



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 12 JUNE 2018

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

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

3. **Members' Declaration of intention to make representations as Ward Councillor**
4. **Minutes of the Meeting Held on 24 April 2018** 5 - 18
5. **Development Control and Enforcement Matters**
 - 5.1 **18/00251/R3FUL - Recreation Ground Thorpe Lea Road Peterborough** 19 - 38
 - 5.2 **17/00823/FUL - Former Parcel Force Site, Maskew Avenue, New England, Peterborough** 39 - 70
 - 5.3 **18/00108/OUT - Land To The Rear Of Thorpe Wood House Thorpe Wood Peterborough** 71 - 92



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5.4	18/00503/FUL - 62 Bamber Street Millfield Peterborough PE1 2HN.	93 - 104
5.5	09/01368/OUT - Land To The North Of Norman Cross London Road Peterborough	105 - 180

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

Committee Members:

Councillors: A Iqbal, G Casey (Vice Chairman), L Serluca, C Harper (Chairman), J Bull, P Hiller, J Stokes, S Martin, A Bond, R Brown and S Nawaz

Substitutes: Councillors: S Warren, C Hogg and M Jamil

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk

CASE OFFICERS:

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

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

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING**

**HELD AT 1:30PM, ON
TUESDAY, 24 APRIL 2018
COUNCIL CHAMBER, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors Ash, Bull, Brown, Clark, Martin, and Hiller, Stokes

Officers Present: Lee Collins, Development Management Manager
Louise Simmonds, Senior Development Management Officer
Karen Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Simon Ireland, Head of PCC Highways

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Serluca. Councillor Brown attended as substitute.

2. DECLARATIONS OF INTEREST

Councillor Stokes, declared a non-pecuniary interest in items 5.3, 5.4 and 5.5 as she was a member of the North Level Internal Drainage Board.

Councillor Hiller, declared a non-pecuniary interest in items 5.3, 5.4 and 5.5 as he was a member of the North Level Internal Drainage Board.

Councillor Brown, declared a non-pecuniary interest in items 5.3, 5.4 and 5.5 as he was a member of the North Level Internal Drainage Board.

**3. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS
WARD COUNCILLOR**

None were received.

**4. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION
COMMITTEE MEETING HELD ON 3 APRIL 2018**

The minutes of the meeting held on 3 April 2018 were agreed as a true and accurate record.

**5.1 17/02443/REM - TRANCHE TC23, EAGLE WAY, HAMPTON CENTRE,
PETERBOROUGH**

The Planning and Environmental Protection Committee received a report in relation to Reserved matters approval relating to access, appearance, landscaping, layout and

scale for the construction of 75 apartments and retail units (A3/A4 restaurant, cafe and public house) with associated parking, manoeuvring and landscaped areas, pursuant to 91/P0556

The Head of Planning introduced the report and update report. There was a letter of objection included in the update report in relation to accessibility and construction activity and the matters raised had been addressed within the report.

Parish Councillor Deardon, Hampton Parish Council and Jodie Aston, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Parking was insufficient for Hampton residents and the issues had been identified by Peterborough City Council as higher than average.
- There were outstanding issues of privacy raised by some residents at St Edmonds Court. Some residents with disabilities had raised issues regarding closing windows themselves.
- The drainage review had not appeared to have been updated since the original application was submitted.
- The transport review had mentioned off-street parking bays around the site, however the survey had not taken into account the impact of nearby sites such as the Co-operative premises.
- Path access between Lake View Way and Bramian Road had not been built wide enough to walk to Four Chimneys Crescent. In addition there had been solid parking on one side of the road and only one lane available for moving traffic.
- There appeared to be no progress from the developer regarding the purchase of the parcel of land between Bramier Road and Bovis to allow a path along the front.
- All parking spaces including restaurant and dwelling minimums amounted to 159 with 109 identified within the plans. There had been no space allocated for 50 parking spaces.
- There was a planning application 18-5004-FUL for a day nursery, which had been refused on the grounds of limited parking spaces available.
- The available parking spaces within the previous planning application had been raised and the allocated parking spaces had been reduced, which had caused concerns for residents. Parking in Hampton was already difficult for residents and if the application was approved, it would make the situation worse. The significant issue for residents was with the one bedroom flats as it would be likely that two people would reside in the property and own two cars.
- Additional basement parking spaces in the scheme had appeared to only show one space however, Members advised that there would be one to thirteen spaces as highlighted on page 20 of the report.

Mr Dadge addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The application was the resubmission of an almost identical application. The only change to the resubmission was the number of units.
- The mix of units had been changed to reflect the demand for one bedroom accommodation availability within Peterborough. The car parking had been recalculated based on current standards, which had resulted in increased car parking spaces. Therefore, proposal was entirely policy compliant.

- An issue about privacy had been raised by some residents. As a result, the building remained in the same position. Because of some comments that had been made by residents about potential disturbance, the developer decided to reduce the number of balconies on the side of the building facing St Edmonds Court. For the same reason, the roof garden had been removed from the proposal and replaced with a green roof. This provided another potential source of noise activity being eliminated.
- The disabled access would be compliant. Level access would be available on the West side of the site. Disabled access between the roadside and the decked area would be gained by a lift located on the East side of the site.
- The officer report had been identified as comprehensive and addressed all policy requirements.
- Any noise implication would be addressed within a Construction Management Plan to be agreed with planning officers.

The Planning Committee and Environmental Committee debated the report and in summary, key points raised and responses to questions included:

- Concerns were raised over whether provision for a pavement crossing had been made to address the increase in traffic that had been highlighted on page 21, bullet point nine of the report. No allocated crossing points had been included in the application. However, there would be footways and uncontrolled crossing points such as dropped kerbs in the surrounding area.
- Parking arrangements would be compliant with current standards. One space had been allocated to one bed and two spaces to two bed units. Nine spaces had been allocated to the Commercial Unit based on location and surrounding on street parking. The only requirement for the Commercial Unit had been set at a maximum 47 spaces, with no minimum standards required.
- Accessibility to the apartments and Commercial Unit would be provided by a lift in line with building regulations and these were addressed on page 27 of the report.
- Although the drainage review had been identified as out of date, the drainage system had been confirmed as valid because Hampton would have a unique drainage strategy similar to Hempsted where the lake design would take on drainage water.
- It had been highlighted that current parking regulations had been better as opposed to when Hampton was built. The main difference would be the change from residential maximum standards to minimum standards.
- The development had been identified as compliant with current policy.
- The scheme had been identified as acceptable and Members felt that it was in line with planning guidelines, despite the increase of one bed flats.
- There had been no objections from statutory consultees nor from ward councillors. The plan would result in the design of the building almost identical to the one included in a permission that had already been granted.
- The parking would meet the Council's standards and would be compliant with the current policy.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON 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 weighing against relevant policies of the development plan and specifically:

- The site lay within the Hampton Development area where outline planning permission had been granted for the township development and a Development Brief had been approved.
- This was a revised scheme to that previously approved. The principle of development was therefore acceptable.
- The proposal would provide a modern, attractive landmark development which would respect the surrounding character.
- The proposal would not unduly impact upon the amenity of neighbouring occupiers and measures would be agreed with the developer to minimise any noise implications resulting from the construction.
- The proposal would provide a satisfactory level of accommodation for the further occupiers of the development.
- The proposal would provide appropriate parking provision for residents and staff and it was not considered that the proposal would result in an adverse impact on the adjacent highway.
- The development would be assessable.
- The proposal would not impact on the biodiversity of the lake and the landscaping would enhance the visual amenity of the area.
- The proposal would not result in flood risk outside of the site or for the future occupants of the development.

Hence the proposal accords with policies PP1, PP2, PP3, PP4, PP12, PP13, PP16 and PP19 of the Adopted Peterborough Planning Policies DPD, policies CS1 CS2, CS14, CS16, CS21 and CS22 of the Adopted Peterborough Core Strategy DPD, policy SA1 of the Adopted Peterborough Site Allocations DPD and sections 6, 7 and 11 of the National Planning Policy Framework

5.2 17/01448/OUT - Land To The West Of 85, West Street, Helpston, Peterborough

The Planning and Environmental Protection Committee received a report in relation to an application to seek outline planning permission for the erection of up to 45 dwellings along with associated infrastructure including roads, parking and public open space.

At this time, all matters (access, appearance, landscaping, layout and scale) were reserved for future applications and consideration. Therefore, Members were being asked to consider only the principle of the proposed development.

It should be noted that the scheme had been revised from that which was originally submitted to reduce the number of proposed dwellings from up to 60 (reduced by 15no.)

The Head of Planning introduced the report and update report. The applicant had submitted a further revised flood risk assessment and drainage strategy.

Mr Nicholls, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The submission had been put together rapidly based on the Barnack submission.
- The residents who objected to the proposal were 2% of the total population of the area.
- Part of the site had been identified as natural infill, however that section of the plan had not been accepted because it had been submitted after the cutoff time.
- Another plan that was previously accepted had been highlighted in the application.
- The site would have access off the main road.
- The plan had been based on the delivery of more houses in a sustainable location and Helpston had been classified as a sustainable location.
- Much of the site had been proposed to be allocated in the emerging Local Plan in line with the Council's preference in favour of the village growth. Therefore, it had been felt that weight should be given when making a decision.
- The density of dwellings included in the plan could be reduced in line with officers recommendations.
- The application would be compliant with affordable housing and open spaces.
- Flooding issues had been dealt with by the drainage board and the local engineer.
- Flooding pictures provided in the report had shown that the drain had not been well maintained. The flooding had occurred one field away from the proposed site.
- Contributions to schools, play areas, would be complied with.
- The needs of the Authority would be complied with in regards to the type of accommodation required in the area of Helpston village.
- It had been suggested that the number of units would be reduced in response to recommendations from the drainage board and drainage engineer. With no time to redesign the scheme for the meeting, the proposal to reduce the number of units had not been included in the plan.
- Part of the site had a larger easement than predicted with an impact on the site density that could be developed.
- It had been questioned why the plan would be justified despite the fact that Local Plan would not allow developments in the countryside and that other local plans had been rejected for the same reason. The land had been identified as mainly manmade by developers. Part of the application had been recognised as natural infill. The application had been developed as part of the emerging Local Plan that had developed slow and had caused the application to result in a premature application. Despite this, the application contained some achievable aspect.
- The client would accept a reduction in density and would agree to 12 homes instead of 45.
- The application had disregarded the boundaries of the village envelope. Sometimes policies related to village envelopes would not develop as fast as other policies. In some cases emerging the Local Plan had supported developments outside the village envelope where there was an envelope. In this instance, the client had been attracted by the natural infill of the site.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The application had been submitted the previous year for 60 dwellings, reduced to 45 on this application and then to 12 during the meeting. Since the current application had been submitted for 45 dwellings, a new application for 12 dwellings would need re-submitting.
- The application had been identified as unacceptable because in the open countryside and was contrary to the current Local Plan. It would require inspection and consultation as per the Planning process.
- The application had been developed outside the village envelope and was outside the emerging Local Plan. The local objection from villagers had also been highlighted.
- The application had been considered a speculative application.
- Some members felt that the the application should be refused.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application as per Officers recommendation. The Committee **RESOLVED** (Unanimously) to **REFUSE** the planning permission as per the officers recommendations.

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 given below:

- The application site was located outside the identified settlement boundary of the Limited Growth Village of Helpston, and was therefore within the open countryside. The proposal sought up to 45 number open market dwellings with only the policy requirement level of affordable housing provision as set out in Policy CS8 of the Peterborough Core Strategy DPD (2011). The proposal would therefore fail to meet with the exception provisions contained within Policy CS1 of the Peterborough Core Strategy DPD (2011), which strictly controlled development within the open countryside, and was unacceptable in principle.
- The proposal would represent a form of development which was considerably denser than the established built form of the surrounding area and wider village. Furthermore, the submission failed to adequately consider the space required for the necessary public open space and drainage infrastructure, as well as considering the required ecology, tree and open countryside buffers which were essential. Accordingly, the proposal would result in a form of development which appeared wholly at odds, incongruous and unduly dominant to its surroundings and which caused unacceptable harm to the character, appearance and setting of the locality, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-2036 (Submission Version).

- The proposal failed to demonstrate that surface water run-off arising from the development could be adequately managed so as to not pose an unacceptable risk of flooding either on the site or elsewhere. Furthermore, the proposal failed to take account of historic incidents of flooding within the immediate locality and demonstrate that the proposal would not worsen such flood risks. On this basis, the proposal was contrary to Policy CS22 of the Peterborough Core Strategy DPD (2011), paragraph 103 of the National Planning Policy Framework (2012) and the Peterborough Flood Water Management SPD (2012).
- The application proposal failed to make provision for additional infrastructure and community facilities in terms of securing affordable housing, off-site highway works and public open space, which were necessary as a direct consequence of development. The proposal was therefore contrary to Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011), the Planning Obligations Implementation Scheme SPD (2010) and emerging Policy LP14 of the Peterborough Local Plan 2016-2036 (Submission Version).

5.3 17/02464/FUL - Land At, Guilsborough Road, Eye Green, Peterborough

The Planning and Environmental Protection Committee received a report in relation to Construction of 67 dwellings including access, open space and associated infrastructure

The Head of Planning introduced the report and update report. No new matters were raised in the residents letter that had not already been included. There had been an additional condition required by the Fire Authority

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

- The need to listen to residents of rural wards was emphasized.
- Twelve additional dwellings had been identified as the main reason for concerns for residents.
- In 2014, the original application had been refused on the basis of its effects on the environment.
- The application would be detrimental to the habitat and the biodiversity of the site.
- The plan would bring the development into an area that had been identified as an open mosaic habitat area and therefore contrary to the Peterborough core strategy.
- Additional vehicle movements would result from the implementation of the application.
- Possible future dualling of the A47 should be considered if this application was approved.
- The noise pollution from A47 would be abutting the properties in the application.
- Road improvements would be needed as well as an increased number of schools and doctors. Concerns had been raised that the village of Eye would keep getting this type of development without gaining anything from their construction.

- It had been suggested to maintain 55 dwellings as per permission already in place and not to add a further 12 dwellings.
- Two national authorities, Historic England and Natural England, had no objections to the application in relation to the 12 additional dwellings. The appeal for 55 dwellings had been won in 2015.
- The PCC landscape technician had concerns in regards to the creation of a LEAP without any equipment. The result would be an extension of an application too far.
- It had been suggested that the validity of the application should have been considered in line with the legal aspects. The inspectors report had shown no concerns on the environmental impact.
- Although external bodies had shown no concerns on the plan, the residents had shown wide concerns in regard to its implementation.
- It had been reported that the villagers had reluctantly accepted the plan for 55 dwellings.
- The reasons that had been provided by the Planning and Environmental Protection Committee in regards to refuse the original application of 55 dwellings had been rejected by the planning inspector.
- It was indicated that out of 60 letters, ten were returned noting objection. The development with 55 dwellings had been already accepted. However, there had been a prevailing feeling about what impact the 12 additional dwellings would have on the village.

Mr Hardwick, agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- While the application was for a total of 67 dwellings, only the additional 12 dwellings would be considered as the key matter for consideration.
- The scheme would include 21 affordable homes. There would be a mix of starter units and family dwellings.
- The development would be more dense to the West end side of the site.
- Contributions would be set in accordance with Council's adopted Community Infrastructure Levy (CIL).
- Additional land would be donated to the Council for extension of a nature reserve.
- Revised plans had been submitted following comments raised by the Cycle forum in regards to a layby provision in conjunction with the Council
- There had been no technical objections to the development.
- Specialist consultation had concluded that the design and layout would be acceptable.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The dualling of the A47 could not be considered the reason for rejection of the application as there had been no policy within Cambridge or locally that would support the implementation of the dualling alluded to. The dualling would remain a possibility not a certain fact.
- The Council landscape technician had raised objection as the LEAP would not be equipped. However, the 55 dwellings had been already approved without a LEAP. 12 additional dwellings would not trigger the need for a fully equipped LEAP for residents.
- It had been questioned whether parking bay for six would be acceptable. The risk of crime and antisocial behaviour related to car parks would overpower the

benefits of the car park. Due to the constraints of the layby that would be adopted by the Local Highway Authority, the number of spaces in the plan had been established as the maximum number the Local Authority could fit within the development. Although not many of the parking spaces provided had been considered an improvement to the current situation.

- A car park would have to be adopted privately.
- No concerns should be made about the A47 as Highways England would not review the need to widen the area until 2022.
- Only 12 objections had been received. On that basis, it had been suggested to support the officer's recommendations.
- Permission for 55 dwellings had been already granted. The new layout had been considered quite nice, with a good mix of houses. It had been pointed out that only 10 objections were received, not 12.
- The development would be on the other side of the A47.
- The development would be close to Eye and allow people to walk to the village. It had been identified as a pretty desolate site with a mix of affordable houses.
- The inspector's report had not raised any issues for the additional 12 houses. There had been not strong enough reasons to go against the officer's recommendations.
- The opportunistic reason could not be considered to refuse the proposal and all issues raised had been dealt with in the officer's report.
- The cycle forum comments had been taken on board.
- Concerns about the extra 12 dwellings had been raised, however sufficient reasons had not been given to go against the recommendations.
- Although concerns for the additional 12 dwellings had been taken into consideration, no sufficient reasons had been given in support of a rejection.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (8 For, 1 Against) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

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 weighing against relevant policies of the development plan and specifically:

- the principle of residential development on the application site had already been established through the existing and emerging allocations within the Local Plan, and the granting of outline planning permission under application reference 14/00857/R4OUT, in accordance with Policy SA5.4 of the Peterborough Site Allocations DPD (2012) and emerging Policy LP39.3 of the Peterborough Local Plan 2016-136 (Submission Version) which may be afforded some weight at this time;
- the layout, density and design of the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-136 (Submission Version) which may be afforded some weight at this time;

- the biodiversity interests in and near to the site can be adequately conserved, mitigation or compensated for, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), paragraph 118 of the National Planning Policy Framework (2012) and emerging Policy LP28 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time;
- the proposal would provide adequate parking provision, safe access/connectivity and would not result in undue harm to the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011), Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded some weight at this time;
- the proposed layout would not give rise to unacceptable harm to the amenities of neighbouring occupants and would provide an acceptable level of amenity for future occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP3 and PP4 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time;
- adequate management of surface and foul water would be secured to ensure no increased flood risk either on the site or elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP32 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded limited weight at this time;
- the proposal would ensure that no undue harm results to potential undiscovered buried heritage assets, in accordance with Policy CS17 of the Peterborough Core Strategy DPD (2011), Policy PP17 of the Peterborough Planning Policies DPD (2012), paragraph 128 of the National Planning Policy Framework (2012) and emerging Policy LP19 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded limited weight at this time;
- financial and other contributions towards the infrastructure demands arising from the proposed development were to be secured, in accordance with Policy CS13 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP14 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time; and
- any contaminants present within the site can be adequately remediated to ensure that no undue risk was posed to human health or controlled waters, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP33 of the Peterborough Local Plan 2016-2036 (Submission Version) which may be afforded weight at this time.

At this point the Committee took a 15 minute break.

The Planning and Environmental Protection Committee agreed that agenda item 5.5 17/01707/WCMM - Pote Hole Quarry, The Causeway, Thorney, Peterborough would be discussed next.

5.4 17/01707/WCMM - Pode Hole Quarry, The Causeway, Thorney, Peterborough

The Planning and Environmental Protection Committee received a report in relation to Variation to Condition 1 of Planning Permission 12/01899/WCMM, regarding changes to phasing and restoration.

Officer updated Committee in regards to an amendment to the original report recommendation to **GRANT** subject to signing of a Legal Agreement and relevant conditions.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASONS FOR THE DECISION:

- The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accorded with the development plan without delay. The principle of development had already been established and the proposed amendments were in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policies CS24, CS25, CS33 and CS35.
- The update to the Environmental Statement accompanying the application was considered to be comprehensive and met the requirements set out in the Town and Country Planning Environmental Impact Regulations 2017. Detailed topic areas had been assessed / considered and the proposal would not advance mineral operations closer to any residential properties or other sensitive receptors than currently approved. There would be no additional land take, and thus no additional disturbance to habitats, vegetation or archaeological features.
- Comments of consultees had been taken into account, and there were no additional issues to be considered than for the original application. Suitable, and where appropriate updated conditions would be attached addressing all the issues previously raised and which were still relevant. The amenity of neighbours had been taken into account (although no objections had been received), and given that the site fell within a designated Minerals Consultation Area and in all other respects the proposal was acceptable, there was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.
- Consideration had been given to the interaction of the proposals with those set out in application 16/02447/MMFUL for an extension to the west of the existing site, and it was considered that appropriate control could be exercised over both applications for them to be considered for approval.

5.5 16/02447/MMFUL - Pode Hole Quarry, The Causeway, Thorney, Peterborough

The Planning and Environmental Protection Committee received a report in relation to Extension to Pode Hole sand and gravel quarry, including retention of concrete batching plant and aggregate plant, with restoration using inert materials

Kirsten Hannaford-Hill, agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Pode Hole had been identified as a strategic site for the company Aggregate Industries UK Ltd.
- The extension would allow the continuation of gravel and sand sales.
- The company had considered the site to be an important contribution to the local economy.
- Operations at Pode Hole had been completed in line with high environmental standards that would continue to be applied to the proposed extension.
- The plan would include the restoration of the site to the original ground level. The restoration scheme would improve the site biodiversity.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- It had been noted that the restored meadow looked fantastic on the site.
- It had been observed that among all statutory consultees there had been only one objection.
- The facility had been well managed and there would be no reason not to expect the the same level of management on the extension.
- The materials produced on the site could not be imported hence the work of the company had been considered to be necessary for the city.
- Members felt that the proposal should be accepted and the application for extension granted.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASONS FOR THE DECISION:

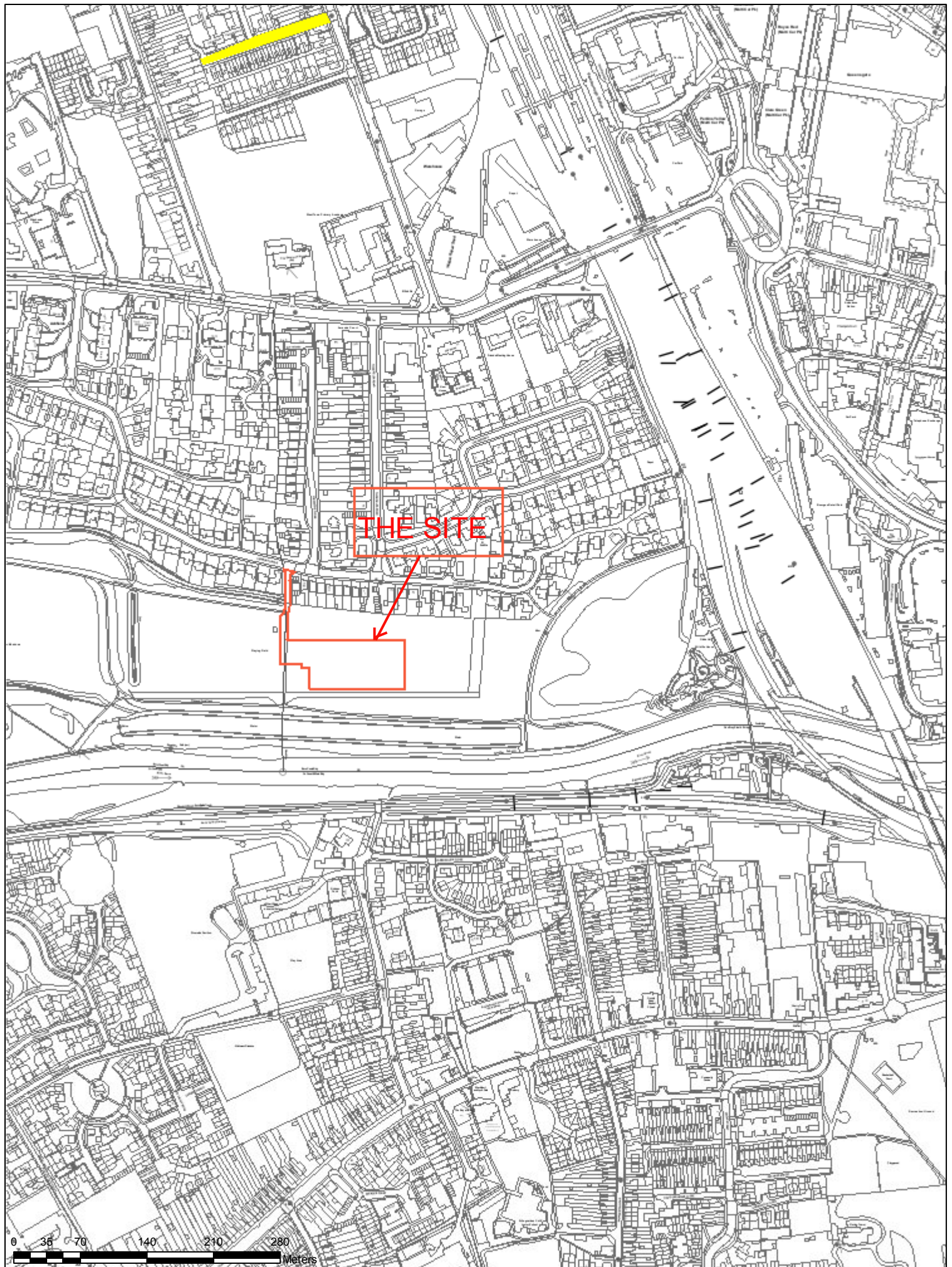
- The NPPF stated that there was a presumption in favour of sustainable development - in terms of decision taking this meant approving development proposals that accorded with the development plan without delay. The application had been considered in light of the Cambridgeshire and Peterborough Minerals and Waste Development Plan, the NPPF and accompanying Planning Practice Guidance.
- The principle of development was in accordance with policy SSP M2 of the SSP which allocated the site for sand and gravel extraction. The proposal also included the restoration of the site through the importation of inert waste. The site was not allocated for inert fill but the proposal complied with policies CS18

and CS25 of the Core Strategy with regards to managing waste outside allocated areas due to the requirements to restore high grade agricultural land, and, as the applicant had also highlighted the limited availability of inert fill capacity coming forward at the strategic Block Fen / Langwood Fen allocated site (policy CS20), it was accepted that there may be a requirement to divert inert fill in the plan area to other available sites. The retention of the stocking and processing area, and the concrete batching plant represent a sustainable method of maximising the use of the existing site and the facilities were considered to be co-located complementary to the quarrying and landfill activities and accord with policies CS18 and CS41 of the Core Strategy.

- An Environmental Statement, including the additional information requested and provided, accompanies the application which was considered comprehensive and meets the requirements set out in the Town and Country Planning Environmental Impact Assessment Regulations 2017.
- Detailed topic areas had been assessed and considered;- With regard to landscape and visual impact, the proposal was in compliance with policies CS24, CS33 and CS34. Nature conservation, ecology, geodiversity, including the impacts on protected species and habitats, had been carefully considered and were in accordance with policies CS25, CS34 and CS35. Issues of noise and dust had been considered and were in accordance with policy CS34. Soils and agriculture, including the retention and re-use of high grade agricultural soils, and the balance of the proposed restoration between agricultural and ecological aims, had been carefully considered and were in compliance with policies CS25 and CS38. Cultural heritage, including archaeology, the historic environment and notably the adjacent Bar Pasture Scheduled Monument, had been assessed and were in accordance with policy CS36. The impact on water resources and the water environment had been assessed and the proposal was in compliance with policy CS39. Transport, including the proposed Willow Hall Lane crossing point, had been carefully considered and was in compliance with policy CS32.
- Cumulative impacts with the neighbouring quarries at Pasture House Farm, Willow Hall Farm and Pode Hole had also been taken into account.
- Comments of consultees had been taken into account and suitable conditions attached to address any issues raised. The comments of the neighbours and other respondents, both for and against the proposals, had also been taken into account, and the positive and negative aspects of the proposal weighed in the balance. Further, given that the majority of the site was allocated for sand and gravel extraction and in all other respects the proposal was acceptable, there was no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.
- Consideration had been given to the interaction of the proposals with those set out in application 17/01707/WCMM for amendments to the sequence of phasing and restoration of the existing site, and it was considered that appropriate control could be exercised over both applications for them to be considered for approval.

Chairman
1.30pm – 3.50pm

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Recreation Ground, Thorpe Lea Road - Location Plan

Scale 1:5,000

Print Date: 31/05/2018

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Agenda Item 5.1

Planning and EP Committee 12 June 2018

Application Ref:	18/00251/R3FUL
Proposal:	Creation of a sports pitch and running track, a mobile classroom, changing facilities and WCs including perimeter fence and associated soft landscaping
Site:	Recreation Ground, Thorpe Lea Road, Peterborough,
Applicant:	Mr Brian Howard, Peterborough City Council
Agent:	Mr Jonathon Green, NPS Property Consultants Ltd
Referred by:	Councillor Dowson
Reason:	Need for the development (why other sites have not been considered), positioning of the proposal and concerns regarding future development
Site visit:	21.03.2018
Case officer:	Mrs Louise Simmonds
Telephone No.	01733 454439
E-Mail:	louise.simmonds@peterborough.gov.uk
Recommendation:	GRANT subject to conditions

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

Site and Surroundings

The application site comprises a parcel of land which forms part of the wider Thorpe Lea Meadows public open space (POS)/recreation ground. The area extends to some 0.73 hectares and comprises relatively flat grassed open recreation space which is currently informally set out as playing field, with 2no. goal posts running east-west. There are no formal pitch markings.

Within the wider public open space, there is a public footpath positioned centrally which intersects the site running north-south. To the western portion, is an area of biodiversity grassland with informal cut grass paths albeit the City Council's Public Open Space Team has recently begun removal of this biodiversity area to revert this portion back to open grassed recreation space.

To the north, south and east of the wider POS are mature tree/shrub belts with residential dwellings along Thorpe Lea Road and Vermont Grove further to the north. There is also an open watercourse/ditch running along the north-western boundary of the site. Further to the south is a foot/cycleway which runs east-west along the banks of the Rive Nene connecting the City Centre (to the east) with Orton Mere and Ferry Meadows (to the west).

Proposal

The application seeks planning permission to change the use of the land from public open space to an enclosed sports pitch and running track for use by West Town Primary School (located some 300 metres to the north of the application site). The proposal also includes the installation of a temporary mobile building to include classroom, changing facilities and toilets, and the erection of 2.4 metre high weldmesh security fencing. It is also proposed for the existing goal posts present within the site to be relocated further to the east, still within the wider POS but outside the boundary of the proposed playing fields.

It should be noted that the scheme has been amended from that which was originally submitted to

increase the height of the fencing (previously 1.8 metres), correct a discrepancy with the red line boundary and identify where the existing goal posts are to be relocated to.

2 Planning History

No relevant planning history.

3 Planning Policy

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

National Planning Policy Framework (2012)

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 8 - Safe and Accessible Environments

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

Section 8 - School Development

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

Section 8 - Open Space

Existing open space, sports and recreational buildings/land (including playing fields) should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements; the open space would be replaced by an equivalent or better provision; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

CS19 - Open Space and Green Infrastructure

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

CS21 - Biodiversity and Geological Conservation

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

CS22 - Flood Risk

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

Peterborough Site Allocations DPD (2012)

SA15 - Safeguarded Land for Future Key Infrastructure

Permission will only be granted on these sites for development which does not threaten or hinder the implementation of the identified infrastructure project.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP15 - Nene Valley

Development which safeguards and enhances recreation or which would bring landscape, nature conservation, heritage, cultural or amenity benefits will be supported. Development which would increase flood risk or compromise flood defences will not be permitted.

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP19 - Habitats and Species of Principal Importance

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

PP20 - Development on Land affected by Contamination

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

Peterborough City Centre DPD (2014)

PCC04A - Railway Station Policy Area (a) General principles

The Council will support high quality mixed-use developments which create an attractive and legible gateway into the rest of the City Centre. All development must ensure that on-site drainage and surface water flood risk is addressed.

Peterborough Local Plan 2016 to 2036 (Submission)

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 Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given);
- the extent to which there are unresolved objections to the policies; and
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP07 - Health and Wellbeing

Development should promote, support and enhance the health and wellbeing of the community. Proposals for new health facilities should relate well to public transport services, walking/cycling routes and be accessible to all sectors of the community.

LP13 - Transport

a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

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

LP23 - Local Green Space, Protected Green Space and Existing Open Space

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

LP24 - Nene Valley

Within the Nene Valley area the council will support development that will safeguard and enhance

recreation and/or bring landscape, nature conservation, heritage, cultural or amenity benefits. The proposal would need to be appropriate in terms of use, scale and character. Development which would increase flood risk or compromise the performance of flood defences will not be permitted.

LP28 - Biodiversity and Geological Conservation

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

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

LP47 - Railway Station Policy Area

General: The council will support and encourage high quality mixed use development which create an attractive and legible gateway into the rest of the city centre.

4 Consultations/Representations

Inland Waterways Association

No comments received.

PCC Landscape Technician (Public Open Space) (22.05.18)

No objections - The 'biodiversity' area to the west of the site has not achieved the desired biodiversity and as such, will be brought back into recreational use by PCC. Therefore to mitigate the impact of the current proposal, two new goalposts should be installed by the Applicant on this western area for use by the public. Clarification is still required as to the planting outside the proposed fence line as it would be preferred for the Open Spaces Team to maintain this subject to a commuted sum, rather than maintenance by the school as proposed.

Police Architectural Liaison Officer (PALO) (17.05.18)

No objections - Happy to support the increased fence height as this will be a good security measure for the site.

Sport England (29.03.18)

No objections - The proposal relates to the creation of a sports pitch and ancillary facilities for West

Town Primary School. The school has no on-site playing field provision and therefore the use of this site for sports provision will be of benefit in terms of delivery of games/OPE lessons, as well as providing a pitch for formal football matches and a running track for summer sports and events. The proposal will only affect part of the existing informal recreation site, and the public will still have access to the remainder of Thorpe Lea Meadows for informal recreation, dog walking etc.

This is considered to meet exception 5 of Sport England's policy, in that the development constitutes an outdoor sports facility where the benefits of the development of sport outweigh any detriment caused by the loss of the existing playing field area (given it has not previously been used for formal sports pitch use). Request a condition to secure a detailed assessment of ground conditions and how the playing fields will be constructed/cultivated to ensure that they are of an adequate standard.

PCC Tree Officer (23.05.18)

No objections - The proposal will not directly affect the off-site trees/vegetation along the southern boundary however the playing field may be hampered by this owing to 'suckers' from the White Poplar trees and growth of the vegetation. It is recommended that a root deflector be installed along the entire length of the southern boundary to prevent pressure to poison the suckers which would kill the parent trees. In addition, ideally the running track should be moved further north to prevent shade and 'slippier' running conditions. Maintenance to the southern boundary vegetation will be hampered by the proximity of the fence. Blackthorn particularly is likely to creep through if unmaintained.

The Wildlife Trusts (Cambridgeshire)

No comments received.

PCC Wildlife Officer (20.03.18)

No objections - Pleased to note that the application has been accompanied by a Phase 1 Habitat Survey. Should there be the need to remove any of the surrounding trees/shrubs, the standard bird nesting informative should be attached. Small gaps should be retained underneath the proposed fencing to allow the area to continue to be used by small mammals. The details of the mitigating landscaping appear broadly acceptable.

Local Residents/Interested Parties

Initial consultations: 102
Total number of responses: 53
Total number of objections:
Total number in support:

Two rounds of public consultation have taken place on the application proposal – the first in relation to the original submission and the second on the revisions.

Round One

26no. objection letters were received from local residents raising the following concerns:

Pre-application meetings

- The proposal now includes changing facilities within a temporary building which is a change to the plans presented previously to residents.
- Insufficient notice was given of the pre-application meetings, particularly to the Thorpe Gate Residents Association who could only notify approximately 40 of the 500 or so properties that would be affected. The results of this exercise are therefore not a fair representation.

Crime/anti-social behaviour

- Understand that the facilities will only be used by the school and will specifically exclude community groups. This is understood but think that it will cause problems with people breaking into the area.

- The residents do a magnificent job litter picking and keeping the area beautiful but there is a lot of anti-social behaviour. This development could be a great temptation for some and would need to be well-secured.
- There have been issues in the past with travellers trespassing and parking for days. The entrance therefore needs to be made more secure and inaccessible.
- There used to be a changing room building on the land but this was demolished by the Council due to vandalism, graffiti and anti-social behaviour. Are the school going to pay for CCTV coverage of the area/buildings? This will need to be monitored 24/7 so that the Police can attend any incidents. If it is not monitored, crime will go unchecked.
- Fencing does not keep people out of areas as they can easily be broken into.
- Is this site really safe for children to use? Residents no longer feel safe using the area as there are no Police patrols.

Public Open Space matters

- The proposal will result in the loss of a long-standing and well-used recreational facility for local residents and the general public.
- It's not just about residents whose properties back onto the public area, but the number of local people who live in the Thorpe Gate area and use the field especially in the summer holidays. If it is fenced off and locked up so that only the Academy can use it, it is unfair to locals. More so when the Academy will not even be using it and nobody else will be allowed to either.
- The proposed layout will create a pocket of land to the eastern end of the area which will become virtually inaccessible and heavily discourage recreational use.
- The existing goal posts must be reinstated in the open area to the east of this application site.
- There must be sufficient room for the grass cutter to get into the public area to keep the grass in a useable state.
- What facilities will be made available to the local children out of school hours and for the community? The only other green playing space is a small swing and slide area off Kirkwood Close which is only suitable for toddlers and much younger children. An alternative space for the community needs to be offered.
- This seems like a good use of the area however it is a loss of amenity for many residents in the wider area, many of whom may not have been adequately informed or consulted. I (resident of Riverside Gardens) would urge the Council to give something back to the community by opening up the new facilities to the public when they are not in use by the school, especially during the summer holidays when the field is used the most.
- There will be more facilities living locally as houses on the former hospital site are built, so more green space is needed for recreation not less.

Design and visual amenity

- The proposal will create a hard and visually unappealing steel security barrier, in excess of 2 metres high, to the eastern length of the existing footpath between Vermont Grove and the river.

Neighbour amenity

- A 2 metre fence will have a tremendous impact on the quiet sanctuary space enjoyed by animals, dog walkers, ramblers, ball games and families. In fact anyone who needs a chill out time away from the stresses of modern life.
- The proposal will bring increased levels of noise, traffic, litter, etc.
- This fenced development will be an eyesore on an otherwise beautiful area of greenery.
- The proposal would not just increase noise, it would introduce a brand new type of noise to the area. Many have chosen to live here for the quietness associated with living near the river or parks. A children's playing field will completely ruin this on every day that it is used.

Highway matters

- Concerned for the safety of the children walking down Thorpe Lea Road. Cars park partly on the pavement and some vehicles travel well above the speed limit. A 20mph restriction is necessary.

- West Town Academy already causes huge problems with the parents parking illegally, regularly preventing me from getting home and blocking the road (resident of Thorpe Road).
- Thorpe Lea Road is already congested and this will add to that by increasing the amount of through traffic by foot and vehicle.
- Where will parents/carers/teaching staff park on a road that is already over spilling with parked cars?
- Limited parking in the area could create problems when the site is used for events open to parents such as sports days.

Ecology

- The area is home to a lot of wildlife and they need space to roam.

Lack of public consultation

- During pre-application meetings, residents were promised that there would be further consultations with residents before any action was agreed. Residents have not had the opportunity to raise concerns. The majority of our [the Resident's Association] residents will find that the field they use for leisure pursuits will be denied to them entirely, especially during the long summer holidays when not in use by the school either. They will have no idea that this will happen as there has been no communication about it.

Flood risk

- The river regularly overflows nearby and in 1998 was extremely bad, affecting my property and that of many neighbours (Thorpe Lea Road).

Other matters

- The proposal should be moved east, further into the available space, making it less noticeable within the current undisturbed environment. This will also free up/make the area more accessible for use.
- Please consider reinstating the field which has recently been allowed to grow wild to a level suitable for recreational use (immediately to the west of the site).
- Why was the Primary School not built with a playing field on its site?
- Why should a classroom be built on the site when outdoor classrooms are fashionable?
- The unbuilt land adjacent to the school should be used as there is plenty left or the old playing fields should be re-vamped.
- The proposal will set an undesirable precedent.
- Once the Council develops this land, then what will be the next green space swallowed by another project in the area?
- Who will and how will the area be maintained/secured during the periods when not in use?
- At present, the bushes around the site have people sleeping rough and drug users leaving needles/other items. Are the Council going to clear these bushes in case the children stray into them and get hurt?
- Why does the school need the playing field? If it is vital, why was this not considered when allowing the school to be built in the first place?

In addition, 1no. neutral representation was received (raising neither objection nor support) and 6no. letters of support were received as follows:

- We, as local residents, greatly appreciate that we are lucky enough to enjoy the open fields and access to the rowing course all year long. It would seem logical that local school children should also be able to use these facilities during school hours with appropriate changing facilities.
- The plans can only be good for the children.
- A comment from the Resident's Association about the loss of amenity intimates that the whole of the area will be lost for the general public. Looking at the plans, this is not the case. It has already been requested that the goal posts are relocated on the eastern part of the field.
- The usage of the area was never going to be each day during term time so it should not be very noisy. Whatever noise there is will not carry on after say 3.30pm.

- As far as car parking is concerned, the school have said that when necessary, they will provide extra parking on the school grounds.
- Visual impact talks about the view from the cycle path towards the Cathedral but I (resident of Thorpe Lea Road) would question how many people walking along this path actually look around.
- I (resident of Walnut Mews) think it is essential that children have access to good quality sports facilities and are encouraged to be active and have an outlet for their energy.
- It is a shame that a sports facility was not part of the original planning for the school but glad that this is being addressed as it can only improve the school.
- As a child, I (resident of Kirkwood Close) had no access to green field playing areas and felt deprived as a consequence. It is important that children have a safe play and sports area, with all possible amenities.
- Whilst I (resident of Kirkwood Close) would be strongly opposed to this application being used as the “thin end of the wedge” to further building in the Thorpe Meadow area, at present this land is essentially only being used as a ‘dogs toilet’.
- This is a very positive development. With the degradation of playing fields, to have a new one for the use of primary age children is wonderful.

