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| 10/01345/FUL: | PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS (2X1 BED AND 2X2 BED FLATS); FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS (6X2 BED HOUSES, 2X3 BED HOUSES, 1X4 BED HOUSE, AND 12X2 BED FLATS) TOGETHER WITH ACCESS, CAR PARKING AND LANDSCAPING |
| 10/01346/CON: | PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS; FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS AT 80 LINCOLN ROAD, PETERBOROUGH |
| VALID: | 28 SEPTEMBER 2010 |
| APPLICANT: | ACCENT NENE LTD |
| REFERRED BY: | HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES |
| REASON: | PREVIOUS COMMITTEE INVOLVEMENT |
| DEPARTURE: | NO |
| CASE OFFICER: | AMANDA MCSHERRY |
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1 OUTLINE OF THE MAIN ISSUES & CONSIDERATION

The PEP Committee, at its meeting on 23rd November 2010, resolved to approve the two applications subject to the signing of a Section 106 Legal Agreement in order to secure a contribution (of £213,550) to assist in covering the social and physical infrastructure impact of the development. At that time, the proposal was for a mix of private and affordable housing, with 30% of the units being affordable.

Since November 2010, the applicant has been busy securing the funding for the development and has been fortunate enough to be able to secure enough funding to enable all of the units to be affordable rather than just 30%. Whilst this is good news in respect of helping to meet the unmet demand for affordable housing, the consequence is that the scale of the contribution towards meeting the social and physical infrastructure impact of the development is much reduced. The applicant has put forward an economic appraisal of the revised scheme and the Council's Development Implementation Manager (Paul Smith) has evaluated it and confirmed that a reduced Section 106 contribution of £21,000 is acceptable. It is typically the case that 100% affordable schemes are unable to meet the normal Section 106 requirements and the Council has previously been content to accept contributions in or around the £1000 per dwelling mark given the pressing need for affordable housing and the finance restrictions of such developments.

These two changes to the scheme (it now being 100% affordable instead of just 30% affordable and a Section 106 contribution of £21,000 instead of £213,550), are the subject of public consultation. The consultation period closed on 21st January 2011.

One letter of objection has been received, this being from Stewart Jackson MP. The objection raises the following issues and a response is made adjacent to each heading:

a) Allowing only 14 days is insufficient time for reconsultation on the application, particularly given the level of public interest.

Whilst the original (refused) application was the subject of significant objection, few objections expressed concern over the fact it was a 100% affordable housing scheme. For this reason it was felt that a 14 day consultation was appropriate.

b) The proposal is contrary to Policy IMP1 of the Local Plan as there is no basis or policy that allows reduced Section 106 contributions to be paid.

The supporting statement to Policy IMP1 states, '...the viability of development will also be taken into account in preparing such [Section 106] agreements'. This demonstrates that it is legitimate for the Council to allow appropriate discounts in the scale of developer contributions that reflect the relative viability of a development proposal.

c) Is the development cost appraisal submitted by the applicant and methodology used by officers to assess the information available for public scrutiny and or available to Committee Members.

The appraisal is not available for general public consumption as it contains commercially sensitive information. However, it has been made available to Committee members. The applicant has submitted the information using an established methodology created by the Homes and Communities Agency. The Section 106 Officer has checked the key assumptions in the document (such as build cost, loan costs, design costs, profit) are on a par with industry standards. He is satisfied that a reduced Section 106 contribution is justified.

d) When were officers asked to consider the change to the scheme by the applicant?

We were advised by the applicant on 6th January 2011.

A copy of the Committee report dated 23rd November 2011 and an extract from the update sheet have been attached as Appendix 1. Please note that the differences between the conditions in the report in the Appendix (revised wording to C4 and new conditions C15 – C18) and as now recommended are as a result of changes verbally presented to and resolved to be approved by the PEP Committee on 23 November 2010.

As the scheme is unchanged in all other respects, it would not be appropriate to consider any planning matters other than the issue of the proposal to make the scheme 100% affordable and to reduce the size of the Section 106 financial contribution.

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 with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

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

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

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 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposed changes are acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan.

