

10/00777/FUL CONSTRUCTION OF NEUROLOGICAL CARE HOME, TO INCLUDE 107 BEDS, 37 ASSISTED LIVING UNITS, NEUROLOGICAL THERAPY CENTRE AND ASSOCIATED PARKING AND LANDSCAPING AT LAND KNOWN AS THE OAK TREE SITE, BRETTON WAY, BRETTON, PETERBOROUGH

VALID: 18 JUNE 2010
 APPLICANT: PJ CARE LTD
 AGENT: PRC GROUP
 REFERRED BY: HEAD OF PLANNING TRANSPORTATION & ENGINEERING SERVICES
 REASON: DEPARTURE FROM PETERBOROUGH LOCAL PLAN
 DEPARTURE: YES

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Whether the departure from the local plan and the principle of the development is acceptable
- The scale and design of the proposal in its context
- Landscape and ecological implications
- Transport and sustainable travel
- Archaeology
- Contamination
- Flood risk and drainage
- Waste
- Infrastructure/Section 106

The Head of Planning Transportation & Engineering Services recommends that the application is **APPROVED** subject to conditions and the entering into of a legal agreement.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Relevant policies are listed below.

The Peterborough Local Plan (First Replacement)

- OIW3 Business parks** – planning permission will only be granted for B1 uses
OIW4.01 Allocates the site for employment use within Bretton Business Park
- DA7 Design of the Built Environment for Full Accessibility**
DA11 Design for Security – planning permission will not be granted unless vulnerability to crime has been satisfactorily addressed
DA12 Light pollution – planning permission will only be granted if the level of lighting does not exceed the minimum required for its purpose, it minimises light spillage and does not adversely affect the amenity of the area

- LNE4** **Layout and Design to Safeguard Landscape Character** – where it adjoins the countryside
- LNE6** **Buffer Zones for Development Bordering the Countryside** – where development borders countryside or other open landscape setting, an appropriate buffer zone will be required.
- LNE7** **Areas of Historic Landscape or Parkland** – planning permission will not be granted where there is loss or unacceptable harm to such an area as shown on the Proposals Map
- LNE9** **Landscape Implications of Development Proposals** – Planning permission will not be granted unless it makes adequate provision for protection of trees and other natural features that make a positive contribution to the environment and landscaping provided as an integral part of the development.
- LNE10** **Detailed Elements of Landscaping Schemes** – sets out the details that will be required as part of the proposal or perhaps a condition to be submitted as part of a landscaping scheme.
- LNE11** **Ancient, Semi-Natural Woodland and Veteran Trees** – planning permission will only be granted where it does not adversely affect these areas/trees.
- LNE16** **Sites of Local Nature Conservation Importance** – planning permission will not be granted where there is likely to be an adverse affect on a Local Nature Reserve/County Wildlife Site unless there are demonstrable reasons for the development which outweigh the nature conservation value of the site. The LPA will ensure via conditions/S106 that nature conservation interests on the site are protected and enhanced.
- LNE19** **Protection of Species** – Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.
- T1** **Transport Implications of New Development** – Planning permission will only be granted where appropriate access is made to the site in accordance with the Transport User Hierarchy (of the Local Transport Plan) and there is no unacceptable impact on the transport network
- T2** **Development Affecting Footpaths and Public Rights of Way**
- T3** **Accessibility to Development – pedestrians and those with mobility difficulties**
- T5** **Accessibility to Development – Cyclists**
- T7** **Public Transport Accessibility to Development** – Planning permission will only be granted for development with significant transport implications if it is well served by public transport or if infrastructure/service improvements are made to create safe and convenient access to public transport
- T9** **Cycle Parking Requirements** – To be provided in accordance with the standards set out in the Local Plan
- T10** **Car and Motorcycle Parking Requirements** – To be provided in accordance with standards set out in the Local Plan
- CBE2** **Other Areas of Archaeological Potential or Importance** – Planning permission will only be granted where the need for the development outweighs the intrinsic importance of the remains and where satisfactory arrangements are made for preservation or investigating and recording those remains
- U1** **Water Supply, Sewerage Disposal and Surface Water Drainage**
- U2** **Sustainable Surface Water Drainage**
- IMP1** **Securing Satisfactory Development**

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

Peterborough Site Allocations Development Plan Document – Submission Document – Policy SA2 would allocate the site (Bretton DC01) for residential use for up to 69 dwellings. (Presently the DPD is a Preferred Option, the proposed Submission Document is being presented to this Committee on 26 October 2010 and to Full Council on 8 December 2010).