Round Two

19 no. further objection letters have been received during this second consultation period, many from local residents who have previously commented. The above objections remain and only those comments which are additional are set out below:

- There are a number of rabbits which frequently make holes in the playing field. It is concerning that, if there is no suggestion to remove the rabbits, children using this area in a competitive way will run the risk of various injuries.
- The introduction of a temporary building which will probably need to have mesh shutters at the windows will further degrade the area.
- This is going to be underused, under-occupied and under-policed. It will very soon become evident that it is unworkable and I (resident of Church Lane, Werrington) am sure that it will eventually be abandoned and left to rot.
- The revised proposal to relocate the goal posts to the east of the facility is not acceptable. It was understood that this would be for dog walkers and other public wishing to use this space for picnics etc. Why has the western side not been considered? It would make more sense to relocate the goal posts to this western side and leave the eastern side for more informal enjoyment.
- There are always pairs of green woodpeckers, foxes and vast amounts of other wildlife that use this field.
- A 2.4 metre fence will destroy the whole ambience of this quiet area used extensively by city dwellers to chill out.
- Consideration should be given to using/upgrading the old playing field on Alderman’s Drive.
- Not all schools require playing fields. There are many urban and inner city schools across the country, and in Peterborough, that have managed very well without any or an exclusive sports field.
- An unfortunate thing to consider – would there be ‘voyeurs’ watching the young children?
- How will be parking be accommodated in this residents permit area?
- What will happen with the pipes freeze during very cold weather?
- Why are a school’s interests considered more important than those of the residents of Thorpe Gate?
- Councillor Dowson tells us (Residents Association) that he was assured some years ago that this area, which is actually flood plain, would never be built on.

Councillor Dowson has also raised objection to the proposal as follows:

- Why is Angus Court green sports field not being considered?
- Has consideration been given to moving the proposed playing field?
- Why is the pavilion only a temporary one?

- Can we include a covenant stopping any future development, especially car parking?
- Why was there no planning for a playing field in the hospital development plans?
- I am concerned that there may be planning creep. Any guarantees against this?

3 no. further letters of support have been received as follows (only those comments not previously raised are set out):

- There will be little change to the area being part of the Green Lung; it will remain mainly as a field.
- There is ample space nearby for the leisure activities listed in the newsletter from Thorpe Road Residents Association.
- A new set of traffic lights near the school will make crossing the road easy, and the few minutes it would be used by school children would cause little delay.
- Parking will apply wherever a sports ground is sited.
- There is much publicity about, even young, children becoming unhealthily obese. A playing field and the walk to/from the site would be a small step to help prevent such problems.
- There is an area of semi-derelict land between the end of River Lane (where there is a gate) and the river, about which there has been some publicity regarding its conversion to a sensory garden. Nothing has materialised, could it be used as a pleasant garden/small park?
- The playing field should be larger than planned to prevent the running track from overlapping with the football pitch.
- A new community playing field should be created on the western field of the meadow site.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Access and highway implications
- Trees and ecology
- Flood risk
- Contamination

a) Principle of development

Need

Paragraph 72 of the National Planning Policy Framework (2012) requires that Local Planning Authorities give great weight to the need to expand or alter schools. Officers consider that this also includes the provision of outdoor games/PE space which is the subject of the current application. The proposal seeks to provide new playing field/running track facilities for the West Town Primary School which relocated to its new site at the junction of Thorpe Road/Midland Road (some 300 metres to the north of the current application site) in September 2016. The school presently has remote playing fields, located off Angus Court to the north-west of the main school site. These playing fields are situated approximately 1km (walking distance) from the main school site.

The proposed playing fields would be located considerably closer, some 300 metres from the main school site and with better pedestrian connectivity given the signalised pedestrian crossing to Thorpe Road. The relocation of the playing fields as proposed would therefore represent a betterment in terms of school facilities, and would significantly reduce the time taken for staff/pupils to access outdoor games/PE lessons.

On this basis, and in line with paragraph 72 of the NPPF, this benefit of improved school facilities must be afforded great weight.

Loss of public open space

As detailed in Section 1 above, the application site presently comprises a parcel of a wider area of Public Open Space (POS). The proposal seeks to fence off this area for use as playing field by the West Town Primary School, with no community or public access. Accordingly, the proposal represents a loss of POS.

Policy CS18 of the adopted Peterborough Core Strategy DPD (2011), emerging Policy LP23 of the Peterborough Local Plan 2016-2036 (Submission Version) (which may be afforded some weight at this time) and paragraph 74 of the NPPF seek to protect and retain existing areas of open space as they are acknowledged as being vital to the quality of the environment serving communities. The NPPF states that existing playing fields (such as the current application site) should not be built upon unless: it can clearly be shown that the land is surplus to requirements; the loss would be replaced by equivalent or better provision in terms of quantity and quality, in a suitable location; or that the development is for alternative sports/recreation provision, the needs of which outweigh the loss. Emerging Policy LP23 also requires that: the open space not make an important contribution to the green infrastructure network; and that the proposal can be accommodated without causing significant detrimental impact in terms of character/appearance of the area, ecology or heritage assets.

The application site is located within Central Ward which, from the data contained within the Peterborough Open Space Update 2016, is shown to have a surplus of some 8.62 hectares of 'neighbourhood parks' (the category within which the POS subject to this application falls within). It should be noted that Central Ward covers a significant geographical area, and is divided into distinct areas which are not well-related in terms of the ability of residents to use all of the available POS within the ward. Furthermore, it should be noted that the figure has altered significantly as a result of the ward boundary changes in 2016, whereby the area of the application site moved from West to Central Ward. Accordingly, Officers consider that this wider figure cannot necessarily be considered as being a true reflection of POS provision for the locality of this application site.

In light of this, Officers have conducted a review of POS within the immediate locality of the application site which also includes POS outside Central Ward but immediately adjacent. Within this area, the public open space, in a linear form along the northern bank of the river and extending to Orton Mere and Ferry Meadows, is substantial and offers a significant benefit not only to the local population, but also the wider City. Given the relatively vast scale of this POS, it is considered that the proposed loss is not substantial and would not significantly harm the overall provision of POS within the area.

Additionally, as detailed in Section 1 above, the City Council's Public Open Space Team has recently undertaken a review of the use of POS within the wider application site and determined that the 'biodiversity' grassland area has not achieved the desired aims. As such, works are presently ongoing to revert this area back to grassed amenity area similar to that which would be lost as a result of the current proposal. This change to the way the POS is laid out, is considered to be mitigation for the loss that would result from the current proposal, as within the immediate locality recreation space and informal sports pitches which are publicly available would be maintained. Whilst the Applicant is proposing to relocate goal posts to the eastern portion of the POS, Officers instead consider that it would be more beneficial to relocate these goal posts within the western area in an east-west alignment. As this land is included within the blue line of the application site, this alternative mitigation could be secured by condition.

It should also be noted that Sport England is the statutory consultee in respect of developments relating to playing fields and, for the purposes of determining this application, it is their professional comments/position which must be given the most weight. Specifically, Sport England has advised that the proposal would meet with their own exception policy given that the development would be of wider benefit to sport which outweighs the detriment caused by the loss of the existing playing field area.

Taking all of the above into account and on balance, Officers consider that the degree of harm arising from the loss of the existing POS can be mitigated to a sufficient degree whereby it is outweighed by the benefit arising from improved school facilities (as set out above).

It is noted that several objectors have raised concern that the proposed facilities would only be in use for part of the year, during term time and school hours (given no community use is proposed). This is, in their view, an unfair loss to the local community who use the POS all year round. Whilst these concerns are noted, Officers do not consider that the amount of time that the school would use the facilities alters the weight that should be attached to the benefit arising from improved school facilities. Furthermore, replacement amenity provision is being made for local residents through the reversion of the adjacent western land to grassed recreation space outside the confines of this application.

b) Design and impact upon the character and appearance of the surrounding area

The proposal seeks to enclose the entire playing field/running track with 2.4 metre high green weldmesh fencing associated gates. It is acknowledged that the height, size and scale of this fencing would be considerable in the context of the surrounding public open space, and would appear very different from the current open nature of the area. However, the proposal does seek to minimise the impact of this fencing through substantial planting around the boundaries of the site, including a mix of native trees and shrubs. Once mature, it is considered that this planting would sufficiently screen the fencing and result in a less harsh/stark appearance to the locality.

The exact details of the planting are not set out at this stage and therefore Officers consider it necessary to secure planting plans by condition. Furthermore, to ensure that the landscaping successfully establishes, and is maintained in the long-term (the Applicant advises by the school/Academy Trust and not the Council), a condition to secure a landscape management plan is considered necessary.

It is noted that several objections have been received from local residents with regards to the height of the fencing proposed which may consider to be unnecessary and against the pre-application discussions that took place. The application scheme originally proposed 1.8 metre high fencing however Officers considered that this would not acceptably reduce the opportunity for unauthorised access and crime/vandalism/anti-social behaviour and it was therefore increased in height to 2.4 metres. Such a height is commonplace in many developments as it effective at preventing unauthorised access and supported by the Police in this regard.

It is also noted that many local residents have raised concerns with regards to current crime/anti-social behaviour within the POS including rough sleeping and drug taking. It is not considered that the proposed development would significantly alter or increase the opportunities for such crime/anti-social behaviour. Furthermore, it is noted that the Police Architectural Liaison Officer has not raised any objections in this regard.

With regards to the proposed mobile building, this is proposed to be of a temporary nature given that it would be a cabin. Over time, these buildings can weather and become rundown, harmful to the overall visual amenity of areas. As such, this building is proposed only on a temporary basis to ensure that when it does become rundown, it can be replaced. Accordingly, Officers consider that a temporary consent for this element of the proposal would be prudent.

On the basis of the above, it is not considered that the proposal would result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and would not pose an unacceptable risk in terms of crime or anti-social behaviour. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-2036 (Submission Version).

c) Neighbour amenity

It is proposed for the playing field/running track to be solely used by the West Town Primary School and would mainly be used during normal school hours in term-time. The proposal does not seek to allow for community use outside these school hours (i.e. in the evenings or at weekends) albeit there may be school-run after-school clubs which use the facilities. In light of this relatively limited use, the impact arising from the development in terms of noise/general disturbance would only occur during the daytime and would not take place during those times at which local residents would reasonably expect a quiet level of amenity (weekends and evenings). Furthermore, as the playing field would not be lit, it would only be used as the POS is presently, during daylight hours and periods of clement weather. Therefore there would not be any significant intensification of the use of the site from the current lawful use as POS.

It is noted that an objector has raised concern with regards to the proposal to re-provide the public goal posts (to the eastern area of the POS) in a north-south alignment which they fear would result in balls being hit into residential gardens. However as the Council is currently reverting the western portion of the wider POS to recreation space, Officers consider it to be more beneficial to place the public goal posts there in an east-west alignment. This would therefore reduce the potential for impact to local residents from stray balls.

d) Access and highway implications

The proposal seeks to provide a vehicular access to the site from the north, off Vermont Grove/Thorpe Lea Road however this is only for emergency and maintenance vehicles (as at present), and will not be used by general traffic. Children and staff will access the remote playing field/running track on-foot, crossing Thorpe Road via the signalised pedestrian crossing and walking down Thorpe Lea Road. This vehicular access can be restricted by condition for sole use by emergency vehicles and this will ensure that no undue impact results to the surrounding public highway network in terms of increased traffic and parking.

It is acknowledged that some local residents have expressed concern with regards to the potential for parking congestion created by parents visiting the playing fields to watch children, particularly on sports days. Such incidents would be only very occasional, perhaps only once or twice per year as the proposal seeks for children to walk to/from the playing fields back to the main school site to the north. Furthermore, no community use is proposed which would further restrict the demand for parking within the locality and on-street parking within the area is restricted by virtue of residents permits. Therefore it is not considered that the proposal would result in significant and undue levels of increased parking congestion within the surrounding area. Furthermore, Officers do not consider that occasional use which would generate parking demand from parents could be used as a reason to refuse this application (given the limited extent of impact across the year)

It is also noted that concerns have been raised by local residents in terms of the safety of school children walking to/from the site. The school, both at its current location and former location, has always had remote playing fields which require pupils and staff to walk. The current proposal would be no different and it is not considered that an unacceptable safety risk would be posed to the school children.

Taking the above into account, it is not considered that the proposal would result in an unacceptable impact to the safety of users of the public highway and is therefore in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version).

e) Trees and ecology

As detailed in Section 1 above, the POS subject to this application is bound by mature tree and shrub belts which are within the ownership of, and maintained by, the Council. Whilst the application has been accompanied by a Tree Survey, the Council's Tree Officer has advised that it does not provide significant comment upon the relationship of these trees to the proposal. Nonetheless, he has raised no objections. The trees to the north and east of the site are set a sufficient distance away from the proposal as to not be impacted upon either directly or indirectly.

It is noted that local residents have queried whether these trees will be pruned at all before the development commences and Officers do not believe that this is necessary.

The main impact arising from the proposal in terms of trees relates to the southern boundary, as the playing field (and associated fencing) would be in relatively close proximity. The trees within this area are White Poplar, which can produce 'sucker' plants at a considerable distance from the main tree. The Tree Officer has advised that there is no easy way to remove these, and poisoning would kill the main tree. As such, the proposal poses a risk to the loss of these trees. However, to avoid this, the Tree Officer recommends that a root deflector/barrier be installed along the entire southern boundary as this will prevent these 'suckers' from being able to establish within the development. This would therefore remove the risk to the trees, which are of key amenity value within the locality and on this basis, Officers consider that a condition to secure such deflectors is necessary.

In addition to this, the Tree Officer has commented that the proposal would likely be subject to ongoing maintenance issues given the future growth of the southern shelter belt. However this is not a matter on which the current application could be resisted as maintenance would continue to be provided by the City Council for this shelter belt and it would not be at undue risk of removal.

With regards to ecology, the City Council's Wildlife Officer has raised no objections. As no trees are proposed for removal, comments regarding impact to wild nesting birds are not of relevance. However it is noted that he has requested that the fencing be designed to ensure that gaps for small mammals (such as hedgehogs) be provided to ensure they continue to be able to use the area. This is considered reasonable and necessary to ensure no loss of biodiversity within the site. It is proposed to condition this requirement, as Officers would wish to see the design for these gaps to ensure that there is no conflict in terms of crime/security issues.

Taking the above into account, it is considered that the proposal would not pose an unacceptable risk to trees/landscape features of key amenity value within the locality or to biodiversity. The proposal is therefore in accordance with Policy Cs21 of the Peterborough Core Strategy DPD (2011), Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP28 and LP29 of the Peterborough Local Plan 2016-2016 (Submission Version) which may be afforded weight at this time.

f) Flood risk

The southern half of the application site is located within Flood Zone 2 and is therefore at risk from flooding, whilst the remainder of the site lies within Flood Zone 1. However, as the proposal does not result in an alteration to the flood risk vulnerability classification, there is no requirement for the application to be accompanied by a site-specific Flood Risk Assessment. This is because the proposal will not alter how vulnerable the use of the site is to flooding incidents and nor will it alter how/where the flooding takes place.

It is noted that many residents have commented that the site has been subject to assurances that it would not be developed owing to flooding issues. Officers believe that this relates to the allocation of the application site (under the provisions of Policy SA15.5 of the Peterborough Site Allocations DPD) as a 'Water Management Zone', to be safeguarded for the management of flooding through attenuation. However, through the replacement emerging Local Plan, this safeguarding allocation has been removed as it is no longer needed. Whilst this document is not yet fully adopted, it does represent the most up-to-date baseline in terms of whether the land is needed for attenuation and therefore, as it has been removed, it is not considered that the site is required any longer for this purpose.

On this basis, it is not considered that the proposal would be at unacceptable risk from flooding and would not increase the flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP32 of the Peterborough Local Plan 2016-2016 (Submission Version) which may be afforded weight at this time.

g) Contamination

The application has been accompanied by a Ground Investigation Report. Whilst this highlights the presence of PFA (pulverised fuel ash) and asbestos, given the minimal groundworks and lack of permanent building on the site (i.e. one with foundations), these do not pose a risk to the end users, human health or controlled waters. Accordingly, no scheme of remediation is required. Whilst no formal written comments have been received from the City Council's Pollution Control Officer in this regard, aural confirmation has been provided to advise that this is accepted.

h) Other matters

In response to those objections raised but not discussed above:

Availability of alternative sites/lack of facilities within the main school site – This planning application may only consider the proposal as submitted, and the availability (or otherwise) of alternative sites cannot be considered. With regards to the development of the main school site, the land secured as part of the outline permission for the redevelopment of the former hospital was carefully considered in the context of the visibility and overall deliverability of the entire development area and additional land for a playing field could not be secured at that time.

Precedent – All developments must be considered on their own merits and therefore any future development which requires planning permission will be considered in line with the policies in force at that time. This application will not 'pave the way' for future developments on POS within the area.

6 Conclusions

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

- The proposal would represent improved sports education facilities for pupils of West Town Primary School which should be afforded great weight, in accordance with paragraph 72 of the National Planning Policy Framework (2012);
- Whilst the proposal would represent the loss of existing public open space (POS), it is not considered that this would result in an unacceptable deficiency for the local area and mitigation may be secured through the provision of goal posts to the west of the site, on an area of POS already being reverted to recreation space, in accordance with Policy CS18 of the Peterborough Core Strategy DPD (2011), emerging Policy LP23 of the Peterborough Local Plan 2016-2036 (Submission Version) and paragraph 74 of the National Planning Policy Framework (2012);
- The proposal would not result in unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy Cs16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP17 of the Peterborough Local Plan 2016-2036 (Submission Version);
- No undue impact to the safety of the surrounding public highway network or its users would result, in accordance with Policy PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP13 of the Peterborough Local Plan 2016-2036 (Submission Version);
- The proposal would not pose an unacceptable risk to trees or landscape features of key amenity value to the surrounding area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP29 of the Peterborough Local Plan 2016-2036 (Submission Version);
- the proposal would not harm biodiversity within the site, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP28 of the Peterborough Local Plan 2016-2036 (Submission Version);
- The proposal would not be at unacceptable risk from, or result in increased flood risk, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011) and emerging Policy LP32 of the Peterborough Local Plan 2016-2036 (Submission Version); and
- The site would not be at risk from contamination such that it would pose a risk to human health

or controlled waters, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP33 of the Peterborough Local Plan 2016-2036 (Submission Version).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission (Regulation 3) 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 hereby permitted shall be carried out in accordance with the following drawings:

- Site Location Plan (drawing number 18-8-1017-DR-001 Revision P4);
- Proposed Site Plan (drawing number 18-8-1017-DR-800 Revision P6);
- Proposed Indicative Temporary Mobile Classroom Floor Plan (drawing number 18-8-1017-DR-801 Revision P1);
- Proposed Temporary Mobile Classroom Elevations (drawing number 18-8-1017-DR-802 Revision P1); and
- Proposed Boundary Treatment Elevation (drawing number 18-8-1017-DR-803 Revision P2).

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

- C 3 The development hereby permitted shall solely be used by West Town Primary School and shall not be open for use by members of the general public, external sports or community groups.

Reason: The site is not capable of accommodating the parking demand generated by public use and to prevent unacceptable harm from arising to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP 13 and 17 of the Peterborough Local Plan 2016-2016 (Submission Version).

- C 4 The vehicular access from Vermont Grove/Thorpe Lea Road shown on drawing number 18-8-1017-DR-800 Revision P6 'Proposed Site Plan' shall not be used by anything other than pedestrians, cyclists, emergency vehicles or vehicles required for the purpose of maintaining the site or wider Thorpe Meadows public open space.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP 13 and 17 of the Peterborough Local Plan 2016-2016 (Submission Version).

- C 5 Notwithstanding the submitted drawings and prior to first use of the development hereby permitted, a scheme for the 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 species, numbers, size and density of planting;

- An implementation programme; and
- A Landscape Management/Maintenance Plan.

The approved landscaping scheme shall be carried out in accordance with the approved implementation programme and shall thereafter be maintained in accordance with the approved Landscape Management/ Maintenance Plan in perpetuity.

Any trees, shrubs or hedges forming part of the approved landscaping scheme 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 then enhancement of biodiversity, in accordance with Policies CS16 and CS21 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policies LP16 and LP28 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 6 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with Sport England:

- A detailed assessment of ground conditions (including drainage and topography) of the land to be used as playing field, which identifies constraints which could adversely affect playing field quality; and
- Where the results of the assessment to be carried out pursuant to part (a) identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment, and a programme of implementation.

The approved details shall be carried out in full and in accordance with the programme of implementation. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose, in accordance with Policy CS18 of the Peterborough Core Strategy DPD (2011), emerging Policy LP23 of the Peterborough Local Plan 2016-2036 (Submission Version) and paragraph 74 of the National Planning Policy Framework (2012). This is a pre-commencement condition as the quality of the playing field needs to be secured prior to any ground preparation works taking place.

- C 7 No development shall take place until details of a root deflector/barrier along the entire southern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The root deflector/barrier shall be installed in accordance with the approved details prior to the pitches being laid out and the fencing installed and retained in perpetuity.

Reason: To ensure that the development does not pose an unacceptable risk to neighbouring trees which are considered to be of key amenity value to the surrounding area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP29 of the Peterborough Local Plan 2016-2036 (Submission Version). This is a pre-commencement condition as the root deflector/barrier needs to be installed at the time of groundworks.

- C 8 The mobile classroom building hereby permitted shall be removed and the land restored to its former condition no later than 5 years from its first use, in accordance with a scheme of

work submitted to and approved in writing by the Local Planning Authority. The scheme of work shall be submitted to the Local Planning Authority at least 3 months prior to the expiry of the date (as above) for the restoration of the site.

Reason: In order to reinstate the original use of the land or site and preserve the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP16 of the Peterborough Local Plan 2016-2036 (Submission Version).

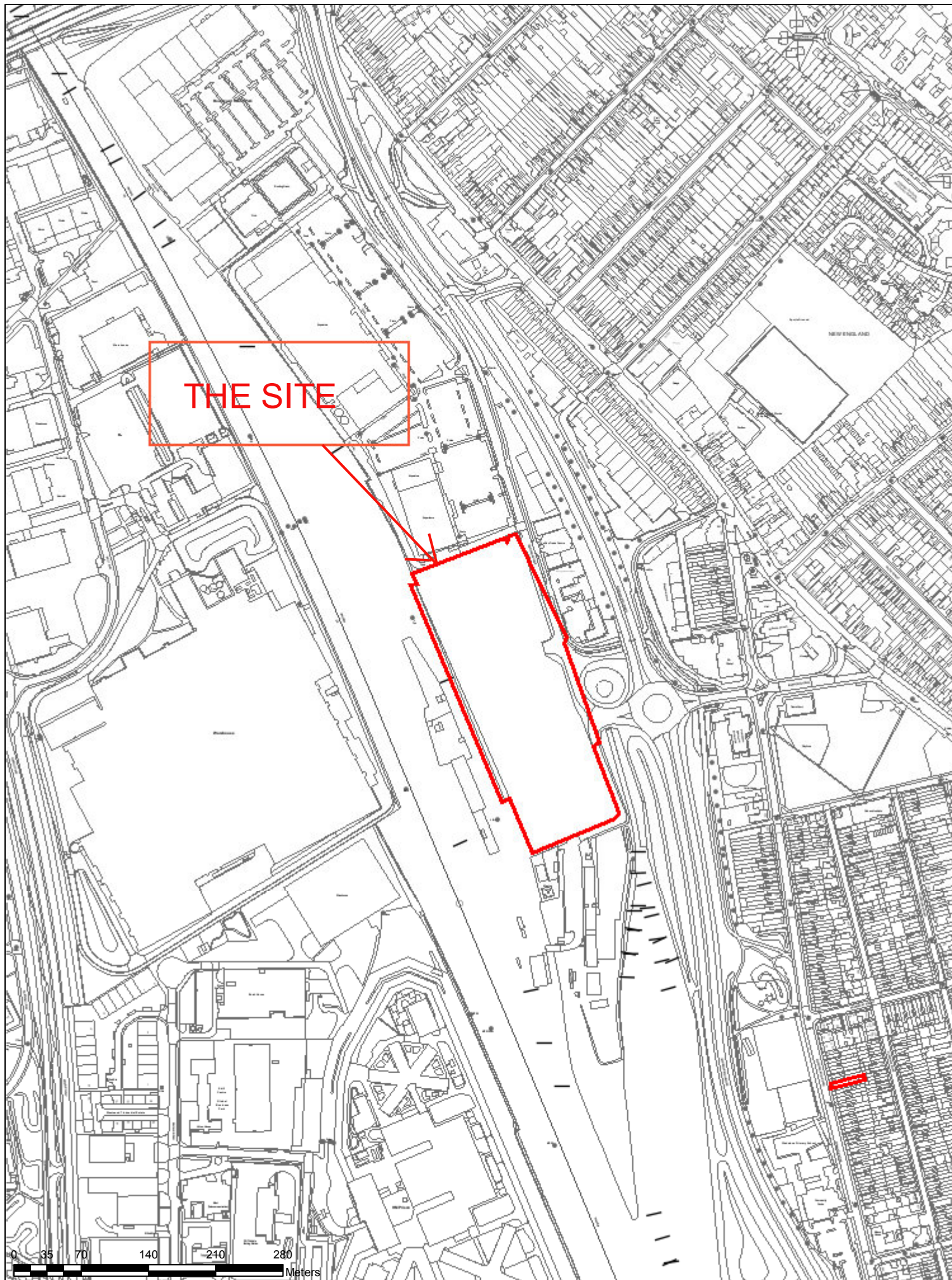
- C9 Prior to the installation of the fencing details of measures to allow connectivity for mammals shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall thereafter be installed in accordance with the approved details and the measures thereafter retained whilst the fencing remains in situ.

Reason: In order to protect the ecological interests of the site in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012) and emerging Policy LP29 of the Peterborough Local Plan 2016-2036 (Submission Version).

- C 10 Prior to first use of the development hereby permitted, a pair of goal posts for use by members of the public shall be installed on the parcel of public open space immediately to the west of the application site, in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To secure adequate alternative public recreation use within the wider public open space, in accordance with Policy CS18 of the Peterborough Core Strategy DPD (2011), emerging Policy LP23 of the Peterborough Local Plan 2016-2036 (Submission Version) and paragraph 74 of the National Planning Policy Framework (2012).

Copy to Cllrs Hussain, Iqbal and Jamil



Former Parcel Force Site Maskew Avenue - Location plan

Scale 1:5,000

Print Date: 01/06/2018

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Agenda Item 5.2

Planning and EP Committee

Application Ref:	17/00823/FUL
Proposal:	Construction of 7 x A1 (non-food bulky goods) retail units (total 16,027 sq. m GIA), 2 x A3 (restaurant/cafe) units (total 557 sq. m GIA), car parking, servicing, new vehicle access and off-site highway improvements
Site:	Former Parcel Force Site, Maskew Avenue, New England, Peterborough
Applicant:	c/o Agent FKG Limited
Agent:	Mrs Mary Davidson MDAssociates
Reason:	Departure
Site visit:	22.05.17; 01.12.2017 and 22.05.18
Case officer:	Mrs C Murphy
Telephone No.	01733 452287
E-Mail:	carry.murphy@peterborough.gov.uk
Recommendation:	GRANT subject to relevant conditions

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

The application site is located at Maskew Avenue, approximately 2.7 km north-west of Peterborough city centre. The site was previously occupied by a Royal Mail Parcel Force sorting and distribution centre and is a 'brownfield' site. The site is rectangular in shape and is 3.5 hectares (ha). The land itself is flat and level and appears to have been cleared of all buildings, although a large area of hard standing still exists. The site is overgrown vegetation and scrub. The boundaries of the site are planted with shrubs and there is fencing around the site perimeter.

The East Coast Mainline Line (ECML) railway corridor defines its south-west boundary. Maskew Avenue defines the opposite long boundary on the north-eastern side and provides access to the site from the nearby Bourges Boulevard (A15). This dual carriageway provides access south to Peterborough city centre and north towards the A47. A cycle/ pedestrian route running adjacent to Maskew Avenue links to the other areas of Peterborough including the city centre.

In general, this is a mixed retail and commercial area which has developed between the railway line and the A15. Along Maskew Avenue there are a number of relatively small commercial buildings. To the north of the site there is a corridor of existing retail development in the form of large format units. Abutting the northern boundary of the site is the Maskew Avenue Retail Park comprising B&Q, Matalan and Argos. Located further north is the Boulevard Retail Park with a number of other retail units including Furniture Village, DFS, Dunelms, Carpetright and Currys/ PC World.

To the south and west the land remains in industrial uses and redundant rail tracks, whilst to the east (on the opposite side of the Maskew Avenue / Bourges Boulevard roundabout) are residential properties within the New England area of the City. There is a block of 15no. 1 bedroom flats directly opposite the proposed entrance to the application site, known as Changemaker House. This was formerly an office space for a housing association / registered provider.

The site is allocated as a General Employment Area (GEA). In addition, the site is adjacent to a proposed Minerals and Waste Transport Zone and falls within a proposed Minerals and Waste Transport Safeguarding Area. The principles of Transport Zones and Transport Safeguarding

Areas have been established through the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (CPMWCS) Policy CS23, and are supported by the National Planning Policy Framework (NPPF).

The site is also an 'out of centre' location based on the definition contained within the National Planning Policy Framework (NPPF).

Full planning permission is sought for the construction of:

- 7 new A1 (non-food bulky goods) retail units, totally 16,027 square metres. Each unit will accommodate a mezzanine floor. The unit sizes and indicative goods categories are set out in Table 1 below.
- 2 A3 (restaurant/ café) units, totally 557 square metres.
- Car parking (536 spaces, including 33 disabled bays).
- 22 cycle parking stands with parking capacity for 44 bicycles to be located in various locations across the site.
- New signalised vehicle access at Maskew Avenue.
- Off-site highways improvements to the Bourges Boulevard/ Maskew Avenue Roundabout.

Table 1 – Class A1 Retail Element of the Scheme

Unit Number	Indicative Goods Category	Gross Internal Area (incl. Mezzanines)	Net Sales Area (incl. Mezzanines)
1	Furniture / Electricals	3,995	3,396
2	Furniture / Carpets	1,254	1,066
3	Furniture	2,415	2,053
4	Furniture	1,905	1,619
5	Furniture / Homeware	1,905	1,619
6	Furniture	2,044	1,737
7	Furniture / Homeware	2,509	2,133
Total	-	16,027	13,623

2 Planning History

Previously, outline planning permission was granted in 2012 (application details below) for a retail foodstore store of 6,912 sq. metres. This comprised of a net floor space of 2,884 sq. metre of convenience space and 1,922 sq. metres of comparison floor space, served by 490 parking spaces with associated access and servicing. The scheme also included a park and cycle facility with a small ancillary retail unit of 275 sq. metres. Although a reserved matters application was subsequently approved in 2015, the planning permission has not been implemented and since expired.

Reference	Proposal	Decision	Date
11/01321/OUT	Construction of new foodstore (A1) with car and cycle parking, recycling facilities, wind turbine, highway	Permitted	06/07/2012

improvements and park and cycle scheme including a non-food retail unit

15/00619/REM

Application for Reserved Matters for appearance, scale and landscaping pursuant to planning permission 11/01321/OUT

Permitted

24/04/2015

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 2 - Retail Development Outside Town Centres

A sequential test should be applied to applications (except in relation to applications for small scale rural offices or other development). Proposals which fail the sequential test or would have an adverse impact should be refused.

Section 2 - Retail, Leisure and Office Development Outside Town Centres

Should be subject to an Impact Assessment on existing, committed and planning public/private investment in a centre(s) and on town centre vitality and viability. If there is no local threshold, 2,500 sq. m will apply. Proposals which would have an adverse impact should be refused.

Section 11 - Contamination

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

Peterborough Core Strategy DPD (2011)

CS03 - Spatial Strategy for the Location of Employment Development

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

CS04 - The City Centre

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

CS14 - Transport

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

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the city centre and

where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

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.

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 City Centre DPD (2014)

PCC03A - City Core Policy Area (a) General principles

The Council will seek development of the highest quality which strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region. New development must: improve the quality of the public realm; protect important views of the Cathedral; preserve or enhance the heritage assets of the area; and protect and enhance existing retail areas. The Council will also support development which results in a net increase in dwellings, improved connectivity, employment, conservation of historic shop fronts and development which encourages trips into the city centre.

PCC03B - City Core Policy Area (b) North Westgate Opportunity Area

Planning permission will be granted for comprehensive mixed-use development including retail, housing, office and leisure. This must also include improvements to the connectivity with the railway station and be integrated with the existing retail area.

Individual proposals which would prejudice the comprehensive development of this area will not be permitted.

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

MW23 - Sustainable Transport of Minerals and Waste

Sustainable transport of minerals and waste will be encouraged and new and enhanced facilities to enable this will be encouraged. Transport Zones and Transport Safeguarding Areas will be defined and designated in the Site Specific Proposals Plan. There will be a presumption against development which could prejudice a protected area for transport of minerals and/or waste.

Peterborough Planning Policies DPD (2012)

PP02 - Retail

Proposals for retail development will be determined in accordance with Policies CS4 and CS15 of the Peterborough Core Strategy DPD. Within Primary Retail Frontages, development within use classes A1 and A3 will, in principle, be acceptable.

PP03 - Impacts of New Development

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

PP09 - Development for Retail and Leisure Uses

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP20 - Development on Land affected by Contamination

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

Peterborough Local Plan 2016 to 2036 (Submission)

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 Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making progress, especially

where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP04 - Strategic Strategy for the Location of Employment, Skills and University Development

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions. Provision will be made for 76 hectares of employment land from April 2015 to March 2036. Mixed use developments will be encouraged particularly in the city, district and local centres.

LP06 - The City Centre - Overarching Strategy

Promotes the enhancement of the city centre. Major new retail, culture and leisure developments will be encouraged. It is promoted as a location for new residential development and as a location for employment development including mixed use. Improvements to the public realm will be promoted and the historic environment protected.

LP12 - Retail and Other Town Centre Uses

Development should accord with the Retail Strategy which seeks to promote the city centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development - permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards - permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP14 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development. Developers will be expected to contribute toward the delivery of relevant infrastructure.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP28 - Biodiversity and Geological Conservation

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and

geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

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

LP45 - Employment Allocations

Identifies the sites to be developed primarily for development within use classes B1, B2 and B8.

4 Consultations/Representations

Natural England

No objection - NE has no comments to make on this application and the local planning authority should refer to standing advice to assess impacts on protected species.

Highways England

First response - Holding Direction issued, further assessment is required. HE has requested a technical note for the detailed TA for this site as it may have an impact on the A47 Trunk Road. The reason is to maintain the safety of the A47 Trunk Road and to consider further options as necessary to ensure safety on the road network.

Final response - Subsequent to the review of technical information requested, HE confirms no objection to the application and no conditions are required.

Peterborough Local Access Forum

No comments received

Cambridgeshire Fire & Rescue Service

No objection - adequate provision to be made for fire hydrants.

Anglian Water Services Ltd

No comments received

PCC Rights of Way Officer

No objection - No rights of way concerns.

PCC Peterborough Highways Services

No objection - The following comments have been provided:

Having reviewed the submitted Transport Assessment (TA) the proposed mitigation works to provide signals at the development access off Maskew Avenue and the nearby roundabout on Bourges Boulevard could be sufficient to address the traffic issues associated with the proposed development. The applicant has demonstrated by way of modelling the future scenario that the junctions would operate satisfactorily, however additional, unidentified works may be required as the design develops.

Recommends that these works are subject to a planning condition and that they are complete before the first use of any of the units on the development.

Further conditions are expected to cover the travel plan, cycle parking, sufficient turning space for service vehicles within the service yards and a construction management plan including operating hours during construction as well as delivery routes from the Parkway network.

PCC Pollution Team

No objections - The conclusions of the submitted contamination report are noted and accepted. Requests conditions for further submission of remediation scheme and subsequent verification of the implementation of such measures. Also requests conditions to be secured relating to noise and lighting levels.

Archaeological Officer

No objection - The proposed development site does not contain any heritage assets with statutory designation. The first and second editions of the Ordnance Survey (1886 and 1901) show the site as being occupied by the Great Northern Railway tracks, engine works and engine sheds. Potential archaeological remains are likely to have been severely truncated.

On the basis of the available information, the archaeological potential of the site is considered to be low. There is, therefore, no need to secure a programme of archaeological work.

Lead Local Drainage Authority

No objection - requests a planning condition requiring a detailed design and associated management and maintenance plan of surface water drainage for the site be approved; in order to ensure the principles of using sustainable drainage methods are incorporated into the proposal.

PCC Travel Choice

No objection - detailed comments have been provided on the content and timings for the submission of a full Travel Plan, to be secured via planning condition.

Peterborough Cycling Forum

PCF notes there are many positive aspects to the application, in particular the promotion of cycling in the Framework Travel Plan. There are, however, a number of simple amendments which would improve safety and convenience for cyclists, pedestrians and motorists, be of benefit to retailers and deliver cost savings for the developer. PCF requests implementation of a number of amendments, as detailed below, and so does not support the planning application in its present form.

1. Remove four crossings at the access junction, and replace them with a Tiger crossing to the north and central island to the south.
2. Remove the proposed bus stop and lay-by on Maskew Avenue.
3. Remove footpaths through the car parks.
4. Introduce speed limits within the site and along the length of Maskew Avenue.
5. Cycle parking should be as near as possible to the entrances of retail units and at least as

- close as the nearest car parking space.
6. Provide direct cycle access from Maskew Avenue East to the Bourges Boulevard subway.
 7. Road markings - a 'no stopping' hatching on the southbound carriageway of Maskew Avenue opposite should be introduced to the edge of the proposed Tiger crossing.

PCC Wildlife Officer

No objection - Requests the use of appropriate conditions in relation protected species as set out below. Subject to these recommendations being incorporated into the approved scheme the development would result in no net loss of biodiversity.

Reptiles: A population of Common Lizards has recently been recorded at this site and the ecology report considers that the site still provides good potential for supporting reptiles, with the southern area of the site. Requests that a full reptile survey is carried out and a mitigation strategy produced and submitted to the LPA prior to any site clearance or preparatory works taking place.

Bats: Recommends that, as per the ecology report, a range of bat roosting features/ boxes are incorporated into the new buildings to provide enhanced roosting opportunities, via a planning condition.

Nesting Birds: To mitigate for the loss of potential nesting habitat, a range of nesting boxes should be installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

Site design & landscaping: Disappointed to note that the soft landscaping plans propose the removal of the existing valuable scrub habitats which form the eastern and southern site boundaries and no justification appears to have been provided. Should this not be feasible, requests that the proposed native hedge is extended along the southern and eastern site boundaries to mitigate this loss of habitat.

Further comments received:

Notes the updated reptile survey which has been submitted (there is still a small population of common lizards present on site). Satisfied that the mitigation set out in the report may be conditioned. It is accepted that the scrub habitats are unable to be retained.

Environment Agency

No objection - This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Minerals and Waste Officer (DC)

No objection - The proposal site is directly adjacent to the Bourges Boulevard Transport Safeguarding Area (TSA) (Minerals and Waste SSP DPD - T2B). TSA's have been identified around sustainable transport of minerals and waste facilities and there is a presumption against any development that could prejudice the existing use of the protected zone for the transport of minerals and / or waste (MW Core Strategy policy CS23).

The proposed site layout (appears to orientate the site such that members of the public visiting the development are unlikely to be affected. However any future occupants should be aware of potential noise and dust issues that may affect the rear of the buildings. Site T2B is the only Transport Safeguarding Area within the Peterborough area, and as such has a critical role to play in enabling the sustainable transport of minerals and waste to support future planned growth. The Bourges Boulevard TSA has its primary road / rail interface adjacent to the roundabout where Bourges Boulevard and Maskew Avenue meet, and any transport assessment should give due consideration to the potential impacts of high volumes of HCV movements in this vicinity.

Network Rail - Eastern

No objection - There are a number of requirements stipulated in order to protect the railway.

Police Architectural Liaison Officer (PALO)

No objection - The applicant has been in contact to assist with security measures and provided advice. In addition, consideration should be given for a condition in regards to external lighting with lux plans.

Local Residents/Interested Parties

Initial consultations: 25

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

Two representations from owners of retail sites have been received raising the following concerns:

- A rising trend of development of new out-of-centre retail parks and extensions to existing parks in Peterborough which is impacting the competitiveness of the city centre.
- The Peterborough Retail Study 2016 has concluded there is a lack of comparison goods expenditure capacity identified over the short-term. It also emphasises the need for the emerging in-centre schemes, such as North Westgate, to be safeguarded to ensure that they contribute to the vitality and viability of existing centres, rather than the identified capacity being met by less sequentially preferable edge or out of-centre opportunities.
- Criticise the approach taken in the sequential test, which dismisses the city centre's North Westgate development site as a sequentially preferable alternative based on its lack of 'suitability' and 'viability'. The site is available for development and the size of the site could accommodate the quantum of floorspace proposed and therefore an alternative scheme. The reasons given for discounting the North Westgate site are insufficient and fail to satisfy the sequential test.
- Concerned over the cumulative impact of out-of-centre retail sites on the vitality and viability of the site centre and planned investment in the future. The scheme will also create a new out-of-centre retail park, which will form a cluster of out-of-centre retail parks to the north of the City. This is likely to generate an increasing number of linked trips between these retail parks which may be attractive to shoppers rather than the city centre. The applications proposal is targeted at home ware retailers that would directly compete with retailers in the city centre.
- The planning application could impact on the North Westgate site coming forward which is a city centre site allocated for development in the statutory development plan.
- The application fails to accord with the adopted and emerging local or national planning policies with regards to the sequential and impact tests. It will have a significant adverse impact on the health of Peterborough city centre. It should be refused.
- Without comfort as to who the final occupier might be it is difficult to accurately assess the proposal's turnover and by implication its trade draw and impact upon the city centre.
- The proposal's speculative nature and lack of credible occupier demand calls into question its deliverability. Given the extensive list of occupiers already present in the area such occupation would be at the cost of existing, established retail locations.
- The assessed retail impact of the proposal raises serious concerns with regards to planned investment and development at North Westgate.
- Any vacancy remaining on the park would force the developer to seek similar relaxations to

proposed bulky sales of goods, which in turn will do little for investor confidence in the city centre or the complementary offer provided by existing retail parks.