Specifically,

- The increase in the provision of affordable housing is supported as it assists in housing the very large number of people on the housing waiting list in Peterborough which is over 9000.
- Although the Section 106 contribution is much reduced, a economic appraisal has been submitted by the applicant and this has demonstrated that the scale of the contribution that can now be afforded is limited to just £21,000. This has been assessed by the appropriate officer and confirmed.

4 RECOMMENDATION

RECOMMENDATION 1 - 10/01345/FUL

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990, the Head of Planning Transportation and Engineering Services be authorised to grant planning permission for 10/01345/FUL subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials (including window and doors) to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C4** Prior to occupation of development hereby permitted the vehicle to pedestrian visibility splays shown on the plan no. 945/P/210 Rev A of the following dimensions 2.m x 2.m on both sides of the access shall be provided and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the back of the highway boundary.

Reason: In the interests of Highway safety, in accordance with Policy T1 and of the Adopted Peterborough Local Plan (First Replacement).

- C5** The areas shown on plan 945/P/210 for the parking and turning of vehicles shall be provided prior to occupation of the dwellings and shall thereafter be used for other purpose other than the parking and turning of vehicles in connection with the dwellings.

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C6** Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- (a) A phasing scheme and schedule of the proposed works;
- (b) Provisions to control construction noise and vibration emanating from the site;
- (c) A scheme for the control of dust arising from building works and site works;
- (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;
- (e) A scheme of working hours for construction and other site works
- (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.

The development shall be carried out in accordance with the approved construction management plan.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

- C7** No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

- C8** Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-

- i) arboricultural Method Statement
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;
- iii) measures to promote biodiversity in accordance with the Protected Species Survey dated July 2009. These measures should bird, bat, insect and hedgehog boxes/homes;

The hard and soft landscaping work shall be undertaken in accordance with the approved details within 18 months of the commencement of development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C9 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).

- C10 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 6 years from commencement of development.**

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

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

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

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C11 Development shall not begin until a scheme showing the provision and location of fire hydrants has been submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.**

Reason: To ensure adequate provision of fire hydrants, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement).

- C12 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement).

- 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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, of a Method Statement detailing the remediation of this unsuspected contamination.**

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

C14 Details of the surface water drainage system for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 of the Peterborough Local Plan (First Replacement).

C15 Prior to occupation of development the areas/spaces shown on drawing no. 945/P/210 Rev A shall be laid out for cycles to park and those areas shall not thereafter be used for any purpose other than the parking of cycles (in accordance with PCC standards attached).

Reason: In the interest of Highway safety, in accordance with Policy T9 of the Adopted Peterborough Local Plan (First Replacement).

C16 No dwelling shall be occupied until the roads and footways connecting that dwelling to the existing public highway have been completed to base course level.

Reason: In the interests of Highway safety, in accordance with Policies T1, T3, T5, T7 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C17 The vehicular access hereby approved shall be un gated. The access road/driveway shall be constructed in accordance with the approved plans. The pedestrian gate adjacent the parking area shall open inwards and not outwards onto the adoptable highway.

Reason: In the interests of Highway safety, in accordance with Policy T1 of the Adopted Peterborough Local Plan (First Replacement).

C18 Development shall not commence before details of the levels, form of construction of the highways and details of the piped surface water drainage and street lighting systems thereof have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the new highways are adequately constructed, drained and lighted, in accordance with Policies T1, T3, T5, T7 and T8 of the Adopted Peterborough Local Plan (First Replacement).

C19 All of the dwellings on the site shall be 'affordable' as defined in the supporting statement to Policy H21 in the Peterborough Local Plan (First Replacement) 2005.

Reason: As a result of the development being 100% affordable, it has been demonstrated that the development would not be viable unless a reduction in the scale of contribution required by Policy IMP1 of the Peterborough Local Plan (First Replacement) 2005 and the associated Planning Obligation Implementation Strategy (2010) is given.

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

R1 A request has been made by the Local Planning Authority to secure a S106 contribution, 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).

