number of different species such as House Sparrow, Starling and Swift and shall include details of the number and design of boxes and their location. The boxes shall thereafter be implemented before the building is first occupied.

Reason: In the interests of the enhancement of biodiversity in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.

- C11 Prior to first occupation of the development a scheme for a range of bat roosting features shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the type of roosting feature and its location within the site. The approved roosting features shall thereafter be implemented before the building is first occupied and subsequently retained as such.

Reason: In the interests of the enhancement of biodiversity in accordance with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD.

- C12 Prior to the commencement of development a scheme for the protection of badgers and other small mammals throughout the construction phase shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include but not be limited to:

- details that demonstrate that all construction trenches will be covered overnight or that a means of escape will be provided for any badgers or other mammals that may have become trapped overnight. The development shall not be carried out except in complete accordance with the approved details.

Reason: In the interests of safeguarding protected species and the biodiversity of the site in accordance with Policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Peterborough Planning Policies DPD. This is a pre-commencement condition because it is necessary to demonstrate that the development will put satisfactory measures in place throughout the development phase to prevent any undue harm to protected species or the biodiversity of the site.

- C13 Prior to the commencement of any scrub clearance or development within 10 metres of the watercourse to the western boundary of the site, a further vole survey shall be undertaken by a suitably qualified person and submitted to and approved in writing by the local planning authority. Should water voles be present, mitigation measures shall be submitted alongside the vole survey results and no development shall take place within 10 metres of the watercourse until such mitigation measures have been approved in writing by the local planning authority. Such approved mitigation measures shall be implemented in full.

Reason: In the interests of safeguarding protected species and the biodiversity of the site in accordance with Policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Peterborough Planning Policies DPD. This is a pre-commencement condition because it is necessary to demonstrate that the development will put satisfactory measures in place throughout the development phase to prevent any undue harm to protected species or the biodiversity of the site.

C14 Notwithstanding the submitted information, and prior to the commencement of development a drainage scheme including the following details, shall be submitted to and approved in writing by the Local Planning Authority:

- Full and up to date detailed specifications of any drainage elements.
- Confirmation of ground investigations to confirm that site conditions are favourable to the use soakaways, if a connection to the nearby surface water sewer is required then the applicant would need to;
- consider how surface water could be attenuated on site.
- confirm that the owner of that sewer is willing to accept flows from the site.

The approved drainage scheme shall thereafter be implemented on site in accordance with the approved details.

Reason: To prevent the increased risk of flooding on and off site, to improve and protect water quality in accordance with Policy CS22 of the adopted Core Strategy and the National Planning Policy Framework. This is a pre-commencement condition because it is necessary to demonstrate that the development will not increase the risk of on or off site flooding before works commence.

C15 Prior to occupation of the development a noise assessment setting out a scheme for protecting the proposed development from traffic noise from the adjacent road, Thorpe Wood 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 noise protection scheme, with all noise mitigation measures implemented prior to the occupation of any part of the building. The approved noise measures shall be retained thereafter.

Reason: In order to protect the residents from noise generation, in accordance with the relevant provisions of the National Planning Policy Framework, in particular paragraph 123.

C16 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

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

C17 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

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

C18 The application site shall be used only as a Care Home falling within either Class C2 Residential Institution or Class C2A Secure Residential Institution of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or the equivalent to

that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) Order 2015.

Reason: To ensure that any future change in land use is assessed by the Local Planning Authority, particularly with regard to car parking provision, landscaping and biodiversity implications in accordance with Policies CS14, CS16 and CS21 of the Peterborough Core Strategy and Policies PP12, PP13 and PP16 of the Peterborough Planning Policies DPD.

## Item Number 5.2

### P and EP Committee Meeting 12 April 2016

**Proposal:** Review of Article 4 Directions in Peterborough

**Location:** District wide

**Officer:** Jim Daley  
**Telephone No.** 01733 453522  
**E-Mail:** jim.daley@peterborough.gov.uk

#### Recommendation:

1. That Committee notes the review of Article 4 Directions in Peterborough;
2. That Committee approves the proposed deletion of the Article 4 Direction covering nos. 513-521 (odd) Lincoln Road

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## 1 Explanation

This report reviews the use of Article 4 Directions within Peterborough. It explains what Article 4 Directions are, why the City Council has them and the management they require. It also recommends the deletion of the Article 4 Direction covering nos. 513-521 (odd) Lincoln Road.

## 2 What is an Article 4 Direction?

Planning legislation allows householders to make changes to their houses without requiring planning permission, known as a householders 'permitted development rights'. Examples of work allowed as 'permitted development' include:

- replacing windows, doors and roof materials with modern substitutes;
- demolishing front boundary walls, railings and fences under 1 m high;
- demolishing a chimney
- installing rooflights, and solar panels on roofs;
- painting / rendering / cladding the external walls;
- the creation of a hard standing;
- adding a porch.

