

NOTICE OF MEETING

MEETING	PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
DATE:	TUESDAY 16 DECEMBER 2008
TIME:	1.30 pm
VENUE:	BOURGES/VIERSEN ROOM - TOWN HALL
CONTACT:	Martin Whelan – Partnership and Parish Support Officer <i>Telephone: 01733 452323</i> <i>e-mail address martin.whelan@peterborough.gov.uk</i>
<i>Despatch date:</i>	<i>Monday 8 December 2008</i>

AGENDA

	PAGE NO
1. Apologies for Absence	
2. Declarations of Interest	
3. Members' Declaration of intention to make representations as Ward Councillor	
4. Minutes of the meeting held on 21 October	1 - 14
5. Development Control and Enforcement Matters	
5.1 07/01769/R4OUT - Northern Part of the Former Hereward Community College Reeves Way, Eastfield	15 - 34
5.2 07/01807/FUL - Southern Part of Former Hereward Community College, Reeves Way, Eastfield	35 - 54
5.3 08/01120/FUL - 78-80 Welland Road, Peterborough PE1 3SG	55 - 62
5.4 08/01233/FUL - 1085 Bourges Boulevard, Millfield, Peterborough, PE1 2AT	63 - 66



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 Martin Whelan on 01733 452323.

5.5 **08/01383/R3FUL - Land at Church Street including Corn Exchange, St Johns Church, Cathedral Square and Area adjacent to Miss Pears Cumbergate** 67 - 82

6. **Consultation with relevant stakeholders on the additional to the local requirements list for validation of planning and related applications** 83 - 86

MEMBERS OF PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE COMMITTEE

Councillor M Todd (Chairman), Councillor P Hiller (Vice-Chairman), Councillor C Ash, Councillor C Burton, Councillor M Cereste, Councillor P Kreling, Councillor S Lane, Councillor P Thacker and Councillor I Walsh

Subs: Councillors: F Benton and K Sharp

CASE OFFICERS

Development Control Team: David Loveday, Dale Barker, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, Matt McConville, David Jolley

Strategic Development Team: Lee Collins, Andrew Cundy, Nigel Barnes, Vicky Hurrell, Amanda McSherry

Minerals and Waste: Susan Marsh

Enforcement: Paul Green, 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 21 October 2008.

MEMBERS PRESENT:

Chairman - Councillor M Todd

Councillors Benton, C Burton, Cereste (1.30 pm onwards), Hiller, Lane, Kreling, Morley and Walsh.

OFFICERS PRESENT:

David Loveday, Interim Development Control & Enforcement Manager
Julie Smith, Senior Engineer, Highways
Jez Tuttle, Senior Engineer, Highways
Mike Roberts, Senior Planning Officer
Dale Barker, Principal Planner
Carrie Denness, Principal Solicitor
Martin Whelan, Partnership and Parish Support Officer

1. Apologies for Absence

Apologies for absence were received from Cllrs C Day and Thacker. The Committee was advised that the Cllr C Day had resigned from the committee and would be replaced by Cllr Morley.

2. Declarations of Interests

06/01051/FUL	Cllr Burton requested that it was noted that he knows the residents of Sycamore Farm, but that this would not affect his decision.
07/01411/FUL	Cllr Burton requested that it was noted that he knows the residents of Sycamore Farm, but that this would not affect his decision.
08/00438/FUL	Cllr Kreling requested that it was noted that she was a Ward Councillor, but had had no involvement in the application.
	Cllr Lane requested that it was noted that he knew the Secretary of the Lawn Tennis Club, but that this would not affect his decision.
08/00721/R3FUL & 08/00722/CON	Cllr Cereste declared a prejudicial interest in the items and withdrew for the two items

3. Members Declarations of Intentions to make representations as Ward Councillor

07/01905/OUT – Guild House, Oundle Road – Cllr Benton

08/00518/FUL – Power Engineering Second Drove – Cllr Todd

08/00131/FUL – 30 Windsor Drive, Stanground – Cllr Walsh

Committee AGREED to allow photographs to be taken of the meeting.

4. Development Control & Enforcement Matters:

The Committee agreed to vary the speaking scheme for items 4.1 Land near Nutsgrove Farm, Scolding Drove, Thorney (06/01051/FUL) and 4.2 Land South of French Drove and East of Scotland Drove at Wyrdecroft, Peterborough (07/01411/FUL) to allow up to 30 minutes for applicants and objectors.

4.1 06/01051/FUL - ERECTION OF SEVEN WIND TURBINES WITH ASSOCIATED TRACKS, CRANE HARDSTANDINGS, ANEMOMETRY MAST, UNDERGROUND CABLES AND SWITCHGEAR HOUSE AT LAND NEAR NUTSGROVE FARM, SCOLDING DROVE, THORNEY

The application was submitted for consideration by the committee in light of an appeal submitted to the Planning Inspectorate on grounds of non determination. The proposal sought permission for the erection of 7 identical wind turbines to measure 60m to hub height and with height of 102m to the blade tip. The blades will have a length of 42m each. Each of the turbines would have a capacity of 2MW. They are proposed to be aligned in two rows approximately 250m – 300m apart (east-west) alignment and 350m – 400m intervals (north-south). The westerly of the two rows is to comprise 4 turbines and the east, 3 turbines. The 3 turbines are to be located 50m from a drainage dyke, known as Gold Dike that forms the eastern boundary of the application site and also the district boundary.

The committee received a number of representations in objection to the proposed erection from “Fenland against Rural Turbines” (FART) and individual residents. The objections covered;

1. Visual impact and the culmination effect;
2. Subsonic vibrations and affect to property;
3. Flicker effect
4. Potential effect on mobile broadband and consequential effect on education
5. Effect on visual amenity from private property
6. Potential effect on wildlife specifically Marsh Harriers
7. Environmental and operational issues from similar sites specifically noise pollution
8. Support for objections raised by the Ministry of Defence and issues were raised specifically with air traffic control.
9. Public opposition
10. Concerns about effectiveness of the technology

A representative of the applicant spoke in favour of the application. The following points were highlighted;

- The applicant highlighted the recent government announcement in support of new renewable energy and associated targets.
- Ability of the landscape to incorporate the site without adversely
- Lack of objections from the RSPB and Natural England

The applicant requested that if the application was to be refused that only the grounds outlined in the report and the additional condition of the absence of a Section 106 agreement. The committee sought clarification on a number of points.

Following questioning of officers and a debate a motion was put forward and seconded to support officer recommendations and reject the application.

Resolved: (8 for, 1 not voting) to accept officer recommendations

Reasons for the Decision:

The proposed wind turbine development would unacceptably affect Ministry of Defence radar systems to the degree that it would not, if the turbines were constructed, be possible to provide a safe and expeditious air traffic service to military and non-military aircraft in the area. The Ministry of Defence have advised that the applicant has failed to prove that the proposal would have no adverse impact on aviation interests as required in accordance with paragraph 25 of Planning Policy Statement 22 (PPS 22) – Renewable Energy which states;

'It is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities should satisfy themselves that such issues have been addressed before considering planning applications'.

and paragraph 96 of the Companion Guide to PPS 22 which states:

Because topography, intervening buildings and even tree cover can mitigate the effect of wind turbines on radar, it does not necessarily follow that the presence of a wind turbine in a safeguarding zone will have a negative effect. However, if an objection is raised by either a civil aviation or Defence Estates consultee, the onus is on the applicant to prove that the proposal will have no adverse impact on aviation interests.

Thus the proposal is contrary to the provisions of Planning Policy Statement 22.

The committee also resolved to refuse on the application on the basis of the lack of a Section 106 obligation.

The cumulative effect of the wind farms on the landscape contrary to policies CE2 and DA2

4.2 07/01411/FUL: ERECTION OF SIX WIND TURBINES, CONTROL BUILDING, COMPOUND, WIND MONITORING MAST AND ACCESS TRACKS AND ASSOCIATED WORKS AT LAND SOUTH OF FRENCH DRIVE AND EAST OF SCOLDNG DROVE AT WRYDECROFT, PETERBOROUGH

The committee received a proposal, for the erection of 6 wind turbines to a maximum height of 102m, follows a previous application for 7 wind turbines within the same site and of the same turbine dimensions. The previous proposal was granted by the Planning Committee subject to a section106 obligation being completed. However, the later remains outstanding and the development has never proceeded. This has been principally due to the location of one of the turbines close to a gas pipeline which raised late but strong objections from Transco/National Grid on the grounds of safety.

The proposed turbines are to be of the standard 3-blade design to be mounted on a cylindrical shape tower. 6 turbines are proposed. These are to have a tower height of 63m, with each blade to have a length of 39m. The overall height of the turbines will therefore be 102m above the existing ground level. The turbines are to have a rated output of 2MW in optimum wind speeds.

The committee received a number of representations in objection to the proposed erection from "Fenland against Rural Turbines" (FART) and individual residents. The objections covered;

1. Visual impact and the culmination effect;
2. Subsonic vibrations and affect to property;
3. Flicker and glare effect

4. Potential effect on mobile broadband and consequential effect on education
5. Effect on visual amenity from private property and the requirement for consequential structural alterations to properties.
6. Potential effect on wildlife specifically bats
7. Health and safety issues particular attention was drawn to the high pressure gas pipeline running through the site.
8. Environmental and operational issues from similar sites specifically noise pollution
9. Support for objections raised by the Ministry of Defence and issues were raised specifically with air traffic control.
10. Public Opposition
11. Concerns about effectiveness of the technology

Representatives of the applicant spoke in favour of the application. The agents addressed the concerns raised by the objectors.