Wildlife and Countryside Act 1981 – statutory protection for wildlife species

Natural Environment and Rural Communities Act 2006 – Section 40 states that Local Authorities must have regard to the purpose of conserving biodiversity – Section 40(3) also states that “conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.”

Circular 05/05 Planning Obligations (see below)

PPS 1	Delivering Sustainable Development
PPS 5	Planning for the Historic Environment
PPS 9	Biodiversity and Geological Conservation
PPG 13	Transportation
PPS 23	Contamination
PPS 25	Development and Flood Risk

ODPM Circular 05/2005 “Planning Obligations”. Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

3 DESCRIPTION OF PROPOSAL

The purpose of the development is to provide continuing and critical care for persons with a range of neurological health care needs. This care is provided to the 18 – 65 age groups. It is 24 hour care and requires specialised personnel and will help to free up intensive care space in the hospitals. In addition, there are 37 proposed “assisted living units” which are self contained one or two bed units set over 3 floors. These will be occupied by elderly people who can maintain a degree of independent living whilst being part of the larger complex. The applicant estimates that the development will create approximately 180 full time equivalent posts, 90 – 95% of which will be sourced within a 3 kilometre radius of the site. These assumptions are based on the applicant’s existing care facilities at Milton Keynes and Bletchley.

The proposal comprises a complex type development of mainly two and three storey buildings. The buildings are arranged in three large “elements” each comprising a varied configuration and form and are arranged around a central courtyard area which houses the main reception to the development. The buildings are arranged so as to provide a built frontage to Bretton Way and turn to provide a continuous frontage to the Bretton Way roundabout from which the site is accessed. This being said there is a

landscaped area including garden areas and balancing pond between the buildings and the public highway and footpath. As can be seen from the plans, the proposal provides for a varied and interested pattern of development and roof form. The proposed materials schedule is set out in the Design and Access Statement and includes:

- Roof Tile – Cembrit Westerland fibre cement slate in graphite (a dark grey flat concrete slate)
- Buff render on some second and third floor elevations
- Reconstituted stone cills and window surrounds
- Facing Brickwork – Bradgate light buff brick with sandcreased face and natural mortar (buff brick with a “weathered looking” face)
- Softwood doors, windows and screens painted white
- Aluminium rainwater goods, dormer surrounds, pressed copings and projecting feature doors in lead grey
- Aluminium copings to parapets in buff/cream
- Glass Juliet balconies

The proposals provide 10,495 square metres of gross internal floor space. As stated the buildings vary in height but the proposed three storey buildings are up to approximately 12.8 metres in height.

There is a single point of access for both vehicles and cyclists/pedestrians which is off the western spur of the Bretton Way/Flaxland roundabout. All the parking and servicing is located to the rear of the site, adjacent to the western boundary of the site and the open countryside to the west. There are 60 proposed parking spaces including 4 disabled spaces, a minibus space, 6 motorcycle spaces and 20 cycle spaces (10 stands).

The proposal provides for landscaped gardens and edges to the development.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises 1.32 hectares of vacant land, presently covered in scrub and grass. To the south of the site is a two storey office building, to the south and east (on the opposite side of Bretton Way) is residential development off Flaxland and the Bretton Centre. Immediately to the north of the site is Grimeshaw Wood, an area of ancient woodland that is designated as a County Wildlife Site. To the west is open countryside and approximately 800 metres further west is the edge of Milton Park, designated as an historic park and garden. A public footpath runs along but outside the western boundary of the site and continues through Grimeshaw Wood to the residential development further north. The site appears to be very self-contained and well screened and separated from neighbouring development and residential areas. The site contains a mature oak tree which is protected by a tree preservation order and it is proposed to retain this tree and incorporate it into the landscaping scheme as a feature.