RECOMMENDATION 2 - 10/01346/CON

The Head of Planning Transportation & Engineering Services recommends that 10/01346/CON is application is APPROVED subject to the following conditions:

C1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C2 The demolition hereby approved shall not be commenced until such time as a contract for carrying out the works of residential redevelopment has been made and detailed planning permission granted for the development to which the contract relates.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Hussain, Khan, Jamil

P & EP Committee: 23 NOVEMBER 2010**ITEMS NO 3**

10/01345/FUL: PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS (2X1 BED AND 2X2 BED FLATS); FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS (6X2 BED HOUSES, 2X3 BED HOUSES, 1X4 BED HOUSE, AND 12X2 BED FLATS) TOGETHER WITH ACCESS, CAR PARKING AND LANDSCAPING

10/01346/CON: PARTIAL DEMOLITION AND CONVERSION OF EXISTING MAIN BUILDING TO FORM 4 DWELLINGS; FULL DEMOLITION OF EXISTING OUT BUILDINGS AND CONSTRUCTION OF 21 DWELLINGS

AT 80 LINCOLN ROAD, PETERBOROUGH

VALID: 28 SEPTEMBER 2010
APPLICANT: ACCENT NENE LTD
REFERRED BY: HEAD OF PLANNING TRANSPORTATION AND ENGINEERING SERVICES
REASON: PREVIOUS COMMITTEE INVOLVEMENT
DEPARTURE: NO

CASE OFFICER: AMANDA MCSHERRY
TELEPHONE: 01733 454416
E-MAIL: amanda.mcsherry@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is to convert (with selective demolition) 80 Lincoln Road into 4 flats, to fully demolish all outbuildings and construct 21 dwellings (12 flats and 9 houses).

This is a revised scheme following the refusal at Full Council of a development of 34 dwellings (27 flats and 7 dwellings) and the complete demolition of 80 Lincoln Road (Thurston House).

The main considerations are:

- The impact of the development on the Conservation Area and 80 Lincoln Road
- The impact of the development on trees and ecology
- The proposed design and layout
- The impact on neighbouring sites
- Car parking provision
- Housing provision
- S106 Planning Obligation

The Head of Planning, Transport and Engineering Services recommends that the application is **APPROVED**.

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 with the key policies highlighted.

The Peterborough Local Plan (First Replacement)

CBE3 Development affecting a conservation area is required to preserve or enhance the character or appearance of that area.

CBE4 Demolition of unlisted buildings which make a positive contribution to the character or appearance of a conservation area will not be granted, unless there are overriding reasons, or there are replacement proposals which make an equal or greater contribution.

LNE9 New development must where reasonably practicable retain and protect the trees that make a positive contribution to the environment and make adequate provision for landscaping of the site.

LNE19 Planning permission will not be granted for any development proposal that would cause demonstrable harm to a legally protected species.

DA1 New development should be compatible with or improve, its surroundings in respect of its relationship to nearby buildings and spaces.

DA2 The density, layout, massing and height of new development must be able to be satisfactorily accommodated on the site, without adversely affecting the character of the area or any neighbouring sites.

DA11 The vulnerability to crime in new development must be satisfactorily addressed in the design, location and layout of the proposal.

DA7 The needs of people with disabilities must be met in terms of access and provision of appropriate facilities.

CC8 New residential development in the city centre is supported provided suitable amenity for residents is provided.

CC15 Controls the provision of new city centre car parking for proposed developments.

CC16 New city centre development, should provide secure, safe, convenient and high quality parking for cycles.

IMP1 New development must make provision to secure all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and kind.

Material Planning Considerations

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

PPS1 Delivering Sustainable Development, sets out the planning policies for the delivery of sustainable development.

PPS3 Housing, seeks to secure well designed, high quality housing.

PPS5 Planning and the Historic Environment, seeks to protect historic buildings, conservation areas and the historic environment.

PPG13 Transport, seeks to integrate planning and transport and promote more sustainable transport choices.

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:

- vi) relevant to planning;
- vii) necessary to make the proposed development acceptable in planning terms;
- viii) 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)
- ix) fairly and reasonably related in scale and kind to the proposed development;
- x) 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.

There is relevant guidance in the Park Conservation Area Appraisal.

3 DESCRIPTION OF PROPOSAL

This is a joint committee report to cover:

1. 10/01345/FUL, the full application for the proposed residential development, and
2. 10/01346/CON, the conservation area consent for the demolition and partial demolition of buildings on site.

