

## NOTICE OF MEETING

MEETING	<b>PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE</b>
DATE:	<b>TUESDAY 25 JANUARY 2011</b>
TIME:	<b>1.30 pm</b>
VENUE:	<b>BOURGES/VIERSEN ROOMS - TOWN HALL</b>
CONTACT:	Gemma George, Senior Governance Officer <b>Telephone: 01733 452268</b> <b>e-mail address: <a href="mailto:gemma.george@peterborough.gov.uk">gemma.george@peterborough.gov.uk</a></b>
<i>Despatch date:</i>	<i>17 January 2011</i>

### AGENDA

	PAGE NO
1. Apologies for Absence	
2. Declarations of Interest	
3. Minutes of the Meeting held on 7 December 2010	1 - 6
4. Development Control and Enforcement Matters	
4.1 10/01345/FUL & 10/01346/CON - 80 Lincoln Road, Peterborough, PE1 2SN	7 - 26
4.2 10/01426/FUL - Land to the rear of Cowgate / King Street, Queensgate Shopping Centre, Westgate, Peterborough	27 - 40



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268.

## **MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE**

Councillor North (Chairman), Councillor Lowndes (Vice-Chair), Councillor Burton, Councillor Hiller, Councillor Serluca, Councillor Thacker, Councillor Todd, Councillor Ash, Councillor Lane and Councillor Harrington

Subs: Councillors Winslade and Swift

### **CASE OFFICERS:**

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

Minerals and Waste: Theresa Nicholl

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

### **NOTES:**

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

Minutes of a Meeting of the Planning and Environmental Protection Committee  
held at the Town Hall, Peterborough on 7 December 2010

**Members Present:**

Councillors – North (Chairman), Burton, Hiller, Thacker, Todd, Winslade and Harrington

**Officers Present:**

Nick Harding, Group Manager, Development Management  
Richard Kay, Policy and Strategy Manager  
Jim Daley, Principal Built Environment Officer  
Harj Kumar, Senior Strategic Planning Officer  
Gemma George, Senior Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillors Lowndes (Vice Chair), Serluca, Ash and Lane.

Councillors Winslade attended as substitute and Councillor Swift wished for it to be noted that he was unable to attend as substitute.

**2. Declarations of Interest**

There were no declarations of interest.

**3. Minutes of the Meeting held on 26 October 2010**

The minutes of the meeting held on 26 October 2010 were approved as a true and accurate record.

**4. Peterborough Local Development Framework: Peterborough Planning Policies Development Plan Document (Consultation Draft Version)**

The Committee received a report which sought its comments on the Planning Policies Development Plan Document (DPD) (Consultation Draft Version), prior to its presentation to Cabinet on 13 December 2010, for approval for the purpose of public consultation in Spring 2011.

Members were advised that once the document had been out for public consultation, it would be brought back to the Planning Committee for further consideration prior to additional consultation and finally independent examination.

The Planning and Compulsory Purchase Act 2004 introduced a new system of plan-making, which was known as the Local Development Framework (LDF). One of the documents that the Council had to produce as part of the LDF was the Planning Policies DPD, which sat beneath and took its lead from the Peterborough Core Strategy.

The Core Strategy set out the vision, objectives and overall strategy for the development of Peterborough up to 2026, together with a limited number of policies which were core to achieving or delivering that Strategy.

The Planning Policies DPD was intended to provide detailed Policy statements in order to help in determining planning applications. The policies in the Planning Policies DPD would help to deliver the overarching principles that were established within the Peterborough Core Strategy.

The Planning Policies DPD was less sensitive than other statutory planning documents for Peterborough such as the Core Strategy and the Site Allocations DPD. This was because it did not include new land allocations for development. The document was of greater interest to the 'professional' industry of planners, architects and developers. The policies themselves, once adopted, would become extremely important when determining planning applications. They would give the Council powers and justification to refuse or approve an application, particularly on detailed design matters.

In the early stages of preparing the Planning Policies DPD, an 'Issues and Options' document had been consulted on during October and November 2008. This identified possible issues to be addressed and alternative Policy approaches for each of these issues. All of the comments made during that stage had been analysed and taken into consideration when formulating the policies contained within the Planning Policies DPD. A draft version of the document had also been considered by the Local Development Framework (LDF) Scrutiny Group on 29 November 2010. The changes arising from comments made at the LDF Scrutiny Group meeting were due to be incorporated into the document prior to its submission to Cabinet.

The Policy and Strategy Manager addressed the Committee and stated that there had been numerous changes made to the Policies prior to the submission of the document to the Planning Committee for comment. A summary of these changes was as follows:

- PP1 – 'The Location and Design of New Development'. The Policy had been re-worded and was now called 'Design Quality'. The re-wording of the Policy had been undertaken as it was felt that the original version could have been construed as being quite negative
- PP2 – 'Amenity'. The Policy had previously been divided into two parts and in order to avoid confusion it had now been split into two separate policies, Part 1 and Part 2. There had also been an additional paragraph added into the supporting text regarding the Council's commitment to preparing guidance on good amenity. Once prepared, this guidance would be inserted into the back of the Planning Policies DPD. Finally, there had been an amendment to the wording of the last bullet point where 'Crime and Disorder' was mentioned. This had become 'Opportunities for Crime and Disorder'. The LDF Scrutiny Group had sought this change as it was felt that simply stating 'Crime and Disorder' was not clear enough

Members commented that with regards to amenity, it was important to make sure that garages were of adequate size and that roads were of adequate width for larger vehicles, for example fire vehicles and refuse wagons. Members were advised that garage sizes could be looked into and incorporated into the guidance, however, with regards to road widths this was a Highways consideration and therefore covered by Highways Guidance.