Following questioning of officers and a debate a motion was put forward and seconded to support officer recommendations and reject the application.

Resolved: (8 for, 1 not voting) to accept officer recommendations

Reasons for the Decision:

The proposed wind turbine development would unacceptably affect Ministry of Defence radar systems to the degree that it would not, if the turbines were constructed, be possible to provide a safe and expeditious air traffic service to military and non-military aircraft in the area. The Ministry of Defence has advised that the applicant has failed to prove that the proposal would have no adverse impact on aviation interests as required in accordance with paragraph 25 of Planning Policy Statement 22 (PPS 22) – Renewable Energy which states;

'It is the responsibility of developers to address any potential impacts, taking account of Civil Aviation Authority, Ministry of Defence and Department for Transport guidance in relation to radar and aviation, and the legislative requirements on separation distances, before planning applications are submitted. Local Planning Authorities should satisfy themselves that such issues have been addressed before considering planning applications'.

and paragraph 96 of the Companion Guide to PPS 22 which states:

Because topography, intervening buildings and even tree cover can mitigate the effect of wind turbines on radar, it does not necessarily follow that the presence of a wind turbine in a safeguarding zone will have a negative effect. However, if an objection is raised by either a civil aviation or Defence Estates consultee, the onus is on the applicant to prove that the proposal will have no adverse impact on aviation interests.

Thus the proposal is contrary to the provisions of Planning Policy Statement 22.

The committee also resolved to refuse on the application on the basis of the lack of a Section 106 obligation.

The cumulative effect of the wind farms on the landscape contrary to policies CE2 and DA2

The committee agreed to alter the agenda to deal with items 4.11 and 4.13 next in the order of business.

4.11 08/01101/FUL: EXTENSION TO EXISTING REAR DORMER AT 10 BLACK SWAN SPINNEY, WANSFORD, PETERBOROUGH

The committee received a proposal for consideration following a referral from the Parish Council, to extend the existing 5 metre dormer by 3 metres, to provide additional headroom and a window in the upstairs bathroom. The external appearance would match the existing dormer.

Following the presentation of the case a motion was put forward and seconded to support officer recommendations and approve the application.

Resolved: (8 for, 1 not voting) to accept officer recommendations subject to the addition of a condition requiring development to commence within three years of permission being granted in accordance with the provisions of the Town and Country Planning Act 1990.

Reasons for the Decision

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:

1. The extension to the existing dormer is in keeping with the character of the existing building and the area
2. The extension to the dormer will not result in any increased impact on the amenities of occupiers of neighbouring dwellings.
3. The proposal is therefore in accordance with Saved Policy DA2 of the Peterborough Local Plan 2005 (First Replacement).

Cllr Walsh left the committee

4.13 08/00131/FUL – NEW DWELLING WITH ATTACHED GARAGE AT 30 WINDSOR DRIVE, STANGROUND, PETERBOROUGH

The application sought permission for the erection of a detached two-storey property with gabled roof and integral garage on land to the rear of No. 30 Windsor Drive. The proposed scheme was the result of negotiations with the agent and has been amended from the original three bedroom submission to a two bedroom dwelling house with a foot print of approximately 57m². This application also included two in-curtilage parking spaces with vehicular access off Windsor Drive.

Cllr Walsh in her capacity as Ward Councillor addressed the committee and outlined a number of concerns, including the size of plot; highway safety issues and the general appropriateness of the development. The committee also received representations from a local resident who raised issues about the size of the plot and lack of privacy.

Following questioning of officers and a debate a motion was put forward and seconded to support officer recommendations and reject the application.

Resolved: (7 for, 2 not voting) to accept officer recommendations and refuse the application.

Following questioning of officers and a debate a motion was put forward and seconded to support officer recommendations and reject the application.

Reasons for the Decision

The Committee resolved to refuse the application on the following grounds;

- The sub division of the land to the side and rear of No. 30 Windsor Drive results in the formation of two plots of land that are at odds with the uniform pattern of development within this mature street scene. It is considered that the proposed dwelling when taking in connection with the existing property would lead to the overdevelopment of the site and result in a detrimental impact on the character of the street scene.
- The proposal by reason of its design, siting, scale and height appears visually discordant and out of proportion with the established built form within the site locality and would result in a detrimental impact on the character of the street scene.
- The proposal would result in the loss of a significant level of the private rear amenity space that presently serves No. 30 Windsor Road resulting in an inadequate and awkward provision of amenity land. Furthermore, given the orientation and proximity of the proposed dwelling to the existing dwelling, which is located to the north, the development would result in the over shadow and loss of daylight into the small remaining private rear amenity area to the detriment of the occupiers of this dwelling.
- The proposed development does not provide adequate space within the curtilage of the site to provide 1.5m x 1.5m vehicle to pedestrian visibility splays to serve the existing or proposed property which would result in a detrimental impact on highway safety.
- The proposal would result in the displacement of the two off road car parking spaces that serve the existing property thereby generating an increase in the number of vehicles parked in unsafe locations on the adjoining public highway. This would result in a detrimental impact on highway safety.

The scheme fails to make provision for additional community facilities which are necessary as a consequence of the development.

The proposal is therefore contrary to policies T1, DA1, DA2, H16 and IMP1 of the Peterborough Local Plan (First Replacement).

Cllr Cereste joined the committee

Cllr Walsh re-joined

Cllr Benton left the committee

4.3 07/01905/OUT – DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 102 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AT GUILD HOUSE, OUNDLE ROAD, PETERBOROUGH

The application sought permission at outline stage. The committee was advised that Layout, Scale and Access were committed at this stage. The application involved the demolition of the existing 3 storey office block on site and the erection of 102 dwellings at heights ranging from 2 to 4 storeys and a range of types including semi detached and terraced houses and blocks of flats.

The Ward Councillor addressed the committee and raised concerns about the protection of ancient architecture; height of buildings; lack of compliance with the Peterborough Local Plan; privacy; potential affects on health/education facilities and loss of green space. The committee also received representations from a local resident, who expressed concerns about the suitability of the site in light of the development proposed.

The committee received representation from the agent for the site. The agent addressed the concerns that had been raised by the objectors.

Cllr Burton proposed that the item be deferred. The motion was defeated (2 for, 5 against and 1 not voting)

Following questioning of officers and a debate a motion was put forward and seconded to support officer recommendations and accept the application.

Resolved (5 for, 2 abstentions and 2 not voting) to accept office recommendations, subject to the conditions numbered C1 – C12 in the committee report and an additional requirement to produce a design brief.

Reasons for the Decision:

Subject to the imposition of 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 proposal is a high density urban scheme in a close to centre location in accordance with current Government advice. It has adopted the form of development in the area and will integrate into the area well.
- It provides adequate parking, most of which is enclosed in private courts which are not open to public view.
- Adequate provision is made for private amenity space.
- Existing parking arrangements on Swain Court will be amended to ensure no loss of provision
- The principle of the development is acceptable and in keeping with Policy H7 of the Adopted Peterborough Local Plan, which encourages housing developments within the urban area and Planning Policy Statement 3 (Housing), which requires the reuse of brownfield sites within existing residential areas.
- The development demonstrates that there would be no significant harm to the character of the area.
- The density is as high as is reasonably possible in this location
- Adequate provision will be made for infrastructure.
- Access to the site is satisfactory.
- The proposed development is therefore in keeping with Policies H7, H15, DA1, DA2, DA8, IMP1, T1, T8 and T10 and LNE1 of the Adopted Peterborough Local Plan (First Replacement).

4.4 08/00438/FUL – CONSTRUCTION OF 10 TEN BEDROOM APARTMENTS IN THREE BUILDINGS AT PETERBOROUGH CITY LAWN TENNIS CLUB, PARK CRESCENT, PETERBOROUGH

The application sought permission for the erection of 10 flats in three buildings each two storeys high. The two front blocks are reminiscent of large Victorian double fronted villas, which are separated by approximately 9m which is used as the vehicular access to the rear of the site and the third building.

The Ward Councillor addressed the committee and made representations on the following issues;

- Recent strengthening of the conservation area appraisal
- Value of Central as an asset
- Precedent of other recent planning decisions on Park Crescent
- Strength of local opposition and inconsistencies in the consultation process.
- Potential detrimental affect on obesity levels, sports provision and life expectancy

The Committee also received representation from a number of local residents. The representations challenged the status of the site as report and the legality of proposals. The agent and a representative of the Tennis Club spoke in favour of the application and addressed the issues raised by the residents.

Following questioning of officers and a debate a motion was put forward and seconded to defer the item.

Resolved: (Unanimously) to defer the item

Reasons for the Decision:

The Committee agreed to defer the item to allow time for Officers to;

- Clarify the nature, extent and timing of the replacement tennis facilities
- To report on the demand for Executive housing in the City.

Cllr Benton rejoined the committee

Cllr Todd left the committee and Cllr Hiller took over the Chair

4.5 08/00518/FUL – CHANGE OF USE FROM A SCRAP YARD TO OPEN STORAGE (USE CLASS B8) AT TJ'S AUTO SALVAGE AT SECOND DROVE, FENGATE, PETERBOROUGH

The application sought permanent planning permission to continue to use the site for open storage, to include construction materials, commercial vehicles and trailers as per the temporary planning permission granted in 2006. The application was incorrectly registered as a minerals and waste application however, no waste processing is proposed and the application has been amended to a 'FUL' planning application to seek permanent continued use of the site for open storage.

Cllr Todd addressed the committee in her capacity as a Ward Councillor and raised issues with previous compliance with conditions and environmental nuisance issues. The agent and a representative of Peterborough Rugby Club spoke in favour of the application.

Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

Resolved: (8 for, 2 not voting) subject to the conditions in the committee report and an informative about the importance of enforcement.

Reasons for the Decision:

Subject to the imposition of 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 application site is located within the Fengate General Employment area. The permanent use of the site for open storage (B8 Use) is therefore considered acceptable in this location.
- Taking into account the site layout and the imposition of the recommended conditions it is not considered that the continued use of the site for open storage will result in an unacceptable impact on the amenities of the occupiers of the mobile home located to the north of the site.
- The proposal will not result in a detrimental impact on highway safety.
- The proposal is therefore in accordance with policies OIW1, DA2 and T1 of the Peterborough Local Plan (First Replacement).

Cllr Todd rejoined the committee and resumed as Chairman

Cllr Cereste left the meeting

4.6 08/00721/R3FUL – DEMOLITION OF EXISTING BUILDING AND CHANGE OF USE TO PUBLIC OPEN SPACE AT THE CORN EXCHANGE, 22-24 CHURCH STREET, PETERBOROUGH

The application sought permission for the demolition of the existing building to make way for a public square. The scheme is phase one of a longer term vision for the square.

It would involve the laying of concrete paving slabs and bricks to match the surrounding pavements, the planting of three trees to the north of the square to soften the view of the bland façade of the Queensgate Centre and the introduction of stone benches to the south of the square. Telescopic bollards would be placed strategically within the square to prevent vehicular access whilst allowing access for emergency vehicles if necessary. The square would also be illuminated by lighting columns to match the surrounding street lights and lighting would be included within the bollards to define the square at night.

Representatives of the existing tenants made representations to the committee in opposition to the scheme. The following issues were raised;

- Contrary to Planning Policy
- Lack of communication and confused consultation
- The limited role of the committee in relation to the Landlord and Tenant Act 1954
- Opposition from the tenants to the proposed scheme.

Representatives of the applicant spoke in favour of the application, highlighting the economic benefits of the scheme and responded to some of the issues raised by the objectors.

Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

Resolved: (6 for, 2 against and 2 not voting) subject to the conditions in the committee report

Reasons for the Decision: Subject to the imposition of 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 proposed demolition of the existing unattractive building and its replacement with a public square would enhance the character and appearance of the Conservation Area and the setting of the surrounding Listed Buildings and would add to the vitality, viability and attractiveness of the Central Retail Area. It is therefore considered that, with the appropriate control conditions, the proposal would comply with Policies CBE3, CBE4, CBE7, CBE2 CC3, CC17, DA1, DA2 and T3 of the Peterborough Local Plan (First Replacement), Policies SS6, ENV6 and ENV7 of the East of England Plan 2008 and Government guidance contained within PPS1, PPS6 and PPG15.

4.7 08/00722/CON – DEMOLITION OF EXISTING BUILDINGS, THE CORN EXCHANGE, 22-24 CHURCH STREET, PETERBOROUGH

The committee received an application for Conservation Area Consent to demolish the existing building. It is proposed to replace the building with a public square. The details of the public square element are being considered under application 08/00721/R3FUL.

Representatives of the existing tenants made representations to the committee in opposition to the scheme. The following issues were raised;

- Contrary to Planning Policy
- Lack of identified final solution

The representative of the Post Office sought to table an additional condition, but on the advice of the Legal Officer the request was declined. The representatives of the applicant also addressed the committee.

Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

Resolved: (6 for, 2 against and 2 not voting) subject to the conditions in the committee report

Reasons for the Decision: Subject to the imposition of 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:

- That the existing building offers no benefit to the character and appearance of the Conservation Area and its demolition and replacement with a public square would enhance the amenities of the area. The proposed replacement public square is an acceptable re-development and sufficient details have been submitted as part of application 08/00721/R3FUL. It is therefore considered that it complies with Policies CBE3 and CBE4 of the Peterborough Local Plan (First Replacement), Policy ENV6 of the East of England Plan 2008 and the guidance contained within PPG15.

Cllr Cereste rejoined the committee

The Committee agreed to alter the order of the remaining business.

4.9. 03/00880/REM – ERECTION OF TWO THREE STOREY HOUSES – RELATING TO PERMISSION 00/00290/OUT AT LAND BETWEEN 105 AND 113 THORPE ROAD

The committee received a Reserved Matters application for two houses on land which has outline permission for two dwellings. Plot one is 2¹/₂ storeys high with a large open plan ground floor, four bedrooms on the first floor and a large master suite in the roof, plot two is a full 3 storey house to the front, but two storey to the rear, to prevent overlooking; it has a

large open living kitchen and study on the ground floor, four bedrooms on the first floor and a bedroom and games room on the top floor.

The applicant addressed the committee and clarified a number of elements of the scheme.

Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

Resolved: (9 for, 1 not voting) subject to the conditions in the committee report to accept officer recommendations

Reasons for the Decision: Subject to the imposition of conditions and the resolution of the outstanding Tree Protection Order issue 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 proposal complies with policies H16, CBE 3, DA1 and DA2 in that it provides adequate levels of amenity for occupiers and neighbours, is compatible with its surroundings and has no detrimental impact on neighbours.

4.10 08/00712/FUL – EXTENSION TO AND OVER EXISTING DETACHED DOUBLE GARAGE TO PROVIDE GARDEN AND GENERAL STORAGE AT THE GROVE, 18 GROVE LANE, LONGTHORPE, PETERBOROUGH

The committee received an application which proposed an extension over the existing detached double garage and a one and a half storey extension to the rear.

The extension would increase the height of the existing garage by 1.6m and the depth by 6.275m. It would have the same width as the existing garage and would replace the hipped roof with a gable. The development would create a garden store on the ground floor to the rear of the existing garage and storage space on the first floor. Two windows would be placed in each of the gables.

The applicant addressed the committee and provided a chronology of events pertinent to the application. Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

Resolved: (6 for, 3 against and 1 not voting) to accept officer recommendation and approve the application subject to the conditions in the committee report.

Reasons for the Decision: Subject to the imposition of 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:

- It is the opinion of the Local Planning Authority that the proposed development would not unduly harm the character and appearance of the area or the setting of the Listed Building; be unduly detrimental to the residential amenities of the neighbouring properties or have an adverse impact on highway safety. It is therefore considered that, having taken account of all material considerations, the proposed development complies with Policies CBE7, DA1, DA2 and T1 of the Peterborough Local Plan (First Replacement).

4.12 08/01017/FUL: CHANGE OF USE FROM A2 (ESTATE AGENT) TO A5 (HOT FOOD TAKEAWAY) AT 3 BRETTON COURT, RIGHTWELL, BRETTON, PETERBOROUGH

The committee received an application to seek permission for a change of use of a ground floor unit within the Bretton District Centre from A2 (Estate Agents) to A5 (Hot Food Takeaway).

Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

Resolved: (9 for and 1 not voting) to accept officer recommendation and approve the application subject to the conditions in the committee report.

Reasons for decision: 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 site is currently operates as an A2 (Estate Agent) use and lies within a secondary retail frontage and the proposed change of use will not result in a deficiency of in local convenience shopping
- The scale of the proposed A5 use is appropriate for the District centre
- There is adequate parking provision within close proximity to the site and the change of use will not result in any adverse highway implications
- Appropriate odour and noise abatement measures can be undertaken in order to avoid any adverse impact on neighbouring amenity.

Hence the proposal accords with policies R7, R9, T1 and T10 of the Peterborough Local Plan (First Replacement).

4.9 08/00489/OUT – RESIDENTIAL DEVELOPMENT CONSISTING OF 25 ONE & TWO BEDROOM MAISONNETTES/APARTMENTS AT FAITH, GENEVA STREET, PETERBOROUGH

The committee received an outline application with all matters reserved for future agreement, but with 25 dwellings proposed on a site of 0.065ha. No parking was proposed on site.

Following questioning of officers and a debate a motion was put forward and seconded to approve the application in accordance with officer recommendations.

