

Application Ref: 18/00667/FUL

Proposal: Erection of two single storey shop units with new access and landscaping

Site: Land Adjacent To, Werrington Police Station, 6A Skaters Way, Werrington

Applicant: KREAM Ltd

Agent: DT Architects

Site visit: 26.06.2018

Referred by: Cllr Fox, Fox and Lane

Reason: Anti- social behaviour, effect on viability of centre, noise disturbance, inconsiderate parking.

Case officer: Mr M A Thomson

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Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site comprises two landscape beds situated at the western end of Werrington District Centre, and is host to two mature eucalyptus trees.

To the north is Tesco Superstore, with the Ploughman Public House beyond. To the east is the core of the District Centre comprising a number of A1(shops), A2 (professional services) and A5 (hot food and takeaways) units situated around a central courtyard, with a vacant doctors surgery and bus stop at the far end of the site. To the south and south-west are Sutton Court, Morland Court and two pairs of semi-detached properties. To the south east is a row of retail units, accessed from Skaters Way. Situated to the immediate west is an open surface car park.

The application site is situated outside of the Primary Shopping Area (PSA), but is within the District Centre.

Proposal

The Applicant seeks planning permission for the 'erection of two single storey shop units with new access and landscaping'. The proposed land uses are A1 (shops), A2 (professional services) and A3 (food and drink)..

Unit A would have a floor area of 15.2m x 12.5m with a height of 4.3m using a flat roof. A parapet and trellis is proposed standing at 1.3m above.

Unit B would have a floor area of 22.2m x 11.1m with a height of 4.3m using a flat roof. A parapet and trellis is proposed standing at 1.3m above.

Both units propose the following materials;

- Timber cladding;
- Aluminium profile cladding;
- Dark grey aluminium windows;
- Green wall system;
- Framed wire trellis with artificial climbing plants

The reason for the trellis is to screen necessary plant to be situated on the roof of the units.

Each unit would be provided with a covered outdoor seating area.

At the time of writing this report the former Police Station, situated to the immediate east of Unit B, was subject to a planning application for a change of use to funeral home (18/00910/FUL).

2 Planning History

Reference	Proposal	Decision	Date
16/00847/FUL	Change of use of Police Station to mixed use of A1, A2, A5, B1 and D1	Permitted	14/06/2016
18/00910/FUL	Change of use from Police Station to Funeral Home	Pending Consideration	

3 Planning Policy

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

National Planning Policy Framework (2018)

Section 2 - Achieving sustainable development

Section 6 - Building a strong, competitive economy

Section 7 - Ensuring the vitality of town centres

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.

CS15 - Retail

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP09 - Development for Retail and Leisure Uses

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

PP11A - (a) Shop Frontages (including signage)

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

PP11B - (b) External Shutters

Permission will only be granted where there is demonstrable need in terms of crime; the property is not listed or within a conservation area; the shutter is designed to a high standard and is perforated.

PP11C - (c) Canopies

Will only be acceptable on the ground floor of a shop, café, restaurant or public house and only if it can be installed without detracting from the character of the building or surrounding area.

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.

PP17 - Heritage Assets

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

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. A Planning Inspector has been appointed and the Local Plan is going through the Examination stage to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 48 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.

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.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

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.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

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.

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.

4 Consultations/Representations

PCC Tree Officer

No objection - Supporting the application is an Arboricultural report produced by John Wilcockson, Arboricultural Consultant. The report outlines the removal of a group of mixed broadleaved trees (G6), two Whitebeam (T380 and T381) and a single Eucalyptus T386). Looking over the documentation it appears that G6 is outside the red line and that the additional Eucalyptus to include T337 is alluded to be removed.

The Eucalyptus are the dominant trees on the site and I agree with the appraisal of the trees. Their long term potential is fairly limited compared to other species. So whilst they look relatively mature this is due to their fast growing characteristics which generally speaking compromises their structure.

There is no arboricultural objection to the proposal. If the application is successful it is recommended that further information on tree protection is provided by condition along with a definitive account of tree removals and retentions. It is noted in the report that T377 Eucalyptus could be retained but I believe its removal and replacement would be a better solution. In any case a strong landscape planting scheme that adds character with trees that break the skyline to replace the Eucalyptus would be appropriate. In this case fastigate trees (not hornbeam) would be appropriate. However, root barriers/deflectors must be employed to prevent future damage/nuisances.

Werrington Neighbourhood Council

Object - Although Werrington Neighbourhood Council would be supportive of any proposals that truly renovated the centre, this development seems to be generally very detrimental.

The proximity of the proposed units and servicing area to Sutton Court would generate noise, disturbance and a loss of privacy. No hours of use proposed.