- PP3 – ‘Top of the Market Dwellings’. The Policy was now called ‘Prestigious Homes’ and there had been a minor amendment to the wording
- PP4 – ‘Housing in the Countryside’. There had been no specific changes to the Policy, however, the LDF Scrutiny Group had been split on its views with regards to the second part of the Policy, which was in relation to the ‘size of replacement dwellings in the countryside’. The LDF Scrutiny Group had therefore requested that the Planning Committee take a view on this issue in order to aid Cabinet in its decision

In response to the request raised by the LDF Scrutiny Group, Members commented that flexibility was required when considering replacement dwellings and each case should be judged on its own merits, however, replacement dwellings should not be substantially larger than the previous dwelling as to have any detriment to the surrounding area. The Policy and Strategy Manager addressed the Committee and stated that this point would be highlighted to Cabinet and the wording around criteria H-J included in Policy PP4, which outlined the criteria for any replacement dwellings, would be looked at and amended accordingly.

- PP5 – ‘The Rural Economy’. There had been a minor change to the wording under Criteria F of the Policy which now stated ‘if it involved the construction of a new build/building in the open countryside, and was supported by a robust business plan etc’. The insertion of this wording was inline with new Government guidance which encouraged the expansion of the rural economy. Ideally, this would help farmers to diversify by implementing small economic ventures in order to allow farms to become more economically viable

Members expressed concern at the possibility of developers finding loopholes in Policy PP5 in order to build residential properties in the open countryside. Members were advised that this would not be easy for developers to achieve. Each case would be looked into and it would be identified whether residential provision was required for the development.

- PP6 – ‘Primary Retail Frontages in District Centres’. The LDF Scrutiny Group had identified that the Policy was perhaps too strict where it stated that ‘the proportion of the retail frontage in class A1 use would not fall below 50%’. An additional paragraph had therefore been incorporated into the supporting text stating ‘the Council may be prepared to depart from the provisions of the Policy and allow a non A1 use which would normally be unacceptable if there was clear evidence that the property had been marketed as an A1 retail shop at a realistic price or rental for an appropriate period of time without genuine interest in its purchase or occupation and there would otherwise be the prospect of a long term vacancy’

Members expressed concern at the insertion of this paragraph and it was highlighted that this provision could be open to abuse. The appropriateness of the proposed premises was the issue and flexibility was required in order for Planning Officers to be able to say ‘no’. The Policy and Strategy Manager addressed the Committee and stated that the concerns raised with regards to the insertion of the paragraph would be relayed to Cabinet.

- PP7 – ‘Shop Frontages, Security Shutters and Canopies’. There had been one minor change suggested by the LDF Scrutiny Group and that was to remove the word ‘fixed’ from the last paragraph in relation to the type of canopy which could be proposed for installation. This point could apply to any type of canopy and not just those which were ‘fixed’

- PP8 – ‘The Transport Implications of Development’. There had been no suggested changes to the Policy
- PP9 – ‘Parking Standards’. Members were advised that Annex A to the committee report highlighted the parking standards by use class. In relation to the parking standards for dwellings, there had been an additional paragraph suggested for inclusion under the informative notes. This paragraph stated ‘for C3 or C4 developments, the standards were listed as minimum and would be applied in most instances, especially for major development, which was 10 or more dwellings. However, in some instances the standards would be inappropriate, for example where this would harm the established character of the area. In such instances applicants should discuss with the Council what an appropriate provision of parking should be’. This additional wording would allow for flexibility for infill development where it would not be possible to meet the parking standards

Members queried whether the disabled parking spaces at hospitals and garden centres etc. could be dotted around the sites and not just located near to the entrances. The Policy and Strategy Manager addressed the Committee and stated that some appropriate wording would be incorporated into the informative notes section of the Parking Standards table in relation to this point. Members were further advised that the LDF Scrutiny Group had suggested that perhaps an increase in the percentage of disabled spaces was required. Members were informed that wording would be inserted into the table requesting feedback on this point during the document’s consultation period. Once consultation had concluded, responses would be looked at and the viability of increasing the percentage, if requested, would be further investigated.

- PP10 – ‘Open Space Standards’. Members were advised that the proposed changes to the standards were highlighted in Annex B to the main committee report. There had been some wording added to the Cabinet version of the document highlighting that the text included in the middle column of the table under the heading ‘Minimum Standards for Provision’, had been included as a guidance note for developers. Members were also advised that the LDF Scrutiny Group had requested a paragraph to be inserted into the supporting text of the Policy making reference to the National Woodland Access Standards
- PP11 – ‘Nene Valley’. There had been no suggested changes to the Policy
- PP12 – ‘The Landscaping and Biodiversity Implications of Development’. The second paragraph of the Policy, which stated ‘Development proposals should offset any harm to biodiversity and, where possible, achieve a net gain’, was highlighted as being a repetition of what was already included in the Core Strategy. The paragraph was therefore proposed for deletion
- PP13 – ‘Heritage Assets’. There had been no suggested changes to the Policy
- PP14 – ‘Buildings of Local Importance’. There had been no suggested changes to the Policy. The complete list was highlighted at Annex C to the committee report and Members were advised that in the Fletton Section of the list, the wording for Bridge House had been changed to state ‘Relief at Bridge House’ as it was only the relief on the side of Bridge House which had been highlighted for protection. The complete list, which had a supporting document highlighting why each site was proposed for protection, was due to go out for consultation early in 2011
- PP15 – ‘Ancient, Semi-Natural Woodland and Veteran Trees’. There had been no suggested changes to the Policy
- PP16 – ‘Habitats and Species of Principal Importance’. There had been no suggested changes to the Policy

- PP17 – ‘Drainage and Flood Risk Management’. This Policy was highlighted as being a new Policy and supplementary planning guidance would be produced at a later date

The Committee was advised that all of the comments made would be relayed to Cabinet for its consideration prior to the approval of the document for public consultation.

**RESOLVED:** to comment on the Peterborough Planning Policies Development Plan Document (DPD) (Consultation Draft), with such comments being reported to Cabinet on 13 December 2010

#### **5. Peterborough Local Development Framework: Design in Selected Villages Supplementary Planning Document (Consultation Draft Version)**

The Committee received a report which sought its comments on the Design and Development in Selected Villages Supplementary Planning Document (SPD) (Consultation Draft), prior to its presentation to Cabinet on 13 December 2010 for approval for the purpose of public consultation in early 2011.