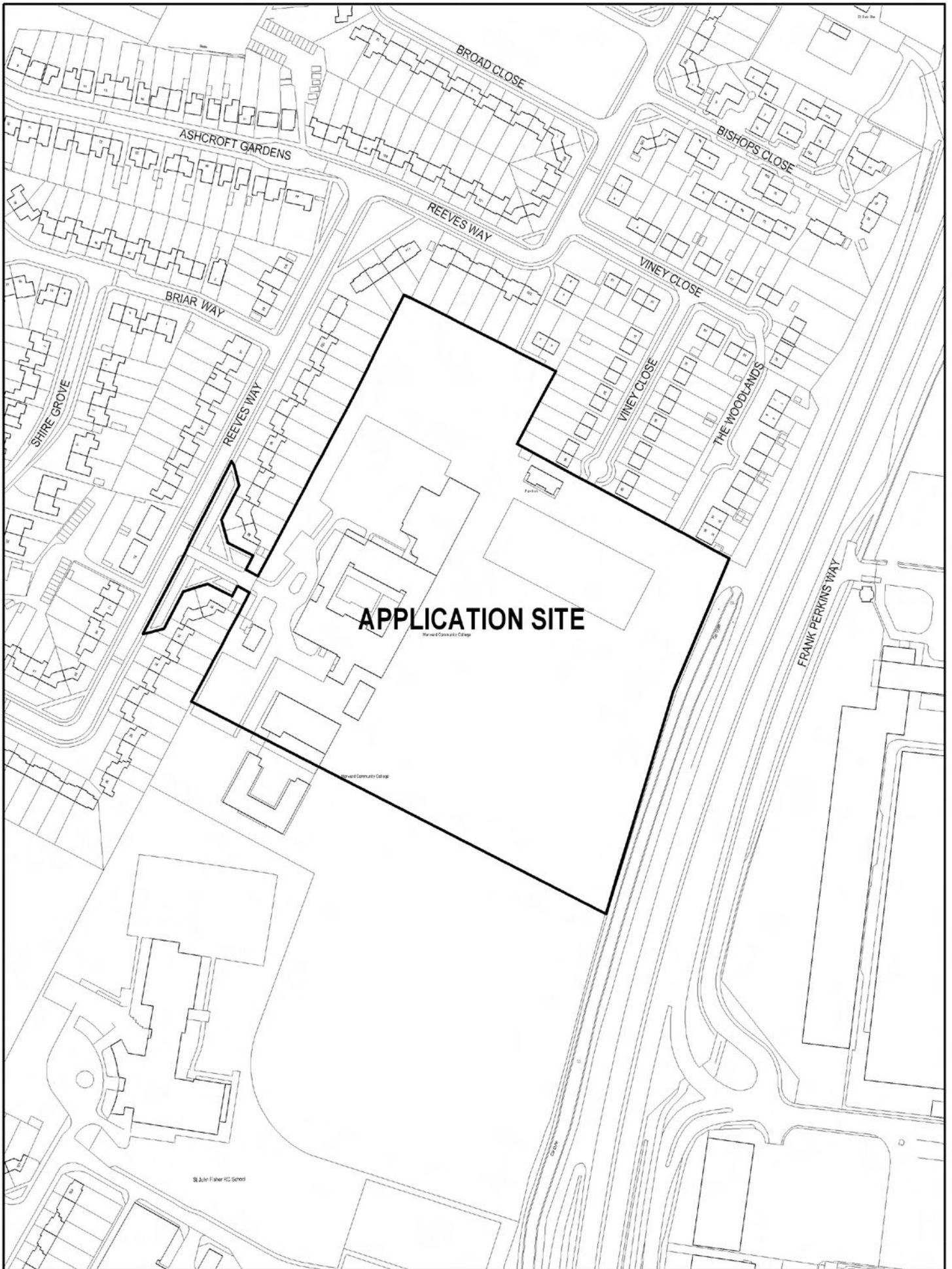
Resolved: (9 for and 1 not voting) to accept officer recommendation and approve the application subject to the conditions in the committee report and the inclusion of a design brief as a precondition of development .

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

- This is a City Centre site which achieves a very high density whilst reflecting the character of the area; it provides adequate levels of residential amenity, affordable housing, and contributions to the burden placed on the City. It would not cause any material harm to the existing cultural and leisure facilities of the City, or to North Westgate, it is can maintain or preserve the character of the Conservation Area.
- The proposed development is therefore in keeping with Policies H15, H16, H21, CC5, T9, CC8, CC10, DA1, DA2, CBE3 and IMP1of the Peterborough Local Plan (First Replacement).

Chairman – 10.00 to 19.10

This page is intentionally left blank

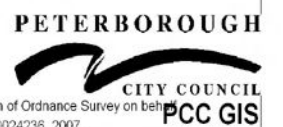


LOCATION PLAN 07/01769/R4OUT

Northern part of the former Hereward Community College, Reeves Way, Eastfield

Scale 1:2500 Name LRM Department Planning Services

This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2007.



This page is intentionally left blank

07/01769/R4OUT: RESIDENTIAL DEVELOPMENT COMPRISING UP TO 230 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, AMENITY SPACE AND LANDSCAPING ON THE NORTHERN PART OF THE FORMER HERWOOD COMMUNITY COLLEGE SITE, REEVES WAY, PETERBOROUGH

VALID: 14 NOVEMBER 2007

APPLICANT: PETERBOROUGH CITY COUNCIL

AGENT: VINCENT AND GORBING

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: CITY COUNCIL APPLICATION

DEPARTURE: NO

CASE OFFICER: DAVID LOVEDAY

TELEPHONE: 01733 453 456

E-MAIL: david.loveday@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The Principle of Development, including Affordable Housing
- Impact upon Sporting and Recreational Facilities/Creation of Open Space
- Highway Impacts
- Design, Layout and Amenity
- Landscaping impacts
- Ecological Impacts
- Archaeological Impacts
- S106 Planning obligation

The Head of Planning Services recommends that the application is APPROVED subject to a scheme of mitigation measures to compensate for the loss of playing field, a scheme of off-site highway works in respect of the Reeves Way/Eastfield Road junction, conditions and the prior completion of a Planning Obligation.

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

The Peterborough Local Plan (First Replacement)

Notation	Within the Urban Boundary of Peterborough
H7	Housing on Unallocated Sites
H15	Residential Density
H16	Residential Design and Amenity
H20	Accommodation to meet Housing Needs
H21	Affordable Housing
H23	Lifetime Homes
T1	Transport Implications of new development
T3	Accessibility to development- Pedestrians and those with Mobility Difficulties
T5	Accessibility to development-Cyclists
T7	Public Transport Accessibility to development

T8	Connections to the existing highway network
T9	Cycle Parking requirements
T10	Car and Motorcycle parking requirements
T11	Motorists with mobility difficulties
LT1	Open Space in New Residential Development
LT2	Off-site Contributions Towards the Provision of Open Space for New Residential Development
LT3	Loss of open space
DA1	Townscape and Urban Design
DA2	The affect of development on the amenities and character of an area
DA11	Design for security
LNE9	Landscaping Implications of Development Proposals
LNE10	Details of Landscaping Schemes
LNE19	Protection of Species
CBE2	Other Areas of Archaeological Potential or Importance
U1	Water supply, Sewage Disposal and surface water drainage
IMP1	Securing Satisfactory Development

Relevant Regional Guidance is found in:

The East of England Regional Plan (RSS) May 2008.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

Central Government Guidance, relevant to this application, is found in:-

Planning Policy Statement (PPS) 1 (2005) 'Delivering Sustainable Development';

PPS 3 (2006) 'Housing';

Planning Policy Guidance (PPG) Note 13 (2001) 'Transport';

PPS23 (2004) 'Planning and Pollution Control';

PPG 24 (1994) 'Noise';

PPS 25 (2006) 'Flood Risk'.

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

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

In addition Circular 05/2005 states the following principles:

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

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

There is no relevant guidance in the City Centre Framework or Village Design Statements.

3 DESCRIPTION OF PROPOSAL

Outline planning permission is sought for residential development comprising up to 230 dwellings with an associated access road, car parking, amenity space and landscaping. All matters have been reserved for detailed consideration at a later stage.

Access to the site is indicated via the former Community College access road off Reeves Way.

The amended indicative layout indicates that the proposed number of housing units could be achieved via a mix of three/four bedroom properties in the form of 2 to 3 storey houses and one/two bedroom flats in blocks between three and four storeys in height

The application site is some 4.64 hectares in extent and comprises the northern part of the former school site. The southern part of the former school site, some 3 hectares in extent, is the subject of a separate full planning application (reference 07/01807/FUL) by Extra Care Charitable Trust for construction of a retirement complex comprising 260 apartments with associated communal facilities, car parking, amenity space, landscaping and access.

It is proposed that all the units on the northern part of the former school site would be available as market housing with the affordable need being met via the proposed development by Extra Care Charitable Trust (Please see further assessment under section 7a below).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The former Hereward Community College site is located in Eastfield. The existing school buildings, currently occupied by St John Fisher School whilst its site is redeveloped, are a mix of single and two storey structures. To the rear (east) of the school buildings are the school playing fields including an all weather pitch. The eastern boundary of the site is marked by tree and hedge planting. Car Dyke and the Frank Perkins Parkway are beyond this.

To the north, north west and west of the site are two storey residential properties most of which back onto the school site. They are separated from it by a variety of fence types.

To the south of the former Hereward Community College site are the St John Fisher and St Thomas Moore Schools.

5 PLANNING HISTORY

The following applications are of relevance:-

Application Number	Description	Date	Decision
07/01807/FUL	Construction of retirement complex comprising 260 apartments with associated communal facilities, car parking, amenity space, landscaping and access On the southern part of the former Hereward Community College site, Reeves, Way.		Current planning application.
07/01683/R4FUL	Construction of a new section of highway as an extension to Park Lane to provide a new vehicular and pedestrian access to St John Fisher and St Thomas More Schools. Alterations within school grounds to facilitate new access including alterations to pedestrian and vehicular routes, parking layout and landscaping. Erection of 14 metre high wind turbine. Construction of hard surfaced play areas including floodlit all weather pitch (amendments to previously approved scheme.	25.03.2008	Conditional approval

07/00221/FUL	Part demolition, alteration and refurbishment of existing school buildings; construction of new school buildings (including community use); revised playing pitch provision including new floodlit all-weather pitch (including community use), erection of two 14 metre high wind turbines, temporary sporting provision and temporary classroom buildings and new vehicular circulation road and associated car parking at St John Fisher RC School. Revised playing pitch provision and parking provision at Thomas More RC School. Temporary construction access off Park Lane through area of existing open space At St John Fisher and St Thomas More Schools, Park Lane.	31.05.2007	Conditional approval
--------------	---	------------	----------------------

The planning history for the former Hereward Community College site also includes a number of applications for extensions, mobile classrooms and fences etc. These applications are not considered to be relevant to the determination of the current application and are, therefore, not listed.

6 CONSULTATIONS/REPRESENTATIONS

Two periods of consultation have been carried out in relation to this application; the first on receipt of the original application, the second on receipt of amended plans.

INTERNAL

Head of Transport and Engineering – Has not raised any objection to the principle of residential development on this site. Additional information is, however, required to demonstrate how the impact of the additional traffic upon the Reeves Way/Eastfield Road junction would be mitigated. The detailed layout would need to be designed to slow vehicle speeds. A residential travel plan will also be required.