The site is accessible by public transport (buses) and by cyclists and on foot but there is room for improvement as discussed later. There are three nearby bus stops, at Bretton Way, Flaxland and the Bretton Centre.

5 PLANNING HISTORY

Application No.	Description	Decision
99/01227/OUT	Erection of four buildings for use as retail foodstore (use class A1), pub/restaurant (use class A3), offices (use class B1) and dental surgery	Withdrawn
04/00645/OUT	Development of a mixed use scheme comprising the creation of a business park with a discount retail foodstore	Refused
05/00036/REFPP	Development of a mixed use scheme comprising the creation of a business park with a discount retail foodstore	Withdrawn
06/00979/OUT	Mixed use development incorporating a business park and Class A1 foodstore	Withdrawn

The comments below represent a summary of all the comments received resulting from amendments to the scheme and negotiations.

INTERNAL

Travel Choice – No objection. Travel plan is acceptable. Require contributions of £500 per annum for 10 years to monitor the travel plan. A compromise on the bus stops to be improved is acceptable - £40,000 is requested to provide real time information at the Bretton Centre stops.

Rights of Way Officer - No objection. The footpath along the western boundary (managed by PCC) is an important link between the Bretton Centre and the housing NW of Grimeshaw Wood. The path should not be enclosed by solid fencing and must remain unobstructed.

Parish Council - No objection. However, questions the adequacy of the service access, the height of the tallest building on site and whether it is in keeping with the area, the type of fencing to be used near the footpath and what external lighting will be in place.

Transport and Engineering Services - No objection. Requests conditions. Suggest that the existing 2.0 metre wide cycle/footpath between the site and the Bretton Way crossing (into the Bretton Centre) be widened to 3.0 metres. It is however, recognised that if this were to be upgraded several trees would be lost. The current width meets Department for Transport minimum standards. The bus stops at Bretton Way and the Bretton Centre fall outside the recommended 400 m walking distance but do not object to the latter being improved. The closer stop at Flaxland is accessed via an unlit footpath. Segregated and safe access for pedestrians into the site should be provided and the cycle stores stands should be readily accessible.

Wildlife Officer - The bat survey has not been undertaken in line with best practice guidance so there is the concern that lighting from the development may be detrimental to bats. Ideally a resurvey should be undertaken to properly inform the decision on the application. Whilst a condition limiting light levels to no more than 2 lux in the area between the building and the woodland edge could be used as an alternative, this would bring the risk of:

- The occupier not being able to comply with the condition
- The occupier wishing to subsequently to have a higher level of illumination

both of which may result in detriment to the bats. Suggest revisions to some of the plant types to be used in the landscaping scheme.

Landscape Officer – No objection. Request conditions re service routes and methods for installing pipes within the root protection area (rpa) of the Oak Tree (subject to TPO) and how the footpath will be installed within the rpa. Species proposed in the landscaping plan are still not entirely appropriate for the setting i.e. a natural woodland edge.

Archaeological Officer – No objection. Following trial trenching works it is recommended that a condition is imposed to secure the excavation of part of the site in accordance with a brief to be issued by the Council.

Waste Management – No objection.

EXTERNAL

Environment Agency – No objection.

Natural England - No objection. The site is directly adjacent to Grimeshaw Wood which forms and County Wildlife Site and Local Nature Reserve. Refers to standing advice on the survey and mitigation requirements regarding protected species. Welcomes the range of planting and ponds contained within the development but these will need to be secured by a management plan to retain the biodiversity value.

Police Architectural Liaison Officer – No objection.

The Woodland Trust - Object due to the proximity of the site to the ancient woodland. Particular concerns raised with regard to affect on habitat networks, noise and light intrusion, changes in hydrology, dust impact on plant life and effect on wildlife.

Fire Service – No objection. Not known at this time if additional water supplies for fire fighting will be needed at the site.