Members were advised that once the document had been out for public consultation, it would be brought back to the Planning Committee for further consideration prior to its adoption.

The Design in Selected Villages SPD set out detailed development management design related policies for selected rural villages. These were to be used on a daily basis by planning officers when considering the detailed aspects of applicable planning permissions.

It was important to note that the SPD did not set strategic growth targets for villages and nor did it allocate new land for development.

Once adopted, the policies would become extremely important when determining planning applications. They would give the Council powers and justification to either refuse or approve an application, particularly on detailed design matters, which could be extremely sensitive in local village communities.

Consultation had previously been undertaken with Parish Councils and the feedback which had been gathered from them with regards to the document had been of a positive nature.

In summary, the SPD contained an introduction and overview of how to respond to the consultation, a small set of generic policies for development in villages, which applied to all of the villages and finally an individual chapter for each of the villages. Each of the individual chapters was around 4 pages long and contained a description and history of the village, background recent studies and policy documents for that village, a specific policy for that village, links to a wider evidence base and finally a map of the village.

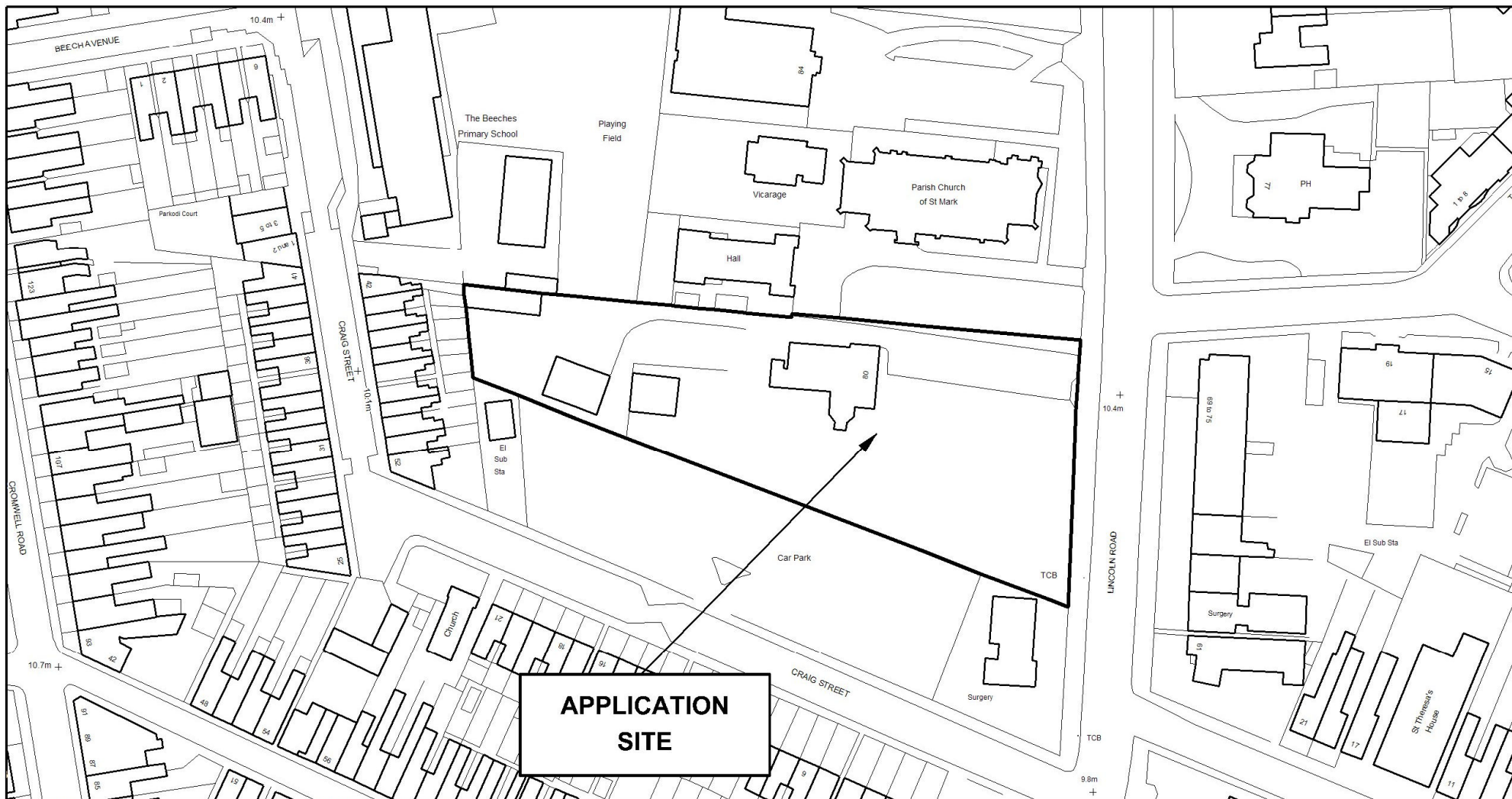
Members positively commented on the document and stated that it was extremely well crafted, being both readable and logical.

The Committee was advised that its comments would be relayed to Cabinet for consideration prior to the approval of the document for public consultation.

**RESOLVED:** to comment on the Design and Development in Selected Villages SPD (Consultation Draft), with such comments being reported to Cabinet on 13 December 2010.

13.30 – 15.20  
Chairman





**LOCATION PLAN 10/01345/FUL AND 10/01346/CON**

80 Lincoln Road, Peterborough

**Scale 1:1250 Date 10/11/2010 Name MKB Department Planning Services**

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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  
**TELEPHONE:** 01733 454416  
**E-MAIL:** amanda.mcsherry@peterborough.gov.uk

## **1 OUTLINE OF THE MAIN ISSUES & CONSIDERATION**

The PEP Committee, at its meeting on 23<sup>rd</sup> 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 closes on 21<sup>st</sup> January 2011, and all comments will be reported verbally to the Committee.