Environmental Engineering Manager (Drainage)- Has not raised any objections to the scheme subject to a condition requiring the submission and approval of a detailed surface water drainage scheme.

Environmental Health (Pollution Section)- The findings of the Environmental Investigation Report and Acoustic Report are accepted subject to the imposition of conditions.

Planning Policy Manager- A high quality design will be required to justify the number of units proposed within a good quality living environment. The loss of open space will need to be adequately compensated given the deficiency in the ward.

Strategic and Planning Enabling Manager- No objections.

Sports Services Manager- No objection, subject to the implementation of the mitigation measures to compensate for the loss of the playing field.

Recreation Services- No objections, subject to contributions being made toward open space.

Historic Environment Officer (Archaeology) – An archaeological buffer zone (to be kept free from development) is required along the eastern edge of the site in order to protect the archaeological remains associated with Car Dyke. The proposed drainage scheme will need to be sensitively designed to minimise disturbance to these archaeological remains. Further archaeological investigation will also be required and should be secured via a planning condition.

EXTERNAL

Senior Police Architectural Liaison Officer (Cambridgeshire Constabulary)– Has identified a number of detailed design issues, particularly in respect of the size/security of parking courts, which will need to be addressed at the reserved matters stage. Reference should be made to ‘Secured by Design’ principles.

Sport England- Holding objection to the proposed development pending the submission of further information on the proposed mitigation measures (please see section 7b below).

Local Access Forum - There is little evidence that the hierarchy of transport users (as set out in the Local Transport Plan) which places pedestrians and cyclists at the top has been taken into account when preparing the supporting documentation for this application. Car borne users are always dealt with first, and little consideration is given to pedestrians and cyclists.

Environment Agency – Has not raised any objections to the proposal subject to the submission of a detailed surface water drainage scheme, which should be secured via a condition.

Anglian Water – Has advised that it may be feasible to connect to the existing surface water sewer which crosses the northern part of the site. Capacity is available in the foul sewerage system under the Frank Perkins Parkway.

Natural England- Has not raised any objection to the scheme, subject to a condition requiring that measures to promote biodiversity be incorporated into the detailed design.

Cambridgeshire Fire and Rescue Service- Adequate provision for fire hydrants should be made via a planning obligation or planning condition.

Peterborough Civic Society – Believe open space should be located adjacent to the Parkway to act as a buffer zone between the Parkway and the proposed residential development.

East of England Regional Assembly- No comments.

Government Office for the East of England (Go-East)- No comments.

NEIGHBOURS

2 periods of public consultation have been carried out; the first on receipt of the original plans and the second on receipt of amended indicative layout reducing the proposed number of dwellings from 250 to 230.

Two letters of public representation were received in respect of the original consultation. These raised the following issues:-

- The layout should be designed to prevent undue overlooking of neighbouring properties;
- Consideration should be given to the creation of a footpath/ cycle route adjacent to the eastern boundary of the site.

No letters of representation have been received in respect of the second period of consultation.

COUNCILLORS

No presentations received.

a) Principle of Development

This application is in outline and seeks to establish the principle of residential development comprising up to 230 units. All detailed matters relating to access, the design of the buildings, their scale, layout and landscaping will be considered in the application for reserved matters, should planning permission be granted.

The site is not allocated for housing within the Local Plan (First Replacement). As such the proposal must be assessed in the context of policy H7 (Housing Development on Unallocated Sites) and other specific policies.

Policy H7 uses two sets of criteria on which to assess the proposal. The first relate to the allocation/location of the site, the second to the impact of the development in order to ensure that efficient use is made of the land, any loss of open space is acceptable and the layout would afford the future occupiers a high standard of amenity.

In this instance, the site is not allocated for any other purpose, neither is it within a defined Employment Area. The site is located within a residential area close to a range of existing facilities/ services and to public transport connections. As such the proposal is considered to comply with the first set of criteria set out in policy H7.

Policies H7 and H15 require that efficient use is made of land and seek net densities of between 30 and 50 per hectare. This proposal would result in a net density of some 50 dwellings per hectare. Whilst the proposed density would be higher than that in the surrounding residential area, it would be within the range set out in the Local Plan, and it is not considered that a scheme of this nature would, in principle, be incompatible with the character of the area. The detailed scheme will, however, need to be well designed to ensure that it affords the future occupiers and neighbouring residents an acceptable standard of amenity/ good quality living environment (Please see further comments under section 7d below).

The proposal would, however, result in the loss of open space (Please see assessment under Section 7b below).

Affordable Housing

It is proposed that the affordable housing requirement arising from this development would be met via the redevelopment of the southern part of the former Hereward Community College site (planning application 07/01807/FUL refers).

Of the 260 one and two bedroom retirement apartments proposed by Extra Care Charitable Trust 50 of these would be available for rent and 100 for shared equity purchase. This tenure mix has been agreed with the City Council's Housing Department and these apartments would be 'pepper potted' throughout the complex.

The City Council's Housing Market Assessment (2008) looked at housing need within Peterborough. It concluded that there is low demand for more traditional types of elderly person's accommodation such as sheltered housing. The development being proposed by Extra Care offers an innovative approach to elderly person's housing provision. It would offer the opportunity for independent living (each apartment would have its own front door), with a range of social and physical activities in the village centre, but within an environment which can respond to changing health needs of its occupants i.e. each flat can be physically adapted and additional levels of nursing care made available if required.

The Housing Market Assessment also found that more than half of all older person households live in three and four bedroom properties. This means that there are a number of the existing properties within the social rented sector currently under-occupied. As such, in addition to meeting the needs of elderly persons, the proposed development by Extra Care could result in many larger houses within the social rented sector being freed up for use by younger families. This would help address the wider affordable housing need within the city.

The approach set out above would result in an affordable housing provision of 30% across the three sites. Should the housing numbers on either part of the Hereward site change, thereby potentially resulting in an overall affordable housing provision below 30%, then it is proposed that the shortfall would be met on the northern part of the site via the planning obligation.

The East of England Regional Plan (RSS) was published in May 2008. This requires Local Authorities to set appropriate targets for affordable housing. There is an expectation that some 35% of new housing (across the region as a whole) should be affordable. The new Core Strategy, which is currently being prepared, will take forward the expectations set out in the RSS and set a revised requirement for affordable housing provision. This revised provision will be sought on all new development coming forward. However, as this application was submitted prior to the publication of the RSS, it would be unreasonable to ask the applicant to comply with a different policy requirement part way through the planning process. As such an overall provision of 30% affordable housing is, in this instance, accepted.

Mix of Housing Types

Policy H20 of the Local Plan (First Replacement) seeks to secure a range of house types in developments. The exact mix of dwellings will be determined at the reserved matters stage. In considering the capacity of the site, however, the applicant has proposed a range of house types from one and two bedroom flats to three/four bedroom family housing.

In accordance with policy H23 a percentage of life time homes (10%) will be sought on the site at the detailed design stage. It is considered that this provision can be secured via the associated planning obligation or by a condition on any planning permission.

Loss of Playing Field/ Creation of Open Space

Loss of Playing Field

The redevelopment of the Hereward Community College site would result in the loss of some 3 hectares of playing field in an area where the Planning Policy Manager has advised that there is deficiency of open space (the 2006 Open Space Strategy refers).

Policy LT3 of the Local Plan (First Replacement) advises that planning permission should not be granted for development that would result in a loss of open space, unless adequate provision is made, whether in open space or recreational facilities or both, equivalent to that lost.

The applicant is proposing a scheme of mitigation measures to compensate for the loss of the playing field via an investment in new sporting facilities at St John Fisher School as part of its redevelopment/refurbishment (planning application 07/0221/FUL refers). This investment is to include the provision of new tennis courts, an all weather pitch and a contribution towards the building of the new sports hall. A community use agreement will also be entered into to ensure that these new facilities are available to the general public. These measures would be secured via the associated planning obligation.

Sport England is, in this instance, a statutory consultee because the proposed development will result in the loss of a playing field. It has considered the proposed mitigation measures and asked for the submission of further information/ clarification. Sport England is currently considering this information and its further comments will be tabled to members in the update report. Until Sport England's final comments are received, it has put forward a holding objection.

If on the receipt of further information Sport England advises that it has no objections to the proposal then it is considered that the mitigation measures will be sufficient to satisfy the requirements policy LT3. If, however, Sport England maintains its objection then the application will need to be referred to the Secretary of State under the Town and Country (Playing Fields) (England) Direction 1998. This could result in the application being called in by the Secretary of State for her own determination.

Open Space Provision

The proposal would result in the need for some 2 hectares of open space. In view of the overall size of the site (approximately 4.64 hectares), and the opportunity to deliver a well designed scheme with a higher density it is accepted that the whole range of open space provision could not reasonably be delivered on site.

The precise amount of on site open space would be determined at the reserved matters stage if planning permission is granted. The indicative layout submitted with the application indicates some 0.47 hectares of open space being accommodated on the site. It demonstrates that this area could be well located within the development and provide a useable space for play/recreation.

In view of the above, the proposed approach to open space provision (i.e. meeting the requirement via a combination of on and off site provision) is considered to be acceptable.

b) Highway Impacts

General

The Head of Transport and Engineering has not raised any objection to the principle of residential development on this site. The Transport Assessment submitted with the application concludes that the indicative site access (the former Community College access from Reeves Way) has sufficient capacity to accommodate the amount of development proposed. It has, however, indicated a capacity issue with the Reeves Way/Eastfield Road junction. Additional information in respect of the capacity of this junction and a design solution to address this matter has been requested from the applicant. The current situation is reflected in the recommendation to members (please see section 9 below) and any change to this position will be tabled to members in the update report.