- If the Council is minded to recommend approval we would request that careful consideration is given to the use of conditions to ensure the Council can control the nature of what is being proposed and to mitigate the impact of the proposal.
- All alleged benefits of the proposal will not outweigh the harm.
- Question whether the site's allocation as an employment location has been properly considered.

5 Assessment of the planning issues

The main considerations are set out under the headings below.

- Principle of retail development on site allocated for employment use
- Retail implications of the development
- Transport and Highways impact
- Impact on the Minerals and Waste Transport Safeguarding Area
- Design and layout
- Amenity including Neighbour Amenity
- Ecology and Landscape Implications
- Flood Risk and Drainage
- Potential for Contamination

Principle of retail development on site allocated for general employment use

Introduction

The former use of the application site was as a Royal Mail sorting/distribution centre. It is identified as a GEA within the Peterborough Site Allocations DPD under Policy SA11 - GEA1 Bourges. This allocation also extends to the south of the application site. It should be noted that whilst the application site is within the Bourges GEA, it is not identified as either a new allocation or an existing commitment.

Policy CS03 of the Peterborough Core Strategy DPD states that provision will be made for the development of between 213 and 243 hectares of employment land during the plan period up to 2026, including land already committed with planning permission. This includes a range of locations, types and sizes of employment land.

Under Policy SA11, GEA1 is considered suitable for a full range of employment uses: offices, research and development facilities, light and general industrial, and storage and distribution (i.e. Use Classes B1, B2 and B8).

Neither Policy CS03 nor Policy SA11 include specific criteria for assessing situations, where there is a proposal for non-employment uses on an allocated site.

The allocation of GEA1 Bourges is carried forward in the emerging new draft Peterborough Local Plan. Draft Policy LP04 seeks to safeguard loss of employment sites/ buildings to non-employment uses taking account using a criteria based approach, including whether the loss of land or buildings would adversely affect the economic growth and employment opportunities. As explained above, the emerging Local Plan is also of relevance and Policy LP04 does carry some weight alongside adopted policies in the decision-making process.

Employment Land Supply

The quantum and quality of available employment land is an important consideration. As previously explained Policy CS03 of the Core Strategy makes provision for some 200 hectares of employment land during the current plan period up to 2026.

The job growth target for the emerging new Peterborough Local Plan is 17,600 jobs between 2015 and 2036, distributed across different sectors, with approximately 55% of the jobs estimated to be accommodated on employment land (B Use Classes) while the remaining 45% would be in shops, education, health facilities etc. (non B Use Classes).

Peterborough Employment Evidence Report (August 2017) translates the B Use Classes job requirement (9,669 jobs out of a total of 17,600 jobs) into a need for the 76 hectares. In addition to draft Policy LP04, a number of new employment sites are identified including of a strategic scale and on the periphery of the urban area to meet the above target (draft Policies LP12, LP43 and LP45). Other allocations within the city centre for B1 office space are also made.

The total amount of allocations made in the new draft Local Plan is some 160 hectares which is more than sufficient to meet the forecast job needs, providing some flexibility to allow for losses and choice etc. There is, therefore, no overall shortage of employment land.

The application site may be considered as being well located and benefits from rail road, cycle and footpath access and is close by to a relatively high density residential area. There are both local and district retail centres in close proximity. As such, the site does offer some potential opportunity for local employment generation.

Whilst the site forms part of a wider allocation of land for employment purposes, the site itself is 3.5 ha in size and in light of the above provision being made would not represent a significant loss on terms of supply. It would also not prejudice the rest of the Bourges employment allocation from being brought forward if it were developed for retail use.

The site has remained vacant for over twelve years and needs to be considered against the established planning policies of locating significant new employment on the periphery of the City.

Apart from the food-store permission, no other proposals are known to have been forthcoming for this long-standing vacant site. The scheme will also bring a brownfield site back into active use. There will be some economic benefit of the development including jobs at the operation and construction stages.

Furthermore, the NPPF (paragraph 22) 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. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

As previously accepted the loss of the land to retail use would therefore not be detrimental to the supply of employment land. In respect of providing enough available sites to meet future employment growth, the proposals are not considered to prejudice the long term aspirations within the emerging Local Plan.

In conclusion, having considered relevant national and local planning policies, it is Officer's view that the release of the site from employment use can be justified.

Compatibility with other uses in the General Employment Area

As stated above, the application site is located within a GEA.

Further comment on the compatibility of the adjacent Minerals and Waste Transport Safeguarding Area is provided under the Transport and Highways Impact Section – see below.

The application proposal will clearly be compatible with the neighbouring retail uses to the north. It is considered that the use of a series of non-food retail bulky goods units will not give rise to any issues of compatibility given the close relationship with other retail premises and the nature of the employment uses or other sites to the south in the remainder of the GEA. It is therefore concluded that the proposed use would be compatible with adjacent uses.

Retail Implications of the Development

Introduction – national and local retail planning policies

Retailing in Peterborough takes place within a hierarchy of centres (city centre, district and local centres), which have been developed to meet the shopping needs of the residents of the City and wider sub-region. As this site is not located within a designated retail area, it is considered to be in an out of centre retail location, in accordance with this retail hierarchy.

The NPPF provides specific content that retail development outside centres is only acceptable, based on the following:

- There are no other available/ suitable sites for the use in or closer to the city centre/ or other existing centres (referred to as the 'sequential test', paragraph 24 of the NPPF); and
- There would be no significant adverse retail impact (paragraphs 26 of the NPPF).

Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential tests or is likely to have significant adverse impact on one of more of the above factors it should be refused. National Planning Practice Guidance (March 2014) provides a 'checklist' for the application of the sequential test in decision taking. The NPPG indicates in assessing prospective alternative sites, both applicants and local planning authorities are required to demonstrate flexibility on issues such as format and scale.

Policy CS15 of the Peterborough Core Strategy identifies Peterborough city centre as occupying the top position within the local retail hierarchy and prioritises its regeneration as part of the wider on-going retail strategy for the City. District centres are identified as Bretton, Hampton, Millfield, Orton and Werrington, and of these Millfield, Orton and Werrington are regarded as the main priorities for regeneration. A considerable number of lower level 'local centres' are also identified.

Both Policy CS15 and Policy PP09 of the Planning Policies DPD set out the policy tests which will be applied to proposals for main town centre uses. A sequential approach to site selection will need to be applied to all retail schemes outside existing centres, with in-centre opportunities prioritised, followed by edge and then out-of-centre locations. There is also a requirement that a retail impact assessment (RIA) is undertaken for all retail or leisure development which would result in an increase of over 2,500 sq. floorspace, and which would not be located within an existing centre.

Both policies identify the sequence of appropriate locations before an out-of-centre location can be considered for retail development. The sequence is city centre sites, district centre sites, local centre sites and out of centre sites in locations that are accessible by a choice of means of transport.

These policies advise that applications for retail development outside existing centres should be refused unless it can be demonstrated that the proposal would comply with the sequential approach which will be used to confirm that there are no sites available higher in the retail hierarchy.

Such policies are thus fully consistent with the NPPF (Paragraphs 24, 26 and 27), as set out above, and should therefore be given full weight in the development management process.

This policy stance is continued in the emerging new Peterborough Local Plan under Policy LP12, with requirements for a sequential test and impact assessment for such retail proposals.

The latest Peterborough Retail Study (2016) undertaken by White Young and Green (WYG) as evidence base for the Local Plan indicates there is currently no capacity for any further comparison goods floorspace up to 2026. However, there is likely to be some need beyond this date, although this is to be treated with caution as long term retail growth expenditure forecasts beyond a 10 year period is very difficult to accurately forecast. The Local Plan, however, does clarify that despite the 'non capacity' conclusion set out in this study, the Council will support appropriate retail proposals coming forward although this is likely to be only within the designated centres. Further comment on this aspect is provided below.

Policy CS04 of the Core Strategy relates to Peterborough city centre, it states that the centre will be developed and promoted to maintain its position as a centre of regional significance. The policy continues that the expansion of retail floorspace, in particular for comparison goods, will be encouraged in accordance with appropriate capacity forecasts and that particular priority will be given to retail expansion in the early years in the North Westgate area.

The policy explains that in order to enhance the role of Peterborough city centre as a key regional centre, all major comparison goods retail proposals will be directed to its Primary Shopping Area as a first preference and that sites to accommodate major retail development in this general location will be identified through the City Centre Plan. Planning permission will only be granted for comparison goods retail development elsewhere where it can be demonstrated that it would:

- Satisfy sequential assessment requirements;
- Not have an adverse impact on the city centre; and,
- Not conflict with proposals in any Council plans or strategies for expanding the city centre retail offer.

The City Centre Plan DPD (2014) sets out the Council's long-term vision and objectives for Peterborough city centre, including the policies and proposals that will help direct how new development and regeneration will be achieved. It forms part of the Council's statutory development plan and sits alongside the Core Strategy and Planning Policies DPD. Policy CC3 is relevant to this case. It deals with the City Core Policy Area, and allocates sites which will, amongst other things, strengthen the city in terms of its retail, leisure, tourism and civic focus. Of particular relevance to this planning appraisal is site reference CC3.5, North Westgate, which is a broadly rectangular 'in-centre' mixed-use development allocation extending to some 3.4ha in total. The policy also states individual proposals which would prejudice the comprehensive redevelopment of this opportunity area will not be permitted.

The applicant has undertaken both a sequential test to site selection and a RIA and both of these have been independently reviewed by the Council's City Council's retail consultant WYG. Due to the nature of the retail representations received, WYG have also have also examined these in more detail, in order to give them due consideration including whether they would alter the conclusions and recommendations of the advice. The following summary of findings for both the sequential approach and impact assessment are set out below.

Sequential Approach

The applicant's sequential site assessment has been undertaken by MDAssociates (MDA) and uses a conventional approach whereby the scale and form of development is defined (and flexibility explored), the area of search identified, and finally sites within requisite centres examined. A full breakdown of the applicant's assessment can be found in the Planning Statement

(Section 5 and Appendix 4).

WYG are in agreement that flexibility has been demonstrated by the applicant in applying the sequential approach, in line with the requirements of national policy. This includes a hypothetical smaller site area of 2.5 ha to reflect such flexibility in format and/or scale of the proposal.

A city-wide catchment area has been adopted in view of the fact that a retail park of this scale will draw trade from an extensive area. Whilst the submitted RIA shows that some 26% of the scheme's trade will be drawn from beyond Peterborough's administrative area, the catchment adopted is considered robust for the purposes of applying the sequential test.

In terms of the centres to be assessed, the assessment has encompassed Peterborough city centre as well as the Authority's five defined district centres of Werrington, Millfield, Orton, Bretton and Hampton (Serpentine Green). This appears to be a logical approach, given that the scale and form of development proposed would evidently be of an appropriate in size as well as role and function to sit alongside one of the defined Local Centres.

WYG has commented on some shortcomings of the depth of the analysis presented for the Werrington, Millfield and Bretton district centres having not reported in detail that there are no sites available. However, given WYG's knowledge of the retail position in Peterborough, they are confident that there are no suitable and viable sites in these centres at the present time.

The two other district centres which have been reviewed include the shopping centres of Ortongate at Orton and Serpentine Green at Hampton. Both centres have had recent investment. MDA has concluded for various individual reasons that there are no sequentially preferable sites within or the edge of these centres. WYG accept this position.

Lastly, within Peterborough city centre the sequential analysis is limited to the North Westgate Opportunity Area. Although this site has outline planning permission for a comprehensive scheme including retail, it has been dismissed due to being considered unavailable as well as not being suitable in scale and form of the development proposed. It is considered to only encompass approximately 2.5ha of developable land with the remaining parcels excluded from the application site for ownership reasons.

WYG largely agree with the conclusions reached for North Westgate, bearing in mind that the application scheme is proposed to be restricted solely to the sale of bulky comparison goods. Even allowing for a flexible approach of site size reduced to 2.5 ha, it would be unrealistic to expect retailers to trade viably considering the products involved and the given the size and shape constraints at North Westgate. It is likely to mean that parking is limited and commercial development could involve multi-level retail blocks. It is also acknowledged that the site ownership position is complex and this may have implications for land assembly and scheme delivery. This needs to be balanced against the fact that the Maskew Avenue site is cleared and seemingly ready for redevelopment within a relatively short space of time. Accordingly, WYG's conclusion is also that the North Westgate site is not available to accommodate the development proposals within a realistic timeframe, bearing in mind the position on the application site.

It should be noted, however, that this view would not be held if the application scheme was for an unrestricted for of Class A1 retail floorspace. This is dealt with further under the further parts of this section of the report.

In summary, on the balance of the evidence available and noting recent Judgments and appeal precedents in respect of the application of the sequential test, WYG accepts the findings of the applicant's sequential test. That being there are no suitable and available alternative sites within Peterborough city centre or Werrington, Millfield, Orton, Bretton or Hampton district centres available to host the proposed development. On this advice, Officers are also of the view that the proposal accords with the requirements of the sequential test set out at paragraph 24 of the NPPF, Policy CS15 of the Core Strategy DPD and Policy PP09 of the Planning Policies DPD.

Retail Impact

The scheme's impact on trade and turnover (including vitality and viability) is considered as part of the supporting RIA undertaken by Nexus. The methodology underpinning the RIA was largely agreed with the applicant's agent at pre-application stage with input from WYG. The RIA draws on data from the 2016 Peterborough Retail Study. An indicative line up of possible end users has been provided in the furniture/ furnishings/ home ware/ carpets/ electrical categories. In line with the advice in the NPPF a 5 year time horizon is used i.e. a hypothetical test year of 2022.

a) Impact on Trade and Turnover

The scheme's base year comparison goods turnover (at 2017) is estimated to be £50.2m. Whilst WYG agree with this base year figure, they do disagree with the scheme's turnover of £51.5m in the test year of 2022 and consider a more robust assumption for the retail park's turnover would be £55.5m. Nexus assume that some 77% (£36.6m in 2022) of the scheme's trade will be drawn from those residing in Zones 1 to 8 of their defined catchment area and being broadly reflective of the administrative area of Peterborough.

WYG are of the view that a more accurate trade draw pattern to adopt would be 80% from those residing in zones 1 to 7. WYG sensitivity testing of this using an anticipated turnover of £55.5m, meaning that £44.4m will be drawn from the Peterborough area, with the remaining £11.1m (20%) from beyond.

In terms of trade diversion assumptions, Nexus calculated the amount that would be diverted across the study area which is calculated at only 13.8%, equating to £7.1m in 2022 (their figures). However, more than five times as much (£9.5m or 76.5% of scheme turnover) has been assumed to be diverted from facilities along Lincoln Road/ Bourges Boulevard corridor.

Whilst it is accepted by WYG that the proposed retail park's proximity to the adjacent corridor of the large bulky goods retail units will mean that they are likely to suffer most as a consequence of the development, it must be borne in mind that Peterborough city centre is the dominant destination across the study area as a whole in terms of furniture, electrical and household goods purchases. It is equally accepted that within central Peterborough (zones 1 to 5), from which some 60% of the scheme's trade will be drawn (Nexus figures), the attraction of city centre shops and freestanding stores on Lincoln Road/ Bourges Boulevard corridor for the purchase of such goods is more comparable. This again suggests that the scheme's level of diversion from the city centre should at the very least be comparable with that from the Lincoln Road/ Bourges Boulevard corridor, even adopting a conservative approach.

WYG has examined the consequences for this using their sensitivity testing, but concluded that this would still be within the realms of acceptability. This figure is likely to be closer to £14m (25% of the park's total turnover) in the test on 2022. This would be at the expense of some of the anticipated diversion from stores along the Lincoln Road/ Bourges Boulevard corridor, from which WYG believe that a realistic maximum of 50% (£28m) of the scheme's trade would be taken. The remainder of the development's trade would largely be diverted in a disbursed manner from Peterborough's district centres and other out-of-centre retail facilities.

The applicant is also required to consider the solus or site specific trading impact of the proposed retail park development. The RIA uses a base of an anticipated trade diversion of -£7.1m from Peterborough city centre and a comparison goods impact of -£1.2m in the test year. Using WYG's sensitivity assessment this would suggest the solus comparison goods impact of the scheme could be higher, at -2.3% in 2022.

With regards to the solus impacts on the other defined centres in Peterborough, less than 1% of comparison goods turnover is anticipated to be lost from Bretton, Hampton, Orton and Werrington.

Whilst the impact from Millfield is higher (-6.9%), this is considered as a consequence of having less comparison goods turnover.

Turning to cumulative retail impacts, Nexus identify four commitments comprising a combined 8,648 sq.m of comparison goods floorspace at Boulevard Retail Park, Peterborough Garden Park, Serpentine Green Shopping Centre, and the North Westgate Development Area. These would have a combined comparison goods turnover of £34.4m in 2022. The results show that whilst commitments would divert some £14m of comparison goods expenditure from city centre shops (2022), this would be largely offset by the introduction of the mixed-use North Westgate scheme (+12.3m turnover), which in itself would be as an in-centre development and thus capable of contributing to the city centre's overall turnover. Accordingly, Nexus estimate a cumulative comparison goods diversion of £-8.8m, which equates to a cumulative diversion of -£15.7m and a cumulative impact on the city centre of -2.6% in 2022. WYG have also applied this to their sensitivity figure and this equates to a cumulative diversion of -£15.7m and a cumulative impact on the city centre of -2.6% in 2022.

Finally, it is relevant to consider a 'worst case' scenario whereby the application proposal and most commitments come forward but the North Westgate scheme does not. In this case the city centre would not benefit from the positive effects of its turnover being uplifted to partly offset other trading impacts. The cumulative diversion would increase to £21.8m and cumulative impact to -3.5% in the test year of 2022.

WYG's advice is that the city centre would be capable of withstanding cumulative impacts in the identified range without giving rise to a 'significant adverse' impact upon its long term trade and turnover or vitality and viability. However, given that the 2016 Retail Study found the city centre's comparison goods market share to have declined notably in recent years and this remains critical to the health of the city centre, there is a need for there to be strong controls over the way that this large quantum of out-of-centre retail floorspace can trade. Without such a restriction it is WYG view that there is strong quantum of comparison goods floorspace proposed resulting in a significant adverse impact upon Peterborough city centre with there being a greater potential for overlap and consequential diversion of trade.

With regards to cumulative effects of the scheme and other commitments on Peterborough's district centres, Nexus assumed impacts on Orton (0.4%) and Bretton (3.9%) are not regarded as a cause for concern. Hampton's turnover is expected to increase by the test year of 2022 due to recent planned extensions at Serpentine Green representing 'in-centre' development. Impacts on the comparison goods turnover of Millfield and Werrington are notably higher, with Millfield anticipated to suffer a cumulative retail impact of -21% and Werrington of -42%. In both cases this anticipated trade loss is a consequence of those schemes that have already been granted planning permission.

Accordingly, the application scheme will make little difference to the future trading effects on these centres, should other commitments be realised. Both Millfield and Werrington have a strong convenience retail offer which would be unaffected by the comparison goods commitments identified. WYG conclude that, subject to appropriate restrictions, the scale and form of comparison goods floorspace proposed will not give rise to any 'significant adverse' impacts upon Peterborough's district centres and no direct policy conflict is envisaged.

b) Impact on Investment

The potential impact on existing, planned or committed investment decisions within defined centres in the proposals' catchment has also been assessed.

There are a number of consented schemes which have been referenced in the RIA including at North Westgate and Hampton. Whilst these in-centre schemes comprise comparison good retail floorspace this is targeted at the high-street retailer (clothes and footwear), as opposed to the bulky

goods operators as sought for the application scheme. WYG are of the view that as long as trading restrictions are put in place on the proposed retail park, this should not compete for the same market opportunities as committed in-centre floorspace.

In conclusion, the Council's retail consultant is satisfied that the proposed development would not have a significant adverse impact on any existing, planned or committed investment decisions within any of Peterborough's defined centres.

Conclusion on Retail Implications of the Development

The application for retail development is an out-of-centre location, where planning permission for retail development and other town centre uses is only granted in particular circumstances.

Based on the submitted information by the applicant's consultants and advice provided by WYG, Officers are in agreement that there are no sequentially preferable sites which are currently available and could accommodate the proposed development.

Officers also consider this out of centre site is suitably connected by a range of public transport means, as further demonstrated under the 'Transport and Highways Impact' section below and subject to the matters set out being satisfactorily addressed.

On the advice from the Council's retail consultant, Officers are also satisfied that the first part of the national impact policy test and would not have a significant adverse impact on existing, planned or committed investment decisions including within the North Westgate Development Area.

In terms of the impact test concerning trade draw, impact and the vitality and viability of existing centres; it is considered highly unlikely that the scheme, in conjunction with committed floorspace, would result in significant adverse impact upon Orton, Bretton and Hampton district centres. For Millfield and Werrington, whilst anticipated trade loss is higher, this is a consequence of other consented schemes rather than the application proposal. With regards Peterborough City Centre, it has been concluded providing adequate restrictions are imposed to ensure that the retail floorspace is limited to bulky comparison goods occupiers, then a significant adverse impact is not envisaged on the centre's comparison goods sector.

Accordingly, subject to the imposition of appropriate restrictions to the sale of bulky comparison goods only, the application proposals would be capable of demonstrating compliance with the relevant requirements, as set out at paragraphs 24 and 26 of the NPPF, Policy CS15 of the Core Strategy DPD, and Policy PP9 of the Planning Policies DPD.

Transport and Highways Impact

Impact on the highway network, including A47 Truck Road

A Transport Assessment (TA) supports the application. The Local Highways Authority (LHA) has assessed the information within it. The LHA has also raised no objection. The access is considered to be acceptable to accommodate HGV and cars, subject to the measures detailed below.

Highways England has also been consulted on the application due to the fact that the A47 Truck Road is in close proximity to the site and is now satisfied with the model and information provided and raises no objection in principle.

It is, therefore, considered the proposal would not adversely impact on the capacity of the adjoining strategic highway network, including the A47 Truck Road.

The applicant proposes to signalise the site access off Maskew Avenue and the nearby junction of Maskew Avenue with the A15 Bourges Boulevard. The LHA is satisfied that, subject to further detailed design to be secured via planning condition, the proposed mitigation works would be sufficient to address the traffic issues associated with the proposed development. The condition requires that the works are complete before the first use of any of the units on the development.

At this stage, the applicant has demonstrated by way of modelling the future scenario that the junctions would operate satisfactorily, however additional, unidentified works may be required as the design develops. This is largely due to the small size of the roundabout being signalised.

The Stage 1 Road Safety Audit (RSA1) submitted in the TA identifies a number of problems but these are of a nature which can be addressed at the detailed design stage, so long as the aforementioned planning condition is worded so that changes resultant from subsequent Road Safety Audits are incorporated, hence the need to allow flexibility, for technical or road safety reasons. For example, the impact of stopped traffic on the circulatory carriageway impeding the ability of other vehicles from exiting the roundabout onto Bourges Boulevard south and north. This is due to the small size of the roundabout being signalised.

To expand on this point further reference is made to technical document TD50/04 of the Design Manual for Roads and Bridges within which it is stated that approach lanes less than 15m in length may result in the blockage of the exit arm of a roundabout, particularly where large goods vehicles are present. It is by no means certain at this stage that the short approaches evident at this roundabout would be acceptable and as such the scope of works to be controlled by condition may have to increase when these factors are taken into consideration, for example by introducing full signalisation of the roundabout to control traffic movements more specifically rather than having uncontrolled approaches as proposed.

The approach to the roundabout from Maskew Avenue east (i.e. the Lincoln Road side) is proposed to have an extra lane added just after it passes over the underpass. It is not certain that this would be possible without reducing the lane widths below the acceptable minimum. This is true for all three lanes. Consideration should be given to the potential widening of this approach so that sufficient flare length is allowed for with the understanding that this may require works to the structure above the underpass.

The signal design and control regime will naturally need to be approved by the LHA as part of the aforementioned discharge of planning conditions. The LHA also reserves the right to request micro-simulation of the proposed traffic signals design to optimise the operation of the mitigation scheme.

Accessibility of the site by non-car modes

It is expected that pedestrians and cyclists will arrive using the existing foot/cycle path entering Maskew Ave on the east side via the subway under Bourges Boulevard. The scheme has been designed to include pedestrian and cycle connections and access to the site and other Maskew Ave amenities. New at-grade crossings are proposed as well as a small extension of the existing path to better serve predicted desire lines. Cycle parking is also to be provided across the site for both staff and customers.

It was originally proposed to introduce a specific bus stop on the west side of Maskew Avenue and south of the main site access to create a better accessing bus services. During the course of the application it has come to light that the bus route (Service 408) has ceased running along Maskew Avenue past the site. This point of clarification has also been raised by the Peterborough Cycle Forum in their consultation response.

This facility has now been deleted from being shown on the proposed site layout plan. An alternative bus service is available about 300 metres walk away from the site on Lincoln Rd. The route provides a public transport link to the city centre and to locations further afield.

In response to the other suggestions for improvements made by the Peterborough Cycle Forum these are noted and where applicable will be able to be considered further at the detailed design stage of the scheme.

A framework Travel Plan has been submitted with the application and a full Travel Plan will be secured by condition, to encourage the use of non-car modes of travel especially by employees.

Conclusion

It is considered that in the main, the site is capable of being accessible by a choice of means of transport and is compliant with Policy CS14 of the Peterborough Core Strategy and Policies PP12 and PP13 of the Planning Policies DPD.

In addition to those referred to above, conditions are required to cover appropriate levels of vehicle and cycle parking; sufficient turning space for service vehicles within the service yards; and a construction management plan (CMP), to include operating hours during construction as well as delivery routes from the Parkway network.

Impact on the Minerals and Waste Transport Safeguarding Area

The site is adjacent to the Bourges Boulevard Transport Safeguarding Area (TSA)/ TSA's are identified around the sustainable transport of minerals and waste facilities and there is a presumption against any development that could prejudice the existing use of the protected zone for transport of minerals and/ or waste.

Officers are satisfied that given that the proposed site layout will mean that members of the public visiting the development are unlikely to be affected. However, any future occupants should be aware of potential noise and dust issues that may arise and affect the rear of the buildings.

Design and Layout

The Design and Access Statement describe the key concept of the proposals. The primary driver of the proposed site layout is the position of the site access. Similar to adjoining development the buildings are arranged at the rear of the site against the railway line, which forms a distinct physical boundary. The buildings face toward Maskew Avenue with customer parking between.

The site access road also runs through the site to provide the service access to allow delivery vehicles through to a rear yard and service road. This creates a division of the site into two areas. The northern part has been laid out with a stand-alone retail warehouse unit and two linked A3 food/beverage units. The larger part of the site to the south provides for the majority of the retail floorspace. The main building running along the railway boundary is arranged as a continuous terrace. At the southern end of the site, the built form is returned as a single large unity acting as a stop-end to the site. This unit is intended to provide for an anchor tenant.

The parking area is laid out perpendicular to the main terrace and includes a number of pedestrian walkways or combined cycle/ footway, running from the footpath on Maskew Avenue to the retail frontage. There are also other footway connections linking the different parts of the site to one another.

It is considered that the proposed floor space can be accommodated on the site. The height, scale and design of the proposed units are not considered to harm the character of the area. This also reflects the proportion, scale and massing of other large floorplate retailers on Maskew Avenue. For example, the buildings on the wider site are retail warehouses of around 9 to 10 metres in height. It would therefore not be incongruous or at odds with the character of the locality.

Each unit will have its own customer entrance. In the proposed scheme, the front elevation treatments of the units are intended to have some variety, involving the use of modern detailing and materials including glazed facades, in order to avoid a 'monolithic' or repetitive appearance and make a more attractive appearance and retail offer.

A condition shall be appended stipulating further details of the external materials of the buildings, to be submitted and agreed by the local planning authority.

There will be opportunities around the built form to provide for some purposeful public realm and landscaping, as set out below under 'Ecology and Landscape Implications'.

With such a proposal it will be important to incorporate appropriate crime prevention and community safety measures, to be secured by planning condition. The Police Crime Prevention Team has provided some practical advice to enhance the level of security.

Subject to the conditions mentioned above, the proposal would accord with Policies CS16 of the Peterborough Core Strategy DPD and PP02 of the Peterborough Policies DPD.

Amenity (including neighbour amenity)

The proposal is not expected to have any detrimental effect on neighbouring properties and there have been no objections to the application from such. With the exception of Changemaker House which is located directly opposite the site, residential properties are located some distance away.

Given the existing commercial nature of the immediate surrounding area, it is considered that amenity of the residents of Changemaker House will not be compromised further. There is adequate separation distances between the flat block and the proposed retail units. However, conditions will be stipulated requiring appropriate levels of background noise and lighting that may impact on those nearby, including residents. The requirement for a CMP (construction management plan) will also negate potential issues which may arise during the construction stage of the development.

Details of the mechanical ventilation and extraction for the restaurant/ café units have not been submitted as part of this application, therefore in the interest of protecting amenity these details shall be secured by planning condition.

Because of the close proximity to East Coast Main Line and operational railway line and property, Network Rail has raised a number of requirements to maintain the safety, operational needs and integrity of the railway. It will be the applicant's responsibility to ensure these are complied with. An informative will be added drawing the applicant's attention to Network Rail's response.

Subject to the conditions specified above, the proposals are considered to comply with Policy CS16 of the Peterborough Core Strategy and Policies PP02 and PP03 of the Peterborough Planning Policies DPD.

Ecology and Landscape Implications

In terms of biodiversity, it is acknowledged that the development of the site would result in the removal of vegetation which may support such wildlife habitats. The application is accompanied by an extended Phase 1 Habitat Survey as well as an updated reptile survey report. The latter confirms that the area provides suitable habitat for reptiles with a small population of Common Lizard within the south-western area of the site.

In order to mitigate for the loss of suitable habitat present and to provide an on-going enhancement for reptiles, a hibernaculum will be established in an area of rough grassland and scrub on the site boundary adjacent to the railway line. The authority's Wildlife Officer is satisfied with the proposed mitigation which will be required via a planning condition for carrying out site clearance in the identified areas under ecological supervision and only during the reptile active season. Provision of nesting bird and bat boxes will also be secured by condition.

Subject to the imposition of conditions as set out above, it is considered that the proposal would accord with Policy CS21 of the Peterborough Core Strategy DPD and Policy PP16 of the Peterborough Planning Policies DPD.

Given the scale of development proposed on site a high quality landscape scheme is required to incorporate tree planting and good quality hard landscaping especially of the pedestrian walkways and areas immediately to the front of the shops.

Preliminary soft landscape proposals have been submitted with the application. The scheme will provide turf and ground cover shrubs at the frontage to the site adjoining Maskew Avenue intended to enhance the streetscape and soft landscaping is provided by two rows of semi-mature specimen trees within the car parking area to provide shading and a green presence. In addition, a mix of shrubs and decorative plants will be provided in defined areas of raised planters along the retail frontages and a garden area alongside Unit 9 to interface with the outside seating area of the restaurant.

A planning condition will be appended requiring further details of the hard and soft to be submitted and approved by the local planning authority to ensure that the tree and other planting of an appropriate scale and species takes place. It is considered, therefore, that the replacement landscaping and tree planting are acceptable in principle and in accordance with Policy PP16 of the Peterborough Planning Policies DPD.

Flood risk and Drainage

The site is located within Flood Zone 1 where there is a low probability of flooding, as defined by the Environment Agency Flood Risk Map. A flood risk assessment accompanies the application which concludes that all sources of flooding have been assessed and represent a negligible or low risk at the site. No specific flood mitigation is required to protect the site from flood sources.

Methods for dealing with surface water drainage employing sustainable drainage methods will be conditioned to ensure that drainage is properly addressed.

The proposal would not, therefore, result in any adverse impact of flooding outside the site and accords with Policy CS22 of the Peterborough Core Strategy DPD.

Potential for Contamination

Given the historic use of the site and surrounding uses, it is likely that contaminants are present within the soil. This is confirmed in the submitted preliminary report which has identified certain hotspots of contamination. To ensure that no risk to human health it is necessary to impose condition requiring further survey of the site and provision of suitable remediation scheme. Subject to adequate remediation, the proposal is considered to be in accordance with Policy PP20 of the Peterborough Planning Policies DPD and paragraphs 120 and 121 of the NPPF.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been

assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

The proposal accords with relevant planning policy as discussed above, but specifically:

- a) Cannot be reasonably accommodated within the city centre or district centres within the short to medium term.
- b) Will not result in a significant material impact on the city centre or other district centres as a consequence of trade draw either individually or in conjunction with other recent or planned development.
- c) Would not result in a detrimental loss of employment land.
- d) Would not result in an unacceptable impact on the local and strategic road network or compromise highway safety.
- e) Is located on the edge of an existing retail park area, so there is likely to be linked trips to those other units.
- f) Provides an appropriate level of parking and gives opportunity for some travel by public transport, walking and cycling particularly due to its location.
- g) Can be controlled by condition in respect of design and layout, crime and disorder, infrastructure provision, transport, biodiversity, flood risk/ drainage and potential for contamination.
- h) Would not result in a detrimental impact on protected species or related habitat.
- i) Would represent investment and some employment creation within the City.

The proposal is therefore considered to be in accordance with Peterborough Core Strategy Policies CS03, CS14, CS15, CS16, C21 and C22 as well as Peterborough Development Planning Policies DPD Policies PP02, PP03, PP09, PP12, PP13, PP16 and PP20.

7 Recommendation

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

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

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

- C2 The development shall be implemented in accordance with the following approved plans:

- Existing Site Plan (Drawing 0301, dated 31.03.17)
- Location Plan (Drawing 0300, dated 31.03.17)
- Proposed Site Layout (Drawing 0302 Revision 07 dated 23.05.18)
- Proposed General Arrangement Plan Units 1 – 6 (Drawing 0303, dated 31.03.17)
- Proposed General Arrangement Plan Units 7, 8 and 9 (Drawing 0304, dated 31.03.17)
- Proposed Roof Plan (Drawing 0305, dated 31.03.17)
- Elevations Sheet 1 (Drawing 0310, dated 31.03.17)
- Elevations Sheet 2 (Drawing 0311, dated 31.03.17)
- Elevations Sheet 3 (Drawing 0312, dated 31.03.17)
- Elevations Sheet 4 (Drawing 0313, dated 28.03.17)
- Preliminary Soft Landscape Proposals (Drawing 60001 dated April 2017)
- Transport Assessment (Vectos, April 2017)
- Retail Assessment (March 2017, Nexus Planning)
- Flood Risk Assessment and Drainage Strategy - Parts 1 and 2 (March 2017, Vectos)
- Ecological Assessment (March 2017, Ecology Solutions)

- Reptile Survey (November 2017, Ecology Solutions)
- Phase II Geoenvironmental and Geotechnical Site Assessment (GSA) (Baynham Meikle Partnership, January 2011)

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

- C3 Prior to the commencement of the development hereby approved a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall include (but not exclusively) details of the following:
- A scheme of working hours for deliveries, construction and other site works;
 - Haul routes to and from the site, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
 - Location of site compounds, welfare facilities and storage areas;
 - On-site parking, turning and loading/unloading areas;
 - Measures to mitigate against dust during construction;
 - On site vehicle cleansing facilities capable of washing the wheels and underside of the chassis of all vehicles leaving the site with hard standing provided between the facilities and the public highway.

The construction of the proposed development shall be carried out in accordance with the approved CMP.

Reason: In the interests of the highways safety in accordance with Policy CS14 of the Peterborough City Council Core Strategy DPD (2011). This is a pre-commencement condition because the details to be approved are required to be put in place before development commences and for the duration of the development.

- C4 No development, other than groundworks shall take place until details and samples of the proposed materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall 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 PP02 of the Peterborough Planning Policies DPD (2012).

- C5 No development shall place above slab level until full details of both hard and soft landscaping works (in accordance with the principles of the proposed site layout indicated on drawings 1560067 0302 Revision 06 dated 19.04.17 and 16067 6001 dated April 2017) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include:
- Proposed finished ground and building slab levels
 - Planting plans including species, numbers, size and density of planting
 - Boundary treatments
 - A timetable for implementation
 - Management and Maintenance Plan

The scheme shall be carried out as approved no later than the first planting season

following the occupation of an building or completion of the development whichever is the earlier.

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

Reason: In order to improve the visual amenity and biodiversity of the area, in accordance with Policies CC16 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 of the Peterborough Planning Policies DPD (2012).

- C6 Notwithstanding the submitted Phase II Geoenvironmental and Geotechnical Site Assessment (GSA) (Baynham Meikle Partnership, January 2011), prior to commencement of development approved by this planning permission a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

Reason: To ensure all contamination within the site is dealt with in accordance with the Policy PP20 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework NPPF, in particular paragraphs 120 and 121. This is a pre-commencement condition to ensure that the site is satisfactorily remediated.

- C7 In the event that previously unsuspected contamination is found when carrying out the approved development it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must thereafter be undertaken to identify the contamination and associated pathways, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with the NPPF in particular paragraphs 120 and 121.

- C8 Prior to the commencement of development (excluding investigations for the purposes of groundwork, ground works, contamination assessment and remediation) a detailed scheme of surface water drainage, in accordance with 'Flood Risk Assessment & Drainage Strategy 162178A March 2017 and drawing number:162178_PDL_01'and based upon the principles of sustainable drainage along with and an associated management and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and management/maintenance plan prior to the first occupation of the buildings to which it relates.

Reason: In order to ensure that the site can be adequately drained in accordance with Policy CS22 of the adopted Core Strategy (2011). This is pre-commencement condition as the drainage scheme needs to be designed and agreed at the outset of the development.

- C9 The seven Class A1 retail units hereby approved shall only be used for Class A1 uses (non-food bulky goods) in accordance with other conditions of this planning permission and the two Class A3 units hereby approved shall only be used for Class A3 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

For the avoidance of any doubt, the maximum amounts (gross internal floor space and net sales areas) and the mixture of uses provided for by this planning permission are as follows:

- i. a maximum of 16,027 sq.m gross floorspace (13,623 sq.m net sales area) for Class A1 non-food bulky goods retail uses; and,
- ii. a maximum of 557 sq.m for Class A3 restaurant and café uses.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the following shall apply, the Class A1 retail floorspace hereby approved shall not be used for the sale of food or for the sale of any non-food goods other than those within the following categories:

- i. electrical goods and other household appliances (limited to 3,396 sq.m net sales);
- ii. furniture, furnishings and lighting;
- iii. carpets, tiles and other floor coverings;
- iv. household textiles (fabrics, curtains, bedding, linen, etc.); and,
- v. fitted kitchens.

None of the seven Class A1 retail units and two Class A3 retail units hereby approved shall be amalgamated with other units or sub-divided to form separate units unless planning permission for such works has been granted on application to the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional mezzanine or other form of internal floor to create a first floor level shall be constructed within the scheme, unless planning permission for such works has been granted on application to the Local Planning Authority.

Reason: To ensure that the development does not affect the vitality or viability of the nearby retail centres in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP02 of the Peterborough Planning Policies DPD (2012).

- C10 Notwithstanding the details shown on Proposed Site Layout (Drawing 0302 Revision 07

dated 23.05.18), prior to the commencement of any development hereby approved, full details of the vehicular, cyclist and pedestrian accesses to the site from the public highway shall be submitted to and approved by the Local Planning Authority. The accesses to the site shall be implemented in accordance with the approved plans prior to the occupation of the development and thereafter retained as such.

Reason: In the interests of the safety of all highway users in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012). This is pre-commencement condition as the access arrangements needs to be satisfactorily designed and agreed at the outset of the development.

- C11 Notwithstanding the details shown on Proposed Site Layout Plan 0302, no development shall place above slab level, details of the internal site access and car parking layouts shall be submitted to and approved by the Local Planning Authority. The approved layout shall be implemented as such prior to first occupation and retained as such thereafter.

Reason: In the interests of the highways safety in accordance with Policy CS14 of the Peterborough City Council Core Strategy DPD (2011).

- C12 Prior to the commencement of any development hereby approved, full details of the proposed off-site highway works to signalise the Maskew Avenue roundabout junction with the A15 Bourges Boulevard shall be submitted to and approved by the Local Planning Authority.

The details shall include signal design, construction specification, lighting, signing, lining, kerbing, street furniture and tying into existing highway infrastructure with the design being subject to the full road safety audit process.

The highways works shall be implemented in accordance with the approved plans prior to the occupation of the development.

Reason: In the interests of the highways safety and providing adequate infrastructure to cater for the transport needs of the development in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012). This is pre-commencement condition as the highway works scheme needs to be satisfactorily designed and agreed at the outset of the development.

- C13 A full Travel Plan should be submitted to be approved in writing by the Local Planning Authority within six months of first occupation of the buildings or completion of the development, whichever is sooner. The Travel Plan shall be updated annually thereafter. This Travel Plan should be in accordance with the Framework Travel Plan submitted as part of the application. The approved plan shall be implemented and thereafter maintained as such.

Reason: In the interests of promoting the use of non-car modes to travel to and from the site in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

- C14 The total number of car parking spaces shall not at any time exceed 536 spaces (including 33 disabled bays). Each parking space should be at least 2.5 metres x 4.8 metres in size and thereafter maintained as such.

Reason: In order to comply with the Council's parking standards for new development in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C15 Notwithstanding the details shown on plan Proposed Site Layout Plan 0302, prior to the layout of the parking area details of the position and approved number of 44 cycle parking spaces for customers and employees of the proposed retail units shall be submitted to and approved by the Local Planning Authority. The staff cycle parking shall be located sufficiently close to the units with which they are associated and shall be covered, overlooked and secure. The customer cycle parking spaces shall be sufficiently close to the unit to which they are associated, covered and overlooked. All stands and shelters shall accord with Peterborough City Council Cycle parking standards. The cycle parking shall be implemented in accordance with the approved details prior to the occupation of the development and thereafter maintained as such.