The servicing area appears substandard, and conflicts with key pedestrian and cycle movement. It will remove a key entry into the Centre and would lead to potential safety hazards.

The positioning of the development with a seating area creates a bottle neck for accessing the Centre, and blocks views to the rear of the Centre creating a barrier, reducing footfall.

The Centre has ongoing anti-social behaviour issues. Failure to make good use of the central square area and by placing the units into a courtyard effect will only encourage youth gatherings, making the Centre a no-go area at night.

The positioning of the unit will lead to a loss of a green space and attractive trees. Trees provide a broad range of benefits from providing wildlife habitat, including shrubbery, provide an attractive aspect to the area giving screening, shade, storm water attenuation, visual amenity and softening and complimenting the built up area, whilst diluting the impact of pollution.

The removal of easily accessible entry points is to the detriment of pedestrians and cyclists. There should be improvements in walking and cycling connections to the District Centre.

The proposed development, by reason of its size and siting, would have an adverse visual impact on the scale and character of the Centre. The location seems to be wholly detrimental to the appearance of the centre and changes its character in an adverse way. It will affect the development on the character of the neighbourhood and is out of character in terms of its appearance compared with existing development in the vicinity. The units give an unacceptably high density / over-development of the site, especially with the loss the open aspect of the neighbourhood. This development is destructive of the original design whilst not replacing it with anything better.

The current Centre needs to be protected and supported and it is noted that non A1 uses will only be granted if the development would maintain or enhance the vitality and viability of the Centre and appearance of the frontage.

The application is contrary to LP12, LP13, LP16 and LP17.

Werrington Neighbourhood Council therefore objects to this application. It is also aware of widespread community concern for this application

PCC Peterborough Highways Services

First Round of consultation

Comments - Peterborough Highway Services has reviewed the submitted transport statement and has the following comments:

- The TRICS trip rates used in the TA are for a non-food superstore which does not actually reflect the size of units proposed, that said, no discounting has been applied for the fact that the units are located in a district centre. I would therefore be mindful to accept the rates although not necessarily the methodology behind them.
- Units of the size proposed are unlikely to generate a significant volume of Peak Hour traffic compared to that generated by the existing centre (in particular the Tesco foodstore) therefore the additional trips will not have a significant effect on the highway.

The layout of the scheme could be improved however, to maintain pedestrian desire lines alongside and on the approaches to the new units.

The servicing otherwise looks acceptable in terms of turning and manoeuvrability but would benefit from being conditioned to be retained as such, should consent be granted.

Second Round of consultation

No objection - Further to the receipt of amended plans the Local Highways Authorities observations have been taken into consideration.

Police Architectural Liaison Officer (PALO)

Support - This proposal would improve an area that has over the years been allowed to over grow and attract anti-social behaviour. I believe community safety and vulnerability to crime has been considered. My only comment would be regarding any changes to the centres external lighting scheme and if there is going to be provision or any external CCTV as I believe some areas of the Centre are covered by CCTV. I am happy to be contacted by the developer to discuss ongoing security measures for the proposed development and if there is a requirement for a BREEM security needs assessment.

Open Space Officer

No objection – The Landscape Areas which are subject to removal/redesign are not definitive Public Open Space. Added to our discussion I concur with your thoughts on the removal of the Landscaping area to the left of the Loading Bay and conversion of such to hard surfacing.

Local Residents/Interested Parties

Initial consultations: 89

Total number of responses: 31

Total number of objections: 30

Total number in support: 0

Objections have been received from the Ward Councillors Fox, Fox and Lane, Fiona Onasanya MP, Werrington Town Council and the Peterborough Civic Society.

25x letters of representation have been received raising the following concerns;

- Highway safety and an increase in traffic;
- Skaters way has a weight limit and not suitable for delivery traffic;
- The centre is in need of refurbishment, it does not need additional units when there are units already empty;
- The centre is subject to issues of anti-social behaviour and vandalism, and the proposed scheme would exacerbate this;
- Increase in noise

- Loss of open space
- Design would not improve the character of the area and is out of keeping;
- No hours of use shown;
- The works to Ken Stimpson School and the elderly residents at Sutton Court need to be factored into this application;
- There is no need for 120 new flats;
- There is no dentists in this area and the doctors is full; and
- Has the Council undertaken due diligence checks on the Applicant?