Local authorities can withdraw permitted development rights under Article 4 of the Town & Country Planning (General Permitted Development) Order 2015, (GPDO) known as an Article 4 Direction order. This means that a householder must obtain planning permission before making the changes which are restricted by the Direction, typically some or all of those items of work above.

Article 4 Directions are most commonly used in conservation areas to protect the appearance of buildings of individual character from unsympathetic change for the benefit of preserving the special character and appearance of the area. Since 1983 new Article 4 Directions outside conservation areas are subject to the approval of the Secretary of State and for buildings 'of exceptional quality'.

The National Planning Practice Guidance sets out the following explanation of when it is appropriate to use Article 4 directions?

The use of Article 4 directions to remove national permitted development rights should be limited to situations where this is **necessary to protect local amenity or the wellbeing of the area**. The potential harm that the direction is intended to address should be clearly identified. There should be a particularly strong justification for the withdrawal of permitted development rights relating to:

- a wide area (eg those covering the entire area of a local planning authority, National Park or Area of Outstanding National Beauty)
- agriculture and forestry development. Article 4 directions related to agriculture and forestry will need to demonstrate that permitted development rights pose a serious threat to areas or landscapes of exceptional beauty
- cases where prior approval powers are available to control permitted development
- leisure plots and uses
- the installation of microgeneration equipment

The permitted development rights of the GPDO only relate to houses. Other types of buildings, such as shops, offices and flats, do not benefit from these permitted development rights so already require planning permission to carry out such work.

### **3 Government Policy and Article 4 Directions**

A conservation area is an area with a special character which is worthy of preservation and enhancement. Sections 71 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 place a duty on local authorities to protect and enhance their conservation areas.

Most of the buildings in a conservation area help to shape its character. Although the designation of a conservation area brings some additional restrictions the changes which can be made as permitted development can over time result in the loss of traditional features and detailing such as windows, doors, chimneys, roof coverings, boundary walls, railings and fences. This loss can seriously erode the special character of a conservation area and the purpose of its designation.

Historic England guidance encourages the use of Article 4 Directions to prevent the loss of characteristic architectural detailing and maintain the character and appearance of conservation areas (Conservation Area Designation, Appraisal and Management Historic England Advice Note 1 Appendix 1) (February 2016). The use of Article 4 Directions within conservation areas is a way of protecting the special character and appearance of such places and therefore help a local authority fulfil its duties.

### **4 What Permitted Development Rights Can Be Withdrawn By an Article 4 Direction?**

A balance has to be struck, based on sound planning reasons, between controlling development to protect the special character and appearance of a conservation area and removing the permitted development rights of owners. In most cases the restrictions only apply to the front and side elevations of a property which fronts onto a highway, as the purpose is to protect the special character and appearance of the area viewed from public vantage points. An Article 4 Direction does not apply to internal work.

### **5 Why do we have Article 4 Directions in Peterborough?**

Between 1979 and 1982 the City Council made 52 Article 4 Direction Orders under the Town & Country Planning Legislation covering 595 properties in the city. At that time many of the City's mid to late Victorian and Edwardian buildings, particularly terraces, were suffering from unsympathetic alterations affecting their appearance and the character of the place.

These properties were not of listable quality because, on a national level, this type of property is relatively numerous and not of sufficient 'special interest'. Locally, however, they are of great importance as they were built at the time of Peterborough's first major expansion brought about by the advent of the railways and therefore reflect an important period of our history. There is much uniformity of design and materials in these buildings. It was considered that the best way to protect the external appearance of the more attractive examples as a whole was through the making of Article 4 Directions. The directions mostly apply to chimneys, roofs, front and side walls, doors, windows and front gardens.

The declaration programme was halted in 1983 when a change in Government policy meant that Article 4 Direction Orders would in future be encouraged and approved in conservation areas.

In recent years through the completion of conservation area appraisals and management plans it is proposed to make a small number of Article 4 Directions to protect significant un-listed buildings and the character of their conservation areas. The adopted criteria for the selection of buildings is set out at Appendix A.

Article 4 Directions are particularly effective in two situations. Firstly, in areas which have high numbers of traditional but unlisted houses such as at Queens Road conservation area Fletton, Former Great Northern Railway Cottages Lincoln Road and Stanground Conservation Area. Individual alterations may seem minor but the cumulative impact of these is damaging to the conservation area. Secondly, where there are unlisted houses of some quality in a street with nearby listed buildings. Unsympathetic alterations would be very obvious and detract from the character of the area as a whole, such as Main Street Barnack, High Street Eye, Church Street, Werrington, and Wisbech Road Thorney Conservation Areas.