Reason: In the interests of promoting the use non car modes of transport to visit the site in accordance with Policy CS14 of the Peterborough City Council Core Strategy DPD (2011).

- C16 A scheme of measures, as identified in the recommendations of the updated reptile survey (November 2017), to maintain, enhance and restore the existing habitat of nature conservation value (common lizards) including the construction of a reptile hibernacula to be located in the south western corner of the sites, shall be implemented prior to the first occupation of the development and thereafter maintained as such.

Reason: To protect and enhances features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy DPD (2011).

- C17 Within two months of the commencement of development on the site a scheme of bird and bat boxes including a detailed specification and details of the location of the boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and box boxes shall thereafter be installed in accordance with the approved details prior to the first occupation of the building or area of the site to which is relates, and thereafter maintained as such.

Reason: In the interests of biodiversity enhancement in CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 of the Peterborough Planning Policies DPD (2012).

- C18 Prior to the installation of the external lighting, details of such including the design of the lighting columns, their locations and LUX levels shall be submitted to and approved in writing by the Local Planning Authority. The levels should not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution" (GN01:2011).

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation, and thereafter maintained as such.

The applicant is required to demonstrate compliance with this condition e.g. by measurement or calculation, in circumstances where reasonable concern arises from resultant lighting levels.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Core Strategy DPD (2011) and Policy PP03 of the Peterborough Planning Policies DPD (2012).

- C19 Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the development hereby approved shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter maintained as such.

Reason: In the interests of community safety in accordance with Policy CS16 of the Peterborough Core Strategy (2011).

- C20 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby units.

Prior to the A3 uses being first implemented on site, details of a scheme that provides information on ventilation, filtration and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and before the A3 uses of the premises commences. The equipment shall be maintained thereafter unless superseded by a future planning permission or change of use.

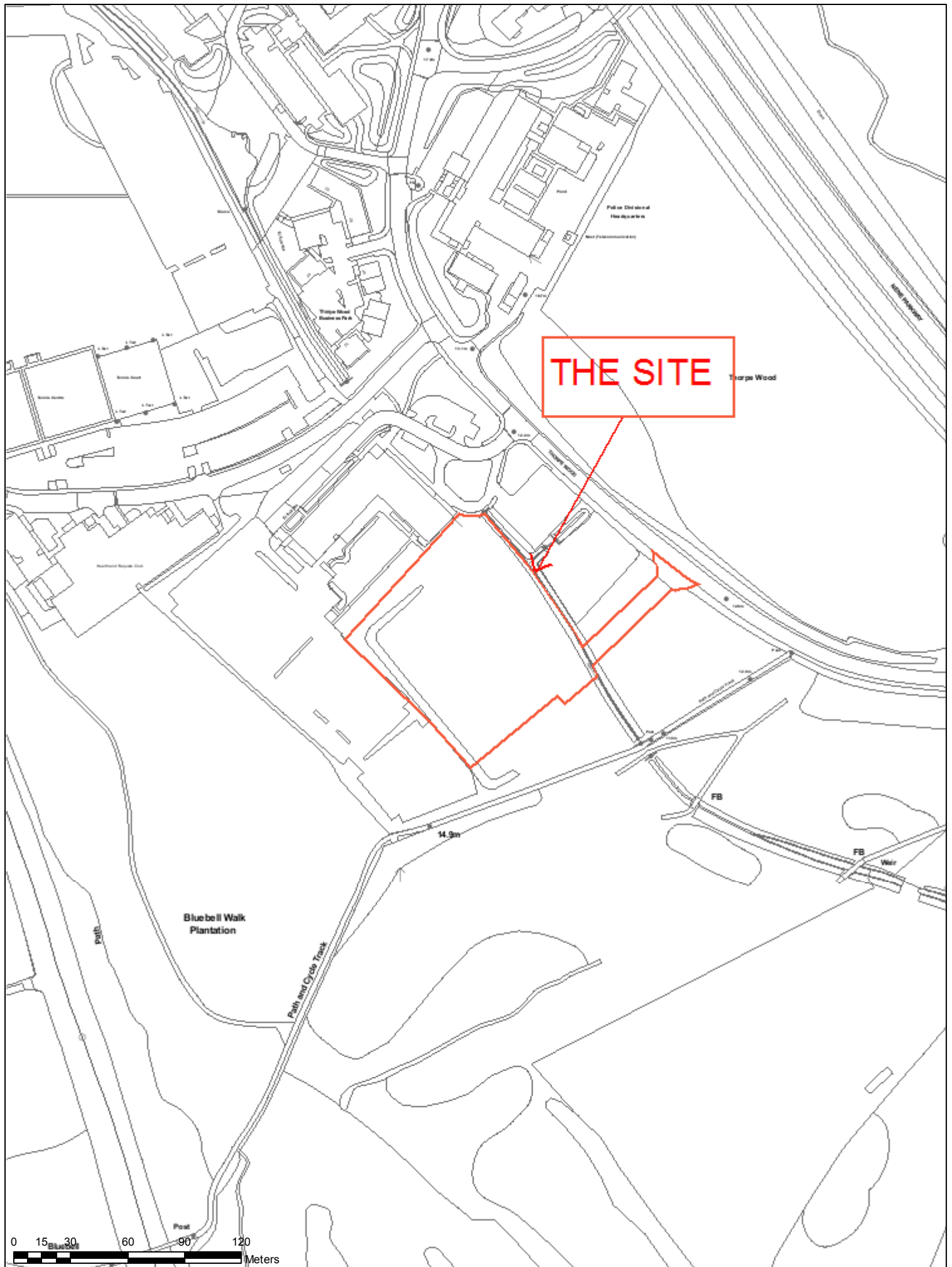
Reason: In the interests of protecting the amenity of surrounding neighbours, in accordance with Policy PP03 of the Peterborough Planning Policies DPD (2012).

- C21 The rating level of noise emitted from the site shall not exceed 40 dB LAeq. 15 minutes. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS: 4142:2014. In the event of any reasonable noise complaint the occupier/management company will be required to demonstrate compliance with the above noise levels. Should the noise levels on site be found to exceed the stated noise levels, then they will be required to undertake appropriate mitigation measures on site to ensure the appropriate noise levels can be achieved and thereafter maintained as such.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP03 of the Peterborough Planning Policies DPD (2012).

Copy to Cllrs Ali, Bashir and Nadeem

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Land To The Rear Of Thorpe Wood House Thorpe Wood - Location plan

Scale 1:2,500

Print Date: 31/05/2018

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Agenda Item 5.3

Planning and EP Committee

Application Ref: 18/00108/OUT

Proposal: Residential Care Home with access, appearance, layout and scale secured and landscaping reserved

Site: Land To The Rear Of Thorpe Wood House, Thorpe Wood, Peterborough,
Applicant: Mr Stephen Walsh
Unex
Agent: Mr William Faux
D T Architects
Referred by: Head of Planning Services
Reason: Departure from Local Plan Policy
Site visit: 07.02.2018

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

Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings

The application site is located within site allocation SA11.15 'Land adjacent to Thorpe Wood House 2.48 ha' and is allocated for employment uses. The application site lies to the north-west side of the allocation site and comprises approximately 0.9 hectares of vacant scrubland and wild grass. The site has varying levels with a general downwards slope towards the south-east. Planning permission has recently been granted for a 50 bed specialist dementia care unit on the east side of the allocation fronting Thorpe Wood comprising approximately 0.47 hectares (Ref: 15/01912/FUL), which is currently under construction. The remainder of the allocated site is vacant. Directly to the north is Thorpe Wood House, a 4 storey office block; to the south-east is vacant land within the applicant's control which abuts a public right of way and then Thorpe Wood Golf Course. Directly to the south west of the site is a car park associated with the adjacent office development and further to the west is Bluebell Wood. A ditch runs across the site frontage from north to south.

The site has an existing vehicular access off Thorpe Wood. A shared cycle/footway runs from Thorpe Wood to the south of the site and connects into Nene Park.

Proposal

This application seeks outline planning consent including the reserved matters relating to access, appearance, layout and scale, with landscaping only reserved to a later stage, for a 2/3 storey 100 bed residential care home (C2) in the form of two wings with a central communal area. The building would have a gross external area of 4198.8m². The quantum of development would provide 1,708m² at ground floor, 1,708m² at first floor and 782.8m² at second floor. The south eastern wing would be 2 storey to a height of 10m. The south western wing would be 3 storey with a maximum height of 13.8m.

The care home would provide 18 no. full time jobs and 20 part-time jobs (25 full time equivalent).

The site would be accessed via an existing access off Thorpe Wood. 51 no. parking spaces would be provided including 3 disabled parking spaces

The scheme, as originally submitted, included a B1 Office building to the south east of the site. The scheme has been amended deleting the B1 Office. A further re-consultation has been undertaken.

2 Planning History

Reference	Proposal	Decision	Date
94/P0913	Office development with access and car parking (outline)	Permitted	30/11/1995
98/01014/REM	Erection of office building with associated access, car parking and landscaping (94/P0913 refers) - amended scheme involving revised building design	Permitted	25/04/2000
08/00979/OUT	Residential development of 58 units and 4 storey office extension to Thorpe Wood House with associated car parking	Refused	28/10/2008

Adjacent site of relevance

97/01152/OUT	Extension to offices and associated car parking landscaping and access (outline)	Permitted	30/03/1998
98/01013/FUL	Extension of existing car park	Permitted	23/12/1998
01/01625/WCPP	Variation of Condition 2 of 94/P0913 to allow the development to begin up to 5 years from a) the date of approval of the last reserved matters to be approved, or b) from the date of the active planning permission, whichever is the later	Withdrawn by Applicant	12/03/2004
02/01299/REM	Extension of existing offices with associated car parking	Permitted	13/02/2003
04/01726/WCPP	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	Refused	25/11/2004

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 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 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments

should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

Section 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 - Adapting and Mitigating Climate Change

Energy efficiency improvements to existing buildings should be supported. New development should comply with local policies for decentralised energy supply unless it can be demonstrated that this is not feasible or viable. Account should be taken of the landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Section 11 - Contamination

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

Peterborough Core Strategy DPD (2011)

CS03 - Spatial Strategy for the Location of Employment Development

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

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

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)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

Peterborough Local Plan 2016 to 2036 (Submission)

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 Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP04 - Strategic Strategy for the Location of Employment, Skills and University Development

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions. Provision will be

made for 76 hectares of employment land from April 2015 to March 2036. Mixed use developments will be encouraged particularly in the city, district and local centres.

LP4b) Employment Proposals not within General Employment Areas or Business Parks will be supported provided that there are no suitable sites within allocated sites/ built up area, it is of an appropriate scale, would impact on the viability of an existing allocated site and not result in any unacceptable impact.

LP4c) The expansion of existing businesses located outside of allocated sites will be supported provided existing buildings are re-used where possible, there would be no unacceptable amenity, highway or character impacts.

LP4d) Conversions and redevelopment of non allocated employment sites to non allocated employment uses will be considered on their merits taking into consideration the impact on the area, the viability of the development including marketing evidence and the impact of continued use of the site.

LP4e) Proposals which directly assist in the creation of a university campus will be supported.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP45 - Employment Allocations

Identifies the sites to be developed primarily for development within use classes B1, B2 and B8.

4 Consultations/Representations

PCC Peterborough Highways Services – No objections. Concerns were raised concerning the B1 (a) Office element with the initial scheme. We have reviewed the revised transport assessment and as a result of the removal of the office element it is felt that the impact of the vehicular traffic will be negligible and therefore there are no mitigation measures required to address this aspect.

PCC Pollution Team - No comments received

Archaeological Officer – No objection - An archaeological evaluation of the site and subsequent target area excavation were carried out in the middle of the 1990s. In the eastern corner of the site the excavation confirmed the presence of an Iron Age ditched enclosure visible on aerial photographs. There is no need for further archaeological work.

Lead Local Drainage Authority – No objections in principle as it has been previously demonstrated that the site can successfully drain. However further information regarding the sustainable drainage scheme will be required by condition or as part of a reserved matters application.

Peterborough Cycling Forum - The Cycle Forum welcomes the provision of access directly from the public right of way which runs adjacent the site. This will provide a convenient and traffic free route for cyclists arriving from areas to the south and west via Ferry Meadows Country Park, and from almost all other areas of Peterborough. The Cycle Forum requests that the paths from this entrance, towards the office building and care home, have a minimum width of 2 metres. The cycle parking for the care home is well positioned.

Anglian Water Services Ltd – No objection - There are no assets owned by Anglian Water or those subject to an adoption agreement within the site. The foul drainage from this development is in the catchment of Flag Fen that will have capacity. The foul sewerage system at present has available capacity for these flows. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The Local Planning Authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

The planning application includes employment/commercial use. To discharge trade effluent from trade premises to a public sewer vested in Anglian Water requires our consent. It is an offence under section 118 of the Water Industry Act 1991 to discharge trade effluent to sewer without consent. Anglian Water would ask that the following text be included within your Notice should permission be granted.

PCC Tree Officer – No objection - The site is outside of a conservation area and there are no TPOs in the immediate vicinity. Supporting the application is an Arboricultural Report which identifies a single hedgerow on the south of the site. Concern was raised regarding the original scheme which outlined an office building to be located 4m from the public footpath boundary and a 2m reduction of the hedge. The Officer considered that hedgerow feature along this boundary would be overpruned and there is likely to be future pruning or removal pressure. The scheme was revised moving the building further from the boundary. The office element was subsequently deleted from the scheme. There are no objections to the revised scheme subject to a tree protection condition.

The Woodland Trust - No comments received

PCC Wildlife Officer – No objection. The mature hedgerow and trees along the southern site boundary are likely 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 recommended that external lighting is designed to be baffled downwards away from the southern boundary hedgerow and a range of bat roosting features are installed at suitable locations on the proposed building.

Recommends bird nesting Informative. A range of nesting boxes should be installed that cater to a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

The applicant's ecologist found no evidence of badgers within the application site, however there are clear large mammal tracks through the site. All construction trenches are covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped. This may be secured via a suitably worded condition.

Thorpe Wood County Wildlife Site (CWS) and Bluebell Wood CWS are both located in close proximity to the application site and are connected via the wide hedgerow/ tree belt which forms the southern boundary of the application site. It is therefore important it is retained and strengthened as a landscape/ habitat feature.

Environment Agency - No objection

Police Architectural Liaison Officer (PALO) – No objection. The scheme is acceptable in terms of crime and fear of crime. This is an area of low vulnerability to the risk of crime. There is no mention of crime prevention or security but it does appear to have been considered. Would welcome a discussion regarding Secured by Design principles.

Cambs Fire and Rescue - Additional water supplies for firefighting are not required. If the proposed

development is to incorporate dry fire mains then additional fire hydrants maybe necessary to meet the required distances between fire hydrants and dry fire main inlets in accordance with Section 15 of Approved Document B Vol 2 of the building regs. Fire vehicles access should also be provide din accordance with section 16 of Approved Document B Volume 2 of the building regs.

Local Residents/Interested Parties

Initial consultations: 51

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

Comments have been received from a neighbouring occupier to both the initial scheme and the revised scheme. The initial concerns referred to the introduction of another 50 parking spaces for the office building alone, combined with staff for the 2 care homes that will occupy the plot. This would create gridlock on Thorpe wood, most significantly between 4 and 5:30. If the traffic survey is to be believed, an increase of 7% will mean just two cars added to a typical line of 20, however as the exit onto the roundabout at Thorpe wood is frequently blocked this will also have a serious knock on effect to public transport as well. As of today, we frequently have difficulty exiting Asset House at 5, adding all of these cars will only make it worse.

In respect to the revised plans the occupier appreciates the effort that has been put in to prove that peak traffic conditions on Thorpe Wood will not change due to this development, the neighbour is of the opinion that the statistics and consideration has only been given with regards to traffic levels as of today. When the Nursing home on the adjacent plot finally opens there will be an increase in traffic that has not been taken into account.

Also not taken into account is the fact that other than on foot the only access to pedestrians is via the bus route into Thorpe Wood, which of course will be unable to get through once the undoubted gridlock ensues. As such any traffic survey and estimation taken is likely to be woefully inaccurate until such time as the first establishment opens.

The impact of traffic on Thorpe wood, leading to the Soke parkway is significant, as it then affects the main parkway, entry to Serpentine Green areas, access to Bretton and needs greater consideration.

5 Assessment of the planning issues

The main planning issues are:

- 1) The principle of the development
- 2) Highways Implications
- 3) Layout, Appearance and Scale
- 4) Amenity
- 5) Landscaping Implications
- 6) Wildlife Implications
- 7) Flood Risk and Drainage
- 8) Contamination

1) The Principle of Development

Policy CS3 of the Adopted Peterborough Core Strategy makes provision for the development of between 213 and 243 hectares of employment land over the period from April 2007 to March 2026, including land already committed with planning permission. Policy SA11 identifies allocated sites for General Employment Areas (GEAs) and Business Parks (BPs) in order to meet employment land targets over the plan period. The application site is allocated under site Allocation SA11.15 and

would provide 2.48 ha. for employment use. Within Business Parks (BP) planning permission will be granted for development within Use Class B1. Other development in BPs will not be permitted unless ancillary to B1 use.

Under the new Local Plan policy LP4 sets out the spatial strategy for employment and provision has been made to accommodate 76ha of employment land identified as needed over the period from April 2015 to March 2036, including land already committed with planning permission. Policies LP43 and LP45 identify the sites required to deliver the above level of growth. Under the new Local Plan the site remains an allocated employment site under policy LP45 (LP45.5) and would provide 2.06 ha of employment land. However unlike policy SA11 of the current Local Plan policy LP4 advises that for proposals which would result in the loss of an employment site for re-development to non-employment uses will be considered on their merits taking account of the following:

- whether the loss of land or buildings would adversely affect the economic growth and employment opportunities in the area the site or building would likely serve;
- whether the continued use of the site or building for employment purposes would adversely affect the character or appearance of its surroundings, amenities of neighbouring land-uses or traffic conditions that would otherwise be significantly alleviated by the proposed new use. It should also be shown that any alternative employment use at the site would continue to generate similar issues;
- whether it is demonstrated that the site is inappropriate or unviable for any employment use to continue and no longer capable of providing an acceptable location for employment purposes; and
- whether the applicant has provided clear documentary evidence that the property has been appropriately, but proportionately, marketed without a successful conclusion for a period of not less than 6 months on terms that reflect the lawful use and condition of the premises. This evidence will be considered in the context of local market conditions and the state of the wider national economy.

The new Local Plan is progressing through the adoption process and is at the Proposed Submission Stage and some weight can be given to policy LP4. Para 216 of the NPPF also indicates that policies within the emerging Local Plan can be given significantly more weight if they are consistent with advice contained within the NPPF. 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 proposal is to construct a Care Home on the site, which is classed as a C2 Residential Institution and is therefore a departure from Local Plan policy. As such the applicant has provided justification for the loss of employment land as part of the proposal.

The applicant's supporting statement advises that the land allocated under SA11.15 has been vacant for over 20 years despite its extensive planning history. There have been various applications for employment uses dating back to 1994 (including 94/P0913 Office Development with access and car parking – outline, and a reserved matters application in 1998 which was granted consent in 2000 ref. 98/01014/REM). 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.

The application states that during the applicant's 18 year ownership of the site, extensive marketing campaigns have taken place to try to secure a B1 Office pre-let including the production of glossy brochures and approaching prospective occupiers. A large marketing board has been prominently positioned on the Thorpe Road frontage for the past 12 years.

Local agents have also carried out marketing campaigns including DTZ, Savills, Donaldsons, Dickens Watts and Dade and Barker Storey Matthews. The agents have also put the site forward for consideration by leads generated via Opportunity Peterborough. None of this activity has managed to attract and secure a pre-let.

Organisations including Mastercard, Bauer Emap, The Environment Agency and the Green Investment Bank although having office requirements have discounted the site.

The site has remained an allocated employment site within the development plan for a number of years. However, it is difficult to argue that the site is fundamental to the City Council's employment land strategy given that despite extensive marketing over many years, it has not been possible to secure a pre-let for an office building on this site. Other potential uses for the site have been discounted for example housing due to the nature of the site and its separation from other residential development and associated services and facilities. Hence it has remained an allocated employment site.

Notwithstanding the planning history to the site, the scheme as originally submitted proposed an office building to the south of the site. The building would have provided 1,616m² of office floor space. A Transport Assessment was submitted in support of the application. The Local Highways Authority raised concerns regarding the proposed office use particularly due to the capacity of junction 15 (Thorpe Wood/Nene Parkway) where currently at peak times this results in vehicles queuing back along Thorpe Wood/Nene Parkway. It is therefore considered that the office scheme would have had an impact on junctions within the vicinity of the site, the most critical being junction 15 which is currently the subject of a study by the Local Highways Authority to investigate potential capacity/safety improvements. This roundabout is already operating above capacity and this is predicted to worsen in the future.

The applicant would be required to implement mitigation measures to the junction to at least reduce the impact of their development to an acceptable level either by physical measures i.e. works to the public highway or a financial contribution.

The applicant advised that in order not to compromise the consent for the care home, the office would be removed from the current proposal and would be explored further at a later time.

The Local Highways Authority raises no objection to the care home scheme per se as it is considered that the impact of the vehicular traffic resulting from the care home would be negligible and therefore there are no mitigation measures required to address this aspect.

Furthermore, planning permission has recently been granted for a 50 bed care home on the adjoining land under planning consent ref. 15/01912/FUL. The site area is 0.47 ha. This is currently under construction and near to completion. A similar argument was put forward regarding the lack of take up of the employment allocation despite significant marketing. The application was also referred to planning committee as it represented a departure from planning policy. Members resolved to approve the application. It is therefore considered that the principle of a C2 use on this site is acceptable and the approval of the former scheme is a material planning consideration.

As with the former approved care home on the adjacent site, whilst the proposal is not for B1 office use and therefore contrary to planning policy, the scheme would provide 18 full time jobs and 20 part time jobs and would contribute to the creation of new jobs within the city. It is therefore considered that although the proposal would result in the loss of employment land it would provide care facilities and bring a site, which has been vacant for over 20 years, back into beneficial use as well as creating jobs.

It is not considered that the loss of 0.9ha of employment land would adversely impact on the economic growth of the city and 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. 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 and the requirements of policy LP4 are met.

As with the former approval for the care home ref. 15/01912/FUL it is considered reasonable to append a condition to ensure that in the future the applicant could not invoke any permitted development rights for a change of use as other uses, even within use class C2, may not be considered appropriate for the site particularly in terms of traffic generation.

2) Highway Implications

A Transport Assessment (TA) has been undertaken and submitted in support of the application. The TA has been revised following the removal of the B1 Office from the scheme. There is some planning history to the site and as stated above planning permission was granted under re. 94/P0913 and approval of reserved matters under ref. 98/01014/REM. The applicant considers that there was a start on site made and therefore the consent has been implemented and that this should be a fall back position for any assessment of the proposal on levels of traffic and highway implications. However, the Local Planning Authority has previously advised that the conditions appended to the outline consent were not discharged and therefore this was not a lawful start on site. The TA should therefore start from scratch. The applicant has undertaken the TA accordingly.

As stated above there were concerns regarding the impact on the nearby junction 15 due to queuing, however the care home would not impact on the adjacent highway due to the different travel patterns outside the peak hours.

Should the office element come forward in the future the applicant would need to consider the provision of a pedestrian/cycle crossing over Thorpe Wood to link the developments on the west side of Thorpe Wood along the footway / cycle track to the footbridge over the Nene Parkway. It is accepted that a safe crossing point could be difficult to achieve due to substandard visibility caused by the alignment of Thorpe Wood. However this is due to vegetation encroachment and if its removal could be secured then the required forward visibility along this 40mph road could be achieved, allowing the provision of a cyclist-friendly parallel zebra crossing to be installed. The applicant would need to investigate this matter should a subsequent application be submitted for the B1 Office. As the application stands this crossing facility is not required for the care home.

The comments made by representation are noted regarding the existing impact on the road safety network, particularly queuing from the junction 15 roundabout. However, the Local Highways Authority are of the opinion that the revised application providing a care home would have a negligible impact on the local highway network as the vehicle trips associated with the care home are likely to be outside peak traffic times.

Therefore the deletion of the B1 office element from the original scheme and replacement with a care home would lessen the impact of the development on the nearby junctions at peak times mainly because the generation of traffic to and from care homes to not occur during peak times. The proposal therefore would not unduly impact on the adjacent road network and would accord with policy PP12 of the Adopted Peterborough Planning Policy DPD.

Access

The site would be accessed via a new private road off Thorpe Wood. This has already been constructed. A vehicle tracking plan has been provided which demonstrates that a large refuse vehicle of 10.5m could access the site, turn and leave in forward gear. It is not known at this stage, whether refuse collection would be undertaken by the City Council.

A direct access for cyclists and pedestrians from the public right of way to the south of the site. This is welcomed by the Cycle Forum as it would provide a convenient and traffic free route for cyclists arriving from areas to the south and west via Ferry Meadows Country Park, and from almost all other areas of Peterborough via the bridge across the A1260 Nene Parkway.

The Cycle Forum requested that the paths from this entrance, towards the care home be amended to provide a minimum width of 2 metres to ensure all users can pass each other safely users of wheelchairs or mobility scooters. The plans have been amended to provide a 2m wide path.

Parking

Policy PP13 of the Peterborough Local Plan requires parking provision for a C2 Residential Care Home use of one space per full time member of staff, plus one visitor space per three beds. These are maximum parking standards. The applicant has advised that there would be the equivalent of 25 full time equivalent members of staff. For this development 58 spaces would be required, 51 parking spaces would be provided including 3 disabled parking spaces. This is a slight shortfall in parking spaces however it is considered that this would be an acceptable provision.

Secure areas for bicycle parking/storage for visitors and staff will be provided. The Cycle Forum considers that the cycle parking for the care home is well positioned. It follows best practice in being located close to the staff entrance and in a position where it is subject to a high level of natural surveillance from the building and car park. The details would be secured by condition.

It is considered that appropriate provision has been made for car and cycle parking in accordance with policy PP13 of the Adopted Peterborough Planning Policies DPD.

3) Layout, Appearance and Scale

The care home would be a 2/3 storey building orientated in an 'L' shape providing two wings. The form of the building would capture the maximum amount of natural daylight and create a south facing secure courtyard for the residents which would be buffered by the footprint of the building. The main outlook would be towards Thorpe Wood Country Wildlife Site (CWS) and Bluebell Walk. As stated above a link is proposed to be provided from the right of way to Bluebell Walk from the development site.

The building would be set back from the 4 storey building at Thorpe Wood House and would be positioned some 80m back from Thorpe Wood, therefore whilst this would be a tall building it would be seen in the context of the neighbouring building and would not dominate the street scene. The building would have a 'stepped' building form with the higher 2/3 storey element to the north and the 2 storey element to the south relating to the development either side of the site.

The proposed materials are a combination of brick, timber cladding and render with a grey slate pitched roof giving a more residential character to the building. Samples of the materials are recommended to be secured by a planning condition.

The design would have gable features within the elevations and combined with the stepped form and variation in height of the building and use of materials the overall effect would reduce the bulk and mass of the building.

The building would be set within a spacious setting with sufficient space with the site for soft landscaping and pathways for the future residents.

It is considered that the building can be accommodated on the site without detriment to the surrounding character and therefore the proposal would accord with policy CS16 of the Peterborough Core Strategy and policy PP2 of the adopted Peterborough Planning Policies DPD.

4) Amenity

Due to the separation distance to the neighbouring property to the north at Thorpe Wood House and the newly constructed care home to the east, the proposal would not give rise to any adverse impact on the amenity of these properties in terms of overlooking, loss or privacy or overbearing impact.

It is considered that the proposal would provide a good level of amenity for the future occupiers of the development. Consideration has been given to noise from the adjacent road network however the noise pollution officer considers that no specific noise mitigation measures would be required.

The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policies PP3 and PP4 of the Adopted Peterborough Planning Policies DPD.

5) Wildlife Implications

An Ecological Assessment has been submitted in support of the application. The Wildlife Officer has considered the assessment and has made the following recommendations.

There is mature hedgerow and trees to the south adjacent to the public right of way which are likely 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 lighting is designed to be baffled downwards away from the hedgerow and that a range of bat roosting features are installed at suitable locations on the proposed building. These details should be secured by a planning condition.

As the proposal involves the removal of vegetation which may support nesting birds it is recommended that an informative is appended to the decision notice to ensure trees are surveyed for birds prior to removal. In addition it is requested that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift. These details should also be secured by planning condition.

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 be secured by condition.

Due to the proximity of the site to the Thorpe Wood County Wildlife Site (CWS) and Bluebell Wood CWS which are connected via a wide hedgerow/tree belt to the south the Officer considers that it is important that this is retained and strengthened as a landscape/ habitat feature. In addition the western boundary hedgerow/ trees and boundary ditches should be retained and buffered from development. The reserved matter of landscaping is to be agreed at a later stage however the details should include a range of native tree, shrub and plant species.

It is therefore considered that subject to securing the further details outlined above by conditions 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.

6) Landscape Implications

An Arboricultural Assessment supports the application and focuses on the hedgerow to the south of the site. There were concerns regarding the original scheme due to the proximity of the proposed office building adjacent to the hedgerow to the south east of the site. During the timeframe of the application the office building was moved away from the hedgerow. However, the building has now been deleted altogether.

Most of the other trees are off site and a landscaping scheme would be secured under a future reserved matters application. However, it is considered necessary to append a condition to ensure that a tree protection scheme is implemented to avoid damage to off site trees during the construction period.

The proposal would not result in the loss of trees which contributed positively to the visual amenity of the area and hence the proposal accords with policy PP16 of the Adopted Peterborough Planning Policies DPD

7) Flood Risk and Drainage

The site is not located within an area at risk of flooding and therefore a Flood Risk Assessment is not required to support the application.

A SuDs scheme supports the application. The proposed drainage of the site would comprise traditional drainage networks that will be supplemented to provide source control, water quality treatment and biodiversity enhancement prior to discharging surface water to the onsite watercourse. Surface water runoff will be attenuated on-site within an attenuation tank and permeable paving. The Drainage Team raised no objection to the proposed scheme subject to further details being secured by condition or within the reserved matters application.

It is not considered that the proposal would result in the risk of flooding to the site or to those neighbouring the site and therefore accords with policy CS22 of the Adopted Peterborough Core Strategy DPD and section 10 of the National Planning Policy Framework.

8) Contaminated Land

There is no known contamination on the site however, it is considered appropriate to append a condition 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 in accordance with section 10 of the NPPF.

6 Conclusions

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

- The site is an allocated employment site within the development plan but the applicant has demonstrated that despite extensive marketing of the site the B1 office use of the site has not achieved interest from prospective occupiers. The proposed use of the site as a C2 Care Home is therefore acceptable in accordance with para. 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.
- The site can be satisfactorily accessed by vehicles, cyclists and pedestrians. The provision of car parking and cycle parking is considered to be acceptable therefore the proposal would not unduly impact upon the adjacent highway network.
- The appearance, layout and scale of the building is considered acceptable and will not result in a detrimental impact on the character of the area or neighbour amenity.
- The proposal would not result in the loss of trees which provide a positive contribution to the area and adequate tree protection measures would be secured.
- 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, Policies PP1, PP2, PP3, PP4, PP12, PP13, PP16 of the Peterborough Planning Policies DPD and policy LP4 of the Proposed Submission version of the new Peterborough Local Plan.

7 Recommendation

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

- C 1 Approval of details of the landscaping (hereinafter called 'the reserved matter') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- C 2 Plans and particulars of the reserved matter referred to in condition 1 above, relating to the landscaping of the site shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

- C 3 Application for approval of the reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- C 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the reserved matter to be approved, whichever is the later.

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

- C 5 The submission of the reserved matter for landscaping shall include a scheme for hard and soft landscaping. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting. The planting scheme shall include varieties of native, tree, shrub and plant species.
- 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 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.

- C6 No development shall take place on the site until an arboricultural protection scheme has been submitted to and agreed in writing by the Local Planning Authority. The arboricultural protection scheme shall be in accordance with BS5837:2012 'Trees in relation to design demolition and construction - Recommendations methodology standards'. The protection scheme shall include:

- 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 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.

- C7 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 – samples shall be made available on site for inspection
- 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).

- C8 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 PP3 and PP16 of the Peterborough Planning Policies DPD.

- C9 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.

- C10 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

- C11 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.

- C12 Prior to the commencement of development the following details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

- Full and up to date drainage details such as, but not limited to;
 - An amended sustainable drainage strategy
 - Details of the proposed outfall
 - Amended storage requirements and locations
 - Construction details of all drainage assets
 - Up to date maintenance strategy

- Exceedance routes
- We would require the discharge rate to be kept at 3 l/s/ha for the whole site.
- Confirmation of;
 - A drainage strategy and landscaping strategy that can both be delivered onsite without conflicts
 - Where swales are to be included on site
 - Information on how surface water runoff from the site will be cleaned/treated
 - Boundary treatment used between the development and adjacent watercourse that allows access for maintenance to be retained.

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.

- C13 No development shall commence on site until details of existing and proposed site levels, including finished floor levels of the building, together with its associated garden area, hereby approved, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works on site. These details shall also include the levels of the adjoining land and any building within 15m of the boundary with the application site where access is reasonably possible. The development shall thereafter be carried out fully in accordance with the approved details.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011). This is a pre-commencement condition as these details need to be approved prior to works commencing on site.

- C14 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 inland 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.

- C15 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.
 - Construction delivery times

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.

- C16 Prior to the first occupation of the development the area shown for the purposes of parking/turning on drawing number AL0102 Rev F07 shall be provided. Such provision shall thereafter be retained for this purpose and not put to any other use.

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

- C17 Notwithstanding the approved plans details of the proposed cycle stands shall be submitted to an approved in writing by the Local Planning Authority. The cycle parking shall be covered, secure and overlooked. No part of the development shall be occupied until space has been laid out within the site for bicycles to be parked in accordance with the approved details, and that area shall not thereafter be used for any purpose other than the parking of cycles.

Reason: In order to promote the use of sustainable modes of transport, Policies CS14 of the Adopted Peterborough Core Strategy DPD and PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

- C18 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority before installation and shall be installed before the use of the premises commences.

Reason: In the interests of amenity and in accordance with policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C19 The development shall be implemented in accordance with the following approved plans:

- Location Plan drg. no. AL0103_P02
- Site Layout Plan drg. no. AL0102 F08
- Overall Site Layout drg. no. AL0202 F07
- Main building elevations drg. no. AB0801 P01
- East Wing elevations drg. no. AB0802 P01
- West Wing elevations drg. no. AB0803 P01
- Ground Floor Plan drg. no. AB0206 P01
- First Floor Plan drg. no. AB0207 P01
- Second Floor Plan drg. no. AB0208 P01

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

Copies to Cllrs Fitzgerald and Ayres

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62 Bamber Street Millfield - Location plan



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Agenda Item 5.4

Planning and EP Committee 12 June 2018

Application Ref: 18/00503/FUL

Proposal: Change of use from public open space to private garden and construction of 2m wall on two sides and creating an opening to rear

Site: 62 Bamber Street, Millfield, Peterborough, PE1 2HN

Applicant: Mr Mohammed Bashir

Referred by: Director of Growth and Regeneration

Reason: A member of the applicant's family is employed by the Local Planning Authority

Site visit: 13.04.2018

Case officer: Mr Jack Gandy
Telephone No. 01733 452595
E-Mail: jack.gandy@peterborough.gov.uk

Recommendation: **REFUSAL**

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

Sites and Surroundings

The application site comprises a parcel of public open space to the south of Bamber Street. The space measures approximately 300 square metres in area and contains four trees. A footpath / cycle way runs adjacent to the west boundary of the site, adjacent to Bourges Boulevard but separated from it by a grassed verge. To the south is a car park accessed from Hankey Street. The immediate surrounding area is predominantly residential.

Proposal

Permission is sought to change the use of the public open space to a private garden, as well as permission to construct a two metre high boundary wall to the south and west boundaries of the public open space. The proposed wall would connect to the existing wall on the west boundary, with the chamfered wall demolished to create an opening into the application site.

2 **Planning History**

Reference	Proposal	Decision	Date
14/01795/HHFUL	Proposed house extension, loft and internal re-design to existing residence	Permitted	28/11/2014
12/01275/HHFUL	Proposed house extension, loft and internal re-design to existing residence	Refused	05/10/2012
03/01315/FUL	Use of public open space as private garden - resubmission	Refused	21/01/2004
03/00830/FUL	Use of public landscape area as private garden	Refused	04/08/2003

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 8 - Open Space

Existing open space, sports and recreational buildings/land (including playing fields) should not be built on unless an assessment has been undertaken which clearly shows the open space is surplus to requirements; the open space would be replaced by an equivalent or better provision; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

CS19 - Open Space and Green Infrastructure

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

CS21 - Biodiversity and Geological Conservation

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

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 (Submission)

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 Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP23 - Local Green Space, Protected Green Space and Existing Open Space

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

4 Consultations/Representations

PCC Peterborough Highways Services

No comments to make regarding this application.

PCC Property Services

No comments received

PCC Senior Landscape Technical Officer

Objection:- It would appear that there is an intention to dispose of Public Open Space maintained and owned by Peterborough City Council.

As the site is dedicated Public Open Space maintained by the Council, adhering to policy within the Peterborough Local Plan, it should be protected and not released for disposal.

Allowing the disposal for this Public Open Space would also set a precedent which could make it difficult for the Authority to defend against allowing further disposals of all the Public Open Space that fronts onto the footpath/cycleway along Bourges Boulevard.

PCC Tree Officer

The land is owned and maintained by Peterborough City Council (PCC) and there are four trees on site.

The trees have good public amenity and are of a quality to potentially merit a Tree Preservation Order (TPO). The trees complement the Bourges Boulevard corridor and have the potential to be long lived. Therefore, their removal is to be avoided.

It is recommended that all the trees onsite are retained. It is acknowledged that one tree is close to any potential boundary but without any further information it appears likely that the tree could be worked around. Therefore, the change of use does not necessarily require tree loss.

If the change of use was undertaken and all of the trees were retained there would be no objection. However, a TPO would likely to be served.

Police Architectural Liaison Officer (PALO)

Objection:- The comments from the applicant in regards to crime within the surrounding area have been noted. This area, with high density housing, has always been an area that is a Police priority and is regularly patrolled. The local Sergeant and Police Community Support Officer (PCSO) have advised that Bamber Street is no more of a risk of high crime than another part of the City.

Whilst accepting that there are high levels of assaults in the Millfield area, many of them are domestic-related. There are incidents from time to time of fly-tipping and graffiti. The Safer Peterborough Partnership are keen to reinforce the message that they will clean and clear up areas once reported to them and their Prevention and Enforcement Service (PES) regularly patrol and issue fixed penalty notices when offenders are seen.

The footpath along Bourges Boulevard is well used by both pedestrians and cyclists. A Police Incident and Crime check has been applied for the area around the open space in particular. Whilst there are some incidents of crime, the Police Architectural Liaison Officer is not convinced that the removal of the open space would improve this position.

As such, the Police Architectural Liaison Officer advises that they are not in a position to support the proposal.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 4

Total number of objections: 2

Total number in support: 0

Four representations have been received from two neighbours objecting to the proposal on the following grounds:

- The green space is "half the size of a playing field". Why should the land be given to one family to benefit from a back garden, when the land backs onto a number of neighbouring properties?

- The applicants have extended their property previously, losing their garden deliberately to gain the additional land for further building uses, such as another house or businesses.
- The loss of trees would affect bird nests. In addition, lots of trees have been lost within the surrounding area, including Limetree Avenue and Cromwell Road, which has impacted upon the surrounding area.
- The application site is probably the cleanest/safest place where children can play as it is in full visibility. There are issues with other spaces (for example, Russell Street child's play area), where drugs and alcohol are used.
- The proposed wall will close the back garden of No 65 Hankey Street. Neighbour would look at a wall or a dwelling that may be proposed at a later date.
- The proposed wall will also "darken" the car park in the winter months
- Information about crime discussed in the first planning statement impacts upon the residents of Hankey Street more than Bamber Street. The applicants have a private CCTV camera, so they should be reporting any crime to the police.
- The application site has no issues such as drug needles or dog fouling. The shrubs were removed on site to make this a clean place.
- Amey maintain the public open space at present. It is incorrect of the applicants to state that the open space is not maintained.
- Following meetings with Hankey Street Residents Association and MANERP group meetings, neighbours have previously contacted the council to provide funding to remove overgrown shrubs. Two to three years ago, a decision was made to remove the shrubs from this green land, alongside other spaces within the surrounding area, with funding provided from the Council and Councillor Jamil. The land was not tidied up to be used as private residential garden. The applicants should provide a garden within their existing site at No. 62 Bamber Street.
- If the green land is lost, alongside the little amount of green space there is, the Council would be denying children the chance to play on clean open space.
- Even if the space isn't used everyday, this does not mean it is not used.
- We were informed that no public land would be up for sale in this area as a result of green space being protected in Central Ward.
- The applicant has history in taking public land without consulting the Council.
- This land will be built upon in permission is passed.
- The applicants have previously taken approximately two metres of land west of the property, erecting a wall and a gate.

Six photographs of the public open space were also submitted by a resident objecting to the application. These photographs have been considered alongside photographs taken by the Case Officer.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area
- Impact to trees
- Neighbour amenity
- Highway safety

a) Principle of development

The application site comprises a parcel of public open space to the south of Bamber Street. The proposal to change the use of land to private garden would therefore represent a loss of public open space.

Policy CS19 of the Peterborough Core Strategy DPD (2011), the emerging Policy LP23 of the Peterborough Local Plan (Submission Stage) (2018) (which can be given weight) and paragraph 74 of the National Planning Policy Framework (NPPF) seek to protect and retain existing areas of open space as they are acknowledged as being vital to the quality of the environment serving

communities. The emerging Policy LP23 requires that the *“open space does not make an important contribution to the green infrastructure network; and that the proposal can be accommodated without causing significant detrimental impact to the character and appearance of the area, ecology or to any heritage assets”*.