Cllr's Fox, Fox and Lane

Objection - For the following reasons:

1. Werrington Centre has often been prone to anti-social behaviour and the addition of two units along an important frontage will limit a view from a policing and CCTV coverage. The units will add to the potential for persistent, ongoing misbehaviour.
2. The Centre is recognised in the Council's Local Plan as being in need of regeneration. There has been a number of empty shop units at this location for the past few years, with two or three still remaining so. These two units do not enhance the viability of the Centre as a shopping destination because they might add to the problem should contracts fail at any time.
3. The Local Plan would encourage additional business premises, but not if they could be a risk to existing business. Planning permission for non-A1 use will only be granted if the development would maintain or enhance the vitality and viability of the centre. The Centre has steadily lost its collection of traditional neighbourhood core shopping outlets and is slowly being replaced by a number of small cafe/takeaway outlets. To our mind, this does not resemble any form of regeneration.
4. The proximity of the two units to adjacent housing does not help the amenity for those residents. The outside seating area will subject the closest homes to constant noise pollution.
5. The access road for deliveries to the new stores would also subject the nearest homes to noise pollution from deliveries to the units.
6. This location, to the rear of Werrington Centre, is prone to on-kerb parking. We fear for a similar abuse on each side of the proposed access road that would obstruct pedestrians with wheelchairs or baby buggies, as well as mobility scooters, due to the reduction of the footpath.

Fiona Onasanya MP

Objection - For the following reasons:

- Noise, disturbance and a loss of privacy to adjoining residents. No opening hours are proposed;
- The proposed delivery area would remove a key entry point into the Centre, and lead to potential safety hazards;
- The seating area could cause a bottleneck effect;
- The centre has ongoing anti-social behaviour issues;
- Loss of green space and trees;
- The development does not accord with Policies LP13, LP16 and LP17

Without the approval of the Werrington Neighbourhood Council, Civic Society and wider community, I must unfortunately object to this application until further considerations and remedies to the above points are made.

Peterborough Civic Society

Objection - On the following grounds:

- Need for a comprehensive approach;
- Poor design and overdevelopment of the site;
- Loss of trees and open space;
- The proposed servicing area is not safe, involving reversing over footpaths with a potential for accidents; and
- Noise.

5 Assessment of the planning issues

The Principle of Development

As set out under Chapter 6.9.1 of the Peterborough Core Strategy DPD (2011) retailing is a dynamic industry. The most successful retail centres are those which are able to adapt, providing a broader range of facilities and services in a high quality environment.

The Peterborough Retail Centres Study (2009) confirms that the district centres now in most need of further investment are Werrington and Millfield.

Policy CS15 states the strategy for retail development in Peterborough is to ... support ... existing District Centres ... to ensure they continue to cater for the retail needs of the communities that they serve. New retail development will be encouraged to maintain and enhance the vitality and viability of centres, with a requirement that the nature and scale of any retail development should be appropriate to the role and function of the centre in which it would be situated.

Policy PP9 states where development is proposed within a District Centre..... the proposal should be of an appropriate scale (in terms of gross floor space) in relation to the role and function of the centre.

The proposed units would be occupied as either an A1, A2 or A3 uses, and would have a total floor area of 437sqm, with a gross internal floor area of 328sqm, an average of 164sqm of gross internal floor area per unit.

The proposed uses and scale of development is considered to be an appropriate scale for the centre, and the principle of development is therefore considered to be acceptable.

In addition, the proposal would contribute towards regenerating the centre through the investment of two new retail units and help its overall viability and vitality. As such the proposal is considered to accord with Policies CS15 of the Peterborough Core Strategy DPD (2011) and PP9 of the Peterborough Policies DPD (2012).

As set out within letters of representation there are a number of vacant units within the Centre.

Letters of representation have also highlighted that the existing units should be occupied before new retail units are constructed, and the units could be built but not occupied. These are not planning matters which Members can take into account in the determination of this application.

In response to representations received, it is recognised a holistic approach to redeveloping the Centre would be preferable, however this application is for the erection of two retail units only, and not the regeneration of the Centre, and Officers are required to determine the application which has been submitted to us.

Design and Layout

The proposed units would predominantly fall within two existing landscaped areas, which are host to low level planting and two mature eucalyptus trees. The loss of the trees are discussed in further detail below, however as confirmed by the Council's Open Space Officer these landscaped areas are not Public Open Space, and are afforded no protection, and there is no objection to the loss of these spaces.

As the units would largely be located over these landscaped areas the physical permeability of the site would remain, with pedestrian and cyclists being directed along similar routes, whether they would be travelling from the north, east, south or west.

The proposed units are modern in design and materials, and are in contrast to the existing centre. However, as set out within the Core Strategy and letters of representation, the Centre is in need of regeneration, and if this were to occur new materials would likely be introduced to add visual interest. The proposed materials are not considered to be unacceptable in isolation, and whilst these would appear in contrast to the surrounding buildings, if the Centre was regenerated at a later date materials such as what is proposed would be encouraged.