A copy of the Committee report dated 23<sup>rd</sup> 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.

**RECOMMENDATION 10/00502/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 10/00502/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 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).

**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 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

ITEM 4.1

**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**

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## **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 29<sup>th</sup> 14<sup>th</sup> 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 19<sup>th</sup>C 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.**

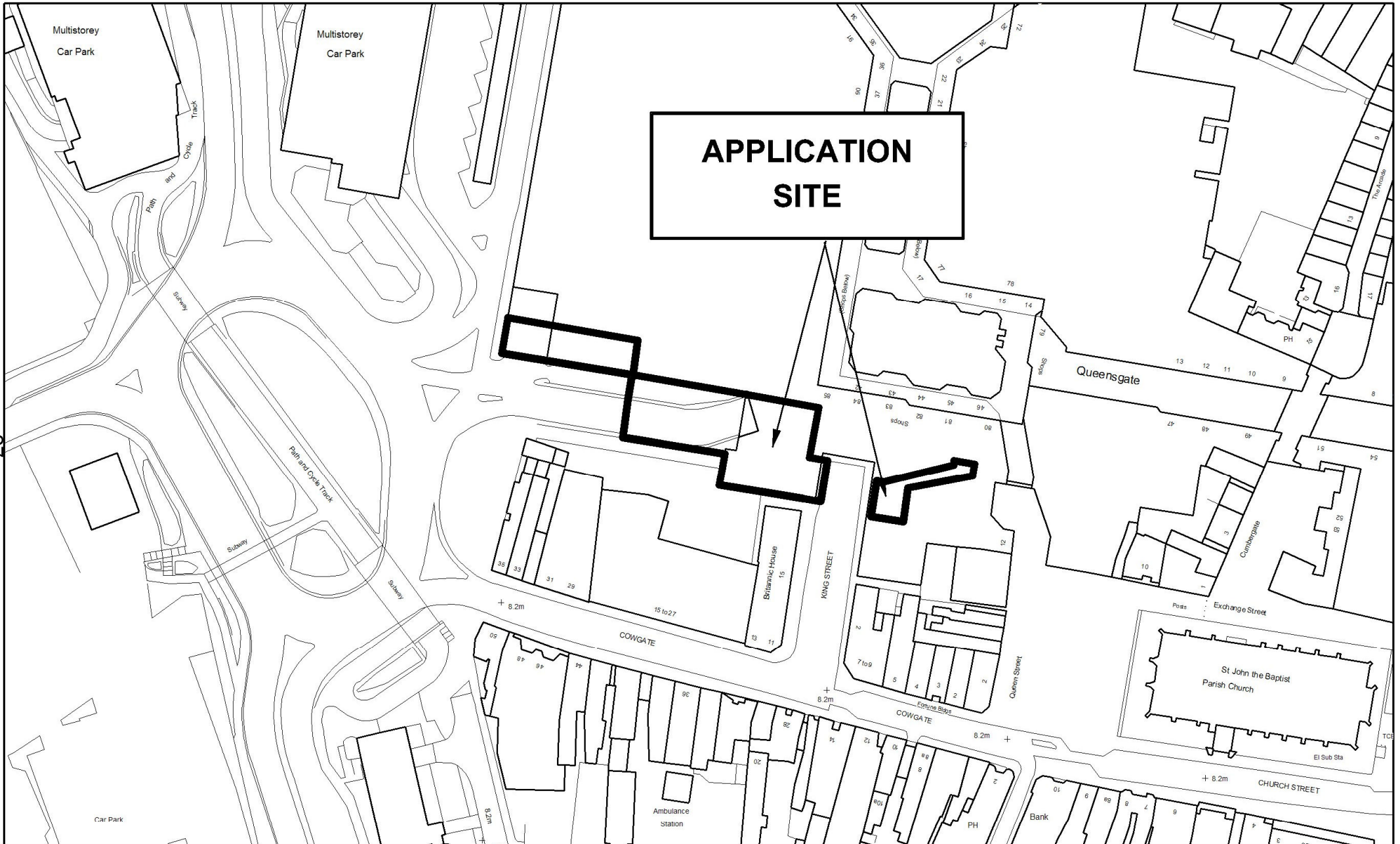
Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

**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

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**LOCATION PLAN 10/01426/FUL**

Land to the Rear of Cowgate/King St. Queensgate Shopping Centre, Westgate, Peterborough

Scale 1:1250 Date 14/1/2011 Name MKB Department Planning Services

PCC GIS



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**10/01426/FUL:** EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOOR SPACE, DEVELOPMENT OF NEW SERVICE CORRIDOR AND LIFT CORE IN BASEMENT SERVICE YARD, CONSTRUCTION OF NEW MANSARD ROOFS AND ELEVATION WORKS TO KING STREET AND QUEEN STREET ELEVATIONS– LAND TO THE REAR OF COWGATE / KING STREET, QUEENSGATE SHOPPING CENTRE, WESTGATE, PETERBOROUGH

**VALID:** 14 OCTOBER 2010

**APPLICANT:** QUEENSGATE LIMITED PARTNERSHIP (QLP)

**AGENT:** NATHANIEL LICHFIELD AND PARTNERS (NLP)

**REFERRED BY:** HEAD OF PLANNING, TRANSPORTATION AND ENGINEERING

**REASON:** APPLICATION OF WIDER PUBLIC INTEREST

**DEPARTURE:** NO

**CASE OFFICER:** JANET MACLENNAN

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Policy context and the principle of development;
- Design and visual amenity;
- Whether the proposal will impact on the Historic Environment;
- Whether the proposal will enhance the public realm of the City Centre;
- Highway Implications; and
- S106 contributions

The Head of Planning, Transportation 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**