Full planning permission is sought under planning reference 10/01345/FUL for conversion of the existing main building into 4 flats (2 x 1 bedroom, 2 x 2 bedroom), 6 two bed houses, 2 three bed houses, 1 four bed house, and 12 two bedroom flats together with access, car parking and landscaping. Conservation Area consent is sought under reference 10/01346/CON for partial demolition of the main Thurston House/Gayhurst Victorian villa, and full demolition of all the other buildings on site.

A total of 25 residential properties would be provided on the site, 16 flats and 9 houses. 12 two bed flats would be accommodated within Block A. This is a three storey L-shaped block which fronts onto Lincoln Road and its design reflects the large terrace of former houses opposite. 4 flats would be accommodated within the retained Thurston House, 2 one bedroom and 2 two bedroom flats. Each flat would have one car parking space.

Of the 9 houses that would be provided; 3 dwellings are to be accommodated in Blocks D (a two storey high row of terrace properties); 2 dwellings in Block E (a two storey high pair of semi detached properties); and 4 dwellings are located in Block C (a terrace of 3 two storey high and 1 two and half storey properties). Each of the 2 bedroom properties would have one car parking spaces, and the 3 and 4 bedroom properties each have two car parking spaces.

30% of the residential units will be affordable. A total of 32 secure cycle parking spaces are to be provided for the flats and each of the dwellings would have a cycle storage. The site is to be access from Lincoln Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is located within the city centre boundary and Park Conservation Area as defined by the Local Plan. The site is located on the west side of Lincoln Road. It is positioned to the south of St Mark's Church and Beeches primary school site, and to the north of the Craig Street surface level public car park and NHS building. To the west of the site are the rear gardens of the two storey residential houses on Craig Street.

The site covers an area of 5,070 sq metres. It is occupied by a large substantial Victorian brick built villa, now in commercial use, located in the centre of the plot, along with various minor outbuildings at the western end of the site. The main building has many surviving original features and is a good example of the Victorian buildings that are characteristic of this part of Lincoln Road. The site is also characterised by its mature tree lined southern and eastern boundaries and the spacious nature of the plot.

5 PLANNING HISTORY

| Application Number | Description | Date | Decision |
|--------------------|---|------------|----------|
| 10/00502/FUL | Construction of 34 dwellings together with access, car parking and landscaping | | Refused |
| 10/00510/CON | Demolition of all buildings on site including offices and garages | | Refused |
| 09/00838/FUL | Construction of 8 dwellings, 32 apartments, NHS Recognition Centre (A2 or B1 (a) use together with access car parking and landscaping | 29.09.2009 | Refused |
| 09/00839/CON | Demolition of all buildings on the site including offices and garages | 29.09.2009 | Refused |
| 98/01036/FUL | Erection of three prefabricated units for storage of office furniture and equipment | 02.11.1998 | Approved |
| 97/00756/FUL | Use as office | 12.09.1997 | Approved |
| 94/P0220C | Renewal of planning permission P1531/88/C/R for residential development comprising of 6 maisonettes and 14 flats with parking | 17.11.1994 | Approved |
| P1531'88 | Residential development comprising maisonettes and 14 flats with parking | 10.04.1989 | Approved |
| P0982'85 | Temporary use for furniture storage | 23.12.85 | Approved |
| P0464'85 | Erection of 24 No. elderly persons flats | 18.07.1985 | Approved |
| P0074'80 | Continued use as offices | 19.02.1980 | Approved |

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Comments awaited

Environmental Health – Comments awaited

Landscape Officer – Objection - Block A is in close proximity of the tree and so there will be considerable shading and possible pressure for pruning works.

Wildlife Officer – No objection.

Drainage – No objection – Recommend condition requiring full design details of the proposed drainage systems proposed for this development should be forwarded for approval.

Waste Management – No objection – Happy with the location of the underground facility.

Housing Strategy – 7 units to provide the on site 30% affordable housing is acceptable.