In Peterborough we currently have 56 Article 4 Directions covering 334 residential properties of which 301 are located in conservation areas: (Barnack, Eye, Former Great Northern Railway Cottages, Lincoln Road, Orton Waterville, Park, Queens Road, Stanground, Thorney, Werrington). A list of properties by address subject to Article 4 Direction control is shown at Appendix B)

## **6 Article 4 Reviews**

One of the weaknesses of having made such a large number of properties subject to Article 4 Direction control was that despite regular publicity of the Directions to owners it was inevitable that unauthorised alterations would occur. This was particularly true up to early 2000. Where unauthorised work was brought to the attention of the city council then enforcement action was initiated. However, the success of Article 4 Directions is dependent on the co-operation and support of owners, and equally important support at any planning and enforcement appeals.

The City Council regularly reviews its Article 4 Directions (1991, 1997, 2002, 2006, 2011 and 2015). As with all works requiring planning permission, the 'four year rule' applies. This means that if no action is taken by the local planning authority against work which required planning permission within four years of the work being carried out the work is deemed to be lawful. This can result in the gradual loss of original features, and the more this happens the more difficult it is to retain those which remain and with the loss of public support. Development which has taken place without planning permission must be identified and enforcement action started in good time.

Both the 1991 and 1997 reviews concluded that the quality of the properties had diminished as a result of unauthorised alterations that had passed the 4-year rule and those which had received approval at appeal. As a result some properties were considered not worthy for continued protection and were deleted.

The 2002 review is significant as this followed discussions with GO-East (Government Office for the East of England) who had advised that conservation areas should be designated around those buildings subject to Article 4 Directions which met the required standard for conservation areas (following Historic England guidelines). This led to the designation of new conservation area at Queen Road, Stanground, Eye, and the Former Great Northern Railway Cottages, Lincoln Road). Other meaningful groups of Article 4 Direction properties that were substantially unaltered were also retained. Remaining Article 4 Directions properties where there had been significant alterations and outside conservation areas were deleted.

Having declared new conservation areas and retained only exceptional properties outside conservation areas for continued Article 4 Direction protection this allowed better focus for officers. Since early 2000 this has largely been the case. Subsequent reviews have not revealed any significant reduction in the appearance and quality of the buildings subject to Article 4 Direction, with the exception of nos. 513-521 Lincoln Road.

## **7 Article 4 Review 2015**

A review of properties covered by Article 4 Directions was completed in 2015 using the same criteria previously used for review assessment:

- How many original features remain? (This includes an assessment of windows, doors, roof coverings, chimneys and unpainted/un-rendered/unclad walls);
- Where features have been replaced, is there still a uniform appearance to the terrace? (For example, all slate roofs having been replaced with identical concrete tiles);
- Is it apparent to a lay-person why the properties are protected? Is the historic character apparent?
- Having considered the above, if we were starting afresh today, would the properties be considered suitable for protecting with an Article 4 Direction?

A new photographic record of all properties was made between October 2014 and April 2015, with each photograph dated. This makes them useful in enforcement matters as they provide a record of the building on a particular date against which subsequent alterations can be checked being within the '4-year' rule.

There has been little change since the 2011 survey. However, unauthorised unsympathetic replacement windows and doors have been revealed at nos. 513, 515, 517 and 521 Lincoln Road with satellite dishes and demolished front boundary walls at 513 and 515. (only 519 remains largely intact) and this work pre-dates the 2011 survey. In cases where works have been carried out less than four years ago it may be possible to seek reinstatement through enforcement action. Where changes have occurred more than 4 years ago it is accepted that the majority will not be undone voluntarily to return the properties to their original condition and that much of the loss of uniformity cannot be rectified.

The properties are part of a continuous building frontage to the east side of Lincoln Road. Buildings to the north and south have been much altered and do not retain original windows and front doors and are characteristic of the area. The area is not a conservation area. In the circumstances, it is considered that there is no longer sufficient justification for continued restrictions at nos. 513-521 (odd) Lincoln Road. The assessment is set out at Appendix C. If Committee approve the deletion then owners will be informed in writing of the decision, and Land Charges notified.

## **8 Managing Article 4 Directions**

Article 4 Directions generate work on a daily basis for officers. This includes giving general advice to home owners and prospective purchasers, dealing with written enquiries, applications for planning permission and enforcement cases relating to unauthorised work. The Directions generate 4/5 additional applications for planning permission each year in relation to the average annual total of 1,200 applications received.