The comment from the Local Access Forum that the supporting documentation takes little account of the hierarchy of transport users (as set out in the Local Transport Plan) is noted. It is considered, however, that the site is connected to the public transport network and that there are opportunities for walking/cycling. The needs of pedestrians and cyclists will also be given further consideration at the reserved matters stage. In view of this, it is not considered that the application could be resisted on this basis.

Public representations have been received which refer to the creation of a landscaped corridor with a pedestrian / cycle path along the boundary of the site with Car Dyke. Whilst these comments are noted, the creation of such a connection is not considered to be an essential element of the redevelopment of this site and may also raise safety concerns from the Police Architectural Liaison Officer. As such, it is not considered that the application could be resisted on this basis.

Travel Plan

The Head of Transport and Engineering has advised that in view of the number of units proposed a residential travel plan should be secured. It is considered that this matter can be reasonably addressed via the associated planning obligation (please see section 7h below).

Layout

The Head of Transport and Engineering has made a number of comments regarding the internal layout of the site. It is acknowledged, however, that at this stage any layout drawings are indicative only for the purpose of establishing the capacity of the site. As such, it is considered that these matters can be resolved at the reserved matters stage.

c) Design Layout and Amenity

Given that this application is in outline only with all matters reserved, information submitted in respect of the form, layout, scale and design of the development is indicative, and intended only to demonstrate that the number of units proposed can be satisfactorily accommodated on the site.

Concerns were expressed that the indicative layout for 250 dwellings originally submitted with the planning application did not adequately demonstrate the number of units proposed could be satisfactorily accommodated on the site within a high quality environment or without adverse impact upon the street scene.

Following negotiation, the number of units proposed on the site has been reduced and an updated illustrative layout submitted for consideration. On the basis of the information which has been provided by the applicant in respect of dwelling sizes and footprints it is accepted that the site could accommodate up to 230 units via a range of houses/flats between 2 and 4 storeys in height with a car parking provision which accords with the maximum standards set out in the Local Plan i.e. a maximum of one space per one and two bedrooled dwellings and two spaces for three and four bedrooled properties.

The detailed layout which comes forward at the reserved matters stage will need to be carefully designed to ensure that it affords the potential future occupiers of the site an adequate standard of amenity in terms of considerations such as daylight and privacy. It will also need to provide adequate cycle storage and bin storage, particularly for any apartments. A high quality landscaping scheme and mix of surfaces will be required to create different character areas within the development. Reference should also be made to the advice of the Police Architectural Liaison Officer.

In addition, the massing of the new dwellings in relation to the existing properties adjoining the site will require careful consideration in order to sure that there is no overbearing impact or unacceptable adverse impact upon their amenity in terms of overlooking/loss of daylight.

Noise

A Noise Assessment has been submitted as part of this application. This concludes that the primary noise source affecting the site is that of road noise from the adjacent Frank Perkins Parkway. The majority of the site has been determined to fall within noise exposure categories A and B (under which noise should be taken into consideration when granting planning permission). A small strip adjacent to the parkway falls within noise exposure category C (where planning permission should not normally be granted). The indicative layout which has been submitted with the application demonstrates that the amount of development proposed could be accommodated on the site without any of the dwellings being located within this strip. The findings of the noise assessment are accepted by the City Council's Environmental Health (Pollution) Section. A condition requiring the submission and approval of measures to protect the proposed development from noise from the Frank Perkins Parkway is recommended on any planning permission.

d) Landscaping Impacts

Given the previous use of the site there are no trees within it; rather planting is located adjacent to the northern and eastern boundaries. This peripheral planting forms part of the character of the area and an important 'green' element. As such, it is a constraint which the detailed layout should respond to.

It will be down the skill of the developer's designer at the reserved matters stage to minimise the potential impact of the development on the peripheral trees and to design within these constraints. If the detailed layout which comes forward for consideration results in the removal of any trees around the edge of the site then this loss will have to be justified and assessed within the context of all overall design issues raised by the development, commensurate to getting an acceptable form of development on the site.

New landscaping must also be an integral part of the detailed design proposals for the site, and a high quality scheme is expected.

e) Ecology

Given the previous use of the site, it is considered to be of limited value to wildlife. The Ecological Scoping Report originally submitted as part of this application did not identify the presence of any protected species on the site although it did recommend that follow up reptile and bat surveys be carried out. The findings of these surveys have also been submitted as part of the application. Neither bats nor reptiles were found to be present on the site.

A draft Biodiversity Plan has also been submitted with the application. This identifies on and off site measures which could be incorporated into the detailed design in order to enhance the biodiversity of the site. A condition requiring the incorporation of these measures into the hard/soft landscaping of the site is recommended on any planning permission.

Natural England and the City Council's Wildlife Officer have not raised any objections to the proposal.

f) Archaeology

The application site lies within an area of archaeological importance. The course of Car Dyke Roman canal runs along the eastern boundary of the site. Remains associated with Car Dyke (bank material, pre-bank land surfaces and features) survive within the proposed development area. Features associated with prehistoric and Roman settlement and enclosure are likely to survive within the previously undeveloped playing field portion of the site.

In order to ensure the preservation of the remains associated with Car Dyke, the City Council's Historic Environment Officer has advised that an archaeological buffer, to be kept free of development, is required. The indicative layout which has been submitted for consideration details the archaeological buffer zone. This layout is currently being reviewed by the Historic Environment Officer and any comments received in respect of it will be tabled to members in the update report.

The Historic Environment Officer has accepted the principle of new outfalls into/across Car Dyke in order to drain the site (please see section 7g below). He has advised, however, that the number of new outfalls should be minimised and if feasible located to the north of the site where the archaeological remains are less sensitive.

The Historic Environment Officer has also advised that further archaeological investigation and recording will be required across the site. This should be secured via a planning condition on any planning permission.

g) Miscellaneous

Drainage/Flood Risk

The Environment Agency has not raised any objections to the application, subject to the submission of a detailed surface water drainage strategy. This is to ensure that flood risk is adequately mitigated for the lifetime of the development.

Anglian Water has advised that surface water run off from the site could potentially be accommodated within an existing surface water sewer at the north of the site. If this is subsequently found to have insufficient capacity a new outfall would be required. There is insufficient capacity within the existing foul sewer on Reeves Way to accommodate the proposed development. Foul drainage should, therefore, be discharged to the trunk foul sewer under the Frank Perkins Parkway.

A drainage strategy for the site has been submitted in support of the application. This is currently being reviewed by Anglian Water, the City Council's Environmental Engineering Manager and the Historic Environment Officer. Any comments received in respect of this will be tabled to members in the update report. Notwithstanding this, conditions requiring the submission and approval of a drainage scheme are recommended on any planning permission.

Contamination

A Phase 1 Environmental Assessment has been submitted with the application. This concludes that the likelihood of contamination is low. The conclusions of the report are accepted but it is recommended that a condition be imposed upon any planning permission requiring the reporting of any unsuspected contamination which may be identified during the construction period.

Construction Management

It is recommended that a condition be imposed on any grant of permission, requiring the submission and implementation of a Construction Management Plan. The objective of this plan is to minimise the impact upon residential amenity during the construction period and also to ensure that there is no adverse impact upon highway safety. It should, therefore, address matters such as the hours of operation and deliveries to the site, the control of construction noise, the provision of car parking for contractors and the provision of wheel wash facilities.

h) S106 Planning Obligation

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

Government Circular 05/2005 – 'Planning Obligations' describes the principles underlying their use. It says that 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.

The Council's final requirements must accord with both national and local policy and comply with the 5 tests set out in DETR Circular 05/2005 (i.e. i) necessary; ii) relevant to planning; iii) directly related to the proposed development; (in the Tesco/Whitney case the House of Lords held that the planning obligation must at least have minimal connection with development) iv) fairly and reasonably related in scale and kind to the proposed development; and, v) reasonable in all other respects.

In this case, as a direct result of the development there would be additional demand on services and upon the highway network. As such, the proposal triggers a requirement for contributions in respect of:-

- Life Time Homes (if not addressed via a condition)- Section 7a refers;
- Fall back position in respect of affordable housing- Section 7a refers;
- Off site Highway Works (if not addressed via conditions)- Section 7c refers;
- Education;
- Primary Care;
- Bereavement;
- Waste Management;
- Open Space including mitigation measures for the loss of playing field- Section 7b refers;
- Travel Plan/Packs and associated works- Section 7c refers;
- Police;
- S106 Monitoring Fee.