Paragraph 74 of the NPPF states *“Existing open space shall not be built upon unless: an assessment has been undertaken which has clearly shown the open space to be surplus to requirements; the loss resulting from the proposed development would be replaced by a equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss”*

The application site is located within Central Ward. Under the Peterborough Open Space Strategy (2016), the application site is categorised as a ‘neighbourhood park’. The Strategy sets out that Central Ward has a surplus of approximately 8.62ha of neighbourhood parks. However, Central Ward covers a wide and diverse geographical area. It has also increased in size in recent years as a result of ward boundary alterations in 2016. The increased area of the ward now captures large areas such as Thorpe Meadows, which is to the south-west of the ward and to the East Coast railway line.

Following the ward boundary changes, Central Ward now has a number of distinct residential areas and open spaces within it. As such, it is not appropriate to consider the acceptability of this application on the basis of the open space provision for the ward as a whole. Rather the proposal has to be assessed in a more localised context, in terms of what each area of open space provides and whether the loss of any open space would be harmful within this context.

The application site is located within a specific part of Central Ward, characterised by high density Victorian terraces with a tight urban form. As such, Officers do not consider that the surplus figure is a true reflection of public open space provision for the locality of the application site.

Within the local context of the site, there are small areas of open space that help to soften and break up the hard landscaped form. Their importance is emphasized as they provide visual greenery and amenity to the built form, providing areas where informal play and recreation can take place. These areas provide accessible, informal open spaces to the surrounding hard landscapes and become valued by local residents.

The applicant has identified other open spaces within the surrounding area. However, the applicant has not demonstrated why this open space would be surplus to the provision within this surrounding locality. Officers consider that the open space within the application site provides useable public benefits to local residents, given its size which allows a range of activities to occur upon it, along with this space being readily accessible to local residents given its position adjacent to the footway/cycle path as well as being directly linked to Bamber Street and Hankey Street.

Officers consider that the loss of this space would be unacceptably harmful given the visual and amenity value it provides and particularly given its close proximity to the surrounding dense urban form. Local open space is valued by local residents given the number of ways that the land is used, whether that be, for example, sitting down and relaxing, dog-walking, for play, for sport or any recreational activity. Open space also positively contributes to the health and wellbeing of its users. It is considered that the loss of this space to a private garden would require local residents to travel further to access and use other existing, larger areas of open space. Within the context of this high density residential area, each open space has higher value to local residents, especially with the benefits described above. It is not considered that the loss of public open space proposed would provide wider public benefits other than to the occupiers of No. 62 Bamber Street.

The proposal would result in the loss of open space that is considered to be unacceptable given the visual and amenity benefits it currently provides to the surrounding locality and residents. Alongside the loss of the public benefits, no alternative provision is proposed and therefore Officers consider that the proposal is unacceptable.

The proposed use of the site is for a private garden to serve No. 62 Bamber Street. Given the scale and proportions of the application site compared to residential properties, the proposal is considered to be unacceptably harmful to the character and appearance of the site and the surrounding area, explained in Section B) "Design and impact to the character and appearance". As such, the proposal is not considered to accord with Policy LP23 paragraph b), which can be afforded some weight.

The applicant has made comments about an ongoing consultation in relation to an area of public open space to the south of the site, near to Dyson Close. The Landscape Officer has advised that this consultation relates to the enhancement of open space near Dyson Close and does not propose the loss of open space within the surrounding area.

In light of the above, the principle of the change of use is considered to be unacceptable and it is not considered to be in accordance with paragraph 74 of the National Planning Policy Framework (2012), Policy CS19 of the Peterborough Planning Policies DPD (2012) and Policy LP23 of the Peterborough Local Plan (Submission Stage) DPD (2018), which can be afforded some weight. The proposal is also considered to be unacceptable given the matters below:

b) Design and impact to the character and appearance of the site and the surrounding area

The proposed area of public open space to be changed into residential garden is located to the rear of the gardens of No. 56, 58, 60, and 62 Bamber Street. All of these dwellings are of a similar size, with similar sized, linear rear gardens.

The original, rear outdoor area serving No. 62 Bamber Street, which has been hard-surfaced, measures approximately 125 sqm (18m x 7m) in area. The proposed addition of land that measures 300 sqm in area would therefore result in a plot which is significantly larger in size than the original rear garden.

The increase in residential land to serve No. 62 Bamber Street would result in a garden that is unduly large and wraps around the rear garden areas of the adjacent four properties, as well as abutting to No. 50 Bamber Street and No. 65 Hankey Street. It is considered that it would be out of proportion with the scale and size of the existing residential plot as well as other surrounding residential plots. In addition, the proposed land would not follow the linear garden shape to residential properties and as such, it would be out of keeping with the layout, character and housing pattern of the surrounding area.

The proposed brick boundary treatment, to enclose the area, would screen the existing boundary treatments to the rear of the residential properties that are adjacent to the application site. Given the poor condition of some of these treatments, it is considered that the proposed brick screening would be an improvement to this matter. As such, this particular element of the proposal is considered to be acceptable. However, the benefit would be limited and would not address or make the principle of development acceptable.

On the basis of the above, given the unacceptable visual and amenity harm that would be caused from the proposed change of use of land, the proposal is considered to be contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policy DPD (2012) and Policy LP16 of the Peterborough Local Plan (Submission Stage) DPD (2018).

c) Impact to trees

The application site is not located within a conservation area and there are no Tree Preservation Orders (TPOs) on the trees within the site as they are maintained and owned by the Council. The Tree Officer has advised that the trees on the site have good public amenity value and they are also a quality to potentially merit a TPO. This is because the trees complement the Bourges

Boulevard corridor and they have the potential to be long-lived. As such, Officers recommend that the removal of any tree should be avoided.

The application proposes two possible locations for the proposed boundary treatment, which are to the west and south borders of the application site. Given the above comments, one of these positions is considered to be unacceptable by the Tree Officer because it would result in a tree having to be removed.

To address the above tree issue, the applicant confirmed that a revised boundary line could be considered. This proposes a realignment of the wall to avoid the removal of any trees. As no trees are proposed to be removed under this option, the Tree Officer has no objection to the planning application. However, if approval of the whole application was sought, details in terms of how the tree would be protected from, and withstand, the wall construction would need to be submitted via a suitably worded condition.

On the basis of the alternative boundary proposal, the application is considered to accord with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

d) Neighbour amenity

The only physical works proposed are the proposed brick boundary walls. However, given that the boundary wall would predominantly wrap around the west boundary of the application site, parallel to the footpath/cycleway, and the south boundary to the Hankey Street car park, it is not considered that this would cause unacceptable impacts or overbearing or overshadowing to surrounding residents. In addition, the long, linear gardens would allow surrounding residents to retain a sufficient level of amenity from the proposed works.

Whilst neighbours of the application site are not considered to be unacceptably affected by the proposed development, the proposal does affect the use of the open space for the public, as discussed in "Section A) Principle of Development", as well as the loss of the visual and amenity benefits.

On the basis of the above, the proposal is considered to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the Peterborough Local Plan (Submission Stage) DPD (2018).

e) Highway safety

There is a footpath/cycleway located to the west of the application site. Given that the proposed boundary wall would not encroach onto the footway, it is not considered that the proposal would adversely upon the use of this path, nor impede upon any visibility splays to users of this path. As such, no objection was raised by the Local Highway Authority. In light of this, the proposal is considered to accord with Policy PP12 of the Peterborough Planning Policies DPD (2012) and Policy LP13 of the Peterborough Local Plan (Submission Stage) DPD (2018).

Other Matters

- Maintenance of land and saving the Council money:- This is not a material planning consideration that can be taken into consideration in the determination of this planning application.

- Removal of Permitted Development rights:- The applicant advises they would accept the removal of permitted development rights on this land if the change of use was approved. However, given the impacts to the character and appearance of the site and the surrounding area, as well as the loss of the Public Open Space, such removal of permitted development rights would not make the application acceptable.

- Previous encroachment of existing boundary wall:- This matter was previously investigated by Planning Enforcement. Alterations were made to the encroachment, including the chamfered wall on the south-west corner. Therefore, this case was closed and no further action was required.

- Future development of site: Comments have been raised relating to the construction of buildings in the long term. This proposal can only be assessed on the information submitted. Any future development would have to be assessed under subsequent applications.

- Disposal of land:- The Landscape Officer has advised that even if the planning permission is granted, it is his view that the land would not be released for sale by Peterborough City Council. However, the sale, transfer and disposal of this land is not a material planning consideration.

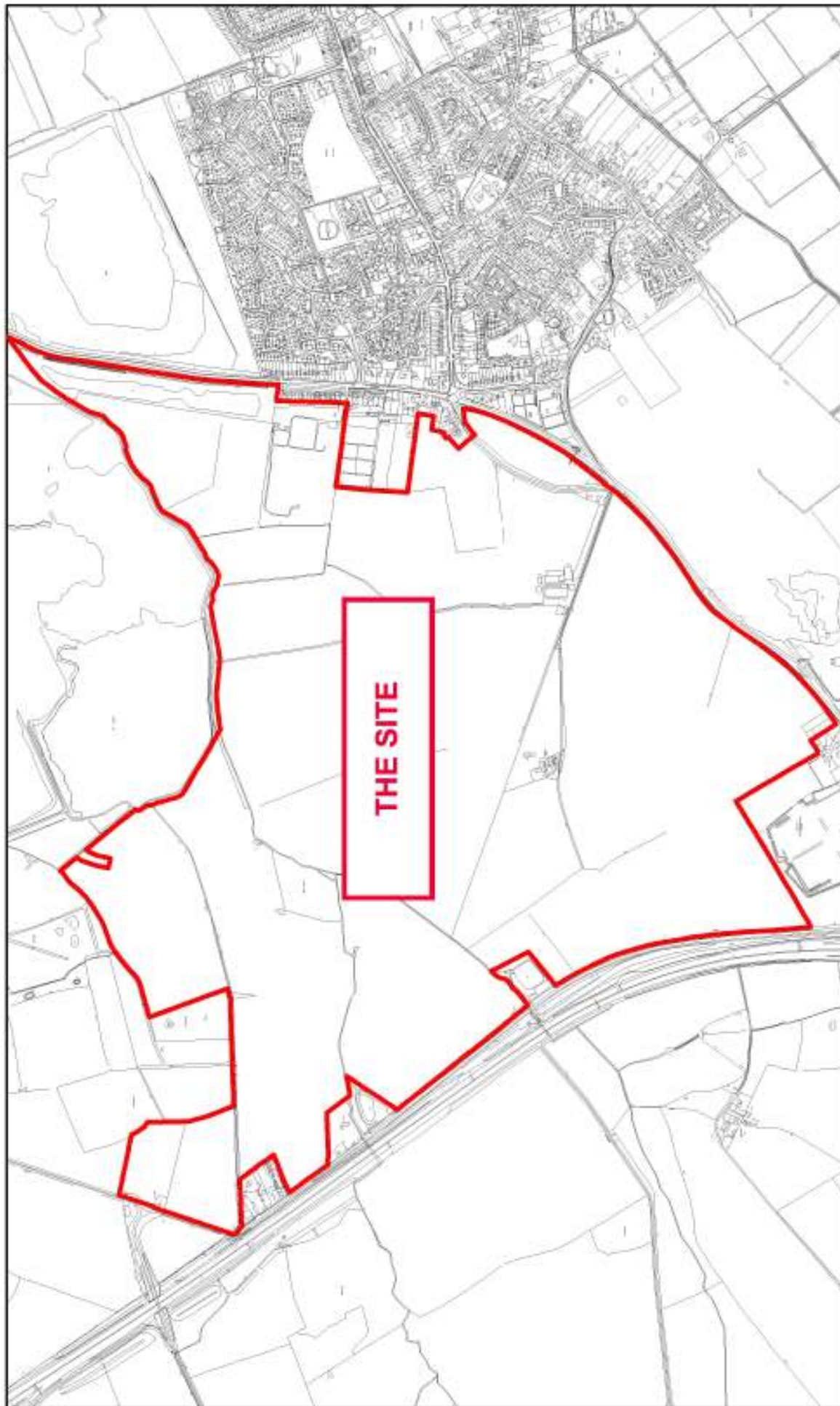
6 Recommendation

The Case Officer recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The proposed change of use, to serve as a private garden to No. 62 Bamber Street, would result in the loss of existing, useable public open space within the Central Ward and to the specific locality of Bamber Street. The proposed use of the land is for private garden rather than public open space and the scheme proposes no alternative re-provision of the public open space within the surrounding area. In addition, no wider public benefit would be gained from the loss of the public open space to private residential garden. Accordingly, the proposal is considered to be contrary to paragraph 74 of the National Planning Policy Framework (2012), Policy CS19 of the Peterborough Planning Policies DPD (2012) and LP23 of the Peterborough Local Plan (Submission Stage) DPD (2018).
- R 2 The proposal, by nature of its size, scale and position would unacceptably impact upon the character and appearance of the site and the surrounding area. The enclosure of this land for additional garden for one of the adjacent residential plots would fail to respect the established layout character of surrounding residential plots and the linear garden forms associated with these neighbouring dwellings. The loss of this open area of green space would have an adverse visual impact upon the character and appearance of the surrounding area. As such, the proposal is considered to be contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Planning Policy DPD (2012) and Policy LP16 of the Peterborough Local Plan (Submission Stage) DPD (2018).

Copy to Cllrs Hussain, Iqbal and Jamil

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LOCATION PLAN 09/01368/OUT

Land to the North of Norman Cross, East of the A1(M) and West of London Road (A15)

Scale NTS **Date** 20/07/2017 **Name** ALA **Department** Planning Services

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PCC GIS



PETERBOROUGH
CITY COUNCIL

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Agenda Item 5.5

Planning and Environmental Protection Committee 12 June 2018

Application Ref: 09/01368/OUT

Proposal: Development of an urban extension comprising up to 5350 residential dwellings; a District Centre (with up to 9200 square metres (99031 sq.ft) retail floor space) and two Neighbourhood Centres (with up to 2300 square metres (24758 sq.ft) retail floor space) comprising district/neighbourhood retail (A1-A5); community and health (C2, D1); leisure(D2); residential (C3) and commercial (B1) uses. Provision for education facilities (sites for three primary and one secondary school); sports and recreational facilities; a range of strategic open spaces including new landscaping, woodland and allotments; and cemetery provision. Associated highway infrastructure (including pedestrian, bridleway and cycle routes), public transport infrastructure and car parking for all uses. Utilities and renewable energy infrastructure; foul and surface water drainage networks (including suds and lakes)

Site: At land to the north of Norman Cross, east of the A1(M) and west of London Road (A15) Peterborough

Applicant: O & H Properties Ltd, Marlborough Oasis Ltd, Barratt Strategic (The Great Haddon Consortium)

Referred by: Director of Growth and Regeneration

Reason: Major Strategic Application, S106 Update

Case Officers: Lee Collins and Vicky Hurrell

Telephone: 01733 454421 and 453480

E-mail: lee.collins@peterborough.gov.uk and victoria.hurrell@peterborough.gov.uk

Recommendation: The Director of Growth and Regeneration recommends that the application be approved subject to final signing of the O & H and Marlborough Section 106 Agreements and the imposition of a condition in respect of the Barratts land (restricting development on that land until a S106 Agreement has been entered into) and the attached conditions with authority delegated to the Director of Growth and Regeneration and the Head of Legal Services to complete the S106 and to issue the planning permission.

Update

Background

The Great Haddon urban extension is allocated for development in the adopted Local Plan. The site is located to the west of the city adjacent to the A1 and north of the A15. An outline application was submitted in 2009 for up to 5350 homes with associated infrastructure. The application was submitted by the Great Haddon Consortium, which comprises the following parties:-

- O & H Properties
- Marlborough Oasis
- Barratt Homes

The Planning and Environmental Protection Committee resolved to grant permission for the Great Haddon development in January 2015 upon the receipt of further specific information, subject to the satisfactory completion of the S106 Agreement. The Committee subsequently resolved in July 2017 to allow officers to refuse the Great Haddon planning application if the

S106 legal agreement had not been signed by the end of September 2017, unless an additional period of time was given.

In light of progress being made and the complexities of the legal agreements, subsequent extensions of time have been agreed with the Director of Growth and Regeneration and the Chair of the Planning Committee.

Members will recall that in July 2017 Officers set out that the S106 obligations are to be partitioned with each landowner entering into and signing their own agreement. Under the terms of the partitioning arrangement, each landowner is required to deliver certain infrastructure on their own land and then to pay a set contribution per dwelling, into a communal pot for delivery of relevant infrastructure.

The S106 Agreements will deliver and fund the following infrastructure requirements arising from the development namely:-

- School provision (up to three primary schools and one secondary school)
- 16% affordable housing
- Highways Improvements including the construction of the Yaxley loop, a contribution towards the widening of the Fletton Parkway (which has been completed), works to junction 2 of the Fletton Parkway, a contribution towards the East Coast Mainline Bridge, the provision of traffic calming through Yaxley and a contribution towards the funding of a bus service.
- Travel Plan
- Provision of temporary and permanent community facilities
- Ecology Works
- Provision of a cemetery site/contribution
- Contribution toward the cost of a gypsy and travellers site (not located within Great Haddon)
- S106 Monitoring contribution
- Management and maintenance of open space

The S106 contributions pot will be held and administered by the City Council. The Council will then use this to pay for the key infrastructure to support the development when it is needed. The overall section 106 contributions and obligations have been divided equitably per landowner.

The per dwelling contribution varies between the landowners, with Marlborough paying the highest and O & H the lowest. It has been calculated on the basis of the land each owner has, how much of this land is given over to the site wide infrastructure and the costs of development. For example, O & H will be providing the land for two primary schools and the secondary school, along with the community centre and delivering the Yaxley Loop road. As such their per dwelling contribution is the lowest. In addition the S106 Agreements contain certain caps on development which prevent each landowner from building more than a set number of houses on their site until certain pieces of highways infrastructure are in place.

Current Position

It has always been the intention that O & H and Marlborough would sign their S106 Agreements (thereby enabling the planning permission to be issued because these agreements cover 90% of the total site) but that the third applicant, Barratts, would be subject to a condition which would prevent them from commencing works on their part of the site until they have entered into their own S106 Agreement (known as the B Agreement), which would be appended to the permission. Officers advised the Planning Committee that in progressing with this approach, they would be seeking to obtain a 'letter of comfort' from Barratts in terms of the content of their S106 to confirm that this was broadly acceptable to

them and therefore to provide comfort to the Council that the site wide infrastructure could be delivered.

This has not happened, as is detailed below. Officers are therefore taking the step of reporting the application back to Committee in order to seek its further approval to proceed.

Since the committee resolution in July, Officers have been working hard with O & H and Marlborough to resolve the key issues associated with the S106 agreements and the practical delivery of what is a very large and complex development.

The third applicant Barratt Homes has not been fully engaged in this process by their choice. They have been invited to meetings and copied into correspondence but for much of the process have chosen not to attend or reply (though they have attended some meetings and recent correspondence received is discussed below). Barratts co-own the land with the Morley and Martin families (who are not an applicant). Representatives of the Morley and Martin family have been kept updated on progress and have attended some but not all meetings.

A letter was received from the Morley Martin families' planning agent Framptons on 13 February 2018 and discussed with both Barratts and a representative from the family on 21 February. At this meeting Barratts and the families' representative verbally stated that in broad terms they were willing to accept the level of tariff payment for their part of the site and the caps on development, but in doing so needed to be assured that they would derive the benefits from paying into the communal pot. Their particular concern is access to services including roads and utilities. In order to have this assurance they are seeking a collaboration agreement with O&H (this would be a legally binding agreement with O & H to allow connections). Such agreements are standard in the development industry, the terms of which are agreed between landowners completely separately to the planning process and often prior to a planning application being submitted. They advised that they would not sign their S106 Agreement until a Collaboration Agreement was in place.

Officers have received two further letters from representatives of the Morley and Martin families (12 March from their planning agent Framptons and a letter dated 10 April from Geoffrey Leaver Solicitors), there has been an email exchange and a further letter sent by lawyers (Shakespeare Martineau dated 28 March) on behalf of Barratt Homes. These letters do not in themselves fundamentally object to the per dwelling contribution. However, they do raise concerns about the imposition of a condition preventing Barratts' from starting on site until they have entered into a S106 Agreement (in the form of the S106 Agreement to be appended to the permission) and also to the fact that they will not, in their view, have the right to benefit and make use of the infrastructure, utilities and services to which they have contributed because there is no Collaboration Agreement in place. All of these letters are appended in full to this report under Appendix A.

The letters ask for either the S106 to be amended to require the parties to enter into an appropriate collaboration agreement or for a condition to be imposed to the effect that no development on the site should take until a strategy for the delivery of infrastructure, services and utilities, including the timing of delivery has been agreed between all landowners.

With regard to the imposition of a condition requiring the entering into the S106 Agreement before development can commence on the B land Officers do consider the condition to be reasonable and necessary to allow the planning permission to be issued. It is required to ensure the comprehensive delivery of the site, to prevent planning harm arising and to ensure that all of the necessary infrastructure can be funded. The same approach has been

taken with each land owner and the 'per dwelling' contributions have been calculated equitably.

Officers have also considered the request for a condition or S106 obligation in relation to a Collaboration Agreement. However, as indicated above, a Collaboration Agreement is an agreement between landowners and sits outside of the planning process. It is a commercial matter and at this stage no such agreement is in place.

In addition to the above, there are good planning reasons for not imposing the suggested condition/obligation. As members are aware, in order to properly impose a condition or an obligation in a S106 Agreement certain tests have to be met. For example two of the tests are reasonableness and necessity. In Officers' view these tests would not be complied with as the scheme is not unacceptable without the suggested obligation/condition. O & H and Marlborough have also advised that they would not sign their S106 Agreements if the Council tried to impose such a requirement. The S106 Agreement with the Council does set out that the other landowners shall not frustrate delivery of the development on the other land and shall provide reasonable assistance in relation to comprehensive delivery. Officers consider that this is reasonable in the circumstances and that it would not be reasonable or necessary to go further than this in the Section 106 agreement. Officers remain of the view, notwithstanding the representations in the letter received, that planning permission should be granted.

Implications

In putting forward a recommendation of approval, Officers have considered the risks around the land owned by Barratts/ the Morley Martin family, given their current position.

The representatives of the Morley Martin family have confirmed that they are not seeking refusal of the planning application, but instead seek the additional condition or section 106 obligation set out above which officers consider to not meet relevant tests and inappropriate for reasons set out. Nevertheless, if the permission were to be refused they would need to make a new planning application, pay a new fee, prepare new reports and the whole process would start again. A stand-alone application is unlikely to be acceptable to the Local Planning Authority given the need to ensure the comprehensive development of the site and its overall infrastructure.

There is the potential for Barratts' to seek to appeal the condition which prevents them from commencing development on their land until they have entered into the S106 Agreement to be appended to the planning permission. However, as set out above, this condition is considered to be necessary and the financial contributions which are being sought have been equitably calculated and divided between the landowners. As such Officers are of the view that the condition is reasonable.

Barratts/ the Morley Martin families have queried in their recent letters how the overall viability of the scheme would be affected without their tariff payments and therefore whether the necessary infrastructure could still be delivered. The Barratts land equates to 647 homes, roughly 10% of the total Great Haddon site. Officers are of the view that it is extremely unlikely that the Barratts land will not come forward for development at some point, given that the permission is for 18 years. However, in the event that it does not, the land required for all the necessary key infrastructure i.e. schools, community facilities, drainage, open space, main roads can be delivered via the O & H and Marlborough land. Without the Barratts dwellings the infrastructure requirements for the site as a whole are reduced proportionately and therefore so are the costs i.e. the secondary school could be reduced in size as not as many forms of entry would be required and the third primary school would not be needed as this is intended to serve the Barratts dwellings.

Finally, in weighing up the above risks with the Barratts' land, Officers have balanced this against the need to deliver the housing requirements of the city as set out in the adopted Local Plan and the emerging Local Plan along with the benefits which the development will bring to the local economy in terms of job creation and the development industry supply chain.

Great Haddon represents the most significant allocation of new housing. If this application is not approved the site would remain allocated but there is a risk that the Inspector could find the emerging Local Plan unsound as she may consider that it is undeliverable. If this was the case, to meet the identified housing need, the Council would need to identify alternative housing sites elsewhere within the administrative area.

Moreover, the Council's five year land supply would be put significantly at risk and this would leave the Council open to challenge from speculative developers on other less sustainable sites.

Recommendation

Given the above, Officers recommend that planning permission be granted subject to final signing of the O & H and Marlborough Section 106 Agreements and the imposition of a condition in respect of the Barratts land (restricting development on that land until a S106 Agreement has been entered into) and the attached conditions with authority delegated to the Director of Growth and Regeneration and the Head of Legal Services to complete the S106 and to issue the planning permission.

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Our Ref: PJF/gp/PF/9922
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

8th November 2017

Ms V Hurrell
Principal Development Management Officer
Peterborough City Council
Planning Services
Town Hall
Bridge Street
Peterborough
PE1 1HF

Dear Ms Hurrell

Planning Application ref: 09/01368/OUT
Great Haddon – Martin and Morley Families

I have been asked to correspond with you on behalf of the Martin and Morley Families following my consideration of the draft S106 Planning Agreement. I have recently been involved in a Planning Agreement on a 6,000 dwelling development in Rugby Borough, which also involved multiple land interests. The planning issues are similar to Great Haddon.

I have advised my Clients that I am not in a position to recommend that they become a signatory to the Planning Obligations as presently drafted for three fundamental reasons – which are interrelated. I have set out below the issues of particular concern below:

- 1) Clause 2.8 would preclude the landowners from ever allowing development to take place on their land, other than in accordance with a grant of planning permission under reference 09/01368/OUT. This seems to me to be an unduly onerous Obligation particularly as this major development site will take many years to be built out.
- 2) If, as O & H seem to anticipate, my Clients' land holding is intended to be one of the last stages of development, Clause 2.8 imposes an extraordinary burden upon my Clients that they must ensure *'the development site as a whole remains deliverable and all necessary Development Infrastructure and Other Infrastructure is capable of being delivered and funded within the required timescales'*. This seems to me to represent an open ended commitment to which my Clients cannot reasonably be obligated.
- 3) I note in the draft reference to rights to enable the Council to procure delivery of all Development Infrastructure (section 4). Such 'step in' rights should be more specific enabling the Council if appropriate to procure the delivery of roads and services by a specific action (date or delivery of houses) to all parts of the Land. Otherwise, my Clients have no assurance

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as to when house building can take place on their land to achieve a comprehensive development.

My Clients do need to be assured by Barratt Homes, who hold an interest in their land, that – subject to the Obligations addressing the matters that I have identified – it will be acknowledged as a Satisfactory Planning Permission.

I understand that the Council wishes to conclude the issuing of planning permission as soon as possible. I am willing to meet you to explore the issues I have identified.

Yours sincerely

Peter J Frampton

This matter is being dealt with by
Paul Hunt

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Lee Gordon
Weightmans Solicitors
Westgate Point
Leeds
LS1 2AX

Our ref: C.10.144759.686.pdh.vt
Your ref:

28 March 2018

Dear Lee

Planning application reference number 09/01368/OUT – land at Great Haddon, Peterborough

I refer to the above planning application and to the various discussions/e-mails exchanged in relation to this scheme and the situation that my clients, BDW Trading Limited and their associated landowner, find themselves in with regards to the scheme.

As you will be aware from our discussions, my clients are a joint landowner with others in relation to part of the application site. My clients have been attempting to negotiate terms with O&H Limited for a collaboration agreement that would enable an agreed position to be reached in connection with the future development of my clients land in order for my clients to implement the outline planning permission, once reserved matters approvals have been obtained. Despite such approaches O&H have not been willing to progress any collaboration arrangements with my client. At present it would appear, therefore, that even if planning permission were to be granted, the site would remain un- implementable until such time as a collaboration agreement is negotiated to agree timescales for infrastructure delivery.

Unfortunately the responses you provided by way of your e-mail to me dated 2 March 2018, with regards to the S106 Agreement, leaves us in no doubt that the Council are not minded to accommodate our concerns with regards to the S106 that would enable us to complete an agreement in the terms of the draft submitted to us.

Since receiving your e-mail we have now also seen the draft planning conditions proposed to be attached to the outline planning permission for the whole site. My clients will review the conditions in detail but clearly at the moment the principal concern lies with condition C5 which precludes development on my clients land until such time as they have entered into a S106 Agreement under the Town and Country Planning Act 1990 in the form of the draft attached which we assume will be that which has already been supplied. We have already made it clear that the terms of the draft are not acceptable to us. I am sure I need not remind either you or your clients of the clear advice set out in paragraph 010 reference ID: 21a-010-20140306 of the NPPG that although government policy does allow for negatively worded conditions that requires a planning obligation to be entered into subsequent to the grant of a planning permission this must only be in exceptional circumstances. Moreover the advice states that it is important that the local planning authority discuss with the applicant before planning permission is granted the need for a planning obligation or other agreement and the appropriateness of using a condition. The heads of principle terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency. Whilst we have been supplied with a draft S106

Agreement we have made known our concerns that it is not in a form that would be acceptable to us and is not likely to be signed by either my clients or the co-landowner.

In addition it must be stressed that in the absence of a collaboration agreement my clients will have no choice but to consider a separate planning application for their land and to explore the potential for independent development of that land. That in turn will almost certainly give rise to development costs of a scale which will call into question the viability of the scheme with the level of S106 obligations envisaged by the Council. In those circumstances any future viability assessment will have to take account of the development costs arising as a result of the absence of any collaboration arrangements and that in turn may impact on not only the ability of my clients and their co-landowner to enter into an agreement in the terms that the Council are seeking but also with regards to the quantum of obligations that the Council expect to receive.

My client co-owners planning consultant, Framptons, have already written to the Council on more than one occasion setting out their concerns with regards to the S106 obligations that my clients and theirs are expected to meet yet in respect of which they seem unlikely to derive any benefit without any collaboration arrangements with O&H in terms of accessing key infrastructure that O&H are to provide on site. Despite this the Council expect my clients to deliver their contributions towards this infrastructure without any guarantee as to the right to connect and to use the same in conjunction with their proposed development.

We have also discussed with the Council seeking to ensure that the planning permission and the associated S106 take account of the need for collaboration between the parties to ensure a comprehensive development. The Council have made it clear that they are unwilling to become involved, through the planning process, with that exercise and therefore to ensure that a comprehensive form of development is achieved. The requirement to enter into a S106 that delivers on key infrastructure but without any associated benefits or rights to connect to services, thereby enabling our clients land to be developed is clearly unacceptable. The Council must therefore accept its share of responsibility in terms of its failure to secure the necessary S106 obligations that would otherwise arising from the development as a whole and the associated delivery of key infrastructure.

As advised the draft outline planning permission conditions need to be reviewed in full to assess the implications of the same for development of my clients land. It would appear, however, that there are likely to be a number of key issues of concern in terms of the future delivery of housing on my clients land if we were to seek to rely on the outline planning permission. That in turn adds weight to the possible need for a separate full or outline planning permission on our clients land in order to take forward the possibility of future development. The Council must understand and appreciate the implications of this and recognise that it does not follow that my clients will enter into a S106 planning obligation in order to satisfy condition C5 or to rely on the outline planning permission presented to us in its current form.

Yours sincerely

Paul Hunt

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Our Ref: PJF/fa/PF/9922
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

13th February 2018

Mr Lee Collins
Peterborough City Council
Town Hall,
Bridge Street,
Peterborough,
PE1 1HF

Dear Mr Collins,

**TOWN AND COUNTRY PLANNING ACT 1990
MARTIN AND MORLEY FAMILIES
LAND AT GREAT HADDON
PLANNING APPLICATION REF: 09/01368/OUT**

I refer to your correspondence dated 27th November 2017 and to the recent conversation between Alistair Brodie and Vicky Hurrell. I have considered the proposed revisions to the Planning Obligations, (circulated on the 6th February 2018) and the draft planning conditions. I have discussed my considerations with the Martin and Morley Families.

The latest re-draft of the Section 106 still provides no comfort to the Martin and Morley Families. In short form the Families are being asked:

1. To enter a planning obligation where their land interest is to be burdened with a disproportionate amount of infrastructure costs compared to other land owners.
2. If such payments are made pursuant to the Obligations, no provision is made for the delivery of access and services to my Client's land, or the timing of delivery.

It appears to me from your correspondence that you believe arrangements for the delivery of services, and access between the various land interests is a matter which should be addressed outwith the planning process. I understand your position to be that it is not the function of the planning authority to be engaged with, or mediate on property interests as between individual landowners. Whilst I understand the point, with respect, that is exactly what the planning system should do, where it seeks to achieve comprehensive development. Furthermore, your authority has already engaged in the process of balancing the interests of separate private landowners through the "balancing arrangements" which has been embodied in the proposed partitioned Section 106 Agreements, which result in my Clients being asked to contribute twice

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the level of Section 106 contributions compared to O&H Properties Ltd. I would also comment that the calculation upon which this balancing arrangement is based, has been accepted by Peterborough City Council on the basis of figures and calculations tabled by other landowners and without any input from either our promoters (being Barratt David Wilson) or indeed, from our Clients.

To have adopted this approach, which clearly has a direct impact upon the interests of private landowners, but then stops short of securing structures through the planning process which ensure that services and road connections of sufficient capacity are made available at a predetermined and early stage in the development process, so that all landowners can bring forward their land without hindrance or interference from third parties, appears to me to be iniquitous.

The Framework emphasises that 'Plans should be deliverable'. As 'costs' require careful attention in 'plan-making and decision-taking', the reference to 'Plans' should not be read as being simply confined to the plan making process. As such I remain firmly of the opinion that it would not be expedient or prudent for the Martin and Morley Families to participate in the Planning Obligations as drafted to date.

In my submission the inability of my Clients to enter the planning obligation on account of the unfairness to their interests, means that the site-wide planning obligations will have to be borne by a reduced amount of capital generating development. Hitherto, the assumption has been that my Clients would be signatories to the partitioned Planning Obligations and hence their proposed contributions would have been factored into an overall development appraisal. Given that such an approach requires my Clients to accept Section 106 contributions which, per dwelling are double that sought from O&H Properties, meaning that my Clients would be expected to contribute 20% of the total Section 106 contributions for the scheme, such an assumption cannot be relied upon.

It seems to me that a planning mechanism should be established within the planning process as an integral component of a comprehensive development scheme to ensure the delivery of residential development on my Client's land. Such a provision is a reasonable and equitable expectation when the terms of Planning Obligations require substantial financial contributions to be made.

Viability of this scheme, in the absence of Martin and Morley engagement with the Planning Obligations, is a material consideration on which the Planning Committee should have due regard to when determining the merits of this application. I hence request that you bring this correspondence to the attention of the Planning Committee when the application (09/01368/OUT) is reported for determination.

Yours sincerely

Peter J Frampton

Our Ref: PJF/nss/PF/9922
(Please reply to Banbury office)

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12th March 2018

Mr S Machen
Corporate Director Growth and Regeneration
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HF

Dear Mr Machen

**TOWN AND COUNTRY PLANNING ACT 1990
MARTIN AND MORLEY FAMILIES
LAND AT GREAT HADDON
PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
13TH MARCH 2018**

As you may be aware from my correspondence to Mr Collins dated the 13th February 2018 (attached for convenience) I act for the Martin and Morley Families who hold a significant land interest in the land identified as a SUE at Great Haddon Peterborough.

I note that there is an Agenda Item (Item 6) at the Committee on the 13th March 2018 for an update on the Local Plan. It may be the case that Members will seek an update on the progress of the above planning application for Great Haddon (09/01368/OUT), particularly on the position of interested parties, including my Clients on the proposed Planning Obligations and planning conditions.

I request that you bring to the attention of the Planning Committee the following points:

1. The Martin and Morley Families consider the provision of the following draft Planning Condition is not reasonable. The condition reads as follows:

'The development hereby permitted should not be commenced on any part of the land shown coloured green on Plan A attached to this permission [Parcel 1, or "ownership phase B"] until all parties with any legal or equitable interest in that parcel have entered into a deed of planning obligation under section 106 of the Town and Country Planning Act 1990 substantially in the form of the deed attached and marked 'Parcel 1 Deed of Planning Obligation' subject to such minor amendments or variations as may be agreed with the Local Planning Authority.'

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Accordingly, as landowners and joint applicants in respect of the "B Land", (as that expression is defined in the draft s106 agreement) please be advised that my Clients do not consent to the imposition of this pre-commencement planning condition (section 100ZA TCPA 1990)

2. The Martin and Morley Families have no intention of entering a Planning Obligation in the form that is presently drafted - which burdens their land, (whenever the same might happen to be developed and under what circumstances), with disproportionate infrastructure costs, and makes no provision for the delivery of infrastructure to enable the development of their land to take place even when payments are made. This situation is iniquitous.

The landowners stance and for the like reasons, is supported by their co-owners David Wilson Homes Limited, who have confirmed, via their solicitors, that they do not require our Clients to sign the s106 agreement in the form as presently drafted. If the local planning authority therefore proceed to issue the proposed planning permission it is respectfully pointed out that their duty is first to consider whether the development upon the other landowners land will prove viable, (and hence deliverable), without receipt of the currently anticipated planning contributions deriving from our clients' land, perceived to be some 20% of the total envisaged contributions.

3. The LPA is required to take into account in the determination of an application for planning permission any representations made by an owner of land (Town and Country Planning (Development Management Procedure) Order 2015 (Article 33)). If the Planning Committee grants planning permission notwithstanding the stated position of the Martin and Morley Families, the Committee will need to be satisfied that the remaining land within the application site can support the provisions of the Obligations and be a viable and deliverable development (Framework 173).
4. The position of the Martin and Morley Families as expressed above is a 'material consideration' (Section 70 (2)) to the determination of the planning application and is duly a matter which should accordingly be formally reported to the Planning Committee - as a changed circumstance to when the resolution to grant planning permission was first made. I hence formally request that this correspondence is presented to the Planning Committee at the time when the above application is determined.

As stated above I have copied this correspondence to Mr L Collins who I understand is dealing with the planning application.

Yours sincerely

Peter J Frampton

Encl: Letter to Mr Collins 13th February 2018

Cc: Mr L Collins

11 APR 2018



Peterborough City Council
Growth and Regeneration Directorate
Town Hall
Bridge Street
Peterborough
PE1 1HF

Attention:
Lee Collins
Development Management Manager
and
Vicky Hurrell
Principal Development Management Officer

By Post and by email:
lee.collins@peterborough.gov.uk
victoria.hurrell@peterborough.gov.uk

Our ref: DAB/GP/044551.0001
Your ref: LC/EJT

Dear Sirs,

**Re: Planning Application ref: 09/01368/OUT
Great Haddon – David Wilson Homes Limited (and others) and Messrs
Martin**

We are instructed to act on behalf of Messrs. Martin who are the co-owners jointly with David Wilson Homes Limited (**DWH**) of that part of the land, comprised within the development sought by the above planning application, which you have described in the prospective draft section 106 agreements as the "B Land" and in the proposed planning conditions as the land shown coloured green on plan number PSTO21 – S106 – 011 A. For convenience we will refer to our clients' land as "**the B Land**".

The application for this development was submitted to the Council in December 2009 and DWH was a co-applicant with O&H Properties Limited and Marlborough Oasis Limited. The development proposal was subjected to a viability assessment. In consequence it was agreed that the site could only support an initial affordable housing provision of 7.5%, (subject to an escalator condition), to be considered to be viable and hence deliverable as an acceptable form of development.

The Planning and Environmental Protection Committee ("**the Committee**") resolved to approve the application on 19 March 2013, subject to certain pre-conditions; in particular, the approval of the conditions to be attached to the

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planning permission and the satisfactory completion of a section 106 agreement. The reasons expressed to justify the resolution to grant planning permission included; *"subject to the completion of the section 106 agreement, it was considered that the development would make sufficient contribution towards the infrastructure requirements arising from it"*. It was therefore said to accord with policies CS12 and CS13 of the adopted Core Strategy.

At the Committee meeting held on 20th January 2015 it was reported that further viability assessments had been undertaken and it was agreed that a fixed rate of affordable housing (at 16%) should be provided in lieu of an escalator condition. It was said that even if a trigger mechanism were to be agreed there was a real risk that values were unlikely to generate a significant uplift in the affordable housing provision and that any increases in sales values were likely to be matched and in some cases outstripped by build cost inflation. *"This presented a risk to both Council and the applicants in terms of overall lack of delivery of affordable housing and also the uncertainty over levels of future provision in any one development area and phase"*

It is therefore clear that, throughout the application process, the viability for the scheme as a whole is and was a point in question.

As you are aware, the form of the proposed planning agreements have been through many iterations since 2013. At the Committee meeting on 25th July 2017, members were asked to agree a partitioned form of s106 agreement. To this end officers, with counsel's advice, set out that they would only support that approach if it could be demonstrated that sufficient funding would be available in the s106 "pot" at the key stages of the development. It was suggested that this might be achieved if O&H and Marlborough signed the partitioned s106 agreements at the same time, but the Council would still require a letter of comfort from "Barratt Homes" (DWH) in order to demonstrate that the infrastructure costs could be met.

Matthew King on behalf of Barratt Homes spoke at the meeting and suggested that, at that time, *"all parties were now collaborating on the Yaxley Loop and the Secondary School"* and that *"progress has been sustained over the past week and all parties were now in a position to agree terms"*. It is however now clear from the letter sent to the Council's solicitors on behalf of DWH by its solicitors, Shakespeare Martineau, on 28th March 2018 that, although DWH have been attempting to negotiate terms for a collaboration agreement, O&H do not appear to have been willing to progress such an agreement. As such, Shakespeare Martineau say that, *"even if planning permission is granted, the site would remain un-implementable until such time as a collaboration agreement is negotiated to agree timescales for infrastructure delivery"*, and we have no reason to question that logic.

What is more, it is being proposed, through the imposition of the prospective B Land s106 agreement, (which had not been drafted at the time of the July 2017 Committee meeting), that the B Land is required to contribute a significantly disproportionate part of the total cost of on and off site infrastructure, utilities and services for the development as a whole. That, in itself, is not fundamentally objectionable to the B Land owners, but in the absence of a collaboration agreement between the site owners as a whole, what is clearly objectionable is that the B Land owners will not have the rights to benefit and make use of the infrastructure, utilities and services to which they have contributed.