Most of the applications are approved as many have been subject to pre-application discussion and advice. Owners are advised if an application is unlikely to be granted permission and alternative options which are more acceptable are suggested. There is also a clear and consistent approach to how applications for various alterations to properties affected by Article 4 Directions are assessed. This is set out in an advisory leaflet so owners can see how their application is likely to be considered and further detail is on our web site. Letters are sent out to owners on a periodic basis remaining about the effect of the Article 4 Direction



An Enforcement enquiry is opened for each reported breach of planning permission. The number of enforcement enquiries received each year for properties affected by an Article 4 Direction in Peterborough is approximately 2 compared to 600, the total number of enquiries received each year. The majority of enforcement enquiries relate to replacement windows and doors and alterations to front boundaries. The city council works with owners to try and remedy breaches of planning permission. Those cases which are not remedied by the owner can result in the service of a formal Enforcement Notice. Since 2000 5 Enforcement Notices have been authorised, all of which relate to replacement doors and/or windows.

There are relatively few appeals submitted against the refusal of planning permission for alterations, typically windows, about 1 a year set against the average annual total of 45 appeals dealt with by the Council. Most appeals are dismissed. In their decisions planning inspectors have commented on the existence of the Article 4 Directions and recognised their purpose.

Members will be aware from recent reports to Committee of the impact that solar panels on the front roofs of dwellings in a conservation area can have on the appearance of key buildings and the character and appearance of conservation areas.

## **9 Conclusions**

The use of Article 4 Directions has been a successful heritage strategy. Peterborough has many Article 4 Direction Orders across urban and rural properties, predominantly in and for the benefit of conservation areas. The purpose of an Article 4 Direction is not to protect all old buildings in an area irrespective of their character or quality but to protect properties with unaltered characteristic elevations from unsympathetic change and retain an attractive street scene and preserve the character and appearance of our conservation areas. Most properties continue to retain the character and appearance for which they were considered worthy of protection.

Article 4 Directions is currently the most effective measure available to help the City Council fulfil its duty of care role in conservation areas. It has been demonstrated that they can have a positive effect when applied carefully and properly managed. Their use is promoted by English Heritage and in Government guidance.

## **10 Recommendation**

**That Committee:-**

- 1. Notes content of the report and review of Article 4 Directions in Peterborough; and**
- 2. Approve the proposed deletion of the Article 4 Direction covering nos. 513-521 (odd) Lincoln Road**

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**Criteria for the Selection of Buildings for Article 4 Control**

(Criteria agreed by Environment Committee 21 January 1997 and is considered to remain appropriate).

1. **Individual character** – The building should have some distinctive feature, either architectural or historical, to merit protection, or should be representative of a particular style or form of building or make a positive contribution to the street scene and its surroundings.
2. **Group value** – In general, groups of buildings are preferred to individual buildings because of their greater contribution to the environment of the area. All the buildings in one group need not necessarily have the same characteristics.
3. **State of preservation** - Where possible, buildings should be in their original. Or near original, condition. The greater the degree of alteration the less suitable the property is for protection. An exception to this would be where one building in a group, say a terrace, has been drastically altered but the remainder are intact.
4. **The surroundings** – The quality of the buildings' surroundings is important. This means not so much the state of upkeep as the proximity of listed buildings, or other groups to be protected by a Direction.
5. **Potential threat** – Evidence that the building itself, or a similar building elsewhere, is likely to be altered.
6. **Suitability** – Only certain types of work can be controlled by an Article 4 Direction. The particular features or character of the building to be protected should come within one of these categories.

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**Article 4 Direction Orders in Peterborough (address list)**

Red indicates non-conservation area

<b>All Saints Road</b>	45-69 odd
Broadway	98-114 even; 118-136 even
Chapel Lane, Orton Waterville	The Chapel
Church Street, Stanground	8 - 16 even; 9; 21-43 odd; Baptist Church; Old Parish Hall
Church Street, Werrington	105-109 odd; 44; 50; 78-82 even
Church Walk	2 - 14 even
The Crescent Orton Longueville	2 - 8 even
Crowland Road, Eye	Former Girls School; Former Boys School
<b>Fellowes Road</b>	1 - 7 odd
<b>Fletton Avenue</b>	117-121 odd; 171, 173
<b>Granville Street</b>	73-83 odd
The Green, Werrington	1; 26;
High Street, Eye	12; 24; 28; 64; 11-17 odd; 27
Lincoln Road	620-736 even (Railway Cottages),;513-521 odd
London Road	102
Park Road	194; 195; 205 and 207;
Queens Road, Fletton	1-70 inclusive
South Street, Stanground	66-74 even
Wisbech Road, Thorney	120-188 even, Outbuildings to 120-188 even
<u>Barnack</u>	
School Road, Barnack,	Point House
Stamford Road, Barnack,	Sandall House, Rose Cottage, Rock Cottage
Station Road, Barnack,	2, Station House, Old Railway Station
Wittering Road, Barnack,	Holly Cottage
Main Street, Barnack	Westcroft, Skipport, Garthside, Willoughby House, Willoughby Cottage, Former village stores, Pond House, 18, Rose Cottage, Dartnells Cottage; Fern Lea and adjacent cottage, Cottage South of Methodist Church (Millroy), May Cottage

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