NEIGHBOURS

Two letters were received raising the following:

- No objections as long as mud cleaned off the road by the builders
- The existing screen of poplar trees to the western boundary may cause problems in relation to roots, suckers and secondary growth and shrinkage of soil due to moisture deficiency. We would want conditions imposed to ensure that these problems do not arise necessitating the removal of the trees, the site is visible from the public footpath and the green wheel route
- The height of the buildings to the west side of the site is excessive and we prefer the buildings adjacent to the open countryside be limited to two storey, materials should be natural, colour of materials is important in minimising views from open countryside and the light rendering on certain elevations should not be permitted.

7 REASONING

1. Principle of Development

As set out above, the site is allocated in the Peterborough Local Plan for B1 business use. The site has been vacant for a long time and no suitable user has come forward. The Site Allocations Development Plan Document (proposed submission) allocates the site for residential use. It is apparent that the site could be suitable for either an employment use or a residential use. The application under consideration is for a “residential institution”, Class C2 use (under the Use Classes Order 1995 as amended). Sites are often not allocated for specialised uses such as this proposal but that does not mean that a site is not suitable for such a use. It is considered that in principle this site is very suitable for the neurological care centre: it is well located with regards the primary road network and public transport, it is not far from Edith Cavell hospital, the proposed use provides a necessary facility in addition to 37 residential units and importantly, the proposal will provide up to 180 full time equivalent jobs requiring a variety of skills. The proposal will result in a potential loss of up to 32 residential plot allocations if the proposed DPD policy were to be progressed but it is considered that the value of the development to the overall provision of health care facilities in Peterborough plus the creation of jobs outweighs the potential of a fairly limited (in terms of numbers) housing allocation.

Whilst the proposal is therefore a departure from policies OIW3 and OIW4.01 of the Peterborough Local Plan, the proposal is acceptable in principle.

2. Scale and Design

There is no particular built form character in the immediate vicinity of the site from which to seek design cues. The site presents an opportunity to develop a stand alone building of an individual design. However, coupled with this is the need to preserve the TPO'd oak tree and to assimilate the development into a site bounded on two sides by open countryside and ancient woodland. The architect of the scheme has chosen to maximise the potential for floorspace by splitting the development into three wings. This provides the visual benefit of having a built form which addresses Bretton Way and the roundabout. The adjacent office building is two storey and apart from this there is no obvious visible scale as the site is screened from the nearby residential estates by trees. Whilst the site borders open countryside, this boundary is screened by mature poplar trees. The majority of the frontage to Bretton Way is two storeys with some two and a half storey elements. The assisted care units located to the back of the site are three storeys in height.

Due to the complexity of the design, in particular the roof plan, the submitted drawings and illustrative isometric drawings give a clear picture of the proposed complex and location of the various elements – much better than can be described in words in this report.

An objection has been received from the Milton Estate that the scale/height of the proposed three storey buildings together with the proposed materials will detract from the visual appearance of the open countryside and Milton Park and will not sit comfortably with the urban/rural edge.

The officer understands the sensitivity of the site's location but does not consider that this objection is valid. The application proposes an interesting building which addresses the active street frontages. The majority of the rear most built edge is separated from the open countryside by the parking and servicing area. The building will be partially screened by the tall poplar trees but will inevitably be visible from the open countryside in the winter in particular. The park, at 800 metres away from the site, is sufficiently distanced to avoid the proposal being obtrusive. The suggestion of a lower, darker coloured building would disguise the proposal further from views from the open countryside. However, this site is primarily viewed in the context of Bretton Way and the area deserves a building that is interesting and of a quality befitting the site's location. This proposal delivers on these aspects. As the site is well contained, there are several options for materials. The lighter colours of buff brick and render will work better than dark colours given the expanse of building proposed. In terms of the use of the building, dark colours would be oppressive and "institutionalised".

The relevant development plan policies are DA7, DA11, DA12, LNE4 and LNE7.