- CBE2 Other Areas of Archaeological Potential or Importance:** Planning permission will only be granted for development that will affect areas of archaeological potential or importance if the need for the development outweighs the intrinsic importance of the remains and satisfactory arrangements can be made for the preservation or investigation and recording of the remains.
- CBE3 Development Affecting Conservation Areas:** Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character or appearance of that area.
- CC1 New Retail Development in the Central Retail Area:** Retail development will be permitted within the boundary of the Central Retail Area, provided it would not put at risk the achievement of the retail strategy
- CC15 Car Parking:** Opportunities for shared use of existing car parks should be investigated before new parking is provided

- CC17 Cathedral Views:** Planning permission will not be granted for development that would unacceptably detract from the views of the cathedral or its setting.
- DA1 Townscape and Urban Design:** Planning permission will only be granted for development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact
- DA2 The effect of Development on the Amenities and character of an Area:** Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA7 Design of the Built Environment for Full Accessibility:** Planning permission will not be granted for development which is open to the public unless provision has been made to meet the needs of people with disabilities.
- DA19 Shop Fronts:** The design should be sympathetic in size, architectural style/proportion, materials and architectural detailing and should not detract from the character and appearance of the street
- IMP1 Securing Satisfactory Development:** Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.
- T1 Transport implications of New Development:** Planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.
- T3 Accessibility to development – pedestrians and those with Mobility difficulties:** Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties – encourages improvements to pedestrian routes.

### **Planning Policy Statement (PPS) 1: Delivering Sustainable Development**

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

It states: 'Community involvement is vitally important to planning and the achievement of sustainable development. This is best achieved where there is early engagement of all the stakeholders in the process of plan making and bringing forward development proposals. This helps to identify issues and problems at an early stage and allows dialogue and discussion of the options to take place before proposals are too far advanced'.

**Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth** The Government's overarching objective is to achieve sustainable economic growth and as stated in PPS4 to help achieve this the Government's objectives for planning are to 'build prosperous communities by



improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural, reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and other centres as important places for communities. New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities – competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups) – the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity’.

### **Planning Policy Guidance (PPS) 5: Planning and the Historic Environment**

The PPS states: ‘It is fundamental to the Government’s policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.’

‘Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area.’

‘the setting of a building may....often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration....Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building’.

‘The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest’.

**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; and
- 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.

**Planning Obligations Implementation Scheme** – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010 (Cabinet Decision). Prior to adoption, the POIS was the subject of a 6 week public consultation period between March and April 2009. The POIS sets out the Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991).

Associated with the POIS is the Peterborough Integrated Development Programme (IDP). Its purpose is to provide a single delivery programme for strategic capital-led infrastructure which will allow for appropriately phased growth and development in the period to 2031. This document builds on the previous version of the IDP completed in April 2008. The purpose of the IDP is to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and importantly show how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years or so, why we need it, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that we have a coordinated plan of action on infrastructure provision.
- Form the basis for bidding for funding, whether that be from: Government; Government Agencies; lottery and other grants; charities; private sector investment; and developer contributions (s106 and potentially CIL).

In this context, the IDP is the fundamental bedrock to support two emerging policy documents of the City Council: the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategy priorities and infrastructure items which will enable the delivery of the city's future growth. The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', instead they are well evidenced investment priorities that will contribute in an unambiguous manner to enhancing the area's economic performance, accommodating physical growth and providing a basis for prosperous and sustainable communities.

The IDP is holistic. It is founded on a database for infrastructure provision that reflects delivery by the private sector, the City Council and a range of agencies and utilities. This late 2009 review adds to the programme for Peterborough; and all partners are committed to developing the IDP's breadth further through engagement with a broader range of stakeholders, including those from the private sector.

The document has been prepared by Peterborough City Council (PCC) and Opportunity Peterborough (OP), with the assistance from EEDA and other local strategic partners within Peterborough. It shows a "snap shot" in time and some elements will need to be reviewed in the context of activity on the growth agenda such as the emerging Core Strategy, City Centre Area Action Plan (CCAAP), and the Long Term Transport Strategy (LTTS) plus other strategic and economic strategies and plans that are also identifying key growth requirements. As such, it is intended that this IDP will continue to be refreshed to remain fit-for-purpose and meet the overall purposes of an IDP as set out above.

**The Peterborough Core Strategy** (The document has been to Inquiry and its adoption is pending in February 2011 and so cannot be given 100% weight).

**Policy CS14: Retail** - New retail development will be encouraged to maintain and enhance the vitality and viability of centres, with a requirement that the nature and scale of any retail development should be appropriate to the role and function of the centre in which it would be situated.

**Policy CS 15: The City Centre** - Improvements to the public realm throughout the city centre will be promoted, with a particular focus on the pedestrian environment and connections between the railway station, bus station and Cathedral Square; between Cowgate, Priestgate and Bridge Street; and between Cathedral Square and the Embankment, South Bank and Rivergate. Enhancement of the public realm

and natural environment, including better walking and cycling links and river-based navigation, will be supported with good quality and well designed street furniture, use of public art, tree planting and landscaping, and development constructed using high quality building materials.

**Policy CS 16: Urban Design and the Public Realm** - New development should improve the quality of the public realm, with the creation of safe and attractive public open spaces and street scenes, incorporating pedestrian and vehicular surface treatments, public art, street lighting, street furniture and so on. ...Vulnerability to crime and the fear of crime should be addressed in the design, location. and layout of all new development. The distinction between any public and private spaces should be clearly defined.

**GVA Grimley Peterborough Retail Study 2009:** 'There is significant capacity for additional comparison goods floorspace in Peterborough... we recommend that this should be directed towards established town centres in the retail hierarchy with emphasis on the city centre.....there is a particular need to bring forward development proposals to stimulate demand for higher order, mainstream and quality comparison retailers to fill the gaps in provision'. 'There is a requirement for larger shop units in town centres to meet the growth of multiple traders and increased competition between companies.'