The latest schedule of costing for infrastructure, utilities and services apportioned between the respective landowners, dated 14th February 2018, is attached. It will be observed that the costs, together with the required s106 contributions have increased substantially beyond those envisaged at the time of the resolution to grant. This, we would suggest, is another factor that points to the viability of the scheme and hence the deliverability of housing.

Both Shakespeare Martineau, solicitors for DWH and Framptons Planning Consultants on behalf of our clients, have made clear by their letters to you dated respectively 8th November 2017, 13th February 2018 and 12th March 2018 (Framptons) and 28th March 2018 (Shakespeare Martineau), (copies attached for ease of reference), their objection to the imposition of the proposed planning condition C5 which requires the owners of the B Land to enter into a form of section 106 agreement, that is unacceptable to them, before development commences upon the B Land.

The reasons why such proposals are unacceptable can be summarised by the fact that the landowners would be required, if they consented to such section 106 agreement, to contribute a disproportionate amount to the cost of site-wide infrastructure, services and planning obligations, (absent an appropriate collaboration agreement), without deriving any benefit from the ability to use the infrastructure, utilities and services to which they have contributed and the B Land will be tied to those obligations regardless of the timing of any further planning application to develop their land and without reference to the cost of providing infrastructure, utilities and services to serve that development.

As such the landowners object to planning conditions C5 and C9, (amongst others) and to the form of the proposed s106 agreement as partitioned and applicable to the B Land. The objection to the imposition of these conditions and the ensuing s106 obligations is a material representation made by these landowners.

In short, there are several material considerations that have arisen since the last Committee meeting of 25th July 2017 and, as you will have seen, both owners

of the B Land have requested that these matters are drawn to the attention of the Committee.

The material considerations which have now arisen can be summarised as follows:

1. The lack of landowner consent both to planning conditions and proposed section 106 agreements;
2. Planning obligations are not secured over the whole site. This is exacerbated by the partitioning of the section 106 obligations according to each site owner, but without any overarching conditions and planning obligations to ensure the comprehensive development and the timing of development;
3. There can be no guarantee that prospective planning contributions will come forward from the B Land, which might therefore mean a considerable deficiency to the overall contributions required to ensure the infrastructure requirements of the development are met;
4. The increased infrastructure obligations; (up from £75m reported to July 2017 Committee to £102.4m) including in particular the additional obligation to provide a bridge over the East Coast main rail line (site wide contribution - £8m and O&H additional contribution - £10m).
5. As a consequence of the above considerations, the viability and hence the deliverability of the development scheme is questionable without the B Land contributions, which the B landowners are not willing to provide on such unequal terms;
6. The requirement that local authorities are to ensure an adequate supply of housing over the Plan period and the current national housing shortage, as advised by recent Ministerial Papers as well as planning practice guidance on viability, (paragraph: 016 Reference ID: 10-0160-20140306)), do not justify granting planning permission where deliverability is in question;
7. You should also consider that conditions which place unjustifiable and disproportionate financial burdens on an applicant will fail the test of reasonableness. (NPPG paragraph 005 Reference ID: 21a – 005-20140306). Such Guidance also emphasises the need for the Authority to discuss with the applicant the appropriateness of using a condition, in this case, such as proposed condition C5 and suggests that the heads of terms or principal terms. (of any intended planning obligation), **need to be agreed** prior to planning permission being granted to ensure the test

of necessity is met and in the interests of transparency, (paragraph 010 Reference ID: 21a-010-20140306).

Without prejudice to paragraph numbered 7 above and for the avoidance of doubt, the B Land owners do not have a particular quarrel with the proposed distribution of planning contributions in the manner proposed, but do object to being tied to those obligations without the corresponding rights to the benefits to be derived from making those contributions **and** the lack of direction as to timing of delivery.

As you will have seen from Shakespeare Martineau's letter dated 28th March 2018, DWH are willing to enter into an appropriate collaboration agreement that would resolve these issues. It is accepted that the Council is not able to impose a pre-commencement condition on the grant of permission to the effect that the parties are required to enter into an appropriate collaboration agreement, but that would be something that could and indeed we suggest should, have been included in the drafting of the partitioned s106 agreements and you will see later in this letter that this is a proposal that we suggest is not too late to make.

It is still open to the Authority to include an overarching planning condition, either in addition to or by way of amendment to that proposed at C9, (say C9A to which we will refer at the end of this letter), to the effect that:

no development shall take place upon any part of the site until a strategy for the delivery of infrastructure, utilities and services, including the timing of delivery to all parcels of land, has been agreed between all landowners and has been submitted to and approved by the Council and that the development shall be carried out in accordance with such strategy;

the condition would then go on to detail the specific matters that require approval for each parcel as identified in your proposed condition C9.

The reason for the imposition of condition C9 is said to be; *to secure the comprehensive and co-ordinated development of each part of the site*. What condition C9 does not do is secure the overall development of the site, nor does it ensure a co-ordinated approach to such development. Suggested condition C9A would overcome that problem.

In response to Frampton's letter, on 27th November you stated that there was a need *to ensure the comprehensive development of the site by securing the apportioned infrastructure tariff payments in the event a new stand-alone planning application is submitted on the B Land*, but of course condition C5 will not guarantee those tariff payments from the B Land nor the comprehensive development of the site. If no such application is forthcoming the other parts of the development area must bear such additional costs, which

of course are disproportionate to the area of the B Land. In such circumstances the Committee should, at this juncture, consider whether the O Land and the M Land parts of the development are likely to be viable without any contributions from the B Land.

In any event, as of course you are aware, any standalone application on the B Land must be considered upon its own merits and if the Committee has come to the conclusion that permission in accordance with the 2009 application should be granted on the strength of the contributions to be derived from the partitioned s106 agreements in respect of the O Land and the M Land alone, then it is unlikely the Authority will be able to rely, as a reason for refusal of the standalone application, upon an unwillingness on the part of the B Land owners, (who in turn will have to provide their own infrastructure and services provision), to contribute to the wider scheme.

From a conversation with Alistair Brodie of Bletsoes, chartered surveyors and land agents, it is understood that officers of the Council propose to issue planning permission pursuant to the 2009 application just as soon as the final form of the section 106 agreements for the "O Land" and the "M Land" have been settled and those agreements have been signed. The position in connection with the B Land is said to be that commencement of development upon the B Land will be constrained until the B Land owners enter into a section 106 agreement in a format which will require the owners of the B land to commit to the structure and obligations negotiated by the Council with O&H Properties Limited and Marlborough Oasis Limited, and in relation to which you have already been notified that such terms are unacceptable to the B Land owners.

When asked whether the various letters on behalf of our clients and DWH, as referred to above, had been referred to members of the planning committee it is understood that the reply was they were being dealt with at high officer level along with advice from the council's solicitors and that officers had consulted with two senior members of the committee.

It appears therefore that you do not propose to refer the matter back to the Planning and Environmental Protection Committee for consideration of the application in the light of the current situation, nor that all members of the Planning and Environmental Protection Committee have been consulted and been given the opportunity to consider the application with the material considerations set out above specifically in mind, such that both individually and collectively the members can arrive at the appropriate balancing exercise in making their decision upon the application in such changed circumstances.

The representations by DWH and Messrs Martin, relating to the imposition of the proposed planning conditions C5 and C9 and the proposed terms of the s106 agreement in relation to the B Land, must be taken into account in

determining the application. See Frampton's letter to Simon Machen, Corporate Director dated 13th February 2018 and Article 33 Town & Country (Development Management Procedure) Order 2015.

In addition, s70(2) Town & Country Planning Act 1990 requires a planning authority, in dealing with an application, to have regard (amongst other things), to all material considerations.

The Court of Appeal said, (in the case of *R (Kides) v South Cambs DC* 2002 EWCA Civ 1370), that: "*dealing with*" includes anything done by or on behalf of the planning authority which bears in any way and whether directly or indirectly, on the application in question. Thus it extends beyond "*considering*" so as to include administrative acts by the authority's delegated officers.

Further, that a consideration is "*material*" in the context of s70(2), if it is relevant to the question whether the application should be granted or refused. It must be a factor which has some weight in the decision-making process, although plainly it may not be determinative.

It is appreciated that this does not necessarily mean that each time a new material consideration arises after the initial "in principle" resolution, the planning application has to be referred back to the planning committee. It is accepted that the duty will be discharged if, at the date of issue of the decision, the Authority has considered all material considerations affecting the application and has done so with the application in mind. However, where the delegated officer who is to sign a decision notice is aware of a material consideration or material considerations, not previously considered by the planning committee, the authority of the delegated officer must surely be such as to require him to refer the matter back to the committee as a whole for reconsideration in the light of the those material considerations. If he fails to do so, the Authority may be in breach of its statutory duty.

The Kides case is authority for the proposition that it is not for the delegated officer to decide what is a material consideration within the meaning of s70(2). Hence it is no defence, (to a claim that an Authority has breached its s70(2) duty), for the Authority to assert that, in issuing its decision notice, the delegated officer did not consider the factors to be material, nor, we respectfully suggest, if those factors have not been fully taken into account by all members of the planning committee with the application specifically in mind and being able to consider the same in the light of the material considerations. This would ensure that the decision-making process is demonstrated to be transparent.

In the light of the above and having regard to the objections raised by the B Land owners, it would be appreciated if you would please confirm that, before making a final decision upon the 2009 planning application, you will refer the

matter back to the Planning and Environmental Protection Committee and at the same time draw the members' attention to this letter and to the letters from Framptons and Shakespeare Martineau to which we have referred above.

In closing we would say that it is fully appreciated that this application has been dragging on for a very long time and it seems that none of the landowners wish the application to be refused and, to that extent the principle of the partitioned s106 agreements is agreed, but as yet those draft agreements have not gone far enough to the point where, on the one hand, the Council can be confident the scheme will be viable (absent the contributions from the B Land) and hence deliverable and the landowners can be assured that they will receive the appropriate rights to use infrastructure, utilities and services to which they have contributed.

Whilst we are loathe to suggest a further formal extension of time in which to seek to conclude a collaboration agreement on acceptable terms, that might result in the whole issue being resolved to everyone's satisfaction, particularly if pressure is brought to bear by the Council upon all landowners and it is made very clear that this will be the final extension that will be permitted and it is limited to say a maximum of three months. As an alternative will you please consider the addition of the planning condition (C9A) to which we have referred above.

Yours faithfully

DAVID BARTON

GEOFFREY LEAVER SOLICITORS LLP

Email: dbarton@geoffreyleaver.com

Direct Dial: 01908 689395

Our Ref: PJF/gp/PF/9922
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

8th November 2017

Ms V Hurrell
Principal Development Management Officer
Peterborough City Council
Planning Services
Town Hall
Bridge Street
Peterborough
PE1 1HF

Dear Ms Hurrell

Planning Application ref: 09/01368/OUT
Great Haddon – Martin and Morley Families

I have been asked to correspond with you on behalf of the Martin and Morley Families following my consideration of the draft S106 Planning Agreement. I have recently been involved in a Planning Agreement on a 6,000 dwelling development in Rugby Borough, which also involved multiple land interests. The planning issues are similar to Great Haddon.

I have advised my Clients that I am not in a position to recommend that they become a signatory to the Planning Obligations as presently drafted for three fundamental reasons – which are interrelated. I have set out below the issues of particular concern below:

- 1) Clause 2.8 would preclude the landowners from ever allowing development to take place on their land, other than in accordance with a grant of planning permission under reference 09/01368/OUT. This seems to me to be an unduly onerous Obligation particularly as this major development site will take many years to be built out.
- 2) If, as O & H seem to anticipate, my Clients' land holding is intended to be one of the last stages of development, Clause 2.8 imposes an extraordinary burden upon my Clients that they must ensure *'the development site as a whole remains deliverable and all necessary Development Infrastructure and Other Infrastructure is capable of being delivered and funded within the required timescales'*. This seems to me to represent an open ended commitment to which my Clients cannot reasonably be obligated.
- 3) I note in the draft reference to rights to enable the Council to procure delivery of all Development Infrastructure (section 4). Such 'step in' rights should be more specific enabling the Council if appropriate to procure the delivery of roads and services by a specific action (date or delivery of houses) to all parts of the Land. Otherwise, my Clients have no assurance

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as to when house building can take place on their land to achieve a comprehensive development.

My Clients do need to be assured by Barratt Homes, who hold an interest in their land, that – subject to the Obligations addressing the matters that I have identified – it will be acknowledged as a Satisfactory Planning Permission.

I understand that the Council wishes to conclude the issuing of planning permission as soon as possible. I am willing to meet you to explore the issues I have identified.

Yours sincerely

Peter J Frampton

Our Ref: PJF/fa/PF/9922
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

13th February 2018

Mr Lee Collins
Peterborough City Council
Town Hall,
Bridge Street,
Peterborough,
PE1 1HF

Dear Mr Collins,

**TOWN AND COUNTRY PLANNING ACT 1990
MARTIN AND MORLEY FAMILIES
LAND AT GREAT HADDON
PLANNING APPLICATION REF: 09/01368/OUT**

I refer to your correspondence dated 27th November 2017 and to the recent conversation between Alistair Brodie and Vicky Hurrell. I have considered the proposed revisions to the Planning Obligations, (circulated on the 6th February 2018) and the draft planning conditions. I have discussed my considerations with the Martin and Morley Families.

The latest re-draft of the Section 106 still provides no comfort to the Martin and Morley Families. In short form the Families are being asked:

1. To enter a planning obligation where their land interest is to be burdened with a disproportionate amount of infrastructure costs compared to other land owners.
2. If such payments are made pursuant to the Obligations, no provision is made for the delivery of access and services to my Client's land, or the timing of delivery.

It appears to me from your correspondence that you believe arrangements for the delivery of services, and access between the various land interests is a matter which should be addressed outwith the planning process. I understand your position to be that it is not the function of the planning authority to be engaged with, or mediate on property interests as between individual landowners. Whilst I understand the point, with respect, that is exactly what the planning system should do, where it seeks to achieve comprehensive development. Furthermore, your authority has already engaged in the process of balancing the interests of separate private landowners through the "balancing arrangements" which has been embodied in the proposed partitioned Section 106 Agreements, which result in my Clients being asked to contribute twice

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the level of Section 106 contributions compared to O&H Properties Ltd. I would also comment that the calculation upon which this balancing arrangement is based, has been accepted by Peterborough City Council on the basis of figures and calculations tabled by other landowners and without any input from either our promoters (being Barratt David Wilson) or indeed, from our Clients.

To have adopted this approach, which clearly has a direct impact upon the interests of private landowners, but then stops short of securing structures through the planning process which ensure that services and road connections of sufficient capacity are made available at a predetermined and early stage in the development process, so that all landowners can bring forward their land without hindrance or interference from third parties, appears to me to be iniquitous.

The Framework emphasises that 'Plans should be deliverable'. As 'costs' require careful attention in 'plan-making and decision-taking', the reference to 'Plans' should not be read as being simply confined to the plan making process. As such I remain firmly of the opinion that it would not be expedient or prudent for the Martin and Morley Families to participate in the Planning Obligations as drafted to date.

In my submission the inability of my Clients to enter the planning obligation on account of the unfairness to their interests, means that the site-wide planning obligations will have to be borne by a reduced amount of capital generating development. Hitherto, the assumption has been that my Clients would be signatories to the partitioned Planning Obligations and hence their proposed contributions would have been factored into an overall development appraisal. Given that such an approach requires my Clients to accept Section 106 contributions which, per dwelling are double that sought from O&H Properties, meaning that my Clients would be expected to contribute 20% of the total Section 106 contributions for the scheme, such an assumption cannot be relied upon.

It seems to me that a planning mechanism should be established within the planning process as an integral component of a comprehensive development scheme to ensure the delivery of residential development on my Client's land. Such a provision is a reasonable and equitable expectation when the terms of Planning Obligations require substantial financial contributions to be made.

Viability of this scheme, in the absence of Martin and Morley engagement with the Planning Obligations, is a material consideration on which the Planning Committee should have due regard to when determining the merits of this application. I hence request that you bring this correspondence to the attention of the Planning Committee when the application (09/01368/OUT) is reported for determination.

Yours sincerely,

Peter J Frampton

Our Ref: PJF/nss/PF/9922
(Please reply to Banbury office)

peter.frampton@framptons-planning.com

12th March 2018

Mr S Machen
Corporate Director Growth and Regeneration
Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HF

Dear Mr Machen

**TOWN AND COUNTRY PLANNING ACT 1990
MARTIN AND MORLEY FAMILIES
LAND AT GREAT HADDON
PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
13TH MARCH 2018**

As you may be aware from my correspondence to Mr Collins dated the 13th February 2018 (attached for convenience) I act for the Martin and Morley Families who hold a significant land interest in the land identified as a SUE at Great Haddon Peterborough.

I note that there is an Agenda Item (Item 6) at the Committee on the 13th March 2018 for an update on the Local Plan. It may be the case that Members will seek an update on the progress of the above planning application for Great Haddon (09/01368/OUT), particularly on the position of interested parties, including my Clients on the proposed Planning Obligations and planning conditions.

I request that you bring to the attention of the Planning Committee the following points:

1. **The Martin and Morley Families consider the provision of the following draft Planning Condition is not reasonable. The condition reads as follows:**

'The development hereby permitted should not be commenced on any part of the land shown coloured green on Plan A attached to this permission [Parcel 1, or "ownership phase B"] until all parties with any legal or equitable interest in that parcel have entered into a deed of planning obligation under section 106 of the Town and Country Planning Act 1990 substantially in the form of the deed attached and marked 'Parcel 1 Deed of Planning Obligation' subject to such minor amendments or variations as may be agreed with the Local Planning Authority.'

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Accordingly, as landowners and joint applicants in respect of the "B Land", (as that expression is defined in the draft s106 agreement) please be advised that my Clients do not consent to the imposition of this pre-commencement planning condition (section 100ZA TCPA 1990)

2. The Martin and Morley Families have no intention of entering a Planning Obligation in the form that is presently drafted - which burdens their land, (whenever the same might happen to be developed and under what circumstances), with disproportionate infrastructure costs, and makes no provision for the delivery of infrastructure to enable the development of their land to take place even when payments are made. This situation is iniquitous.

The landowners stance and for the like reasons, is supported by their co-owners David Wilson Homes Limited, who have confirmed, via their solicitors, that they do not require our Clients to sign the s106 agreement in the form as presently drafted. If the local planning authority therefore proceed to issue the proposed planning permission it is respectfully pointed out that their duty is first to consider whether the development upon the other landowners land will prove viable, (and hence deliverable), without receipt of the currently anticipated planning contributions deriving from our clients' land, perceived to be some 20% of the total envisaged contributions.

3. The LPA is required to take into account in the determination of an application for planning permission any representations made by an owner of land (Town and Country Planning (Development Management Procedure) Order 2015 (Article 33)). If the Planning Committee grants planning permission notwithstanding the stated position of the Martin and Morley Families, the Committee will need to be satisfied that the remaining land within the application site can support the provisions of the Obligations and be a viable and deliverable development (Framework 173).
4. The position of the Martin and Morley Families as expressed above is a 'material consideration' (Section 70 (2)) to the determination of the planning application and is duly a matter which should accordingly be formally reported to the Planning Committee - as a changed circumstance to when the resolution to grant planning permission was first made. I hence formally request that this correspondence is presented to the Planning Committee at the time when the above application is determined.

As stated above I have copied this correspondence to Mr L Collins who I understand is dealing with the planning application.

Yours sincerely

Peter J Frampton

Encl: Letter to Mr Collins 13th February 2018

Cc: Mr L Collins

This matter is being dealt with by
Paul Hunt

1 Meridian South, Meridian Business Park, Leicester,
LE19 1WY
DX 710910 Leicester Meridian
T +44 (0)116 366 8000

Lee Gordon
Weightmans Solicitors
Westgate Point
Leeds
LS1 2AX

Our ref: C.10.144759.686.pdh.vt
Your ref:

28 March 2018

Dear Lee

Planning application reference number 09/01368/OUT – land at Great Haddon, Peterborough

I refer to the above planning application and to the various discussions/e-mails exchanged in relation to this scheme and the situation that my clients, BDW Trading Limited and their associated landowner, find themselves in with regards to the scheme.

As you will be aware from our discussions, my clients are a joint landowner with others in relation to part of the application site. My clients have been attempting to negotiate terms with O&H Limited for a collaboration agreement that would enable an agreed position to be reached in connection with the future development of my clients land in order for my clients to implement the outline planning permission, once reserved matters approvals have been obtained. Despite such approaches O&H have not been willing to progress any collaboration arrangements with my client. At present it would appear, therefore, that even if planning permission were to be granted, the site would remain un- implementable until such time as a collaboration agreement is negotiated to agree timescales for infrastructure delivery.

Unfortunately the responses you provided by way of your e-mail to me dated 2 March 2018, with regards to the S106 Agreement, leaves us in no doubt that the Council are not minded to accommodate our concerns with regards to the S106 that would enable us to complete an agreement in the terms of the draft submitted to us.

Since receiving your e-mail we have now also seen the draft planning conditions proposed to be attached to the outline planning permission for the whole site. My clients will review the conditions in detail but clearly at the moment the principal concern lies with condition C5 which precludes development on my clients land until such time as they have entered into a S106 Agreement under the Town and Country Planning Act 1990 in the form of the draft attached which we assume will be that which has already been supplied. We have already made it clear that the terms of the draft are not acceptable to us. I am sure I need not remind either you or your clients of the clear advice set out in paragraph 010 reference ID: 21a-010-20140306 of the NPPG that although government policy does allow for negatively worded conditions that requires a planning obligation to be entered into subsequent to the grant of a planning permission this must only be in exceptional circumstances. Moreover the advice states that it is important that the local planning authority discuss with the applicant before planning permission is granted the need for a planning obligation or other agreement and the appropriateness of using a condition. The heads of principle terms need to be agreed prior to planning permission being granted to ensure that the test of necessity is met and in the interests of transparency. Whilst we have been supplied with a draft S106

Agreement we have made known our concerns that it is not in a form that would be acceptable to us and is not likely to be signed by either my clients or the co-landowner.

In addition it must be stressed that in the absence of a collaboration agreement my clients will have no choice but to consider a separate planning application for their land and to explore the potential for independent development of that land. That in turn will almost certainly give rise to development costs of a scale which will call into question the viability of the scheme with the level of S106 obligations envisaged by the Council. In those circumstances any future viability assessment will have to take account of the development costs arising as a result of the absence of any collaboration arrangements and that in turn may impact on not only the ability of my clients and their co-landowner to enter into an agreement in the terms that the Council are seeking but also with regards to the quantum of obligations that the Council expect to receive.

My client co-owners planning consultant, Framptons, have already written to the Council on more than one occasion setting out their concerns with regards to the S106 obligations that my clients and theirs are expected to meet yet in respect of which they seem unlikely to derive any benefit without any collaboration arrangements with O&H in terms of accessing key infrastructure that O&H are to provide on site. Despite this the Council expect my clients to deliver their contributions towards this infrastructure without any guarantee as to the right to connect and to use the same in conjunction with their proposed development.

We have also discussed with the Council seeking to ensure that the planning permission and the associated S106 take account of the need for collaboration between the parties to ensure a comprehensive development. The Council have made it clear that they are unwilling to become involved, through the planning process, with that exercise and therefore to ensure that a comprehensive form of development is achieved. The requirement to enter into a S106 that delivers on key infrastructure but without any associated benefits or rights to connect to services, thereby enabling our clients land to be developed is clearly unacceptable. The Council must therefore accept its share of responsibility in terms of its failure to secure the necessary S106 obligations that would otherwise arising from the development as a whole and the associated delivery of key infrastructure.

As advised the draft outline planning permission conditions need to be reviewed in full to assess the implications of the same for development of my clients land. It would appear, however, that there are likely to be a number of key issues of concern in terms of the future delivery of housing on my clients land if we were to seek to rely on the outline planning permission. That in turn adds weight to the possible need for a separate full or outline planning permission on our clients land in order to take forward the possibility of future development. The Council must understand and appreciate the implications of this and recognise that it does not follow that my clients will enter into a S106 planning obligation in order to satisfy condition C5 or to rely on the outline planning permission presented to us in its current form.

Yours sincerely

Paul Hunt

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DRAFT NOTICE OF PLANNING PERMISSION

Town and Country Planning Act 1990

DRAFT

Reference 09/01368/OUT

Proposal Development of an urban extension comprising up to 5350 residential dwellings, a district centre (with up to 9200 square metres (99031 sq.ft) retail floor space) and two neighbourhood centres (with up to 2300 square metres (24758 sq.ft) retail floor space) comprising district/neighbourhood retail (A1-A5), community and health (C2, D1), leisure(D2), residential (C3) and commercial (B1) uses. Provision for education facilities (sites for three primary and one secondary school), sports and recreational facilities, a range of strategic open spaces including new landscaping , woodland and allotments, and cemetery provision. Associated highway infrastructure (including pedestrian, bridleway and cycle routes), public transport infrastructure and car parking for all uses. Utilities and renewable energy infrastructure; foul and surface water drainage networks (including SuDS and lakes)

At Land To The North Of Norman Cross London Road Peterborough

Applicant O And H Properties Ltd, Marlborough Oasis Ltd, David Wilson

Date valid 2 December 2009

Conditions

Permission is granted subject to the following conditions and reasons:

Schedule of Conditions as they relate to each part of the application site:

The following conditions are applicable to the whole application site:

C1, C2, C3, C4, C13, C16, C23, C31, C37,

The following conditions are only applicable to Ownership Area O

C6a, C7a, C8a, C9a, C10a, C12a, C14a, C17, C18a, C20a, C21a, C22a, C24a, C25a, C26a, C27a, C28a, C29a, C30, C32a, C33a, C34a, C36, C39a, C41a, C43a, C44a, C45a, C47a, C48, C52a, C53, C54, C59a,

The following conditions are only applicable to Ownership Area M

C6b, C7b, C8b, C9b, C10b, C12b, C14b, C21b, C22b, C24b, C26b, C27b, C28b, C29b, C33b, C34b, C39b, C41b, C43b, C45b, C47b, C49, C52b, C55, C56, C59b, C60

The following conditions are only applicable to Ownership Area B

C5, C6c, C7c, C8c, C9c, C10c, C12c, C14c, C15, C18b, C19, C20b, C21c, C22c, C24c, C25b, C26c, C27c, C28c, C29c, C32b, C33c, C34c, C39c, C41c, C44b, C47c, C50, C52c, C57, C58, C59c

The following conditions are to be met or discharged in relation to Reserved Matters areas and are therefore applicable separately to each Reserved Matters area/application:

C11, C35, C38, C40, C42, C46, C51,

- C 1 Applications for approval of reserved matters namely access, appearance, landscaping, layout and scale shall be made to the Local Planning Authority no later than seventeen years from the date of this permission. Such development shall be begun no later than nineteen years from the date of this permission or, if later, two years from the approval of the last such matter to be approved.

The first reserved matters application shall be submitted within two years of the date of this permission. All subsequent reserved matters applications to which this permission relates shall be submitted no later than seventeen years from the date of this permission.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance, and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 2 Plans and particulars of the reserved matters referred to in condition C1 above, relating to the access, appearance, landscaping, layout and scale of the site, shall be submitted to and approved in writing by the Local Planning Authority in respect of any part of the development of the site before any development commences within that part of the site. The development shall thereafter be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance, and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 3 Development shall be undertaken in accordance with the access arrangements and land use allocations shown on the Development Framework Plan (Plan no. PST021-DFP- 101 Rev B) and approved Parameter Plans (Plan nos. PST021-DFP-102 Rev D, Primary Movement Network Plan; PST021-DFP-103 Rev C, Public Transport Movement Network; PST021-DFP-104 Rev C, Dedicated Pedestrian/Cycle and Equestrian Routes; PST021-DFP-105 Rev B, Density; PST021-DFP-106 Rev B, Building Heights; PST021-DFP-107 Rev B, Open Space Provision; and PST021-DFP-108 Rev C, Landscape Framework).

Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 4 Development shall be undertaken in accordance with the approved plans and documents listed in Appendix A.

Reason: To restrict the development to that applied for and for which the environmental, transport and infrastructure impacts have been assessed, and to ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 5 The development hereby permitted shall not be commenced and no development shall be carried out on any part of the land shown coloured green on Plan no. PST021-S106-011 A

attached to this permission until all parties with any legal or equitable interest in that parcel have entered into a deed of planning obligation under section 106 of the Town and Country Planning Act 1990 to which the Local Planning Authority is a party, substantially in the form of the deed attached and marked "Parcel 1 Deed of Planning Obligation" subject to such minor amendments or variations as may be agreed by the Local Planning Authority.

Reason: To ensure that the infrastructure demands arising from the development are adequately secured, in accordance with national and local policy guidance. This is a pre-commencement condition as all obligations must be secured before any development begins.

- C 6 (a) Not more than 5,350 dwellings shall be built pursuant to this outline planning permission. Within ownership area O (as shown on Plan no. PST021-DFP-118), not more than 3204 dwellings shall be built pursuant to this outline planning permission.
- (b) Not more than 5,350 dwellings shall be built pursuant to this outline planning permission. Within ownership area M (as shown on Plan no. PST021-DFP-118), not more than 1499 dwellings shall be built pursuant to this outline planning permission.
- (c) Not more than 5,350 dwellings shall be built pursuant to this outline planning permission. Within ownership area B (as shown on Plan no. PST021-DFP-118), not more than 647 dwellings shall be built pursuant to this outline planning permission.

Reason: In order to comply with the provisions of the outline planning permission including the assessment of the environmental, transport and infrastructure impacts of the development.

- C 7 (a) Within ownership area O (as shown on Plan no. PST021-DFP-118), 20% of all dwellings within each reserved matters application containing housing shall be constructed as Life Time Homes and 2% as Wheelchair Housing. The plans and particulars of each relevant reserved matters application submitted under condition C1 shall demonstrate compliance with these standards. The design criteria in respect of the lifetime homes/wheel chair housing element to the design criteria shall accord with the Building Regulations in force at the time or any other guidance which subsequently supersedes this during the life of the planning permission.
- (b) Within ownership area M (as shown on Plan no. PST021-DFP-118), 20% of all dwellings within each reserved matters application containing housing shall be constructed as Life Time Homes and 2% as Wheelchair Housing. The plans and particulars of each relevant reserved matters application submitted under condition C1 shall demonstrate compliance with these standards. The design criteria in respect of the lifetime homes/wheel chair housing element to the design criteria shall accord with the Building Regulations in force at the time or any other guidance which subsequently supersedes this during the life of the planning permission.
- (c) Within ownership area B (as shown on Plan no. PST021-DFP-118), 20% of all dwellings within each reserved matters application shall be constructed as Life Time Homes and 2% as Wheelchair Housing. The plans and particulars of each relevant reserved matters application submitted under condition C1 shall demonstrate compliance with these standards. The design criteria in respect of the lifetime homes/wheel chair housing element to the design criteria shall accord with the Building Regulations in force at the time or any other guidance which subsequently supersedes this during the life of the planning permission.

Reason: In order to meet housing need, in accordance with Policies CS1, CS5 and CS8 of the adopted Peterborough Core Strategy DPD (2011) and Policy SA1 of the adopted Peterborough Site Allocations DPD (2012).

- C 8 (a) Development shall not take place within ownership area O (as shown on Plan no. PST021-DFP-118), before a strategic phasing plan for that area, identifying any sub areas

for the area, based on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) and setting out the phasing of key infrastructure which must comprise any relevant off-site drainage works, development tranches, primary streets and strategic open space has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved strategic phasing plans.

(b) Development shall not take place within ownership area M (as shown on Plan no. PST021-DFP-118), before a strategic phasing plan for that area, identifying any sub areas, based on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B) and setting out the phasing of key infrastructure which must comprise any relevant off-site drainage works, development tranches, primary streets and strategic open space shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved strategic phasing plans.

(c) Development shall not take place within ownership area B (as shown on Plan no. PST021-DFP-118), before a strategic phasing plan for that area, identifying any sub areas, based on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B) and setting out the phasing of key infrastructure which must comprise any relevant off-site drainage works, development tranches, primary streets and strategic open space shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved strategic phasing plans.

Reason: To allow consideration of the impacts of the development and to ensure the timely delivery of the necessary infrastructure needed to support the housing development in accordance with Policy CS5 of the adopted Peterborough Core Strategy DPD (2011). This is a pre-commencement condition as it is necessary to secure the phasing of key infrastructure before any works commence.

- C 9 (a) No development shall take place nor any submission of reserved matters applications under condition C1 shall occur within ownership area O (as shown on Plan no. PST021-DFP-118) or sub-area thereof (as identified by the strategic phasing plans secured under the terms of condition C8(a)), until a Development Area Brief (DAB) for that ownership area or sub-area has been submitted to and approved in writing by the Local Planning Authority.

The DAB should be separated into two sections: the first confirming how the provision and delivery of strategic infrastructure within that ownership area or sub-area as set out in the strategic phasing plan has been designed to ensure comprehensive masterplanning within that ownership area, and in accordance with site-wide design set out in the approved parameter plans referred to in condition 3; and the second section with detailed advice to third party developers. The DAB should reflect the relevant planning policy standards in place at the time of approval having regard to site specific circumstances.

The first section should include, in so far as is relevant to the particular ownership area or sub-area, the following:-

- Existing features of the site including topography and details of any substantial recontouring or remodelling within the area or sub-area as a whole;
- Details and design rationale of primary infrastructure including key roads, open spaces, walking and cycling connections and drainage as identified on the approved framework and parameter plans and set out the phasing for their delivery making reference where appropriate to the S106 Agreement and any relevant conditions (unless the relevant condition has been separately discharged);
- Incorporation of Sustainable Drainage Systems (SuDS) into the design of primary infrastructure;
- Details demonstrating how development tranches, open space and infrastructure in one area or sub-area will achieve a consistent and well-designed relationship with adjacent land in another ownership area or sub-area, and will not prejudice the effective delivery of any common site infrastructure;
- Phasing of development tranches within the ownership area or sub-area;
- Road hierarchy including typical landscaping treatment;
- Identify safe routes to school throughout the construction period;

- Quantum of open space in accordance with that identified in the Development Framework Plan (Plan no. PST021-DFP-101 Rev B), the Open Space Plan (Plan no. PST021-DFP-107 Rev B) and the agreed Open Space Schedule attached to the permission, including its intended use, outline specification and detailed timing of delivery. Sports provision shall include reference to associated changing facilities;
- Identification of public transport provision including any bus only areas, bus lanes, bus priority measures where applicable and bus stops;
- Identification of key walking/cycling routes including where relevant connections off site;
- Individual tranche boundaries and land uses including the maximum housing numbers for each tranche;
- Identification of how the agreed amount of affordable housing set out in the S106 Agreement is to be delivered, including numbers and tenure;
- Provision to be made for lifetime homes and wheelchair housing in line with Condition C7(a);
- Provision to be made for community facilities in line with the S106 requirements;
- The urban design and architectural rationale for the development phase;
- Illustrative master plan for each phase;
- Anticipated building/storey heights; and
- Residential and commercial densities.

The second section should include, in so far as is relevant to that particular ownership area or sub-area, the following:-

- Details of retained trees and hedges within individual development tranches;
- Palette of appropriate species and mix for new landscaping within the public realm;
- Details out how the proposed urban design and architectural rationale for the development area is to be achieved. This shall include design principles and parameters for buildings including the nature of the features which achieve this i.e. window design, chimney design, brick detailing etc., roofscapes, materials etc.;
- Palette of materials including street furniture for the public realm;
- Palette of boundary treatments;
- Car parking standards and design principles;
- Incorporation of Sustainable Drainage Systems (SuDS) into the design of streets, shared surfaces and parking areas as appropriate;
- Garage sizes;
- Provision for bin storage and collection;
- Privacy distances; and
- Cycle parking standards and the design of shelters/stands for flatted schemes.

Development shall thereafter be carried out in accordance with the relevant approved DAB. Each reserved matters application shall be accompanied by a statement setting out how the scheme complies with the requirements of the relevant DAB along with elevations and design rationale plan to demonstrate this compliance. In the case of lifetime homes and wheelchair housing, the scheme shall be accompanied by plans/particulars demonstrating how the relevant standards are to be achieved.

Housing development within one DAB area or sub-area shall not be completed until the requisite open space within that area or sub-area has been delivered in accordance with the approved details.

(b) No development shall take place nor any submission of reserved matters applications under condition C1 shall occur within ownership area M (as shown on Plan no. PST021-DFP-118) or sub-area thereof (as identified by the strategic phasing plans secured under the terms of condition C8(b)), until a Development Area Brief (DAB) for that ownership area or sub-area has been submitted to and approved in writing by the Local Planning Authority.

The DAB should be separated into two sections: the first confirming how the provision and delivery of strategic infrastructure within that ownership area or sub-area as set out in the strategic phasing plan has been designed to ensure comprehensive masterplanning within that ownership area, and in accordance with site-wide design set out in the approved parameter plans referred to in condition 3; and the second section with detailed advice to

third party developers. The DAB should reflect the relevant planning policy standards in place at the time of approval having regard to site specific circumstances.

The first section should include, in so far as is relevant to the particular ownership area or sub-area, the following:-

- Existing features of the site including topography and details of any substantial recontouring or remodelling within the area or sub-area as a whole;
- Details and design rationale of primary infrastructure including key roads, open spaces, walking and cycling connections and drainage as identified on the approved framework and parameter plans and set out the phasing for their delivery making reference where appropriate to the S106 Agreement and any relevant conditions (unless the relevant condition has been separately discharged);
- Incorporation of Sustainable Drainage Systems (SuDS) into the design of primary infrastructure;
- Details demonstrating how development tranches, open space and infrastructure in one area or sub-area will achieve a consistent and well-designed relationship with adjacent land in another ownership area or sub-area, and will not prejudice the effective delivery of any common site infrastructure;
- Phasing of development tranches within the ownership area or sub-area;
- Road hierarchy including typical landscaping treatment;
- Identify safe routes to school throughout the construction period;
- Quantum of open space in accordance with that identified in the Development Framework Plan (Plan no. PST021-DFP-101 Rev B), the Open Space Plan (Plan no. PST021-DFP-107 Rev B) and the agreed Open Space Schedule attached to the permission, including its intended use, outline specification and detailed timing of delivery. Sports provision shall include reference to associated changing facilities;
- Identification of public transport provision including any bus only areas, bus lanes, bus priority measures where applicable and bus stops;
- Identification of key walking/cycling routes including where relevant connections off site;
- Individual tranche boundaries and land uses including the maximum housing numbers for each tranche;
- Identification of how the agreed amount of affordable housing set out in the S106 Agreement is to be delivered, including numbers and tenure;
- Provision to be made for lifetime homes and wheelchair housing in line with Condition C7(b);
- Provision to be made for community facilities in line with the S106 requirements;
- The urban design and architectural rationale for the development phase;
- Illustrative master plan for each phase;
- Anticipated building/storey heights; and
- Residential and commercial densities.

The second section should include, in so far as is relevant to that particular ownership area or sub-area, the following:-

- Details of retained trees and hedges within individual development tranches;
- Palette of appropriate species and mix for new landscaping within the public realm;
- Details out how the proposed urban design and architectural rationale for the development area is to be achieved. This shall include design principles and parameters for buildings including the nature of the features which achieve this i.e. window design, chimney design, brick detailing etc., roofscapes, materials etc.;
- Palette of materials including street furniture for the public realm;
- Palette of boundary treatments;
- Car parking standards and design principles;
- Incorporation of Sustainable Drainage Systems (SuDS) into the design of streets, shared surfaces and parking areas as appropriate;
- Garage sizes;
- Provision for bin storage and collection;
- Privacy distances; and
- Cycle parking standards and the design of shelters/stands for flatted schemes.

Development shall thereafter be carried out in accordance with the relevant approved DAB. Each reserved matters application shall be accompanied by a statement setting out how the scheme complies with the requirements of the relevant DAB along with elevations and design rationale plan to demonstrate this compliance. In the case of lifetime homes and wheelchair housing, the scheme shall be accompanied by plans/particulars demonstrating how the relevant standards are to be achieved.

Housing development within one DAB area or sub-area shall not be completed until the requisite open space within that area or sub-area has been delivered in accordance with the approved details.

(c) No development shall take place nor any submission of reserved matters applications under condition C1 shall occur within ownership area B (as shown on Plan no. PST021-DFP-118) or sub-area thereof (as identified by the strategic phasing plans secured under the terms of condition C8(c)), until a Development Area Brief (DAB) for that ownership area or sub-area has been submitted to and approved in writing by the Local Planning Authority.

The DAB should be separated into two sections: the first confirming how the provision and delivery of strategic infrastructure within that ownership area as set out in the strategic phasing plan has been designed to ensure comprehensive masterplanning within that ownership area and in accordance with site-wide design set out in the approved parameter plans referred in condition 3; and the second section with detailed advice to third party developers. The DAB should reflect the relevant planning policy standards in place at the time of approval having regard to site specific circumstances.

The first section should include, in so far as is relevant to the particular ownership area or sub-area, the following:-

- Existing features of the site including topography and details of any substantial recontouring or remodelling within the area or sub-area as a whole;
- Details and design rationale of primary infrastructure including key roads, open spaces, walking and cycling connections and drainage as identified on the approved framework and parameter plans and set out the phasing for their delivery making reference where appropriate to the S106 Agreement and any relevant conditions (unless the relevant condition has been separately discharged);
- Incorporation of Sustainable Drainage Systems (SuDS) into the design of primary infrastructure;
- Details demonstrating how development tranches, open space and infrastructure in one area or sub-area will achieve a consistent and well-designed relationship with adjacent land in another ownership area or sub-area, and will not prejudice the effective delivery of any common site infrastructure;
- Phasing of development tranches within the ownership area or sub-area;
- Road hierarchy including typical landscaping treatment;
- Identify safe routes to school throughout the construction period;
- Quantum of open space in accordance with that identified in the Development Framework Plan (Plan no. PST021-DFP-101 Rev B), the Open Space Plan (Plan no. PST021-DFP-107 Rev B) and the agreed Open Space Schedule attached to the permission, including its intended use, outline specification and detailed timing of delivery. Sports provision shall include reference to associated changing facilities;
- Identification of public transport provision including any bus only areas, bus lanes, bus priority measures where applicable and bus stops;
- Identification of key walking/cycling routes including where relevant connections off site;
- Individual tranche boundaries and land uses including the maximum housing numbers for each tranche;
- Identification of how the agreed amount of affordable housing set out in the S106 Agreement is to be delivered, including numbers and tenure;
- Provision to be made for lifetime homes and wheelchair housing in line with Condition C7(c);
- Provision to be made for community facilities in line with the S106 requirements;
- The urban design and architectural rationale for the development phase;
- Illustrative master plan for each phase;

- Anticipated building/storey heights; and
- Residential and commercial densities.