These requirements accord with both national and local policy and in your officer's opinion comply with the 5 tests set out in DETR Circular 5/2005 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 weighting against relevant policies of the development plan and specifically:

- a) The proposal would result in a loss of open space in a ward where there is a deficiency. Mitigation measures are, however, proposed. Subject to these being accepted by Sport England the proposal is considered to be acceptable in the context of policies LT3 and H7 of the Peterborough Local Plan (First Replacement)
- b) The open space needs arising from the development can be addressed via a mixed on/off site provision in accordance with policies LT1 and LT2 of the Peterborough Local Plan (First Replacement).
- c) Subject to a scheme of off site highway works in respect of the Reeves Way/Eastfield Road junction it is not considered that the proposal would have any significant adverse impact upon highway safety or convenience. There is also potential within the development to provide for the needs of pedestrians and cyclists. The proposal therefore accords with policies T1, T7, T8, and T10 of the Peterborough Local Plan (First Replacement).
- c) The development can be accommodated within the site without any significant adverse impact upon the amenities of the neighbouring properties and therefore accords with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
- d) The detailed layout can be designed around the existing trees on the edge of the site in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- e) The impact of the proposed development upon the ecology of the site is considered to be acceptable. It, therefore, accords with policy LNE19 of the Peterborough Local Plan (First Replacement).
- f) The impact of the proposed development upon archaeological remains can be addressed through the creation of a buffer zone to Car Dyke and additional archaeological investigation. The proposal therefore accords with policy CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- g) The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services be authorised to grant planning permission subject to:-

- a) A scheme of mitigation measures to compensate for the loss of playing field being agreed with Sport England;
- b) A scheme of off site highway works to increase the capacity of the Reeves Way/Eastfield Road junction;
- c) The prior completion of a Planning Obligation under the provision of Section 106 of the Town and Country Planning Act 1990 in respect of life time homes (if not addressed via a condition), a fall back position for the delivery of affordable housing, off site highway works (if not addressed via conditions), education, primary care, off site highway works, bereavement, waste management, open space including improvement to the former school playing fields, travel plan and associated works, police and S106 monitoring fee;
- d) The following conditions, incorporating any necessary additions or modifications including those that may arise during negotiations on the proposed planning obligation;

- C1 Approval of the details of the layout, scale and appearance of the buildings; the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
Reason: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C2 Plans and particulars of the reserved matters referred to in condition 01 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.**
Reason: To ensure that Peterborough City Council is satisfied with the approved reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- C4 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority details of access to the site, the layout of the site including highways and buildings, highway construction and drainage, surfacing materials, signing/lining and street lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**
Reason: In the interests of highway safety and to ensure that the new highways are adequately constructed, drained and lighted, in accordance with Policies T1 and T4 of the Peterborough Local Plan (First Replacement).

- C5** Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:
- a noise management plan including a scheme for the monitoring of construction noise;
 - a scheme for the control of dust arising from building and site works;
 - a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
 - a scheme of working hours for construction and other site works;
 - a scheme for construction access from the Parkway including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site.;
 - a scheme for parking of contractors vehicles;
 - a scheme for access and deliveries including hours.
- The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).
- C6** Notwithstanding the submitted information, prior to the first submission of reserved matters unless otherwise agreed in writing with the Local Planning Authority, a scheme of surface water drainage including any new outfalls into Car Dyke, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be based on the sustainable drainage principles and an assessment of the hydrological/ hydrogeological context of the development. The scheme shall thereafter be implemented in accordance with the approved details before the first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure the site is properly drained and to minimise flood risk in accordance with policy U1 of the Peterborough Local Plan (First Replacement).
- C7** Notwithstanding the submitted information, prior to the first submission of reserved matters unless otherwise agreed in writing with the Local Planning Authority, a scheme of foul drainage including any connections across Car Dyke shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure that the site is adequately drained in accordance with policy U1 of the Adopted Peterborough Local Plan (First Replacement).
- C8** Notwithstanding the submitted information, before the first submission of reserved matters details of a zone of archaeological exclusion (to protect the archaeological remains associated with Car Dyke) shall be submitted to and approved in writing the Local Planning Authority. This submission shall be based on drawing number D114490/AR/304 and include details of any drainage connections (including the upgrade of any existing sewers private or adopted) into or across the Car Dyke. The development should thereafter proceed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure that archaeological remains associated with Car Dyke are protected in accordance policy CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- C9** No development shall take place within the site 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 but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and policy CBE2 of the Peterborough Local Plan (First Replacement).

- C10** **If contamination not previously identified, is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the affected area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved. The development shall thereafter take place in accordance with the approved details.**

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).

- C11** **Unless otherwise agreed in writing with the Local Planning Authority, no development or other operations shall commence on site until;**

(a) a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the construction period, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

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

- C12** **No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.**

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- C13** **No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any hard surfacing within the Root Protection Areas of retained trees has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees.**

No development or other operations shall take place except in complete accordance with the approved Construction Specification/ Method Statement.

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).

C14 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) a landscape management plan including long term design objectives, management responsibilities and maintenance schedule for any areas not within private gardens;**
- 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 Outline Biodiversity Strategy dated December 2007;**
- iv) all means of enclosure;**
- v) all hard surfacing materials;**
- vi) any minor structures including waste/recycling facilities;**
- vii) details of cycle parking provision, including the type of stands;**

The hard landscaping work shall be undertaken in accordance with the approved details prior to the occupation of each dwelling and the soft landscaping works in accordance with the approved proposals and implementation plan , 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).

C15 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: In the interests of visual amenity, in accordance with policies DA2, DA11, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C16 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, details of the following shall be submitted to and approved in writing by the Local Planning Authority:-

- 1) Details of gates to any communal parking areas;**
- 2) Lighting to areas which will not be adopted by the City Council including any communal parking areas or private drives.**

The development shall thereafter be carried out in accordance with the approved detailed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

C17 Prior to the commencement of any development unless otherwise agreed in writing with the Local Planning Authority, details of existing and proposed site levels, including finished floor levels, 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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to provide for the long term retention of retained trees, in accordance with policies DA1, DA2, LNE9, and LNE10 of the Peterborough Local Plan (First Replacement).

- C18** The "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to avoid the need for a stepped approach and to meet the needs of access for all in accordance with Policy H20 of the Peterborough Local Plan (First Replacement).
- C19** Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of general amenity and fire safety, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- C20** Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, a scheme for protecting the proposed residential properties from traffic noise from the Frank Perkins Parkway shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme before the first occupation of any property, unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) and Planning Policy Guidance Note 24 (Noise).

Informatives

1. The applicant is reminded that the Local Planning Authority has determined the application on the basis of the information available to it. This does not imply that the site is free from contamination. Responsibility for the safe development of the site rests with the applicant.
2. With regard to condition 6 in respect of surface water drainage, the Environment Agency has advised that the following information should be submitted for consideration:-
 - Pre-development calculations to establish and agreed using the Institute Of Hydrology, Report124 method, (sites less than 200 hectares should use IOH124 method for a 50 hectare site and scale down to the correct site size).
 - Post Development calculations using the same method. These need to be presented for the 1 year, 30 year, 100 year, and 100 year plus allowance for climate change. The maximum volume and peak flow rate will need to be identified in the worst case storm event, including seasons and the duration of the event. The developer should refer to the Environment Agency / Defra document W5-074 "Preliminary Rainfall Runoff Management for Developments" (Revision D) for guidance. Please note that it must be proved that surface water runoff is not increased post development.
 - An assessment of the overland route water would take, in the event of a surface water system failure, and any flood risks that would arise. It should also state how this will be managed to ensure that it does not increase the risk of flooding off site.
 - Written confirmation from Anglian Water Services Limited confirming the rate that they are willing to take the surface water from the site.
 - Full details of any attenuation methods used. The site should be able to attenuate up to and including the 100 year event plus an allowance for climate change, and the developer should use SUDS methods wherever possible for managing flood risk. Relevant documents for SUDS include the Interim Code Of Practice for SUDS and CIRIA publication C697 (The SUDS Manual). Details of all elements of the proposed drainage systems should be included together with clear details of the ownership and responsibility of maintenance of all drainage elements for the lifetime of the development. If appropriate, details of adoption of any drainage elements of the drainage system should also be included.

For more detailed advice in respect of the management of surface water drainage, the applicant is advised to contact Chris Hayes on 01522 785 527.

3. The applicant is also advised to make early contact with Anglian Water's Developer Services in order to discuss drainage proposals for the site. Please contact Rosie Tillman on 01480 323 808 and quote reference number 03095/SP44(003).
4. The applicant is advised to make early contact with the City Council's Historic Environment Officer in order to discuss the archaeological constraints of the site. In particular, the applicant's attention is drawn to the need for drainage proposals to be designed to minimise the amount of disturbance to the archaeological remains. Please contact Ben Robinson on 01733 343 329 for further information.
5. With regard to condition 16 (lighting to private area) the applicant is advised low energy down to dusk lights should be installed in any communal parking areas.
6. The applicant is advised to contact with the Development Team (Tel 01733 453 453) in the City Council's Transport and Engineering Section to discuss the highway requirements of the detailed layout including carriageway widths, location and width of footways, vehicle to vehicle and vehicle to pedestrian visibility splays, the requirement for turning areas etc prior to the submission of a reserved matters application.
7. As the development will result in the creation of new streets, dwellings and/or premises, by development or sub-division, the Council needs to allocate street names and/or property numbers before development begins, please contact the Technical Support Team Manager, Highway Infrastructure Group on 01733 453461 for details of the procedure or email highwayssection@peterborough.gov.uk.
8. Highways Act 1980 - Section 184, Sub-sections (3)(4)(9)
This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works MUST be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Contact is to be made with the Transport & Engineering - Development Team on 01733 453474 or email HighwaysDevelopmentTeam@peterborough.gov.uk who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