### **3 DESCRIPTION OF PROPOSAL**

Planning permission is sought for an extension to the Queensgate Shopping Centre. This would provide new floor space (1,562 sq. metres GIA 1,871 sq. metres GEA) at the upper ground floor and first floor levels (over the existing service road) and the re-configuration of existing floor space. The development will also comprise a new service corridor and new lift shaft into the existing basement service yard. The proposal also involves the erection of a new mansard roof. The new mansard roof would be over the proposed extension and existing flat roof to help form additional retail floorspace. A new mansard roof is also proposed over the existing management suite to help form ancillary office accommodation. The provision of new floorspace along with the reconfiguration of existing would create one large unit (Proposed Major Shopping Unit (MSU) 1) accessible from the existing malls and between floors. A smaller unit (MSU2) would be provided over two floors. Some changes are proposed to elevations. In King Street this includes the replacement of a 'Customer Collection Point' with a shop front to the Argos store and in Queens Street the glazing above the existing entrance to Argos from Queen Street will be removed and infilled with brick to match existing. The existing doorway to Argos from Queen Street which currently provides public access into the shop unit would be replaced with a new shop window.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The application site is located on the southern edge of the Queensgate Shopping Centre in the heart of Peterborough City Centre. Immediately to the south of the site lie the rear of the properties which front onto Cowgate and to the west is the service road leading to the roundabout at its junction with Bourges Boulevard. The application site currently comprises existing retail units in the shopping centre. The site is within the central retail area and just north of the City Centre Conservation Area.

### **5 PLANNING HISTORY**

No recent relevant planning applications

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Local Highway Authority – No objection** – A Transport Statement, Travel Plan and Construction Management Plan have been submitted in support of the application. The proposal is unlikely to have any significant direct impact on the highway network. The Travel Plan will be reviewed by the Travelchoice team. The Construction Management Plan does give some indication of the proposed arrangements however further detail is required to ensure that construction vehicles will be safely managed. This is particularly pertinent to work areas B and C where it is proposed to use King Street as an access point. There are no facilities along this road to run large vehicles and this is the proposed location of the compound for storage. Plans are required showing the exact location of compounds,

turning areas and any Traffic Management proposed as part of the works. This can be dealt with by condition.

**Rights of way – No objection** - No recorded right of way in the area.

**Conservation – No objection in principle** – The proposal was the subject of a pre-application submission where it was concluded that the extension would not affect the views of the Cathedral or St John's Church. The main viewpoint here was on the approach to the city from Thorpe Road and the bridge over the railway. The formal submission brings the extension further forward by half a bay. I have no objection to this amendment. I would also support the leaded gambrel/mansard roof above and beyond the extension, except for the section which steps out adjacent to Britannic House. This was not shown in the pre-application submission. At present the step up from the flat roof of Britannic House to the Queensgate parapet is a comfortable increase in height. This was obviously the intention of the original design. To add the mansard roof here would increase the height by several metres and be detrimental to this relationship. It is important to note that this can be seen more clearly from the Bourges Boulevard roundabout area. From this location longer views are possible and the overwhelming scale of the new roof compared to Britannic house would be exaggerated. This element should therefore be omitted to maintain the existing relationship. No objection to the replacement of the rear access into Argos to be replaced with a shopfront provided that window displays are maintained to give some sense of activity and interest.

**Archaeology Services – No objection** - Although extensively developed upon and truncated, pockets of undisturbed archaeology may survive. Past excavations have indicated that this is often the case. Preserved stratigraphic sequences are likely to be deep and well-preserved and could display evidence for activity dating from the medieval period. Suggest a condition 'No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions.'

**Environmental Health - No objection** - The site is located on contaminated land and therefore a site investigation and remediation is required.

**Police Architectural Liaison Officer** - No objections to proposal.

**S106 Officer – No objection** - The applicant has submitted a development appraisal and it is clear that there are considerable concerns regarding the viability of the project. As such a nil S106 contribution is sought using POIS.

**Travelchoice Team – No objection** - The Travel Plan is acceptable.

## **EXTERNAL**

### **NEIGHBOURS**

17 letters of objection and a petition of 54 objectors have been received in response to the initial consultation raising the following issues:

- Removal of the existing external Argos entrance will reduce footfall in the area, therefore exacerbating the unit vacancy issues.
- King Street is an ideal location for entrance, greatly improving permeability and therefore footfall in Cowgate; however this issue has been ignored.
- In previous years Queensgate Limited Partnership have deliberately kept shoppers hemmed in Queensgate.
- The reduction of permeability in the area only benefits the large national chains that are located within Queensgate.
- The 'Design and Access Statement' declares that there will be no adverse impact upon the nearby properties. This is clearly a misrepresentation of reality.
- The large brick wall at the end of King Street is blight to the character of the area and the opportunity should be taken to change it. 'Berlin Wall effect'

- Additional retail space is being added to the city centre without the due consideration for a linkage to existing retail space.
- This is the opportunity to design out the back door/service yard atmosphere in the area.
- Closing off an entrance is not making the most of our newly renovated square.
- The proposal in no way benefits anyone other than Queensgate Limited Partnership, effectively blocking out all retailers outside of Queensgate.
- The removal of the entrance does not fulfil the requirements of PPS1 (Delivering Sustainable Development) as it “will not promote sustainable and inclusive patterns of urban development”
- The proposal does not adhere to PPS 5 (Planning for the Historic Environment) as it detracts rather than contributes to the heritage assets upon Queen Street.
- Any changes which would reduce the foot-fall across this area would seem hugely detrimental to the successful use of the resources applied in the conversion of this area to this new open space. Regeneration of the City Centre, including King Street and Queen Street, are supposedly the aims of the City Council and a plan which would simply allow more trading within Queensgate would seem directly to oppose this aim.
- Proposal will actually lead to a reduction in accessibility by blocking off the existing access from King Street contrary to Local Plan policy, emerging Core Strategy and City Centre Area Action Plan.
- The proposal falls short of the aspirations that the City Council has for the City Centre
- The proposal fails to meet the requirements of national and local policy, particularly in respect of inclusive design and the regeneration of Cowgate
- The proposal is contrary to PPS1 and fails to promote inclusive design
- An opportunity to improve the character and quality of the area has not been taken contrary to PPS4
- The rear of our premises (17 Cowgate) opens onto a car park, the entrance of which is via King Street. Need to ensure that the car park would not be affected at all throughout or subsequent to construction.