Police Senior Architectural Liaison Officer – No objections

EXTERNAL

Fire and Rescue – No objection but comments that a hydrant will be required for this development

English Heritage – Following the previous refusals on site, welcomes the retention and conversion of the original portion of Thurston House. Raises some concerns about the materials, design, scale and massing of Block A and the resulting impact on the Conservation Area and Thurston House. Concerns the brick piers between the proposed railings be deleted.

Peterborough Civic Society – Welcomes the substantial retention of Thurston House, but regrets the loss of the spacious garden setting. However raises no further objection to the principle of the new development. The only concerns that remain are in respect of the vehicle access and landscaping. This particularly in respect of the design and finishes of the access which does little for the setting of Thurston House.

Anglian Water – No objection

Neighbours – No letters of representation have been received

COUNCILLORS

None received

7 REASONING

a) Background

The proposal is a revised scheme following the refusal of permission (by Full Council on 29th 14th July 2007) for a development of 34 dwellings that involved the demolition of the whole of 80 Lincoln Road (Thurston House) and the associated outbuildings.

The application Ref: 10/00502/FUL for construction of 34 dwellings was refused by Full Council for the following reasons:

1. The proposed development fails to preserve or enhance the character of the area being a sensitive area adjacent to St Marks Church in the Conservation Area. This is therefore contrary to Policy CBE 3 of the Peterborough Local Plan First Replacement (2005).
2. Thurston House/Gayhurst is a historically important and significant building which makes a significant positive contribution to the character and appearance of the Park Conservation Area. The proposed replacement buildings (under planning reference 10/00502/FUL) are of insufficient quality to make an equal or greater contribution to the Conservation Area. This is therefore contrary to Policy CBE4 of the Peterborough Local Plan First Replacement (2005).
3. The proposed development fails to provide suitable amenity for residents as there is inadequate provision of shops, open space and suitable leisure provision within the area. This is therefore contrary to Policy CC 8 of the Peterborough Local Plan First Replacement (2005).

Since the last decision the applicant has made the following changes to the submission:

- Retention and conversion of the main part of Thurston House into flats
- Reduce number of units from 27 apartments and 7 dwellings to 16 apartments and 9 dwellings
- Reduction from 36 car parking spaces to 28
- Deletion of Block B apartments (as this is where Thurston House is sited)
- Redesign of block A to allow views through to the retained Thurston House
- 30% units are affordable as opposed to 100% previously

Assessment of the Planning Issues

b) The impact of the development on the Conservation Area (The duty placed on decision makers to consider whether or not any proposal would serve to preserve or enhance the character or appearance of the area – 4 tests)

The site lies within the Park Conservation Area, therefore in accordance with PPS5, the proposal needs to be assessed in terms of whether the proposed development and the loss of the buildings would preserve or enhance the character and appearance of the Park Conservation Area.

The existing building on site 'Thurston House' and nearby buildings (including the St Marks Church and other former Victorian villas), the curtilage and street trees, are identified by the Park Conservation Area (2007) as features which make a positive contribution to the townscape of the Conservation Area. EH9 of PPS5 advises that there should be a presumption in the favour of the 'conservation of designated heritage assets' Policy CBE4 follows a similar line.

A starting point is to consider the character of the area. The Park Conservation Area Appraisal was adopted in March 2007 and provides important planning guidance. The character of the Park Conservation Area is broadly that of large Victorian villa style properties set within large plots with frontage trees. Of relevance to consideration of the proposed demolition the appraisal advises:-

-That there is a general presumption against intensification of plot use and demolition of buildings which make a positive contribution to the character and appearance of the conservation area.

-Plan 7.2 (Townscape Appraisal) identifies buildings that have a positive effect on the conservation area: Thurston House, St Marks Church and other nearby Victorian villas, curtilage and street trees all make a positive contribution to the character and appearance of the conservation area

- "Further loss of original buildings is directly at odds with the conservation area objectives" Section 5.5

Specifically Thurston House has many surviving architectural features and is a good example of the Victorian buildings characteristic of this part of Lincoln Road. Thurston House and nearby buildings make a positive contribution to the townscape of the conservation area. The Council are currently considering whether Thurston House should be added to the revised Local List.

In view of the previous refusals for planning permission and conservation area consent, this scheme now proposes to retain the main part of Thurston House and convert it into 4 flats, and demolish only the rear section of the building. Officers welcome the substantial retention of this traditional building.