It is also acknowledged that the proposed units would block views of the centre from the car park and from Sutton Court to the south, however the existing footways would be maintained, retaining sight of the Centre core. The units would retain an element of visual permeability and visitors to the centre would be encouraged into the Core to see what is beyond.

Therefore whilst the materials and design of the units would be different to that of the centre core, it is not considered these would unacceptably harm the character or appearance of the immediate area. Subject to securing material samples the proposal is considered to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

Crime and Anti-Social Behaviour

The Police and Architectural Liaison Officer (PALO) has raised no objection to the proposal as the landscaped areas have been allowed to over-grow historically and attract anti-social behaviour (ASB).

Letters of representation have raised concerns of increased ASB, however the PALO has confirmed community safety and vulnerability to crime has been considered. Comments have been raised with respect to the changes to any external lighting or the provision of any external CCTV as some areas of the Centre are covered by CCTV. Whilst this application cannot secure funding to provide an improved CCTV network for the whole Centre, a lighting scheme and details of any external CCTV for the units can be secured by planning condition. Subject to these conditions the proposal would accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

Highways

There are two main servicing areas for the units within the Centre, which are accessed from Staniland Way to the north and Skaters Way / Sutton Court to the south. This proposal would create a new loading area within a pedestrianised area to the south of Unit B, adjacent to the former Police Station, to serve the proposed units.

Further to the receipt of amended plans the Local Highway Authority have raised no objection to the proposed servicing arrangement; the use of Skaters Way and Suttons Court for deliveries is deemed to be suitable, and that pedestrian routes would be satisfactorily maintained. The servicing arrangement would not prejudice existing parking provision on Skaters Way / Sutton Court.

As set out above the areas of soft landscaping will be secured by planning condition, and it is anticipated that the area of landscaping adjacent to the servicing area would likely be hard landscaped to improve permeability and accessibility.

As the application site is within a district centre off-street parking is not required to be provided for members of staff. There is a large surface car park to the immediate east and the centre is served by a regular bus service.

The proposed servicing arrangement is considered to accord with Policies PP12 of the Peterborough Core Strategy DPD (2012).

Letters of representation have raised concerns with on-kerb parking, and that the servicing arrangement would hinder safe access for cyclists and pedestrians. It is understood that on-kerb parking is an existing issue, however planning applications cannot be used to resolve existing issues. The servicing area, and Skaters Way, is subject to a weight limit. The Local Highway Authority have confirmed there is no weight limit on Skaters Way, and the access to the proposed loading area would be subject to a S278 agreement, and would be for loading and unloading only.

Amenity of Neighbour Occupiers

To the immediate south-west is 28-31 Sutton Court, 4 residential properties with rear gardens which face north onto the adjoining surface car park. These properties' gardens are bounded by a 1.8m high brick wall, with mature landscaping to the north.

Unit B and its outdoor seating area would be positioned in close proximity to the rear garden serving No. 31 Sutton court. The unit would be positioned to the east of this properties garden, however given the height of the structure and the juxtaposition of the unit to the travelling sun path it is not considered the proposal would result in an unacceptable loss of light to this properties garden. The unit would also be single storey, therefore given the position of the 1.8m high wall, it is not considered the proposal would result in an unacceptable loss of privacy.

The daily operation of the unit including deliveries, the outdoor seating area and any necessary external plant could result in adverse levels of noise and disturbance to these neighbouring properties, however, the application site and these properties are within the District Centre, where you would expect persons to visit throughout the day and early evening 7 days per week, To help mitigate any potential harm caused, the hours of use and hours of delivery of the units could be controlled by planning conditions, and as well as the hours to which the outdoor seating areas could be used. Details of any external plant could also be secured by planning condition to ensure these operate within acceptable levels.

Biodiversity

The proposed development would result in the loss of two landscaping areas, of which there are two what appear to be mature Eucalyptus trees.

The Council's Tree Officer has assessed the submitted Arboricultural report and concluded that whilst the Eucalyptus trees are dominant, their long term potential is limited and their fast growing characteristics generally compromises their structure.

The Council's Tree Officer has raised no arboricultural objection to the proposal, subject to conditions seeking tree protection clarification of tree removals and retentions. Subject to these conditions the proposal would not have an unacceptable adverse impact on the biodiversity value of the site, and would accord with Policy PP16 of the Peterborough Policies DPD (2012).