## **7 REASONING**

### **a) Introduction**

The proposal was the subject of a pre-application enquiry earlier this year; comprising an additional retail floor space of 880 sqm. The principle of the development proposal was supported. It should be noted that the extension is slightly larger than the original proposal and adds an additional first floor/roof extension to the scheme; discussed within the report.

Subsequent to the application being submitted amended plans have been received for minor changes to the scheme, these include 8 no. additional windows at first floor level on the western elevation of the proposed extension (Elevation 3 – ref. BNY-QG 09 GE02 A04), repositioning of the 8 no. proposed windows, plus provision of 4 no. additional windows, at first floor level on the southern elevation of the proposed extension (Elevation 2 – ref. BNY-QG 09 GE02 A04) and a plan showing an indicative plant area for MSU1 at roof level is shown on drawing ref. BNY-QC 09 AL11 A03. All plant areas are shown for information purposes only. A separate planning permission will be sought for new plant equipment in these areas. The changes are considered to be non material however, a further consultation has been undertaken and any representations received following the consultation will be provided in the update report.

### **b) Policy context and the principle of development**

The site lies at the southern edge of Queensgate Shopping Centre at the heart of the Central Retail Area. There is a presumption in favour of encouraging retail development within the city centre which is the most sustainable location, at the top of the retail hierarchy and accessible by a choice of means of transport. The extension would enable larger retailers to locate to premises in the city centre, would provide greater choice for consumers and would add to the viability and vitality of the central retail area; complementing and strengthening the city centre as a whole. The proposal therefore accords with policy CC1 of the Adopted Peterborough Local Plan (First Replacement), PPS1 and PPS4 and policy CS14 of the Peterborough Core Strategy.

### **c) Design and visual amenity**

The proposed extension is set above the existing service access ramp on columns. No ground level area is to be extended. The extension is at the back end of the Queensgate building and would extend the upper ground floor and first floor over the service yard bringing forward the western elevation approximately 24m. The materials will match those of the existing building. Brickwork is to be handmade buff/grey stocks. The roofing will comprise a single ply high performance membrane system set within lead mansard perimeter to match the existing mansard roofing. The extension would be visible on approach from Thorpe Road to the west and when travelling north along Bourges Boulevard. However, as the extension would be sufficiently set back from the main building line of the Queensgate Centre, it is considered that the bulk and mass of the extension are proportionate to that of the existing building and would not unduly impact on the visual amenity of the area or on longer views. Furthermore the addition of window detail to the western façade of the new extension would add visual interest to this otherwise blank facade. Hence the proposal accords with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Concern has been raised by the Conservation Officer with regard to the addition of the Mansard roof above the western element of the existing building in King Street and adjacent to Britannic House (see Elevation 1 King St West side). This was not shown in the pre-application submission. The Conservation Officer considers that the current relationship and step up from the flat roof of Britannic House to the Queensgate parapet is comfortable and therefore an acceptable increase in height. To add the mansard roof here would increase the height by several metres and in his view would be detrimental to this relationship. While it is acknowledged that this will be visible from Bourges Boulevard roundabout area and on approach over the bridge, on balance, it is considered that given the distance that this element is set back from the roundabout and the distance set back within King Street, this element would not result in a significant visual impact on the street scene.

The replacement of the 'Customer Collection Point' in King Street with a shop window and replacement of Argos public entrance/exit in Queen Street with a shop window are considered acceptable and sympathetic to the architectural style of the existing building and would not detract from the character and appearance of the street scene. The existing entrance into Queensgate from Queen Street would be retained. Hence the proposal accords with policy DA19 of the Adopted Peterborough Local Plan (First Replacement) 2005.

### **d) Impact on the Historic Environment**

The main consideration has been given to the effect of the extension on the longer views of the Cathedral, the upper section of St John's Church and the nearby Conservation Area. The proposal would not obscure views of the Cathedral or St Johns Church on approach from Thorpe Road. As noted above, the Conservation Officer expresses concern about the additional mansard roof to the King Street element adjacent to Britannic House. However, there would only be glimpses of the additional roof of this element of the scheme from the Conservation Area, when standing on the corner of Cowgate/King Street and it would not be materially harmful given the existing elements of the Queensgate building which are clearly visible from this aspect. In addition, due to the adjacent road network to the west and the limited pedestrian routes available there would only be passing views of the additional roofing on approach from Thorpe Road and over the railway bridge, given the forward projection of the proposed extension, to which the Conservation Officer raises no concern. It is acknowledged that there would be an increase in height to the adjacent Britannic House, however Britannic House is not a Listed Building, is not considered to have any architectural merit and does not lie within the Conservation Area boundary. It is considered that on balance the proposal would leave the character and appearance of the Conservation Area unharmed and it therefore accords with policies CBE3 and CC17 of the Adopted Peterborough Local Plan (First Replacement) 2005.

### **e) Whether the proposal enhance the public realm of the City Centre**

The proposal includes the replacement of the public entrance/exit to the Argos unit from Queen Street with a shop window in order to provide an improved internal configuration. Objections have been raised by occupiers of properties in Cowgate who are concerned that the removal of this entrance would effectively reduce the footfall in the Cowgate area which would exacerbate further shop vacancy. However, there are no alterations proposed to the existing mall entrances/exits and given the main entrance to the mall from Queen Street is only a few metres away, it is considered that the introduction of a shop window here in place of the entrance/exit would not have a significant impact on the footfall

reaching Cowgate. The door the Argos Unit which is to be replaced with a shop window in King Street serves as a 'Customer Collection Point' and there is no public access into the store. The proposed changes would not alter the existing situation in this respect.