The second section should include, in so far as is relevant to that particular ownership area or sub-area, the following:-

- Details of retained trees and hedges within individual development tranches;
- Palette of appropriate species and mix for new landscaping within the public realm;
- Details out how the proposed urban design and architectural rationale for the development area is to be achieved. This shall include design principles and parameters for buildings including the nature of the features which achieve this i.e. window design, chimney design, brick detailing etc., roofscapes, materials etc.;
- Palette of materials including street furniture for the public realm;
- Palette of boundary treatments;
- Car parking standards and design principles;
- Incorporation of Sustainable Drainage Systems (SuDS) into the design of streets, shared surfaces and parking areas as appropriate;
- Garage sizes;
- Provision for bin storage and collection;
- Privacy distances; and
- Cycle parking standards and the design of shelters/stands for flatted schemes.

Development shall thereafter be carried out in accordance with the relevant approved DAB. Each reserved matters application shall be accompanied by a statement setting out how the scheme complies with the requirements of the relevant DAB along with elevations and design rationale plan to demonstrate this compliance. In the case of lifetime homes and wheelchair housing, the scheme shall be accompanied by plans/particulars demonstrating how the relevant standards are to be achieved.

Housing development within one DAB area or sub-area shall not be completed until the requisite open space within that area or sub-area has been delivered in accordance with the approved details.

Reason: To secure the comprehensive and co-ordinated development of each part of the site in accordance with the National Planning Policy Framework, Policies CS5, CS16, CS17, CS19 and CS22 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2, PP4, PP13, PP14, PP16 and PP17 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition as it is necessary to secure the overarching design approach to the development before any works commence.

- C10 (a) Unless submitted for the whole of ownership area O (as shown on Plan no. PST021-DFP-118) as part of the Development Area Brief (secured under the terms of condition C9(a)), no development shall take place nor any submission of reserved matters applications under condition C1 shall occur (with the exception of that for the 'Yaxley loop' or any other key infrastructure) until an overarching open space strategy for the whole of that ownership area, based upon the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), approved Parameter Plan (Plan no. PST021-DFP-107 Rev B), open space schedule dated 9.02.2018 and strategic open space (as secured under the terms of condition C8(a)), has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the approved quantum of open space within that ownership area shall be delivered, including timings, and shall make specific reference to the following:

- (i) Playing fields and sports pitches including associated changing facilities;
- (ii) Location of play areas;
- (iii) Location and quantum of allotments;
- (iv) Creation of new areas of woodland;
- (v) Strategic green infrastructure linkages including pedestrian and cycle links; and
- (vi) Other areas of open spaces and landscaping e.g. the SAC/SSSI buffer.

Regard shall to be had to any approved details for other ownership areas.

Development shall thereafter be carried out in accordance with the approved overarching open space strategy. Each reserved matters application submitted under condition C1 shall be accompanied by a statement setting out how the scheme complies with the requirements of the relevant overarching open space strategy, and which includes any plans/particulars needing to demonstrate compliance.

Housing development within the next phase, within each ownership area, shall not commence until the open space within the previous phase has been delivered in accordance with the approved details.

(b) Unless submitted for the whole of ownership area M (as shown on Plan no. PST021-DFP-118) as part of the Development Area Brief (secured under the terms of condition C9(b)), no development shall take place nor any submission of reserved matters applications under condition C1 shall occur (with the exception of that for the 'Yaxley loop' or any other key infrastructure) until an overarching open space strategy for the whole of that ownership area, based upon the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), approved Parameter Plan (Plan no. PST021-DFP-107 Rev B) and strategic open space (as secured under the terms of condition C8(b)), has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the approved quantum of open space within that ownership area shall be delivered. It shall make specific reference to the following:

- (i) Playing fields and sports pitches including associated changing facilities;
- (ii) Location of play areas;
- (iii) Location and quantum of allotments;
- (iv) Creation of new areas of woodland;
- (v) Strategic green infrastructure linkages including pedestrian and cycle links; and
- (vi) Other areas of open spaces and landscaping e.g. the SAC/SSSI buffer.

Regard shall to be had to any approved details for other ownership areas.

Development shall thereafter be carried out in accordance with the approved overarching open space strategy. Each reserved matters application submitted under condition C1 shall be accompanied by a statement setting out how the scheme complies with the requirements of the relevant overarching open space strategy, and which includes any plans/particulars needing to demonstrate compliance.

Housing development within the next phase, within each ownership area, shall not commence until the open space within the previous phase has been delivered in accordance with the approved details.

(c) Unless submitted for the whole of ownership area B (as shown on Plan no. PST021-DFP-118) as part of the Development Area Brief (secured under the terms of condition C9(c)), no development shall take place nor any submission of reserved matters applications under condition C1 shall occur (with the exception of that for the 'Yaxley loop' or any other key infrastructure) until an overarching open space strategy for the whole of that ownership area, based upon the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), approved Parameter Plan (Plan no. PST021-DFP-107 Rev B) and strategic open space (as secured under the terms of condition C8(c)), has been submitted to and approved in writing by the Local Planning Authority. This shall set out how the approved quantum of open space within that ownership area shall be delivered. It shall make specific reference to the following:

- (i) Playing fields and sports pitches including associated changing facilities;
- (ii) Location of play areas;
- (iii) Location and quantum of allotments;
- (iv) Creation of new areas of woodland;
- (v) Strategic green infrastructure linkages including pedestrian and cycle links; and
- (vi) Other areas of open spaces and landscaping e.g. the SAC/SSSI buffer.

Regard shall to be had to any approved details for other ownership areas.

Development shall thereafter be carried out in accordance with the approved overarching open space strategy. Each reserved matters application submitted under condition C1 shall be accompanied by a statement setting out how the scheme complies with the requirements of the relevant overarching open space strategy, and which includes any plans/particulars needing to demonstrate compliance.

Housing development within the next phase, within each ownership area, shall not commence until the open space within the previous phase has been delivered in accordance with the approved details.

Reason: In order to ensure that there is an appropriate range of open space within the development and to ensure that this is delivered in a timely manner in order to provide for the needs to the new residents, in accordance with Policy CS19 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP4 and PP14 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition as it is necessary to secure the quantum of public open space and ensure that it is comprehensively incorporated into the development which can only take place before development commences.

- C11 The plans and particulars to be submitted as reserved matters under condition C1 shall include details of the following, as appropriate:

- Details of the new vehicular accesses into the site;
- Details of new footpaths and cycleways including how these tie into the existing foot/cycle ways and bridleways;
- Details of the internal access roads/cycleways/footways and junctions within the site including where appropriate Urban Traffic Management Control; and
- Car parking, circulation areas and loading and unloading areas.

Development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the highway network is suitable for the traffic volumes predicted and to allow for safe/easy access by pedestrians, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD (2012).

- C12 (a) No part of the development within ownership area O (as shown on Plan no. PST021-DFP-118) shall be occupied or brought into use until the roads/footways and cycleways linking that part of the development to the existing public highway have been implemented in accordance with the approved details secured under condition C11. Nor shall any dwelling/unit be occupied or brought into use until its access and parking have been laid out in accordance with the approved details. These areas shall thereafter be retained for the purpose of parking/turning and not used for any other purpose.

(b) No part of the development within ownership area M (as shown on Plan no. PST021-DFP-118) shall be occupied or brought into use until the roads/footways and cycleways linking that part of the development to the existing public highway have been implemented in accordance with the approved details secured under condition C11. Nor shall any dwelling/unit be occupied or brought into use until its access and parking have been laid out in accordance with the approved details. These areas shall thereafter be retained for the purpose of parking/turning and not used for any other purpose.

(c) No part of the development within ownership area B (as shown on Plan no. PST021-DFP-118) shall be occupied or brought into use until the roads/footways and cycleways linking that part of the development to the existing public highway have been implemented in accordance with the approved details as secured under condition C11. Nor shall any dwelling/unit be occupied or brought into use until its access and parking have been laid out

in accordance with the approved details. These areas shall thereafter be retained for the purpose of parking/turning and not used for any other purpose.

Reason; In the interests of providing a safe means of access to the development which does not prejudice the safety of the users of the existing public highway, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD (2012).

- C13 Prior to the commencement of the construction of the Western Peripheral Road/Central Boulevard link, namely the access road through the site connecting with the Western Peripheral Road to the north and the A15 to the south, as defined in the S106 agreement and as shown on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), a detailed design shall be submitted to and approved in writing by the Local Planning Authority in the form of a reserved matters application(s) submitted under condition C1. The detailed design shall accord with the principles set out in the Central Boulevard Design Note at Appendix B. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory appearance in the interests of good urban design and to ensure that the Western Peripheral Road/Central Boulevard link meets the needs of needs of the development in capacity terms, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C14 (a) No more than 2100 dwellings within ownership area O (as shown on Plan no. PST021-DFP-118) shall be occupied until the Western Peripheral Road/Central Boulevard link between Junction 2 of A1139 Fletton Parkway and the A15 as shown the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) has been completed in full in accordance within the approved details (as secured under the terms of condition C13) and is open for public use.
- (b) No more than 1050 dwellings within ownership area M (as shown on Plan no. PST021-DFP-118) shall be occupied until the Western Peripheral Road/Central Boulevard link between Junction 2 of A1139 Fletton Parkway and the A15 as shown the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) has been completed in full in accordance within the approved details (as secured under the terms of condition C13) and is open for public use.
- (c) No more than 350 dwellings within ownership area B (as shown on Plan no. PST021-DFP-118) shall be occupied until the Western Peripheral Road/Central Boulevard link between Junction 2 of A1139 Fletton Parkway and the A15 as shown the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) has been completed in full in accordance within the approved details (as secured under the terms of condition C13) and is open for public use.

Reason: In order to accord with the transport assessment in terms of impact on the existing highway network, in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C15 No more than 350 dwellings in ownership area B (as shown on Plan no. PST021-DFP-118) shall be occupied until a scheme of works to junction 2 of the A1139 Fletton Parkway based upon the principles shown on drawing number 15188-200-228 Rev B has been implemented.

Reason: To ensure suitable road infrastructure is in place given that the B Agreement is subject to an arsenal condition and has not been completed at this time in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C16 Prior to the first public use of either the Western Peripheral Road/Central Boulevard, or the Western Peripheral Road link to the Yaxley Loop where it accommodates direct traffic

movements between junction 2 of the A1139 and the A15 London Road, whichever is the earlier, a review of Stages 1-3a of the existing Western Peripheral Road shall be undertaken. The review shall determine whether any sections of this road require dualling and/or whether any of the existing junctions along this stretch into the existing Hampton development require an upgrade to roundabouts (in the event such works have not already been carried out).

The results of the review shall be submitted to and approved in writing by the Local Planning Authority prior to first public use of either the Western Peripheral Road/Central Boulevard, or the Western Peripheral Road link to the Yaxley Loop, whichever is the earlier.

Where the review concludes that works are or will be required, a programme/timetable for such works shall be submitted to and approved in writing by the Local Planning Authority prior to first public use of either the Western Peripheral Road/Central Boulevard, or the Western Peripheral Road link to the Yaxley Loop, whichever is the earlier. Any works shall thereafter be undertaken in accordance with the agreed programme/timetable.

Reason: In the interests of ensuring sufficient highway capacity to serve the development and in the interest of highway safety, in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C17 Prior to the commencement of the construction of the 'Yaxley Loop Road', namely the access road connecting with the existing A15 to the north and south of Yaxley as defined in the S106 Agreement and shown on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), a detailed design shall be submitted to and approved in writing by the Local Planning Authority in the form of a reserved matters application. The detailed design shall accord with the principles set out in the Yaxley Loop Road Design Note at Appendix C.

Reason: To ensure that the junction is of an appropriate design to support the development, in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C18 (a) Details of the primary street access onto the Great North Road within ownership area O (as shown on Plan no. PST021-DFP-118), to be submitted in the form of a reserved matters application pursuant to condition C1, shall be designed to include appropriate traffic calming features to ensure traffic speeds are calmed along the Great North Road at this junction along with associated footway linkages. The details shall also include a timetable for construction. The development shall thereafter be carried out in accordance with the approved details.

(b) Details of the primary street access onto the Great North Road within ownership area B (as shown on Plan no. PST021-DFP-118), to be submitted in the form of a reserved matters application pursuant to condition C1, shall be designed to include appropriate traffic calming features to ensure traffic speeds are calmed along the Great North Road at this junction along with associated footway linkages. The details shall also include a timetable for construction. The development shall thereafter be carried out in accordance with the approved details

Reason: To ensure that the junction is of an appropriate design to support the development, in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C19 No more than 350 dwellings in ownership area B (as shown on Plan no. PST021-DFP-118) shall be occupied until a detailed scheme for the widening of the A15 between junction 16 of the A1(M) and the Old Great North Road junction, based upon the principles shown on drawing number 15188-200-01 has been implemented.

Reason: To ensure suitable road infrastructure is in place given that the B Agreement is subject to an arsenal condition and has not been completed at this time in accordance with Policy PP12 of the adopted Peterborough Planning Policies DPD (2012).

- C20 (a) Notwithstanding the approved Parameter Plan (Plan no. PST021-DFP-104 Rev C - Dedicated Pedestrian/Cycle and Equestrian Routes), direct and lit footpath/cycleway links, built to an adoptable standard in accordance with the relevant Peterborough City Council standard in place at the time of installation, shall be provided between the Great Haddon core and employment areas through parcel OS4 as shown on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) connecting to the adjacent highway.

Prior to the implementation of any route, a detailed scheme for that route shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall take place in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority. The timetable for the works shall be fixed in the Strategic Phasing Plans for ownership area O as secured under condition C8(a).

- (b) Notwithstanding the approved Parameter Plan (Plan no. PST021-DFP-104 Rev C - Dedicated Pedestrian/Cycle and Equestrian Routes), direct and lit footpath/cycleway links, built to an adoptable standard in accordance with the relevant Peterborough City Council standard in place at the time of installation, shall be provided between the Great Haddon core and employment areas through parcel OS7 as shown on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) connecting to the adjacent highway.

Prior to the implementation of any route, a detailed scheme for that route shall be submitted to and approved in writing by the Local Planning Authority. Implementation shall take place in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority. The timetable for the works shall be fixed in the Strategic Phasing Plans for ownership area B as secured under condition C8(b).

Reason: In the interests of sustainable travel and to ensure that the model share targets within the transport modelling/travel plan can be met, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD (2011).

- C21 (a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until a scheme for the location and timing of the installation of automated traffic counters for that area has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- (b) No development shall take place within ownership area M (as shown on Plan no. PST021-DFP-118) until a scheme for the location and timing of the installation of automated traffic counters for that area has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

- (c) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until a scheme for the location and timing of the installation of automated traffic counters for that area has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to allow the volume of traffic entering and leaving the site to be monitored as set out in the Framework Travel Plan, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD (2011). This is a pre-commencement condition as the details must be comprehensively integrated into the overall design of the development which can only be achieved prior to commencement of works.

- C22 (a) No development, remediation or other operations shall take place within ownership area O (as shown on Plan no. PST021-DFP-118), until an Overarching Construction

Management Plan for that area has been submitted to and approved in writing by the Local Planning Authority. The Overarching Construction Management Plan shall include, but not be limited to, the following:

- (i) A scheme for the monitoring, reporting and control of construction noise and vibration, including hours of working and scope for remedial action identified as a result of any monitoring, of construction noise, vibration and dust emanating from the site during the construction phase;
- (ii) A scheme for the control of dust;
- (iii) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways. The vehicles cleansing system shall be a static system that is capable of washing the wheels and underside of the chassis. The access roads shall be hard surfaced between the cleaning facility and the highway and must be kept free of mud/debris at all times;
- (iv) A contingency plan including, if necessary, the temporary cessation of all construction operations, to be implemented in the event that the approved vehicle cleansing scheme fails to be effective for any reason;
- (v) A scheme of working hours for construction and other site works including deliveries;
- (vi) A routing agreement for construction traffic;
- (vii) A scheme of HGV haul routes into and through the main development sites and construction accesses from the existing local highway network including the method of segregating construction traffic from general core area traffic/pedestrians and cyclists;
- (viii) Means of protecting the water environment from sediment and pollution from drainage, ground works, construction vehicles and oil/chemicals;
- (ix) Appointment of a suitably qualified Ecological Clerk of works and details of ecological supervision; and
- (x) A scheme for dealing with complaints.

Thereafter, the development, remediation or other operations within ownership area O shall be carried out in accordance with the approved Overarching Construction Management Plan for that ownership area.

(b) No development, remediation or other operations shall take place within ownership area M (Plan no. PST021-DFP-101 Rev B) until an Overarching Construction Management Plan for that area has been submitted to and approved in writing by the Local Planning Authority. The Overarching Construction Management Plan shall include, but not be limited to, the following:

- (i) A scheme for the monitoring, reporting and control of construction noise and vibration, including hours of working and scope for remedial action identified as a result of any monitoring, of construction noise, vibration and dust emanating from the site during the construction phase;
- (ii) A scheme for the control of dust;
- (iii) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways. The vehicles cleansing system shall be a static system that is capable of washing the wheels and underside of the chassis. The access roads shall be hard surfaced between the cleaning facility and the highway and must be kept free of mud/debris at all times;
- (iv) A contingency plan including, if necessary, the temporary cessation of all construction operations, to be implemented in the event that the approved vehicle cleansing scheme fails to be effective for any reason;
- (v) A scheme of working hours for construction and other site works including deliveries;
- (vi) A routing agreement for construction traffic;
- (vii) A scheme of HGV haul routes into and through the main development sites and construction accesses from the existing local highway network including the method of segregating construction traffic from general core area traffic/pedestrians and cyclists;
- (viii) Means of protecting the water environment from sediment and pollution from drainage, ground works, construction vehicles and oil/chemicals;
- (ix) Appointment of a suitably qualified Ecological Clerk of works and details of ecological supervision; and

(x) A scheme for dealing with complaints.

Thereafter, the development, remediation or other operations within ownership area M shall be carried out in accordance with the approved Overarching Construction Management Plan for that ownership area.

(c) No development, remediation or other operations shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until an Overarching Construction Management Plan for that area has been submitted to and approved in writing by the Local Planning Authority. The Overarching Construction Management Plan shall include but not be limited to the following:

(i) A scheme for the monitoring, reporting and control of construction noise and vibration, including hours of working and scope for remedial action identified as a result of any monitoring, of construction noise, vibration and dust emanating from the site during the construction phase;

(ii) A scheme for the control of dust;

(iii) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways. The vehicles cleansing system shall be a static system that is capable of washing the wheels and underside of the chassis. The access roads shall be hard surfaced between the cleaning facility and the highway and must be kept free of mud/debris at all times;

(iv) A contingency plan including, if necessary, the temporary cessation of all construction operations, to be implemented in the event that the approved vehicle cleansing scheme fails to be effective for any reason;

(v) A scheme of working hours for construction and other site works including deliveries;

(vi) A routing agreement for construction traffic;

(vii) A scheme of HGV haul routes into and through the main development sites and construction accesses from the existing local highway network including the method of segregating construction traffic from general core area traffic/pedestrians and cyclists;

(viii) Means of protecting the water environment from sediment and pollution from drainage, ground works, construction vehicles and oil/chemicals;

(ix) Appointment of a suitably qualified Ecological Clerk of works and details of ecological supervision; and

(x) A scheme for dealing with complaints.

Thereafter, the development, remediation or other operations within ownership area B shall be carried out in accordance with the approved Overarching Construction Management Plan for that ownership area.

Reason: In order to protect the amenity of neighbouring residents; in the interests of highway safety and convenience; and to protect the ecological interest of the site including Orton Pit SAC/SSSI, in accordance with the National Planning Policy Framework, Policies CS14, CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP3, PP4 and PP16 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition to ensure that no construction works take place which may pose an unacceptable risk to highway safety or neighbour amenity.

C23 Prior to the commencement of development on any individual tranche within an ownership area as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), a Site Specific Construction Management Plan, which shall confirm compliance with the relevant Overarching Construction Management Plan pursuant to the ownership area within which the individual tranche is located (as secured under condition 22) shall be submitted to and approved in writing by the Local Planning Authority. The Site Specific Construction Management Plan shall include the following:

(i) Construction access including details of the measures to ensure that all construction vehicles can enter the site immediately upon arrival and also the method of segregating construction traffic from general traffic/pedestrians and cyclists (as required);

- (ii) A scheme for parking of contractor's vehicles and details of the location of contractor's welfare/site office facilities;
- (iii) A scheme for access and deliveries showing adequate space for vehicles to park, turn, load and unload clear of the public highway or the main employment area access roads;
- (iv) Details of the location and layout of all materials storage and plant storage compounds. and
- (v) Details of the means of enclosure of the application site for the construction phase, including details of all types of fencing proposed and a plan showing the location of all the fencing.

The above shall be prepared in conjunction with, and make reference to, the Great Crested Newt and Biodiversity Strategies for the relevant ownership area (as secured under conditions C33 and C34 respectively) and the tree protection details (as secured under condition 42) as appropriate.

Notwithstanding the above, there shall be no deliveries to the site during peak hours (namely 8-9am and 4-6pm).

The development shall thereafter be carried out in accordance with the approved Site Specific Construction Management Plans at all times.

Reason: In order to protect the amenity of neighbouring residents; in the interests of highway safety and convenience; and to protect the ecological interest of the site including Orton Pit SAC/SSSI, in accordance with the National Planning Policy Framework, Policies CS14, CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP3, PP4 and PP16 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition to ensure that no construction works take place which may pose an unacceptable risk to highway safety or neighbour amenity.

- C24 (a) Within ownership area O (as shown on Plan no. PST021-DFP-118), the development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 15188/400/01 Rev F. In particular:

- Surface water run-off shall be limited to predevelopment rates as set out within the FRA and drawing number 15188/400/05 Rev F;
- No development comprising of a building, road or land raising shall take place within Flood Zones 2 and 3 other than those watercourse crossings detailed within Sections 5.7.1 and 5.8.1 of the FRA; and
- Watercourse crossings shall be designed in accordance with 5.7.1 b of the FRA.

- (b) Within ownership area M (as shown on Plan no. PST021-DFP-118), the development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 15188/400/01 Rev F. In particular:

- Surface water run-off shall be limited to predevelopment rates as set out within the FRA and drawing number 15188/400/05 Rev F;
- No development comprising of a building, road or land raising shall take place within Flood Zones 2 and 3 other than those watercourse crossings detailed within Sections 5.7.1 and 5.8.1 of the FRA; and
- Watercourse crossings shall be designed in accordance with 5.7.1 b of the FRA.

- (c) Within ownership area B (as shown on Plan no. PST021-DFP-118), the development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference 15188/400/01 Rev F. In particular:

- Surface water run-off shall be limited to predevelopment rates as set out within the FRA and drawing number 15188/400/05 Rev F;
- No development comprising of a building, road or land raising shall take place within Flood Zones 2 and 3 other than those watercourse crossings detailed within Sections 5.7.1 and 5.8.1 of the FRA; and

- Watercourse crossings shall be designed in accordance with 5.7.1 b of the FRA.

Reason: To ensure that the site can be adequately drained as development comes forward and to prevent an increased risk of flooding both on site and to third parties, in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD (2011) and National Planning Policy Framework.

- C25 (a) Within ownership area O (as shown on Plan no. PST021-DFP-118), prior to the submission of any reserved matters applications under condition C1 for tranches within catchment 2 (as identified on drawing number 15188/400/05 Rev F), a scheme for dealing with overland surface water flow routes within the catchment, including implementation and phasing, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include formal means of conveyance of surface water for events exceeding the 3.33% annual probability rainfall event.

The development shall thereafter be carried out in accordance with the approved details and each reserved matters application within the catchment shall demonstrate compliance with the agreed scheme.

- (b) Within ownership area B (as shown on Plan no. PST021-DFP-118), prior to the submission of any reserved matters applications under condition C1 for tranches within catchment 2 (as identified on drawing number 15188/400/05 Rev F), a scheme for dealing with overland surface water flow routes within the catchment, including implementation and phasing, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include formal means of conveyance of surface water for events exceeding the 3.33% annual probability rainfall event.

The development shall thereafter be carried out in accordance with the approved details and each reserved matters application within the catchment shall demonstrate compliance with the agreed scheme.

Reason: To ensure that the site can be adequately drained as development comes forward and to prevent an increased risk of flooding both on site and to third parties in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD (2011) and National Planning Policy Framework.

- C26 (a) Prior to the submission of any reserved matters application under condition C1 within ownership area O (as shown on Plan no. PST021-DFP-118), a scheme for the phasing of the surface water drainage infrastructure within that ownership area (including that located off-site (Beeby's Lakes)), based upon drawing number 15188/400/05 Rev F, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, amongst other matters:

- Identification and details of primary infrastructure required to support Great Haddon and the timescales and trigger points for the delivery thereof. This shall include works to the Beeby's Lakes, connections from Great Haddon to the Beeby's Lakes and any temporary drainage arrangements, including timescales and trigger points, required in connection with the phasing of the development prior to the permanent solution being delivered;
- Detailed design (including calculations) in respect of the primary infrastructure including as appropriate supporting calculations for any temporary measures;
- Statement setting out the timing of the delivery of secondary infrastructure linking into the primary infrastructure and individual development tranches; and
- Agreement of maximum impermeable area for each tranche needed to support the approved Flood Risk Assessment, reference 15188/400/01 Rev F.

The development shall thereafter be carried out in accordance with the approved scheme, including the timescales and trigger points set out therein.

Regard should be had to the surface water drainage scheme within other ownership areas as appropriate

(b) Prior to the submission of any reserved matters application under condition C1 within ownership area M (as shown on Plan no. PST021-DFP-118), a scheme for the phasing of the surface water drainage infrastructure within that ownership area (including that located off-site (Beeby's Lakes)), based upon drawing number 15188/400/05 Rev F, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, amongst other matters:

- Identification and details of primary infrastructure required to support Great Haddon and the timescales and trigger points for the delivery thereof. This shall include works to the Beeby's Lakes, connections from Great Haddon to the Beeby's Lakes and any temporary drainage arrangements, including timescales and trigger points, required in connection with the phasing of the development prior to the permanent solution being delivered;
- Detailed design (including calculations) in respect of the primary infrastructure including as appropriate supporting calculations for any temporary measures;
- Statement setting out the timing of the delivery of secondary infrastructure linking into the primary infrastructure and individual development tranches; and
- Agreement of maximum impermeable area for each tranche needed to support the approved Flood Risk Assessment, reference 15188/400/01 Rev F.

The development shall thereafter be carried out in accordance with the approved scheme including the timescales and trigger points set out therein.

Regard should be had to the surface water drainage scheme within other ownership areas as appropriate.

(c) Prior to the submission of any reserved matters application under condition C1 within ownership area B (as shown on Plan no. PST021-DFP-118), a scheme for the phasing of the surface water drainage infrastructure within that ownership area (including that located off-site (Beeby's Lakes)), based upon drawing number 15188/400/05 Rev F, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include, amongst other matters:

- Identification and details of primary infrastructure required to support Great Haddon and the timescales and trigger points for the delivery thereof. This shall include works to the Beeby's Lakes, connections from Great Haddon to the Beeby's Lakes and any temporary drainage arrangements, including timescales and trigger points, required in connection with the phasing of the development prior to the permanent solution being delivered;
- Detailed design (including calculations) in respect of the primary infrastructure including as appropriate supporting calculations for any temporary measures;
- Statement setting out the timing of the delivery of secondary infrastructure linking into the primary infrastructure and individual development tranches; and
- Agreement of maximum impermeable area for each tranche needed to support the approved Flood Risk Assessment, reference 15188/400/01 Rev F.

The development shall thereafter be carried out in accordance with the approved scheme including the timescales and trigger points set out therein.

Regard should be had to the surface water drainage scheme within other ownership areas as appropriate.

Reason: To ensure that the site can be adequately drained as development comes forward and to prevent an increased risk of flooding both on site and to third parties, in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD (2011) and the National Planning Policy Framework.

- C27 (a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until a detailed scheme for the provision of surface water drainage for that ownership area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include, as appropriate:

- A statement detailing how the scheme complies with the approved overarching Flood Risk Assessment (FRA) ref: 15188/400/01 F and overarching Drainage Strategy (as approved under condition C26(a));
- Drainage calculations, supplementing those provided under condition C26(a) as required (for the primary drainage elements), and a statement in respect of the impermeable area for the development area as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B);
- An Implementation Strategy including detailed construction timings. This should include details of any temporary measures and outfalls to facilitate the phasing of the development (as approved in principle under condition C26(a)), including the trigger for their removal;
- For tranches accommodating existing water courses or those adjacent to them, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), a scheme of works to the watercourse including details of any channel works including culverting/construction of weirs; means of bank stabilisation and restoration; erosion management;
- Additional Sustainable Drainage Systems (SuDS) features in line with Section 6.7 of the approved FRA; and
- For tranches within catchment 2, a statement confirming how the development complies with the overall strategy for the catchment (as approved under condition C12(a)) including details of any measures identified via that strategy.

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

(b) No development shall take place within ownership area M (as shown on Plan no. PST021-DFP-118) until a detailed scheme for the provision of surface water drainage for that ownership area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as appropriate:

- A statement detailing how the scheme complies with the approved overarching Flood Risk Assessment (FRA) ref: 15188/400/01 F and overarching Drainage Strategy (as approved under condition C26(b));
- Drainage calculations, supplementing those provided under condition C26(b) as required (for the primary drainage elements), and a statement in respect of the impermeable area for the development area as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B);
- An Implementation Strategy including detailed construction timings. This should include details of any temporary measures and outfalls to facilitate the phasing of the development (as approved in principle under condition C26(b)), including the trigger for their removal;
- For tranches accommodating existing water courses or those adjacent to them, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), a scheme of works to the watercourse including details of any channel works including culverting/construction of weirs; means of bank stabilisation and restoration; erosion management; and
- Additional Sustainable Drainage Systems (SuDS) features in line with Section 6.7 of the approved FRA.

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

(c) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until a detailed scheme for the provision of surface water drainage for that ownership area has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include as appropriate:

- A statement detailing how the scheme complies with the approved overarching Flood Risk Assessment (FRA) ref: 15188/400/01 F and overarching Drainage Strategy (as approved under condition C26(c));

- Drainage calculations, supplementing those provided under condition C26(c) as required (for the primary drainage elements), and a statement in respect of the impermeable area for the development area as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B);
- An Implementation Strategy including detailed construction timings. This should include details of any temporary measures and outfalls to facilitate the phasing of the development (as approved in principle under condition C26(c)), including the trigger for their removal;
- For tranches accommodating existing water courses or those adjacent to them, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), a scheme of works to the watercourse including details of any channel works including culverting/construction of weirs; means of bank stabilisation and restoration; erosion management;
- Additional Sustainable Drainage Systems (SuDS) features in line with Section 6.7 of the approved FRA; and
- For tranches within catchment 2, a statement confirming how the development complies with the overall strategy for the catchment (as approved under condition C12(c)) including details of any measures identified via that strategy.

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

Reason: To ensure that the site can be adequately drained as development comes forward and to prevent an increased risk of flooding both on site and to third parties, in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD (2011), the National Planning Policy Framework and to comply with the EU Directive 2000/60/EC: the Water Framework Directive. This is a pre-commencement condition as it is necessary for the detailed surface water drainage details to be agreed before any groundworks commence which would be directly impacted upon by the drainage to be installed.

- C28 (a) The submission of each reserved matters application under condition C1 within ownership area O (as shown on Plan no. PST021-DFP-118) shall be accompanied by the following information in relation to surface water drainage:

- Detailed design (including calculations) based upon the table on drawing number 15188/400/05 Rev F and complying with the details submitted and agreed in relation to Condition 26(a);
- Details of finished floor levels for tranches adjacent to the northern tributary of the Stanground Lode, Stanground Lode and new ribbon lake (OS14) namely PS1, northern sections of tranches R11-18;
- Details of any outfalls, weirs, pumps, culverts or any other conveyance feature;
- Details of pollution management from roads and other hard surfacing;
- Details of overland flow routes; and
- Details of any Sustainable Drainage System (SuDS) features to be provided in accordance with the requirements of the Development Area Brief (as secured under the terms of condition C9(a)).

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

- (b) The submission of each reserved matters application under condition C1 within ownership area M (as shown on Plan no. PST021-DFP-118) shall be accompanied by the following information in relation to surface water drainage:

- Detailed design (including calculations) based upon the table on drawing number 15188/400/05 Rev F and complying with the details submitted and agreed in relation to Condition 26(b);
- Details of any outfalls, weirs, pumps, culverts or any other conveyance feature;
- Details of pollution management from roads and other hard surfacing;
- Details of overland flow routes; and

- Details of any Sustainable Drainage System (SuDS) features to be provided in accordance with the requirements of the Development Area Brief (as secured under the terms of condition C9(b)).

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

(c) The submission of each reserved matters application under condition C1 within ownership area B (as shown on Plan no. PST021-DFP-118) shall be accompanied by the following information in relation to surface water drainage:

- Detailed design (including calculations) based upon the table on drawing number 15188/400/05 Rev F and complying with the details submitted and agreed in relation to Condition 26(c);
- Details of finished floor levels for tranches adjacent to the northern tributary of the Stanground Lode namely R7-10 and NC1;
- Details of any outfalls, weirs, pumps, culverts or any other conveyance feature;
- Details of pollution management from roads and other hard surfacing;
- Details of overland flow routes; and
- Details of any Sustainable Drainage System (SuDS) features to be provided in accordance with the requirements of the Development Area Brief (as secured under the terms of condition C9(c)).

The development shall thereafter be carried out in accordance with the approved details and implementation programme.

Reason: To ensure that the site can be adequately drained as development comes forward and to prevent an increased risk of flooding both on site and to third parties, in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD (2011), the National Planning Policy Framework and to comply with the EU Directive 2000/60/EC: the Water Framework Directive.

C29 a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until a foul drainage strategy for that ownership area, including details of the locations of any pumping stations and any phasing thereof, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any unit in that area. Reserved matters applications will be required for the detailed design of any pumping stations.

(b) No development shall take place within ownership area M (as shown on Plan no. PST021-DFP-118) until a foul drainage strategy for that ownership area, including details of the locations of any pumping stations and any phasing thereof, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any unit in that area. Reserved matters applications will be required for the detailed design of any pumping stations.

(c) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until a foul drainage strategy for that ownership area, including details of the locations of any pumping stations and any phasing thereof, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any unit in that area. Reserved matters applications will be required for the detailed design of any pumping stations.

Reason: In order to ensure adequate foul drainage provision and to ensure no harm is caused to features of ecological interest (Orton Pit), in accordance with Policies CS12 and CS21 of the adopted Peterborough Core Strategy DPD (2011). This is a pre-commencement condition as it is necessary for the detailed surface water drainage details

to be agreed before any groundworks commence which would be directly impacted upon by the drainage to be installed.

- C30 Prior to the commencement of development on ownership area O (as shown on Plan no. PST021-DFP-118), monitoring of the quality of the water from the development entering existing water courses (principally the Stanground Lode, its northern tributary and Beeby's Lakes) shall be carried out in accordance with a methodology to be submitted to and approved in writing by the Local Planning Authority.

An initial survey, the methodology of which shall be agreed in writing by the Local Planning Authority, shall be undertaken prior to commencement of development to establish a base line, the results of which shall be submitted to and agreed in writing by the Local Planning Authority.

Monitoring shall be carried out on an annual basis for the first five years following the first occupation of any building. The applicant shall submit a single annual monitoring report for the site to the Local Planning Authority for written approval. The timing of the monitoring and the submission of the monitoring report shall thereafter be reviewed and agreed in writing by the Local Planning Authority. Provision shall be made to enable the Local Planning Authority to consider if any remedial measures are necessary as a result of evaluating the submitted monitoring results.

Reason: In order to protect the quality of water in existing watercourses, in accordance with Policy CS21 of the adopted Peterborough Core Strategy DPD (2011), and to satisfy the EU Directive 2000/60/EC: the Water Framework Directive. This is a pre-commencement condition as it is necessary to undertake a baseline survey of water quality before development commences from which all impacts arising from the development will be assessed.

- C31 In the event that water quality monitoring undertaken pursuant to condition C30 above shows that remedial measures are necessary, then the Local Planning Authority will serve notice on the relevant owner requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within two months of receiving such written notice, the relevant owner shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

Reason: In order to protect the quality of water in existing watercourses in accordance with policy CS21 of the adopted Peterborough Core Strategy DPD (2011), and to satisfy the EU Directive 2000/60/EC: the Water Framework Directive.

- C32 (a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until a reserved matters application(s) setting out a detailed scheme of access management measures, based upon the principles set out in the approved Access Management Strategy (February 2011) for zones 1 and 2 has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall thereafter be implemented in its entirety prior to the first occupation of any dwelling or other building within ownership area O. For the avoidance of doubt, this shall include the measures to the 'gap land', with the exception of the new semi natural habitat and new scrub planting immediately adjacent to the Western Peripheral Road as shown on drawings numbers 2914LO-003.1 and 2914LO-003.2 which shall be implemented in accordance with the construction programme for the road.

In the event that the access management measures for zones 1 and 2 are not completed prior to the first occupation of any dwelling or building within ownership area O, a progress review shall be carried out. This review shall include, as appropriate, other temporary access management measures along with a timetable for their implementation and subsequent removal. The conclusions of the review and details of any temporary measures

shall be submitted to and agreed in writing by the Local Planning Authority. The temporary measures shall thereafter be maintained and monitored until the permanent access management measures are fully completed. These monitoring and management measures shall be agreed in writing by the Local Planning Authority as part of the progress review. If the above measures are not to the satisfaction of the Local Planning Authority, development shall cease on site until such time as the permanent access management measures are completed.

The monitoring and management of the permanent Access Management Measures and physical features shall thereafter be carried out by the landowner in accordance with the measures set out in the approved Access Management Strategy and any other maintenance which may be required to maintain the effectiveness of the physical access management measures.

A reserved matters application(s) shall be submitted for all of the access management measures specified in the approved strategy as these relate to land parcels OS6, OS13, OS14 and OS37 as identified on the approved Development Framework Plan (Plan no. PST021-DFP- 101 Rev B).

For the avoidance of doubt, there shall be no lighting within these tranches unless it is demonstrated that there would be no adverse impact on Orton Pit SSSI/SAC.

No built development shall encroach within the land parcels referred to above as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B).

(b) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until a reserved matters application(s) setting out a detailed scheme of access management measures, based upon the principles set out in the approved Access Management Strategy for zones 1 and 2, has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall thereafter be implemented in its entirety prior to the first occupation of any dwelling or other building within ownership area B. For the avoidance of doubt, this shall include the measures to the 'gap land', with the exception of the new semi natural habitat and new scrub planting immediately adjacent to the Western Peripheral Road as shown on drawings numbers 2914LO-003.1 and 2914LO-003.2 which shall be implemented in accordance with the construction programme for the road.

In the event that the access management measures for zones 1 and 2 are not completed prior to the first occupation of any dwelling or building within ownership area B, a progress review shall be carried out. This review shall include as appropriate other temporary access management measures along with a timetable for their implementation and subsequent removal. The conclusions of the review and details of any temporary measures shall be submitted to and agreed in writing by the Local Planning Authority. The temporary measures shall thereafter be maintained and monitored until the permanent access management measures are fully completed. These monitoring and management measures shall be agreed in writing by the Local Planning Authority as part of the progress review. If the above measures are not to the satisfaction of the Local Planning Authority, development shall cease on site until such time as the permanent access management measures are completed.

The monitoring and management of the permanent Access Management Measures and physical features shall thereafter be carried out by the landowner in accordance with the measures set out in the approved Access Management Strategy and any other maintenance which may be required to maintain the effectiveness of the physical access management measures.

Reason: In order to prevent unauthorised public access into Orton Pit SSSI/SAC in order to protect the integrity of the site, and to provide new ecological habitat as set out in the supporting Environmental Statement Volume 4, Chapter 6, the Conservation of Habitat and

Species Regulations 2010, National Planning Policy Framework and Policy CS21 of the adopted Peterborough Core Strategy DPD (2011). compressively incorporated into the development which can only be achieved before development commences.

- C33 (a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until a Great Crested Newt Strategy for that area has been submitted to and approved in writing by the Local Planning Authority. This shall include a time schedule for the works.

The plans and particulars submitted for each relevant reserved matters application / appropriate discharge of condition application within that ownership area shall demonstrate compliance with the approved Strategy and include, where appropriate, specific measures within individual tranches. Development shall thereafter be carried out in accordance with the approved plans and specific measures.

Monitoring of the strategy and the mitigation measures contained therein, including the specific measures within individual tranches, shall be carried out during the build out of the development and for five years thereafter. The applicant shall submit a single annual monitoring report for the ownership area, to include the individual development tranches, to the Local Planning Authority for written approval for the first five years following the commencement of development in that area. The timing of the monitoring and the submission of the monitoring report shall thereafter be reviewed and agreed in writing by the Local Planning Authority.

If, after evaluating the submitted monitoring results, the Local Planning Authority considers remedial measures are necessary, it will serve notice on the applicant requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

- (b) No development shall take place within ownership area M (as shown on Plan no. PST021-DFP-118) until a Great Crested Newt Strategy for that area has been submitted to and approved in writing by the Local Planning Authority. This shall include a time schedule for the works.