Of the other buildings to be demolished only the former stable block to the rear of the site has merit. However, this is not readily visible from outside the site and its contribution to the conservation area is more limited. There would be no objection to the demolition of this building in order to provide development opportunity which consisted of some new build in the curtilage of the retained the principle building.

It is not only the Thurston House building itself that positively impacts on the townscape, but also its extensive grounds and curtilage trees which are typical of the Victorian character. This character is also shaped by the building line, together with consistent eaves and ridge heights on buildings nearby.

The existing building on this does respect the building line and is not dominant in the street scene due to the strong tree presence on the site frontage and the large set back of the building. The set back allows views of the adjacent church and in particular its spire, which is a local landmark feature. This openness and the views that it provides, is also a part of the current character. The design of the new build respects this character. Development is set back within the site. This retains the important treed frontage to Lincoln Road and avoids intruding on views of the spire of St Marks Church viewed from the south.

Block A to the southern part of the site allows the retention of significant views of Thurston House, particularly from Church Walk. The real gain in this proposal is the retention of Thurston House and its presence in the streetscene. It is therefore considered that the proposed development would not cause unacceptable harm to the character and appearance of the Park conservation area.

c) The impact of the development on trees and ecology

Trees

The site is characterised by a line of mature trees that run along the southern boundary of the site, adjacent to the Craig Street car park. All trees on site are protected by their location within the Conservation Area. The eastern boundary of the site fronting on to Lincoln Road also has a tree lined character, however these trees are of more varying maturity, with the more important trees found at the site corners.

The majority of the trees on the southern boundary are category A and B trees. These are trees that have been designated as having a high to moderate value, and as a result are recommended for retention in all new developments, where possible. They comprise mature Chestnuts, Limes and Yews, some of which rise to 18m in height. The proposed development recognises the importance of this mature tree belt on the southern boundary and seeks to retain them as part of the new proposal. The Councils Landscape Officer advises that the retained trees along the southern boundary will cast considerable shade over nearly half the site and that pressure to prune these trees post-development will be inevitable. These concerns were also expressed by the Landscape Officer under the last application, however this application due to the re-siting of Block A, does bring the development closer to the retained trees on the southern boundary of the site.

This aspect, too, has to be weighed against any benefits that arise from the provision of the development here. Officers again consider that the public benefit arising from the development is sufficient to offset the pressure to prune these trees.

Ecology

The ecological assessment accompanying the application identified the need for a more detailed bat survey to be carried out. A second bat report was undertaken, dated September 2009, which updated the first dated July 2009, and addressed the initial concerns. The recommendations of both reports (other than 8.3 and 8.4 of the first report dated July 2009) should be secured by condition in the issue of any planning permission. The other recommendations of the submitted assessment were for the use of native species in the planting proposals, that there be no site clearance or hedge/tree removal within the bird nesting season, and the provision of bird, bat, insect and hedgehog boxes on site. These can be secured by the provision of planning conditions.

The recommendation that 'all mature trees be retained on site' cannot be complied with as the scheme does propose the felling of some mature trees on site.

d) The proposed design and layout

The design of Block A (to Lincoln Road) follows a traditional approach to reflect the Victorian character of the area such as use of the two storey canted bays, yellow stock bricks and eaves detailing similar to the late 19thC buildings. This is not fundamentally out of context with the Victorian character of the immediate locality.

However the revised elevation negotiated under the previous application is preferable and is currently being sought. Some other minor design changes are being sought and Members will be updated of this at Committee. The use of yellow stock bricks, contrasting red brick detailing and stone dressings is appropriate. Should permission be granted a condition is recommended to ensure that the design of the fenestration is appropriate within the Conservation Area.