Other Matters (Council's response in italics)

- There is no need for 120 new flats – *This application is for the erection of 2x retail units only.*
- There is no dentists in this area and the doctors is full - *This application is for the erection of 2x retail units only.*
- Has the Council undertaken due diligence checks on the Applicant? – *This is not a material planning consideration and cannot be considered.*

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 proposed retail units would go towards regenerating this District Centre through the investment of two new retail units, and would improve the shopping provision for the Centre and its overall viability and vitality. As such the proposal is considered to accord with Policies CS15 of the Peterborough Core Strategy DPD (2011), PP9 of the Peterborough Policies DPD (2012) and the National Planning Policy Framework (2018).
- The proposed retail units would not unacceptably harm the character or appearance of the area, and would not give rise to crime or anti-social behaviour, and would accord with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012);
- The proposed retail units would not unacceptably harm the amenity of adjoining neighbours, and would accord with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012);
- The proposed development would not result in the loss of public open space, and the loss of two non-native trees and replacement landscaping is considered to preserve the biodiversity value of the site in this instance, in accordance with Policy PP16 of the Peterborough Policies DPD (2012); and
- The proposal would not result in a highway safety hazard and satisfactory servicing can be provided thereby according with Policies PP12 and PP13 of the Peterborough Policies DPD (2012).

7 Recommendation

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

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

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

- C 2 No development shall take place above slab level until material details of walling, roofing and external doors have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

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

C 3 Prior to the commencement of development a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting
- Details of any boundary treatment
- Bin storage areas
- Planting plans including retained trees, species, numbers, size and density of planting. Trees to replace the Eucalyptus are encouraged to be fastigiate (not hornbeam).
- Specification of tree pits including tree barriers and deflectors

The approved hard landscaping scheme shall be carried out prior to the occupation of the unit to which it relates, and retained thereafter.

The soft landscaping shall be carried out within the first available planting season following first occupation of the unit to which it relates, or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity and enhancement of biodiversity in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP2 and PP16 of the Peterborough Policies DPD (2012). This is a pre-commencement condition as these details need to be agreed before development commences on site.

C 4 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

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

C 5 Prior to the commencement of any development, which includes any demolition, a Construction/Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include (but not exclusively the following):-

- a noise management plan including a scheme for the monitoring of construction and demolition noise;
- a scheme for the control of dust arising from building, demolition and site works;
- a scheme of chassis and wheel cleaning for construction and demolition vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- a scheme of working hours for construction;;
- a scheme for parking, turning and loading of contractors vehicles; and
- a scheme for access and deliveries including hours.

Thereafter the details shall be implemented in accordance with the approved details.

Reason: In the interests of the amenity of the area and highway safety in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD (2011) and PP12 and PP13 of the Peterborough Policies DPD (2012). This is a pre-commencement condition because these details will be required to be carried out/put in place before development begins.

- C 6 Prior to the occupation of each unit details of hours of use of the unit, the associated outdoor seating areas and deliveries and servicing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the unit shall operate in accordance with these details.

Reason: In the interest of protecting neighbouring amenity, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 7 Prior to the occupation of the each unit details of all mechanical ventilation and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include manufacturer detailing. Thereafter all equipment shall be implemented in accordance with the approved details and retained and maintained as such in perpetuity.

Reason: In the interest of protecting the amenity of neighbouring residents, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

- C 8 Prior to the occupation of each unit details of security measures shall be submitted to and approved in writing to the Local Planning Authority. These security measures shall include details of any external lightening and CCTV system. Thereafter the approved lighting and CCTV system shall be implemented in accordance with the approved details and retained and maintained as such thereafter.

Reason: In the interest of crime prevention and anti-social behaviour, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

- C 9 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 *Trees in relation to design demolition and construction – Recommendations* methodology has been submitted to and approved by the Local Planning Authority that identifies (not exclusively) the following:

- Trees to be retained and those to be removed.
- Commentary on the reasoning behind every tree retention and every tree removal with additional commentary on future growth, shading and seasonal nuisances;
- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application site;
- Details of **all** Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc; and
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees.

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Signs will be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

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 PP16 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition as these details need to be agreed before development commences on site.

C10 The units hereby approved shall only operate and receive deliveries between the following hours;

Units & Hours of Delivery
08:00 - 20:00 Monday to Saturday
09:00 - 18:00 Sunday

Outdoor Seating Areas
09:00 - 18:00 Monday to Sunday

Reason: In the interest of protecting the amenity of neighbouring residents, in accordance with Policies CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

C11 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan (25.01.18)
- Existing Site Layout (02.02.18)
- Proposed Site Plan (27.03.18)
- Proposed Floor Plans and Elevations (27.03.18)

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

Copies to Councillors:

Judy Fox
John Fox
Stephen Lane

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