The proposal meets policies DA7 and DA11 as it is designed for full access. As it will be manned 24 hours a day, the potential for crime is reduced. The grounds are well overlooked. Regular security fencing will not be appropriate for the use but will not be necessary. The Architectural Liaison Officer has not objected to the scheme. Details of fencing will be required by a proposed condition as will a lighting scheme. Lighting and light pollution will be discussed under the next heading. Policy LNE4 requires a buffer to be provided where development adjoins open countryside. As set out above, it is considered that the proposal is adequately screened and set back from the countryside. Policy LNE7 states that planning permission will not be granted where there is unacceptable loss or harm to historic landscape or parkland. Given the distance from Milton Park, it is considered that there is no significant harm to the setting of the park by this proposal. It must be remembered that the site has been allocated for employment use and therefore the principle of development adjacent to the open countryside, park and ancient woodland was deemed acceptable. With regard to the woodland edge, the building is set back by approximately 11 metres at its nearest point and on average by approximately 15-16 metres. The landscaping will be graduated in terms of species to help assimilate the development into the woodland edge and this is considered to be acceptable in principle. The oak tree on site has been retained as a design feature as part of the overall design of the proposal.

The submitted Design and Access Statement demonstrates that a logical approach has been taken to achieve the current layout and design and accords with design objectives set out in PPS 1.

In terms of scale and design, the proposal provides a visually pleasing and stimulating environment and is acceptable in policy terms.

3. Landscape and ecology implications

The relevant development plan policies are LNE4, LNE6, LNE7, LNE9, LNE10, LNE11, LNE16 and LNE19. In addition, the Local Authority has statutory duties under the Wildlife & Countryside Act 1981 and the Natural Environment and Rural Communities Act 2006 ("NERC") to ensure that protected species nor their habitats are harmed unless there is adequate mitigation. The NERC Act also places a duty on LA's to look to improving biodiversity.

Detailed landscaping plans have been submitted with the proposal which include more formal courtyard and roof top gardens and less formal gardens/grounds around the edge of the development. The principle of the landscape layout and strategy is accepted but there are further details/amendments that are required. Some of the proposed species are not suitable for the ancient woodland setting and need to be replaced. With regard to the existing oak tree, its retention and inclusion in the scheme is

welcomed but further details will be required to demonstrate that service routes can be accommodated without damaging the tree roots and that the proposed path around the tree can be suitably accommodated. These issues can be covered by imposition of conditions. This being the case the landscaping of the scheme is acceptable and meets the landscaping policies of the Local Plan.

The issue of how the ecology of the area has been dealt with has been the most contentious matter throughout negotiations and discussions with the applicant. Given the location of the site adjacent to the ancient woodland edge, the advice given to the applicant at pre-application stage was that a bat assessment/survey will be required and that this should identify any bat and roosting activities/patterns within and on the periphery of the site. A bat and reptile survey was initially submitted with the application, however, the bat survey element was insufficient to inform a decision on the application.

Natural England also referred to standing advice on survey and mitigation in their response. The reason for the importance of the bat survey is to establish the types of species of bats present in and around the site edge, their flight and roosting patterns and then depending upon the findings, design the external lighting scheme of the development accordingly.

A lighting scheme has not been submitted with the application. Further survey work was carried out in August which established several species of bats on site, one of which is very sensitive to light.

However, again, the surveys were not carried out in accordance with best practice issued by Natural England. The applicant has stated that the developer will accept a condition limiting the external lighting on the relative parts of the site to a maximum of two lux. This would be an acceptable lighting level in order to minimise impact upon the bat habitat. However, if the external lighting can be designed to a maximum of two lux this will be acceptable but the risk to the Council is that once planning permission is granted/the development is constructed, there may be other issues such as site security and health and safety which put pressure on the Council to relax the standard. It would have been preferable for these matters to be concluded up front. The applicant has stated in writing that such matters will not become an issue and they are willing to accept lighting to 2 lux. If Members are happy to accept such a condition, the officer considers that it should be made clear to the developer that any future proposals to amend this condition will be resisted in the absence of robust evidence to support any changes. If Members were not happy with such a condition or this approach, the officer would not be able to support the application being permitted.