There have been a number of objections from the Cowgate traders, one supported by a letter from the MP Stewart Jackson, primarily objecting to the lack of an opening on to King Street. Objectors argue that King Street is an ideal location for an entrance to Queensgate which would ultimately improve permeability, connectivity and increase footfall into Cowgate. It is agreed that this would benefit the vitality of King Street, and would tie in with the regeneration proposals for Cowgate and the recently approved 'Partnership Schemes in Conservation Areas'; a match funded 3 year project with English Heritage to improve shop fronts. However, it would be unreasonable to attempt to demand this within the context of this planning application which relates primarily to reconfiguration and additions within Queensgate to achieve additional floorspace. It is not considered that refusal of the scheme on these grounds could be sustained at appeal. This was arguably a flaw in the original Queensgate consent but this application does not present an opportunity to attempt to turn back the clock to redress that issue. In an attempt to progress this issue very high level discussions have taken place outside the bounds of the planning application with both the applicant and the proposed occupier of the major new unit to explore whether a new entrance from King Street can be secured. Whilst fully understanding the desire to achieve a new entrance the response has been that this would significantly compromise the layout and security of the major new unit and may prejudice the development. The proposal therefore accords with policies CS 15 and CS16 of The Peterborough Core Strategy.

The additional retail development proposed and in particular the size of the new major unit would help to meet identified need for larger retail accommodation in Peterborough and would help to improve the competitiveness of the city centre, ultimately drawing in new visitors and extending the dwell time of existing visitors which would potentially provide benefit to Cowgate traders and beyond. It is also envisaged that the proposed extension would create approximately 100 new jobs. The proposal represents a significant investment opportunity.

**f) Highway Safety**

The site is located within the city centre close to existing car parks and extensive public transport facilities. The Highway Section have raised no objections in principle to the proposal, however, further information is sought on the Construction Management Plan, with particular regard to the compound area and to ensure that access to properties in King Street is not compromised. An appropriate condition shall be appended to the decision should members resolve to approve this application.

**g) S106**

The S106 contribution required by the Planning Obligations and Implementations Scheme (POIS) for additional internal retail floor space is £75/m<sup>2</sup>. The development would therefore give rise to a contribution of £117,150, plus a 2% monitoring fee. POIS represents a starting point for negotiation and in this instance the applicant has provided robust financial information to demonstrate that this requirement would undermine the viability of the development. Construction costs are disproportionately high given the need to modify the existing structure. Therefore a nil S106 contribution is considered acceptable in this instance and it is of note that the development offers much needed investment in the city centre retail offer.

**h) Archaeology**

The proposed development is located within the historic core of Peterborough where past and more recent archaeological investigations have produced evidence for activity dating from the early medieval period. The OS map of 1886 shows the proposed development as extending across the Cow Gate cemetery created in the 19<sup>th</sup> century and already in disuse by the 1900. The 1900 map also shows the presence of a couple of smithies and other buildings. Although extensively developed upon and truncated, pockets of undisturbed archaeology may survive. Past excavations have indicated that this is often the case. Preserved stratigraphic sequences are likely to be deep and well-preserved and could display evidence for activity dating from the medieval period. With reference to PPS5 Policy HE12.3, in advance of the loss of a potential heritage asset, further archaeological mitigations may be attained through the implementation of a programme of archaeological work. This could be secured by condition.

## 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 and specifically:

- the principle of additional retail floor space within the city centre is supported. The development will add to the viability and vitality of the central retail area and the city centre as a whole;
- the scale and design of the extension will be in keeping with the Queensgate Centre and will not detract from views of the cathedral and will leave the character and appearance of the Conservation Area unharmed;
- the extension will not reduce the existing accessibility and connectivity to surrounding city centre locations; and
- the site is accessible by a choice of means of transport and the proposal is supported by a transport statement and travel plan and will not result in any adverse highway implications.

Hence the proposal accords with policies CBE2, CBE3, CC1, CC15, CC17, DA1, DA2, DA7, DA19 and T1 of the Adopted Peterborough Local Plan (First Replacement) 2005 and PPS1, PPS4 and PPS5.

## 9 RECOMMENDATION

The Head of Planning, Transportation and Engineering Services recommends that this application is APPROVED subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**  
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork in accordance with Planning Policy Statement 5 (Planning for the Historic Environment) and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- C3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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).
- C4 Prior to the commencement of the development hereby approved, a detailed Construction Management Plan (CMP) shall be submitted and approved by the Local Planning Authority. The details of the CMP shall include the following:**
- **Parking turning and loading/unloading for construction traffic taking into consideration access/parking requirements for surrounding building occupiers**
  - **Method of ensuring that mud/debris is not carried on to the adjacent public highway including wheel/chassis cleansing (where applicable)**
  - **Management of the manoeuvring of large construction vehicles including details of the types of vehicles being used in the construction process**



**The approved CMP shall be implemented for the entire duration of the construction period of the approved development.**

Reason: In the interests of highways safety in accordance with Policy T1 of the adopted Peterborough Local Plan (First replacement).

**C5 No development approved by this planning permission shall be commenced until:**

**a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.**

**b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:**

- a risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected, and**
- refinement of the Conceptual Model, and**
- the development of a Method Statement detailing the remediation requirements.**

**c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.**

**d) A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.**

Reason: To ensure that the proposed site investigations and remediation will not cause a risk to human health or pollution of Controlled Waters and in accordance with PPS23 'planning and pollution control'.

**C6 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, 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 the protection of human health and the environment and in accordance with PPS23 'planning and pollution control'.

**C7 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.**

Reason: To protect human health and the environment by ensuring that the remediated site has been reclaimed to an appropriate standard and in accordance with PPS23 'planning and pollution control'.

Copy to Councillors Hussain, Khan, Jamil

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