The boundary to Lincoln Road has been revised to omit short plinth walls and pillars in place of railings throughout. This change is welcomed for the future health of the trees and to avoid an over dominant frontage appearance made by walls and piers.

e) The impact on neighbouring sites

The amended submission reduces the impact on St Mark's Church to the North of the site. It is not considered that the siting, layout and design of the residential dwellings would result in any harmful impact on the neighbouring residential properties.

f) Car parking

12 car parking spaces would be provided for the 9 dwellings on site, and 16 spaces for the 16 apartments. The Local Highway Authority advise that the parking levels are in accordance with PCC maximum standards. Cycle parking in accordance with policy will be secured by planning condition.

g) Housing

The development provides the required 30% affordable housing provision. The achievement of such accommodation, close to the City Centre, is a positive and is a real benefit arising out of the overall scheme.

h) S106 Planning obligation

The S106 contribution required for this development is in accordance with the Peterborough's Planning Obligations Implementation Scheme SPD £106,000 and £107,550 contribution towards public open space. 7 of the units on site will also provide the affordable housing provision for the site.

These requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

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 weighing against relevant policies of the development plan.

The retention and conversion of the main part of Thurston House has addressed previous reasons for refusal of permissions on this site. The density of development has been reduced, as has the massing and height of development by the deletion of Block B. The principal conflict remaining is the relationship of Block A with the adjacent trees and the shading and pressure for pruning that could result. This has to be weighed against the need for the development and the benefits that it will bring to the city.

Specifically:

- The provision of affordable housing which is required to help house the very large number of people on the housing waiting list in Peterborough which is over 9000.
- A high quality designed scheme that takes into account the attributes of the Conservation Area including Thurston House, the trees and surrounding architectural style.

Your officers have concluded that the balance tips in favour of the grant of permission, for both applications.

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, the Head of Planning Transportation and Engineering Services be authorised to grant planning permission for 10/00502/FUL subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, details of all materials (including window and doors) to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the period of construction. These facilities shall be in accordance with details which have been approved in writing by the Local Planning Authority.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C4 The pedestrian visibility splays shown on plan 945/P/210 Rev P10 shall be provided prior to the occupation of the development and thereafter maintained free from any obstruction over a height of 600mm within the area of the splays**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C5 The areas shown on plan 945/P/210 for the parking and turning of vehicles shall be provided prior to occupation of the dwellings and shall thereafter be used for other purpose other than the parking and turning of vehicles in connection with the dwellings.**

Reason: In the interests of Highway safety, in accordance with Policy T19 of the Peterborough Local Plan (First Replacement).

- C6 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:**

- (a) A phasing scheme and schedule of the proposed works;**
- (b) Provisions to control construction noise and vibration emanating from the site;**
- (c) A scheme for the control of dust arising from building works and site works;**
- (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
- (e) A scheme of working hours for construction and other site works**
- (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
- (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**

The development shall be carried out in accordance with the approved construction management plan.

Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

- C7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. Development shall be carried out in accordance with the approved details and shall be completed before first occupation.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).

- C8 Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-**

- i) arboricultural Method Statement**
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;**
- iii) measures to promote biodiversity in accordance with the Protected Species Survey dated July 2009. These measures should bird, bat, insect and hedgehog boxes/homes;**

The hard and soft landscaping work shall be undertaken in accordance with the approved details within 18 months of the commencement of development, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C9 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).

- C10 In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 6 years from commencement of development.**

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

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

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

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C11 Development shall not begin until a scheme showing the provision and location of fire hydrants has been submitted to and approved in writing by the Local Planning Authority; no development shall take place otherwise than in accordance with the approved scheme.**

Reason: To ensure adequate provision of fire hydrants, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement).

- C12 Details of lighting shall be submitted to and approved in writing by the Local Planning Authority before first occupation of the residential units. Development shall be carried out in accordance with the approved details.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policies DA11 and DA12 of the Peterborough Local Plan (First Replacement).

- 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 LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, of a Method Statement detailing the remediation of this unsuspected contamination.**

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

- C14 Details of the surface water drainage system for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local**

Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.

Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control) and Policies U1, U2 and U9 of the Peterborough Local Plan (First Replacement).

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

R1 A request has been made by the Local Planning Authority to secure a S106 contribution, 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).

2. The Head of Planning Services recommends that 10/01346/CON is application is APPROVED subject to the following conditions:

C1 Works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of the decision notice.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

C2 The demolition hereby approved shall not be commenced until such time as a contract for carrying out the works of residential redevelopment has been made and detailed planning permission granted for the development to which the contract relates.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Hussain, Khan, Jamil