In order to retain/enhance the biodiversity value of the site, Natural England recommends that the proposed landscaping scheme and maintenance thereof is secured by and landscape management plan. This can be secured by condition.

Subject to conditions being imposed to cover landscaping detail, root protection and service/footpath construction detail near the oak tree and the lighting scheme, the proposal is considered acceptable in terms of the above local plan policy.

4. Transport and Sustainable Travel

A Transport Statement and Travel Plan have been submitted with the application. The access arrangements and parking have already been set out in this report. The Highway Officer is happy with the vehicular and pedestrian access into the site as long as it is segregated and suitably conditioned. The parking and servicing areas should also be conditioned so as to be provided in accordance with the approved plans. The proposed parking and cycle provision is acceptable. There are no set parking standard for C2 uses, each being assessed on merit.

A revised travel plan was submitted in August 2010 following discussion with the Council's Travel Choice Officer. The travel plan sets ambitious targets over the first five years of occupation to reduce single occupancy car journeys from 72% of the workforce to 52%. Most of the measures set out in the plan are "softer" measures such as car sharing schemes, on site minibus, travel packs, guaranteed lift home etc. All of these are acceptable and standard practice.

The site is served by bus stops although only the Flaxland stop is within the recommended walking distance from the site. However, this stop is not sheltered. Following discussions with the applicant and

the Highways and Travel Choice Officer, it was agreed that it would be best to encourage staff to use the Bretton Centre Stops as these are sheltered and well lit and populated being in the Bretton Centre. There is also likelihood that the staff may use the shops as part of their journey to and from the bus stops. In line with the Council's Transport Plan, improvement to the bus stops has been required. To this end the provision of real time passenger information at the Bretton Centre stops will be paid for by the developer through a Section 106 contribution of £40,000. This is a "hard" measure to compliment those set out in the travel plan.

Discussions have also been had regarding the upgrade of the existing 2.0 metre wide footpath/cycleway from the site to the toucan crossing over Bretton Way to the Bretton Centre. The Highway Authority would prefer this to be 3.0 metres wide to make the dual use for cyclists and pedestrians safer. However, constraints to this include the land required being CRA land and the widening would result in the felling of a number of mature trees within the grass verge. On balance, the officer concludes that widening of the footpath is not essential and not worth the loss of the trees. However, in order to assist users of the path, the developer should provide two further advisory signs at either end of this segment of path which point out dual use but a narrow path. This was offered up by the developer as an alternative to widening the path. This can be covered by imposition of a "Grampian" type condition.

It is considered that the combination of these physical improvements together with the measures set out in the travel plan make the site a sustainable place to travel to work.

The relevant local plan policies relating to transport and travel are T1, T2, T3, T5, T7, T8, T9 and T10. It is considered that the proposal is in accordance with these policies.

5. Archaeology

The relevant local plan policy is CBE2 as set out above. Planning Policy Statement 5 was issued in 2010 and sets out the means for assessing whether a "heritage asset" might be affected by development. With regards to undesignated sites, such as this, the preference is still to keep archaeological remains in situ, or otherwise require the developer excavate and record if there is a possibility of anything significant within the site. A proportionate approach must be taken.

In this instance a desk based assessment was carried out followed by trial trenching which produced evidence of enclosures and a roman coin. In 1992 site stripping produced further evidence of roman/iron age activity. The Council's archaeologist advises that the findings do suggest enough evidence of settled activity to warrant a targeted excavation of the undisturbed part of the site. This amounts to about a third of the site area. The Council's archaeologist is preparing a brief which will set out what will be required of the developer. This can be secured via a planning condition and is acceptable and in accordance with the above policies.

6. Contamination

A geological/environmental report was submitted with the application. This was carried out on behalf of Aldi Foodstores when they submitted a previous application for a new retail store. The work carried out therein in relation to foundations and protective measures for buildings may not therefore be appropriate for residential use, however, these matters can be dealt with under the Building Regulations.

The site was found to be at low risk with regard to contamination. It has not been developed previously and is not in a high risk area (except radon). In accordance with PPS 23, it is not considered necessary for further contamination work to be carried out but it is suggested that a condition be imposed which sets out steps the developer would be required to take should contamination be found during the course of construction. The Environment Agency has raised no objections to the proposal.