The plans and particulars submitted for each relevant reserved matters application / appropriate discharge of condition application within that ownership area shall demonstrate compliance with the Strategy and include, where appropriate, specific measures within individual tranches. Development shall thereafter be carried out in accordance with the approved plans and specific measures.

Monitoring of the strategy and the mitigation measures therein, including the specific measures within individual tranches, shall be carried out during the build out of the development and for five years thereafter. The applicant shall submit a single annual monitoring report for the ownership area, to include the individual development tranches, to the Local Planning Authority for written approval for the first five years following the commencement of development in that area. The timing of the monitoring and the submission of the monitoring report shall thereafter be reviewed and agreed in writing by the Local Planning Authority.

If, after evaluating the submitted monitoring results, the Local Planning Authority considers remedial measures are necessary, it will serve notice on the applicant requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

(c) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until a Great Crested Newt Strategy for that area is submitted to and approved in writing by the Local Planning Authority. This shall include a time schedule for the works.

The plans and particulars submitted for each relevant reserved matters application / appropriate discharge of condition application within that ownership area shall demonstrate compliance with the Strategy and include, where appropriate, specific measures within individual tranches. Development shall thereafter be carried out in accordance with the approved plans and specific measures.

Monitoring of the strategy and the mitigation measures therein, including the specific measures within individual tranches shall be carried out during the build out of the development and for five years thereafter. The applicant shall submit a single annual monitoring report for the ownership area, to include the individual development tranches, to the Local Planning Authority for written approval for the first five years following the commencement of development in that area. The timing of the monitoring and the submission of the monitoring report shall thereafter be reviewed and agreed in writing by the Local Planning Authority.

If, after evaluating the submitted monitoring results, the Local Planning Authority considers remedial measures are necessary, it will serve notice on the applicant requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

Reason: In order to safeguard, enhance and manage the ecological interests of the site and to inform the translocation, protection of species and habitat creation/enhancement, in accordance with the Conservation of Habitat and Species Regulations 2010, National Planning Policy Framework and Policy CS21 of the adopted Peterborough Core Strategy DPD (2011). This is a pre-commencement condition to ensure that no works are undertaken which may result in unacceptable harm to Great Crested Newt population(s).

- C34 a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until an overarching Biodiversity Strategy for that area has been submitted to and approved in writing by the Local Planning Authority. This shall include a time schedule for the works.

The overarching Strategy shall include but not be limited to details of the following:

- (i) Appointment of a suitably qualified Ecological Clerk of Works and details of ecological supervision;
- (ii) Details of phasing of habitat creation and clearance;
- (iii) Details of habitat and species protection measures during the construction and operational phases of the development. This shall include details of measures to mitigate the impact of noise on woodland birds and off site works including works to Beeby's Lakes and culvert under the A15, details of measures for buffering of all ponds that support Stoneworts by at least 50m from construction activity and the incorporation of these areas into green space in order to maintain their integrity to support Stoneworts and other aquatic plant species;
- (iv) Details of habitat creation and enhancement, including: measures to ensure connectivity of habitat where appropriate that avoids conflict with new roads and fences; the phasing of delivery, the management/maintenance regime for these areas particularly areas of new habitat creation and measures to individual development plots to enhance biodiversity. This shall include measures to mitigate the impact of noise on woodland birds, measures to eradicate swamp stonecrop from Long Lake, details of the design and management of the new Great Crested Newt ponds to be created to maintain favourable off site provision where appropriate including to Beeby's Lakes and culvert under the A15;

- (v) Areas of habitat creation and enhancement shall provide opportunities for great crested newts, reptiles, badgers, bats, water voles, brown hares, otters, butterflies including black hairstreak and moths, breeding birds including owls, Stoneworts, aquatic and terrestrial invertebrates and (aquatic) plants;
- (vi) Proposals for the translocation of protected species in particular reptiles, great crested newts and any other protected species that may be subsequently identified;
- (vii) A methodology and strategy for the submission and approval of updated survey work during the build out of the development including specific measures in relation to bats;
- (viii) A scheme of monitoring for the retained/ enhanced areas of habitat creation and wider biodiversity measures within the scheme, including any specific measures set out within individual development tranches. The monitoring period shall be not less than the build out period of the development and five years thereafter. The applicant shall submit a single monitoring report, to include individual development tranches, annually for the first five years following commencement of development in that ownership area and thereafter reviewed with appropriate report monitoring periods agreed in writing by the Local Planning Authority; and
- (ix) A provision shall be made to enable the Local Planning Authority to consider if any remedial measures are necessary as a result of evaluating the submitted monitoring results, including a provision for the Local Planning Authority to serve notice on the applicant requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

The above is not expected to duplicate the Access Management Strategy or the Great Crested Newt Strategy but should make cross-reference to these documents where appropriate.

The plans and particulars submitted for each reserved matters application / appropriate discharge of condition applications within that ownership area shall demonstrate compliance with the Strategy and include specific measures set out within individual tranches.

- (b) No development shall take place within ownership area M (as shown on Plan no. PST021-DFP-118) until an overarching Biodiversity Strategy for that area has been submitted to and approved in writing by the Local Planning Authority. This shall include a time schedule for the works.

The overarching Strategy shall include but not be limited to details of the following:

- (i) Appointment of a suitably qualified Ecological Clerk of Works and details of ecological supervision;
- (ii) Details of phasing of habitat creation and clearance;
- (iii) Details of habitat and species protection measures during the construction and operational phases of the development. This shall include details of measures to mitigate the impact of noise on woodland birds and off site works, details of measures for buffering of all ponds that support Stoneworts by at least 50m from construction activity and the incorporation of these areas into green space in order to maintain their integrity to support Stoneworts and other aquatic plant species;
- (iv) Details of habitat creation and enhancement, including: measures to ensure connectivity of habitat where appropriate that avoids conflict with new roads and fences; the phasing of delivery, the management/maintenance regime for these areas particularly areas of new habitat creation and measures to individual development plots to enhance biodiversity. This shall include measures to mitigate the impact of noise on woodland birds, measures to eradicate swamp stonecrop from Long Lake, details of the design and management of the new Great Crested Newt ponds to be created to maintain favourable off site provision where appropriate;
- (v) Areas of habitat creation and enhancement shall provide opportunities for great crested newts, reptiles, badgers, bats, water voles, brown hares, otters, butterflies including black

hairstreak and moths, breeding birds including owls, Stoneworts, aquatic and terrestrial invertebrates and (aquatic) plants;

(vi) Proposals for the translocation of protected species in particular reptiles, great crested newts and any other protected species that may be subsequently identified;

(vii) A methodology and strategy for the submission and approval of updated survey work during the build out of the development including specific measures in relation to bats;

(viii) A scheme of monitoring for the retained/ enhanced areas of habitat creation and wider biodiversity measures within the scheme, including any specific measures set out within individual development tranches. The monitoring period shall be not less than the build out period of the development and five years thereafter. The applicant shall submit a single monitoring report, to include individual development tranches, annually for the first five years following commencement of development in that ownership area and thereafter reviewed with appropriate report monitoring periods agreed in writing by the Local Planning Authority; and

(ix) A provision shall be made to enable the Local Planning Authority to consider if any remedial measures are necessary as a result of evaluating the submitted monitoring results, including a provision for the Local Planning Authority to serve notice on the applicant requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

The above is not expected to duplicate the Access Management Strategy or the Great Crested Newt Strategy but should make cross-reference to these documents where appropriate.

The plans and particulars submitted for each reserved matters application / appropriate discharge of condition applications within that ownership area shall demonstrate compliance with the Strategy and include specific measures set out within individual tranches.

(c) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until an overarching Biodiversity Strategy for that area is submitted to and approved in writing by the Local Planning Authority. This shall include a time schedule for the works.

The overarching Strategy shall include but not be limited to details of the following:

(i) Appointment of a suitably qualified Ecological Clerk of Works and details of ecological supervision;

(ii) Details of phasing of habitat creation and clearance;

(iii) Details of habitat and species protection measures during the construction and operational phases of the development. This shall include details of measures to mitigate the impact of noise on woodland birds and off site works including works, details of measures for buffering of all ponds that support Stoneworts by at least 50m from construction activity and the incorporation of these areas into green space in order to maintain their integrity to support Stoneworts and other aquatic plant species;

(iv) Details of habitat creation and enhancement, including: measures to ensure connectivity of habitat where appropriate that avoids conflict with new roads and fences; the phasing of delivery, the management/maintenance regime for these areas particularly areas of new habitat creation and measures to individual development plots to enhance biodiversity. This shall include measures to mitigate the impact of noise on woodland birds, measures to eradicate swamp stonecrop from Long Lake, details of the design and management of the new Great Crested Newt ponds to be created to maintain favourable off site provision where appropriate;

(v) Areas of habitat creation and enhancement shall provide opportunities for great crested newts, reptiles, badgers, bats, water voles, brown hares, otters, butterflies including black hairstreak and moths, breeding birds including owls, Stoneworts, aquatic and terrestrial invertebrates and (aquatic) plants;

- (vi) Proposals for the translocation of protected species in particular reptiles, great crested newts and any other protected species that may be subsequently identified;
- (vii) A methodology and strategy for the submission and approval of updated survey work during the build out of the development including specific measures in relation to bats;
- (viii) A scheme of monitoring for the retained/ enhanced areas of habitat creation and wider biodiversity measures within the scheme, including any specific measures set out within individual development tranches. The monitoring period shall be not less than the build out period of the development and five years thereafter. The applicant shall submit a single monitoring report, to include individual development tranches, annually for the first five years following commencement of development in that ownership area and thereafter reviewed with appropriate report monitoring periods agreed in writing by the Local Planning Authority; and
- (ix) A provision shall be made to enable the Local Planning Authority to consider if any remedial measures are necessary as a result of evaluating the submitted monitoring results, including a provision for the Local Planning Authority to serve notice on the applicant requiring a scheme of remedial measures. The remedial measures shall be fairly and reasonably related in scale and kind to the proposed development. Within one month of receiving such written notice, the applicant shall submit such a scheme of remedial measures (including a timeframe for implementation) and the approved remedial measures shall be implemented in accordance with the approved scheme and programme.

The above is not expected to duplicate the Access Management Strategy or the Great Crested Newt Strategy but should make cross-reference to these documents where appropriate.

The plans and particulars submitted for each reserved matters application / appropriate discharge of condition applications within that ownership area shall demonstrate compliance with the Strategy and include specific measures set out within individual tranches.

Reason: To safeguard, enhance and manage the ecological interests of the site and to inform the translocation, protection of species, habitat creation, remedial measures and to promote the biodiversity of the site, in accordance with supporting Environmental Statement Volume 4, Chapter 6, Policy CS21 of the adopted Peterborough Core Strategy DPD (2011) and the Conservation of Habitat and Species Regulations 2010. This is a pre-commencement condition to ensure that no development work takes place which may pose an unacceptable danger to protected species/ecology/biodiversity within the site.

- C35 No development, clearance works or remediation works shall take place within any parcel of land as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) until up to date survey work for that parcel has been submitted to and approved in writing by the Local Planning Authority. The updated survey work shall be carried out in accordance with the methodology set out in the Biodiversity Strategy and the Great Crested Newt Strategy (as secured under the terms of conditions C34 and C33 respectively). Unless otherwise agreed with the Local Planning Authority, surveys shall be carried out for Great Crested Newts, Reptiles, Breeding Birds, Water Voles, Bats, Badgers, Brown Hairs, Butterflies/Moths. Aquatic and Terrestrial Invertebrates, and aquatic plants. If development does not thereafter commence within 2 years of the survey date, new surveys will need to be undertaken in accordance with the above process.

Reason: In order to protect species within the development area from harm in accordance with National Planning Policy Framework, Policy CS21 of the adopted Peterborough Core Strategy DPD (2011) and the Conservation of Habitat and Species Regulations 2010. This is a pre-commencement condition to ensure that no development work takes place which may pose an unacceptable danger to protected species/ecology/biodiversity within the site.

- C36 Prior to the first occupation of any development within ownership area O (as shown on Plan no. PST021-DFP-118) to the north of OS27, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), or the first public use of Stage 3 of the Western Peripheral Road / Central Boulevard, whichever is the earlier, a scheme to monitor

Nitrogen Oxide (NO_x) concentrations and nitrogen deposition within Orton Pit SSSI/SAC shall be submitted to and approved in writing by the Local Planning Authority. The monitoring shall commence no later than 3 months after the approval of the scheme and continue for a period of 5 years after the complete build out of the development. All monitoring shall be carried out in accordance with the approved scheme and submitted in the form of a single report at intervals to be agreed with the Local Planning Authority.

Should the Local Planning Authority consider that any remedial measures are necessary as a result of evaluating the submitted monitoring results, the Local Planning Authority shall serve notice on the applicant requiring a scheme of remediation. Within one month of receiving such written notice, a scheme of remediation, including a programme for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The remedial measures shall be implemented in accordance with the approved scheme.

Reason: To validate predictions regarding nitrogen deposition made in the Environmental Statement and to ensure the integrity of Orton Pit SSSI/SAC is protected, in accordance with the National Planning Policy Framework, Policy CS21 of the adopted Peterborough Core Strategy DPD (2011) and the Conservation of Habitat and Species Regulations 2010.

- C37 Notwithstanding the submitted information, any services routed along that section of the Western Peripheral Road shown on drawing number 15188-80 shall be located within the proposed carriageway as defined on that plan (Western Peripheral Road Utilities Corridor).

Reason: In order to ensure that there is no risk to the delivery of the ecological mitigation measures associated with the Western Peripheral Road in order to protect the integrity of Orton Pit SSSI/SAC, in accordance with the National Planning Policy Framework, Policy CS21 of the adopted Peterborough Core Strategy DPD (2011) and the Conservation of Habitat and Species Regulations 2010.

- C38 Prior to commencement of each reserved matters for each parcel of land as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), details of existing and proposed site levels including the finished floor levels of all new dwellings / buildings and any associated parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2, PP3 and PP4 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition to ensure that no groundworks take place which may result in an unacceptable impact to the visual or residential amenity of the development.

- C39 (a) No development shall take place within ownership area O (as shown on Plan no. PST021-DFP-118) until a Landscape Management Strategy for that ownership area, including details of phasing for the strategic landscape areas within that ownership area, has been submitted to and approved in writing by the Local Planning Authority.

The plans and particulars submitted under condition C1 for each reserved matters application for that ownership area, which includes public landscaping, shall demonstrate compliance with the Strategy and include specific measures set out within individual tranches.

The Strategy shall include the following details:

- Long term design objectives for the course of the development and 5 years thereafter;
- Management responsibilities for the course of the development and 5 years thereafter;
- Maintenance schedules including replacement planting for any trees/shrubs which fail for the course of the development and 5 years thereafter; and
- Woodland Management Plan for area of retained woodland and new woodland planting including clear objectives and details of interim works.

The Landscape Management Strategy shall be implemented in accordance with a timetable contained therein.

(b) No development shall take place within ownership area M (as shown on Plan no. PST021-DFP-118) until a Landscape Management Strategy for that ownership area, including details of phasing for the strategic landscape areas within that ownership area, has been submitted to and approved in writing by the Local Planning Authority.

The plans and particulars submitted for each reserved matters application for that ownership area, which includes public landscaping, shall demonstrate compliance with the Strategy and include specific measures set out within individual tranches.

The Strategy shall include the following details:

- Long term design objectives for the course of the development and 5 years thereafter;
- Management responsibilities for the course of the development and 5 years thereafter;
- Maintenance schedules including replacement planting for any trees/shrubs which fail for the course of the development and 5 years thereafter; and
- Woodland Management Plan for area of retained woodland and new woodland planting including clear objectives and details of interim works.

The Landscape Management Strategy shall be implemented in accordance with a timetable contained therein.

(c) No development shall take place within ownership area B (as shown on Plan no. PST021-DFP-118) until a Landscape Management Strategy for that ownership area, including details of phasing for the strategic landscape areas within that ownership area, has been submitted to and approved in writing by the Local Planning Authority.

The plans and particulars submitted for each reserved matters application for that ownership area, which includes public landscaping, shall demonstrate compliance with the Strategy and include specific measures set out within individual tranches.

The Strategy shall include the following details:

- Long term design objectives for the course of the development and 5 years thereafter;
- Management responsibilities for the course of the development and 5 years thereafter;
- Maintenance schedules including replacement planting for any trees/shrubs which fail for the course of the development and 5 years thereafter; and
- Woodland Management Plan for area of retained woodland and new woodland planting including clear objectives and details of interim works.

The Landscape Management Strategy shall be implemented in accordance with a timetable contained therein.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition to ensure that the management of the landscape areas within the development is comprehensively incorporated into the development which can only be achieved prior to commencement of any works.

C40 The hard and soft landscaping schemes to be submitted as reserved matters under condition C1 shall include the following details:

- Planting plans including trees, species, numbers, size, density of planting and proposed time of planting as well as means of protection and maintenance;
- An implementation programme (phased developments);
- Hard surfacing materials;
- Boundary treatments;

- Refuse areas; and
- Cycle parking provision for any flatted schemes.

The development shall thereafter be carried out in accordance with the approved reserved matters application prior to first occupation/ use. In the case of soft landscaping works, these shall be carried out no later than the first planting/seeding season following the occupation/use of the development.

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

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the adopted Peterborough Planning Policies DPD (2012).

- C41 (a) Within ownership area O (as shown on Plan no. PST021-DFP-118), no tree, hedgerow or woodland shown as being retained on drawing numbers 2489LO/11A Rev D (Tree Retention and Removal Plan Fig 8.11), 2489LO/12 Rev C (Hedgerow Strategy Fig 8.12) and 3223-101A (Junction Arrangement, Vegetation Impact on A15) shall be felled, topped, lopped or grubbed in any way during construction unless any changes to these plans are agreed as part of the reserved matters to be approved under condition C1 and the changes are supported by an updated planning layout and Tree Survey/Arboricultural Impact Assessment which justifies their removal.

If any retained tree as shown on the approved drawings is damaged or removed during a development phase, a revised scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

- (b) Within ownership area M (as shown on Plan no. PST021-DFP-118), no tree, hedgerow or woodland shown as being retained on drawing numbers 2489LO/11A Rev D (Tree Retention and Removal Plan Fig 8.11), 2489LO/12 Rev C (Hedgerow Strategy Fig 8.12) and 3223-101A (Junction Arrangement, Vegetation Impact on A15) shall be felled, topped, lopped or grubbed in any way during construction unless any changes to these plans are agreed as part of the reserved matters to be approved under condition C1 and the changes are supported by an updated planning layout and Tree Survey/Arboricultural Impact Assessment which justifies their removal.

If any retained tree as shown on the approved drawings is damaged or removed during a development phase, a revised scheme and implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

- (c) Within ownership area B (as shown on Plan no. PST021-DFP-118), no tree, hedgerow or woodland shown as being retained on drawing numbers 2489LO/11A Rev D (Tree Retention and Removal Plan Fig 8.11), 2489LO/12 Rev C (Hedgerow Strategy Fig 8.12) and 3223-101A (Junction Arrangement, Vegetation Impact on A15) shall be felled, topped, lopped or grubbed in any way during construction unless any changes to these plans are agreed as part of the reserved matters to be approved under condition C1 and the changes are supported by an updated planning layout and Tree Survey/Arboricultural Impact Assessment which justifies their removal.

If any retained tree as shown on the approved drawings is damaged or removed during a development phase, a revised scheme and implementation timetable shall be submitted to

and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

Reason: To secure the retention of trees, hedges and woodland as identified in the Environmental Statement, in accordance with Policy CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP16 of the adopted Peterborough Planning Policies DPD (2012).

- C42 The plans and particulars to be submitted for each reserved matters application under condition C1 or any discharge of condition application for those tranches containing and/or located adjacent to any retained trees / hedgerows (including outside of the application site), shall include:

- An arboricultural method statement (to be carried out in accordance with section 7.2 of British Standard (BS) 5837:2012 or any subsequent revision to this);
- An arboricultural impact assessment (to be carried in accordance with section 6 of BS 5837:2012 or any subsequent revision to this); and
- A tree/hedgerow protection plan (to be carried out in accordance with section 7.1 of BS 5837:2012).

The above shall include an assessment of the impact of buildings, hard standings, drainage infrastructure and any other utilities.

The tree / hedgerow protection measures shall be erected prior to the commencement of any works including site clearance and thereafter retained until construction work are completed unless the written consent of the Local Planning Authority is given to their removal.

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

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the adopted Peterborough Planning Policies DPD (2012).

- C43 (a) Prior to the commencement of any junction/access/widening work on the A15 within ownership area O (as shown on Plan no. PST021-DFP-118) which will result in the loss of existing planting outside of the application site, a scheme of replacement planting, including details of tree species, densities, sizes, proposed timing of planting as well as means of protection along with a management/ maintenance regime, shall be submitted to and approved in writing by the Local Planning Authority.

The development/works shall thereafter be carried out in accordance with the approved details, with the new planting taking place in the first available planting season following the development/works.

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

(b) Prior to the commencement of any junction/access/widening work on the A15 within ownership area M (as shown on Plan no. PST021-DFP-118) which will result in the loss of existing planting outside of the application site, a scheme of replacement planting including details of tree species, densities, sizes, proposed timing of planting as well as means of protection along with a management/ maintenance regime, shall be submitted to and approved in writing by the Local Planning Authority.

The development/works shall thereafter be carried out in accordance with the approved details with the new planting taking place in the first available planting season following the development/works.

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

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the adopted Peterborough Planning Policies DPD (2012).

- C44 (a) Notwithstanding the submitted information, no development shall take place on ownership area O (as shown on Plan no. PST021-DFP-118) on land parcels North of OS27 (as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B)), until a scheme for the protection of the east, western and southern edges of the retained woodland of Two Pond Coppice and Chamber's Dole has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures such as new ditches, shrub planting and fencing.

These measures shall thereafter be implemented prior to the first occupation of any dwelling on land parcels north of OS27 within ownership area O.

If in the opinion of the Local Planning Authority these measures subsequently appear inadequate or to be failing, within in a period of 5 years from the occupation of any dwelling the Local Planning Authority shall request from the developer a scheme of additional mitigation measures including a timetable for their implementation. The scheme shall be submitted within 3 months of any such request being made by the Local Planning Authority.

- (b) Notwithstanding the submitted information, no development shall take place on ownership area B (as shown on Plan no. PST021-DFP-118) on land parcels North of OS27 (as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B)) until a scheme for the protection of the east, western and southern edges of the retained woodland of Two Pond Coppice and Chamber's Dole has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include measures such as new ditches, shrub planting and fencing.

These measures shall thereafter be implemented prior to the first occupation of any dwelling on land parcels north of OS27 within ownership area B.

If in the opinion of the Local Planning Authority these measures subsequently appear inadequate or to be failing, within in a period of 5 years from the occupation of any dwelling the Local Planning Authority shall request from the Developer a scheme of additional mitigation measures including a timetable for their implementation. The scheme shall be submitted within 3 months of any such request being made by the Local Planning Authority.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the adopted Peterborough Planning Policies DPD (2012).

- C45 (a) Within ownership area O (as shown on Plan no. PST021-DFP-118), prior to the commencement of any development within 50 metres (m) of the Disused Oil Pipeline; within 50m of the former Hostel Site; within 50m of the former Sewage Works Site; within 50m of the Yaxley Lodge Farm (all as shown on drawing number 15188/115); or within 50m of the Backfilled Pond on the boundary of parcel OS6/OC37 (as shown on drawing number

15188/07 Figure 3), an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority.

This assessment must be undertaken by a competent person, and shall assess any contamination on the site. Moreover, it must include:

- (i) A survey of the extent, scale and nature of contamination; and
- (ii) An assessment of the potential risks to human health and property (existing or proposed).

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

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

(b) Within ownership area M (as shown on Plan no. PST021-DFP-118), prior to the commencement of any development within 50 metres (m) of the Disused Oil Pipeline; within 50m of the Yaxley Lodge Farm; or within 50m of Spendelows Farm (all as shown on drawing number 15188/115), an assessment of the nature and extent of contamination shall be submitted to and approved in writing by the Local Planning Authority.

This assessment must be undertaken by a competent person, and shall assess any contamination on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination; and
- (ii) an assessment of the potential risks to human health and property (existing or proposed).

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

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

Reason: In order to protect human health and property from contamination to make the land suitable for its intended use, in accordance with the National Planning Policy Framework and Policy PP20 of the adopted Peterborough Planning Policies DPD (2012).

- C46 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site, unless otherwise agreed in writing by the Local Planning Authority.

A competent assessment must be undertaken, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

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

Reason: In order to protect human health and property from contamination to make the land suitable for its intended use, in accordance with the National Planning Policy Framework and Policy PP20 of the adopted Peterborough Planning Policies DPD (2012).

- C47 (a) Reserved matters application(s) submitted under condition C1 for any residential development within the following areas as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) within ownership area O (as shown on Plan no. PST021-DFP-118), shall be accompanied by a noise assessment and set out any appropriate mitigation measures to protect amenity:

- (i) Development tranches R13 and R24 adjacent to the A1(M) Great North Road;
- (ii) Development tranches R12, R14, R21 and R22, and any residential accommodation within district centre tranches DC1, DC4 adjacent to the Central Boulevard;
- (iii) Development tranches R17, R18, R19, R20, R36 and any residential accommodation within district centre tranches DC3 and DC7 adjacent to the Yaxley Loop Road; and
- (iv) Any residential accommodation with the district centre as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B).

The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the building/dwelling to which they relate.

- (b) Reserved matters application(s) submitted under condition C1 for any residential development within the following areas as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) within ownership area M (as shown on Plan no. PST021-DFP-118), shall be accompanied by a noise assessment and set out any appropriate mitigation measures to protect amenity:

- (i) Development tranches R27 and R28 adjacent to the A1(M)/Great North Road;
- (ii) Development tranches R26, R30, R31, R33 and R34 and any residential accommodation within local centre tranches NC3 and NC4; and
- (iii) Development tranches R32, R33, R34 and R35 adjacent to the A15.

The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the building/dwelling to which they relate.

- (c) Reserved matters application(s) submitted under condition C1 for any residential development within the following areas as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) within ownership area B (as shown on Plan no. PST021-DFP-118), shall be accompanied by a noise assessment and set out any appropriate mitigation measures to protect amenity:

- (i) Development tranches R1, R2, R6, R7, R9, adjacent to the A1(M) Great North Road; and
- (ii) Any residential accommodation with local centre tranches NC1 and NC2, as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B).

The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the building/dwelling to which they relate.

Reason: In order to protect the amenity of future residents, in accordance with National Planning Policy Framework and Policy PP4 of the adopted Peterborough Planning Policies DPD (2012).

- C48 Within ownership area O (as shown on Plan no. PST021-DFP-118), the rating level of noise emitted from the proposed District Centre, as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B), for individual applications shall not exceed 35dB LAeq, 1 hour between 07:00 and 23:00 Monday to Friday and 30dB LAeq, 5 minutes at any other time. The noise levels shall be determined at the nearest residential dwelling. The measurements and assessment shall be made according to British Standard 4142:1997 or any standard replacing this.

The reserved matters application(s) submitted under condition C1 for these areas shall include a statement which shall be agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site in accordance with the above noise limits. These provisions should include physical and/or administrative measures.

If there are justifiable reasons for an alternative noise level, that justification shall be submitted with the reserved matters application(s) submitted under condition C1 and considered by the Local Planning Authority.

The development shall thereafter be operated in accordance with the approved details.

Reason: In order to protect the amenity of future residents, in accordance with National Planning Policy Framework and Policy PP4 of the adopted Peterborough Planning Policies DPD (2012).

- C49 Within ownership area M (as shown on Plan no. PST021-DFP-118), the rating level of noise emitted from the proposed Local Centre (tranches NC3 and NC4 as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B)) for individual applications shall not exceed 35dB LAeq, 1 hour between 07:00 and 23:00 Monday to Friday and 30dB LAeq, 5 minutes at any other time. The noise levels shall be determined at the nearest residential dwelling. The measurements and assessment shall be made according to British Standard 4142:1997 or any standard replacing this.

The reserved matters application(s) submitted under condition C1 for these areas shall include a statement which shall be agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site in accordance with the above noise limits. These provisions should include physical and/or administrative measures.

If there are justifiable reasons for an alternative noise level, that justification shall be submitted with the reserved matters application(s) submitted under condition C1 and considered by the Local Planning Authority.

The development shall thereafter be operated in accordance with the approved details.

Reason: In order to protect the amenity of future residents, in accordance with National Planning Policy Framework and Policy PP4 of the adopted Peterborough Planning Policies DPD (2012).

- C50 Within ownership area B (as shown on Plan no. PST021-DFP-118), the rating level of noise emitted from the proposed local centre (tranches NC1 and NC2 as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B)) for individual applications shall not exceed 35dB LAeq, 1 hour between 07:00 and 23:00 Monday to Friday and 30dB LAeq, 5 minutes at any other time. The noise levels shall be determined at the nearest residential dwelling. The measurements and assessment shall be made according to British Standard 4142:1997 or any standard replacing this.

The reserved matters application(s) submitted under condition C1 for these areas shall include a statement which shall be agreed in writing by the Local Planning Authority which specifies the provisions to be made for the control of noise emanating from the site in accordance with the above noise limits. These provisions should include physical and/or administrative measures.

If there are justifiable reasons for an alternative noise level, that justification shall be submitted with the reserved matters application(s) submitted under condition C1 and considered by the Local Planning Authority.

The development shall thereafter be operated in accordance with the approved details.

Reason: In order to protect the amenity of future residents, in accordance with National Planning Policy Framework and Policy PP4 of the adopted Peterborough Planning Policies DPD (2012).

- C51 Any development proposing commercial/public kitchen(s) or cooking facilities such as development falling within uses classes A3-A5 of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification), schools or community facilities, shall submit a scheme for the ventilation and extraction of cooking fumes to, and shall have received written approval from, the Local Planning Authority for agreement prior to the first occupation of the unit/building. The equipment shall thereafter be installed in accordance with the approved details prior to the first occupation of the unit/building.

Reason: In order to protect the amenity of future residents, in accordance with National Planning Policy Framework and Policy PP4 of the adopted Peterborough Planning Policies DPD (2012).

- C52 (a) Within ownership area O (as shown on Plan no. PST021-DFP-118), prior to the submission of the associated reserved matters application under condition C1 for any unit within the District Centre, as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B), details of the proposed opening hours and hours of delivery shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

(b) Within ownership area M (as shown on Plan no. PST021-DFP-118), prior to the submission of the associated reserved matters application under condition C1 for any unit within the Local Centre (tranches NC3 and NC4 as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B)), details of the proposed opening hours and hours of delivery shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

(c) Within ownership area B (as shown on Plan no. PST021-DFP-118), prior to the submission of the associated reserved matters application under condition C1 for any unit within the Local Centre (tranches NC1 and NC2 as identified on the approved Development Framework Plan (Plan no. PST021- DFP-101 Rev B)), details of the proposed opening hours and hours of delivery shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved details.

Reason: In order to protect the amenity of future residents, in accordance with National Planning Policy Framework and Policy PP4 of the adopted Peterborough Planning Policies DPD (2012).

- C53 Within ownership area O (as shown on Plan no. PST021-DFP-118), the retail floor space provision within the District Centre, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) shall not exceed the following:

- 4200 square metres Gross Internal Area (GIA) for a single supermarket. Of this no more than 500 square metres gross shall be used for comparison retailing (non-food). The net retail sales for convenience goods shall not exceed 2590 square metres and that for comparison 350 square metres.

- 500 square metres GIA convenience floor space outside of the supermarket;

- 1000 square metres GIA comparison floor space outside of the supermarket to be split between a minimum of two units; and

- 3500 square metres GIA for A2 to A5 uses (as identified in the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification)) outside of the supermarket with no single unit exceeding 500 square metres.

Thereafter no co-joining of floorspace shall take place unless approved on application submitted to the Local Planning Authority.

Reason: In order to provide facilities for the future residents of the Great Haddon development and to protect the vitality and viability of existing neighbouring retail centres including Peterborough City Centre, in accordance with the submitted Retail Assessment dated February 2011 as updated in December 2012, the National Planning Policy Framework, Policy CS15 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP9 of the adopted Peterborough Planning Policies DPD (2012).

- C54 Within ownership area O (as shown on Plan no. PST021-DFP-118), the balance of non-residential floorspace within the District Centre, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), excluding retail uses which are addressed under condition C55 above, shall not exceed 13,813 square metres.

Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification) the floor space within the District Centre shall be limited to the following use or uses:

- B1a (office);

- C1 (hotels);

- C2 (excluding hospitals);

- D1 (excluding exhibition halls); and/or

- D2 (excluding cinemas, dance and concert halls, skating/carting rinks or tracks, casino, bingo hall)

- Garden Centre (where not an A1 retail use).

Reason: In order to ensure that city centre functions are not located within the District Centre unless it is demonstrated that the location and scale is appropriate to the District Centre function, in accordance with the National Planning Policy Framework, Policy CS15 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP9 of the adopted Peterborough Planning Policies DPD (2012).

- C55 Within ownership area M (as shown on Plan no. PST021-DFP-118), the retail floor space provision within local centre tranches NC3 and NC4, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) shall not exceed the following:

- 1150 square metres Gross Internal Area (GIA) retail floor space of which no more than 450 square metres shall be used for convenience retail floorspace and no more than 200 square metres for comparison retail floorspace; and

- The remaining 500 square metres (GIA) shall be used for A2-A5 uses (as identified in the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification)) which shall comprise a minimum of two units.

Thereafter no co-joining of floorspace shall take place unless approved on application to the Local Planning Authority.

No retail floor space provision within the Local Centre shall comprise a Garden Centre.

Thereafter no co-joining of floorspace shall take place unless approved on application to the Local Planning Authority.

Reason: In order to provide facilities for the future residents of the Great Haddon development and to protect the vitality and viability of existing neighbouring retail centres including Peterborough City Centre, in accordance with the submitted Retail Assessment dated February 2011 as updated in December 2012, the National Planning Policy Framework, Policy CS15 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP9 of the adopted Peterborough Planning Policies DPD (2012).

- C56 Within ownership area M (as shown on Plan no. PST021-DFP-118), the balance of non-residential floorspace within local centre tranches NC3 and NC4, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), excluding retail uses which are addressed under condition C57 above, shall not exceed 2757 square metres.

Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification) the floor space shall be limited to the following use or uses:

- B1a (office); and/or
- D1 (excluding exhibition halls).

Reason: In order to ensure that city centre functions are not located within the Local Centre unless it is demonstrated that the location and scale is appropriate to the Local Centre function, in accordance with the National Planning Policy Framework, Policy CS15 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP9 of the adopted Peterborough Planning Policies DPD (2012).

- C57 Within ownership area B (as shown on Plan no. PST021-DFP-118), the retail floor space provision within local centre tranches NC1 and NC2, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) shall not exceed the following:

- 1150 square metres Gross Internal Area (GIA) retail floor space of which no more than 450 square metres shall be used for convenience floorspace and no more than 200 square metres for comparison retail floorspace; and
- The remaining 500 square metres (GIA) shall be used for A2-A5 uses (as identified in the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification)) which shall comprise a minimum of two units.

No retail floor space provision within the Local Centre shall comprise a Garden Centre.

Thereafter no co-joining of floorspace shall take place unless approved on application to the Local Planning Authority.

Reason: In order to provide facilities for the future residents of the Great Haddon development and to protect the vitality and viability of existing neighbouring retail centres including Peterborough City Centre, in accordance with the submitted Retail Assessment dated February 2011 as updated in December 2012, the National Planning Policy Framework, Policy CS15 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP9 of the adopted Peterborough Planning Policies DPD (2012).

- C58 Within ownership area B (as shown on Plan no. PST021-DFP-118), the balance of non-residential floorspace within local centre tranches NC1 and NC2, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), excluding retail uses which are addressed under condition C59 above, shall not exceed 2757 square metres.

Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (or any Order revoking and re-enacting that Order with or without modification) the floor space shall be limited to the following use or uses:

- B1a (office); and/or
- D1 (excluding exhibition halls).

Reason: In order to ensure that city centre functions are not located within the Local Centre unless it is demonstrated that the location and scale is appropriate to the Local Centre function, in accordance with the National Planning Policy Framework, Policy CS15 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP9 of the adopted Peterborough Planning Policies DPD (2012).

- C59 (a) No demolition, development or site preparation works shall take place within any parcel of land, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), within ownership area O (as shown on Plan no. PST021-DFP-118), until an archaeological mitigation strategy, including a Written Scheme of Investigation (WSI), for that ownership area or part thereof, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in complete accordance with the approved strategy. The approved strategy shall be implemented in full.

The mitigation strategy shall include a WSI detailing a programme of archaeological work which shall include the following elements:

- (i) Details of fieldwork and/or preservation in situ of archaeological remains with timetable for undertaking such work, including any phasing of works;
- (ii) If excavation is undertaken, a post-excavation assessment and report; and
- (iii) A post-excavation analysis report, preparation of site archive ready for deposition at a store (approved by the Local Planning Authority), completion of an archive report, and submission of a publication report.

The post-excavation assessment and report for each ownership area or part thereof shall be submitted to the Local Planning Authority within 2 months of the completion of the fieldwork. The post-excavation analysis report shall be submitted to the Local Planning Authority within one year of the completion of the fieldwork. This condition shall only be fully discharged for each ownership area when each required element as set out above has been approved in writing by the Local Planning Authority.

- (b) No demolition, development or site preparation works shall take place within any parcel of land, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), within ownership area M (as shown on Plan no. PST021-DFP-118), until an archaeological mitigation strategy, including a Written Scheme of Investigation (WSI), has been submitted to and approved in writing by the Local Planning Authority for that ownership area or part thereof. Thereafter, the development shall take place in complete accordance with the approved strategy. The approved strategy shall be implemented in full.

The mitigation strategy shall include a WSI detailing a programme of archaeological work which shall include the following elements:

- (i) Details of fieldwork and/or preservation in situ of archaeological remains with timetable for undertaking such work, including any phasing of works;
- (ii) If excavation is undertaken, a post-excavation assessment and report; and
- (iii) A post-excavation analysis report, preparation of site archive ready for deposition at a store (approved by the Local Planning Authority), completion of an archive report, and submission of a publication report.

The post-excavation assessment and report for each ownership area or part thereof shall be submitted to the Local Planning Authority within 2 months of the completion of the fieldwork. The post-excavation analysis report shall be submitted to the Local Planning Authority within one year of the completion of the fieldwork. This condition shall only be

fully discharged for each ownership area when each required element as set out above has been approved in writing by the Local Planning Authority.

(c) No demolition, development or site preparation works shall take place within any parcel of land, as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B), within ownership area B (as shown on Plan no. PST021-DFP-118), until an archaeological mitigation strategy, including a Written Scheme of Investigation (WSI), has been submitted to and approved in writing by the Local Planning Authority for that ownership area or part thereof. Thereafter, the development shall take place in complete accordance with the approved strategy. The approved strategy shall be implemented in full.

The mitigation strategy shall include a WSI detailing a programme of archaeological work which shall include the following elements:

- (i) Details of fieldwork and/or preservation in situ of archaeological remains with timetable for undertaking such work, including any phasing of works;
- (ii) If excavation is undertaken, a post-excavation assessment and report; and
- (iii) A post-excavation analysis report, preparation of site archive ready for deposition at a store (approved by the Local Planning Authority), completion of an archive report, and submission of a publication report.

The post-excavation assessment and report for each ownership area or part thereof shall be submitted to the Local Planning Authority within 2 months of the completion of the fieldwork. The post-excavation analysis report shall be submitted to the Local Planning Authority within one year of the completion of the fieldwork. This condition shall only be fully discharged for each ownership area when each required element as set out above has been approved in writing by the Local Planning Authority.

Reason: To secure the requirement to mitigate the impact of the development upon the historic environment, and to ensure the proper and timely preservation and/or investigation, recording, reporting and presentation of archaeological heritage assets affected by the development, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP17 of the adopted Peterborough Planning Policies DPD (2012). This is a pre-commencement condition to ensure that no groundworks take place which may pose an unacceptable risk to undiscovered buried heritage assets.

- C60 Within ownership area M (as shown on Plan no. PST021-DFP-118), a buffer zone shall be provided between the Napoleonic Prisoner of War Camp Scheduled Ancient Monument (SAM) and the adjacent development tranches (R27, R28 R29 and R32 as identified on the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B)) in accordance with the provisions of the approved Development Framework Plan (Plan no. PST021-DFP-101 Rev B) prior to the occupation of the adjacent development tranches.

This buffer shall thereafter be retained in perpetuity and kept free of, inter alia, lighting, flood lighting, fencing, parking, access roads, buildings including changing rooms, sheds and containers. Any playing pitches within OS28 which may subsequently be laid out shall consist only of white lining and associated goal posts. Any seating shall be limited to a small number of park benches located in positions which afford views across the playing fields and SAM.

Details of any seating, any levelling or other ground works including any proposed drainage to the pitches shall be submitted to and approved in writing by the Local Planning Authority before any such works are undertaken as part of a reserved matters application submitted under condition C1.

In the event that archaeological remains are subsequently uncovered development shall cease within the affected areas until a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority in accordance with

condition C53. Thereafter the development shall proceed only in accordance with the approved archaeological scheme.

Reason: In order to protect the Napoleonic Prisoner of War Camp Schedule Ancient Monument (Ref CB 268) and its setting from damage/ disturbance and to allow any remains to be protected in situ where appropriate, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the adopted Peterborough Core Strategy DPD (2011) and Policy PP17 of the adopted Peterborough Planning Policies DPD (2012).

Statement of compliance

In recognising the scale and importance of this Sustainable Urban Extension (SUE) to Peterborough's growth agenda, the Local Planning Authority has worked in a positive, proactive and collaborative manner with the Applicant(s) to seek solutions to the problems arising during the consideration of the planning application. Amendments were discussed and agreed with the Applicant(s) to ensure that the development is acceptable when considered in the planning balance and can therefore be approved in accordance with Paragraphs 186 and 187 of the National Planning Policy Framework (2012).

Authorisation