7. Flood risk and drainage

The relevant local plan policies are U1 and U2 and relevant national policy is within PPS 25. A flood risk assessment was submitted with the application which demonstrated that the site is not within a high risk flood area. No objection has been received from the Environment Agency and in this regard the proposal is acceptable.

A strategic drainage plan has been submitted which sets out the means for disposal of the foul and surface water into the mains system. Two underground attenuation tanks will hold surface water to ensure that the flow out from the site into the mains is at an equivalent to green field run off rate. The landscaping of the site also provides for a balancing pond. The final means of drainage should be conditioned to ensure that any deviations from this plan do not unacceptably impact on the oak tree or other areas.

8. Waste disposal

The submitted plans were amended to take into account comments made by the Waste Officer. The Service Yard area now provides a refuse area (integral to the main building) for the waste produced by the neurological care part of the development and a separate stand alone, enclosed bin store for use by the residents of the assisted living units. Both areas are accessible by a refuse lorry via the service yard area. The refuse areas are accessible to staff and residents and the Waste Officer now considers them acceptable.

9. Infrastructure/Section 106 Requirements

If the application is approved, the applicant will need to enter into a Section 106 agreement in order to provide for the following infrastructure requirements:-

- The upgrade of the 2 Bretton Centre bus stops so that they have real time displays
- £500 for 10 years for travel plan monitoring
- 2% of the total contributions i.e. £900 for Section 106 monitoring

It is considered that these contributions are necessary given the level of employment generated by the site, and the developer ambitions with regard to employing local people and reducing single car occupancy by 20% over five years. Employees will need to be encouraged to use the public transport and bus stops at the Bretton Centre in order to achieve these targets. The contributions should be made prior to the first occupation of the building.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan as set out above. The proposal represents an exciting and welcome opportunity to develop the site for a specialised health care use provided within a high quality building which makes the most of the site's position. Concerns about the handling of the ecological aspects of the proposal have been set out in full above and officers have taken a pragmatic approach – if approved it will be for the developer to fulfil the requirements of the lighting condition.

All other outstanding matters can be dealt with by the imposition of conditions.

9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the sustainable travel requirements of the development, the Head of Planning Transportation & Engineering Services be authorised to grant planning permission subject to the following conditions:

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

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

C2 Prior to the commencement of development, a programme of archaeological work shall be undertaken in accordance with a Written Scheme of Investigation to be submitted to and approved by the Local Planning Authority.

Reason: An evaluation of the proposed development site by trial trenching was carried out last June (2010). It produced evidence for agricultural activity in the form of enclosures/field systems dating to the Roman period that are in a good condition of preservation. The condition is to ensure that features of archaeological interest are properly examined and recorded in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE2 of the Peterborough Local Plan (First Replacement).

C3 During the construction of the development, no lighting in the area between the proposed building and the boundary of the site adjacent the wood shall exceed 2 lux.

Reason: The area referred is subject to bat activity and a higher level of lighting is likely to be detrimental to this protected species. The condition is in accordance with Policy LNE19 of the Peterborough Local Plan (First Replacement).

C4 Prior to the first occupation of the development an external lighting / floodlighting scheme shall be provided (and thereafter retained) that shall accord with details that shall have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme to be submitted shall demonstrate that no lighting between the buildings and the woodland edge shall exceed 2 lux. Notwithstanding the approved details, during the operation of the development, no lighting in the area between the proposed building and the boundary of the site adjacent the wood shall exceed 2 lux save for emergency situations arise in which there is immediate danger to life or property. No additional external lighting shall be erected other than that shown on the approved scheme unless agreed beforehand in writing with the Local Planning Authority.

Reason: The area referred is subject to bat activity and a higher level of lighting is likely to be detrimental to this protected species. The condition is in accordance with Policy LNE19 of the Peterborough Local Plan (First Replacement).

C5 No development shall take place until full details of:

- a. hard and soft landscape works and associated materials,
- b. A landscape management plan (which shall set out how the biodiversity of the site shall be retained and/or improved in perpetuity)
- c. the routes of proposed utility services below ground (e.g. drainage power, communications cables, pipelines, etc., indicating lines, manholes, supports, etc.) in relation to any tree root protection areas,
- d. fences and boundary treatments,

have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The development shall be carried out in accordance with the approved details prior to first occupation of the development unless agreed otherwise with the Local Planning Authority

Reason: In order to improve the visual amenity of the areas and to retain/improve the biodiversity of the site, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement), Section 40 of the NERC Act 2006 and PPS 9

C6 If within a period of 5 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: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).

C7 The development shall be constructed in accordance with the submitted tree protection plan details.

Reason: To accord with Policy LNE11 of the Peterborough Local Plan (First Replacement) and to protect the Tree Preservation Order tree from damage.

C8 Prior to the commencement of the development (or by an alternative timescale agreed in writing by the Local Planning Authority) a surface water drainage scheme shall be

submitted to and approved by the Local Planning Authority and the scheme shall be completed and maintained as approved from when the development is first occupied.

Reason: In the interest of flood prevention and to accord with Policy U1 of the Peterborough Local Plan (First Replacement) and PPS 25.

- C9 No development shall take place until details of how vehicle, pedestrian, and cyclists movements are to be managed at the entrance to the development have been submitted to and approved in writing by the Local Planning Authority. This shall include details of segregating vehicles and pedestrians and providing safe crossing over Flaxland immediately adjacent to the entrance of the site. The development shall not be occupied until the approved details have been implemented in full.**

Reason: In the interest of highway safety.

- C10 The areas shown on the approved plans for parking and turning provision shall be made available for such use from when the development is first brought into use and shall from then on be retained and available for such use unless otherwise agreed by the Local Planning Authority.**

Reason: To accord with Policy T10 of the Peterborough Local Plan (First Replacement) and in the interest of vehicular / pedestrian / cyclist safety.

- C11 Prior to the first occupation of the development a scheme for the provision of secure storage / parking of cycles shall be provided (and retained thereafter) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: To accord with Policy T9 of the Peterborough Local Plan (First Replacement), the submitted Travel Plan and in the interest of crime prevention.

- C12 The refuse storage / collection areas shown in the approved plans shall be operational prior to the first occupation of the development and retained for that use thereafter.**

Reason: In the interest of the collection of waste and the convenience of site users.

- C13 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.**

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies DA15, DA16 and DA17 of the Peterborough Local Plan (First Replacement).

- C14 No development shall take place until details of additional advisory signage to the footpath cycleway between the site and the toucan crossing to the Bretton Centre have been submitted to and approved in writing by the Local Planning Authority. The approved signs shall be erected prior to the first occupation of the development.**

Reason: In the interest of highway safety in accordance with policies T3 and T5 of the Peterborough Local Plan (First Replacement).

- C15 Prior to the commencement of development a construction management plan shall be submitted to an approved in writing by the Local Planning Authority. The Plan shall set out the location of site compounds, how construction traffic shall be managed to minimise impact upon the free flow of the public highway and to prevent mud and debris from being deposited on the highway. The development shall not take place other than in accordance with the approved Construction Management Plan unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In order that the construction of the development does not have an unacceptable impact upon the highway network in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

C16 The development shall not be constructed other than in accordance with the list of external materials as set out in the submitted Design and Access Statement unless otherwise agreed beforehand in writing with the Local Planning Authority.

Reason: To achieve a satisfactory external appearance in accordance with policy DA1 of the Peterborough Local Plan (First Replacement) and the principles of PPS1.

If the S106 has not been completed within 2 months of the date of this resolution without good cause, the Head of Planning Transportation & Engineering Services be authorised to refuse planning permission for the reason stated below:-

R1 A request has been made by the Local Planning Authority to secure real time display improvements to the two Bretton Centre bus stops, a travel plan monitoring contribution of £5000 and Section 106 monitoring contribution of £900, however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Nash, Morley, Fitzgerald

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