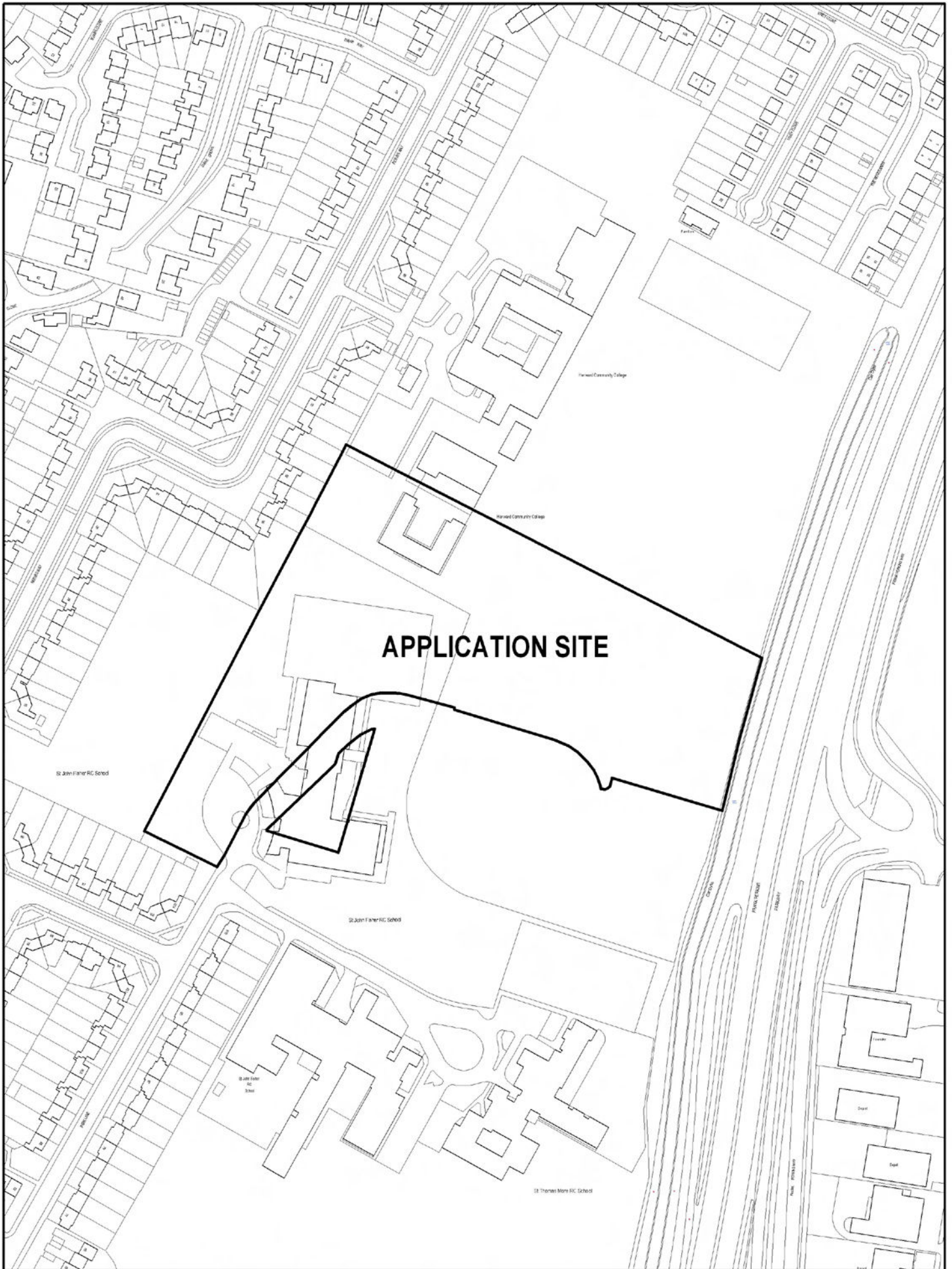
9. (NR&SWA 1991)
The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Co-Ordinator on 01733 453578.
10. The attention of the applicant is drawn to the need to make a formal application to the Council under Section 278 of the Highways Act 1980 if it is the intention to do any works within the existing highway. Prior to the commencement of the highway works, adequate time must be allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from the Transport & Engineering - Development Team on 01733 453421.

11. The attention of the applicant is drawn to the need to make a formal application to the council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 Agreement.

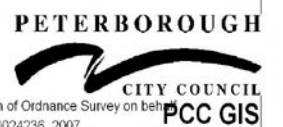
Application forms for Section 38 agreements are available from the Transport & Engineering - Development Team on 01733 453421.

12. With regard to condition 5, the applicant's attention is drawn to the need for the wheel cleansing equipment shall be capable of cleaning the wheels, underside of chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.
13. Highways Act 1980 - Section 148, Sub-Section C
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
14. Highways Act 1980 - Section 149
If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copy to Councillors Collins, Goldspink, Todd



LOCATION PLAN **07/01807/FUL**
 South Part of Former Hereward Community College, Reeves Way, Eastfield
Scale 1:2500 Name LRM Department Planning Services



This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2007.

This page is intentionally left blank

07/01807/FUL: CONSTRUCTION OF RETIREMENT COMPLEX COMPRISING 260 APARTMENTS WITH ASSOCIATED COMMUNAL FACILITIES, CAR PARKING, AMENITY SPACE, LANDSCAPING AND ACCESS AT SOUTH PART OF FORMER HERWARD COMMUNITY COLLEGE, REEVES WAY, EASTFIELD, PETERBOROUGH

VALID: 30 NOVEMBER 2007

APPLICANT: EXTRACARE CHARITABLE TRUST

AGENT: NICOL THOMAS LTD

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: PART OF THE WIDER REDVELOPMENT OF THE FORMER SCHOOL SITE

DEPARTURE: NO

CASE OFFICER: DAVID LOVEDAY

TELEPHONE: 01733 453 456

E-MAIL: david.loveday@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The Principle of Development, including Affordable Housing
- Impact upon Sporting and Recreational Facilities/Creation of Open Space
- Highway Impacts
- Design, Layout and Amenity
- Landscaping/ Ecological impacts
- Archaeology
- S106 Planning obligation

The Head of Planning Services recommends that the application is APPROVED subject to a scheme of mitigation measures to compensate for the loss of playing field, conditions and the prior completion of a Planning Obligation.

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)

Notation	Within the Urban Boundary of Peterborough
H7	Housing on Unallocated Sites
H15	Residential Density
H16	Residential Design and Amenity
H20	Accommodation to meet Housing Needs
H21	Affordable Housing
H23	Lifetime Homes and Wheelchair Housing
R4	Retail development outside centres
T1	Transport Implications of new development
T3	Accessibility to development- Pedestrians and those with Mobility Difficulties
T5	Accessibility to development-Cyclists

T8	Connections to the existing highway network
T9	Cycle parking requirements
T10	Car and Motorcycle parking requirements
T11	Motorists with Mobility Difficulties
LT1	Open Space in New Residential Development
LT2	Off-site Contributions Towards the Provision of Open Space for New Residential Development
LT3	Loss of open space
LT9	Development of Leisure Facilities
DA1	Townscape and Urban Design
DA2	The affect of development on the amenities and character of an area
DA7	Development of the built environment for full accessibility
DA11	Design for security
LNE10	Details of Landscaping Schemes
LNE19	Protection of Species
CBE2	Other areas of archaeological potential or importance
U1	Water supply, sewage disposal and surface water drainage
IMP1	Securing Satisfactory Development

Relevant Regional Guidance is found in:

The East of England Regional Plan (RSS) May 2008.

H1	Regional Housing Provision -2021
H3	Affordable Housing
ENV7	Quality of the built environment

Material Planning Considerations

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

Central Government Guidance, relevant to this application, is found in:-

Planning Policy Statement (PPS) 1 (2005) 'Delivering Sustainable Development';
 PPS 3 (2006) 'Housing';
 Planning Policy Guidance (PPG) Note 13 (2001) 'Transport';
 PPS23 (2004) 'Planning and Pollution Control';
 PPG 24 (1994) 'Noise';
 PPS 25 (2006) 'Flood Risk'.

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

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

In addition Circular 05/2005 states the following principles:

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

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

There is relevant guidance in the Housing Strategy, and Biodiversity Strategy.

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for the construction of a retirement complex comprising 260 one and two bedroom apartments, with associated communal facilities, car parking, amenity space, and landscaping.

The proposed building would be a mixture of three and four storeys elements (9m and 12m to eaves respectively). The development would include an affordable housing element (in the form of rented/shared equity) with the remaining apartments available for owner occupation. Communal facilities are proposed in the form of a 'village centre' and would comprise a village hall, small convenience shop, hairdresser, gym, restaurant, café, bar, library etc. Whilst these facilities would predominantly be for residents, ExtraCare would also operates a 'Friends' scheme under which people aged 55 and over, and living within the surrounding community (1 mile radius), can access these facilities.

Access to the development is proposed from the recently approved extension to Park Lane (planning application 07/01683/R4FUL refers) which will also serve the refurbished St John Fisher & St Thomas More Schools.

170 car parking spaces are proposed, within three car parks. Provision is also made for motorcycle and cycle parking. The proposed amenity spaces include a bowling green, winter garden, and galleria, together with external landscaping, including a nature area.

The application site is some 3 hectares (7.4 acres) in extent and comprises the southern part of the former Hereward Community College site. The northern part of the former school site is the subject of a separate outline planning application (reference 07/01769/R4OUT) for up to 230 residential units. It is proposed that all the units on the northern part of the site would be available as market housing with the affordable housing need being met via the development subject of this application (please see further assessment under section 7a below).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The former Hereward Community College site is located in Eastfield. The existing school buildings, currently occupied by St John Fisher School whilst its site is redeveloped, are a mix of single and two storey structures. To the rear (east) of the school buildings are the school playing fields including an all weather pitch. The eastern boundary of the site is marked by tree and hedge planting. Beyond this is Car Dyke and the Frank Perkins Parkway.

To the north, and north west of the site are two storey residential properties most of which back onto the school site. They are separated from it by a variety of fence types. To the west is an area of public open space beyond which there are more residential properties.

To the south of the former Hereward Community College site are the St John Fisher and St Thomas Moore Schools.

5 PLANNING HISTORY

The following applications are of relevance:-

App. No.	Description	Date	Decision
07/00221/FUL	Part demolition, alteration and refurbishment of existing school buildings; construction of new school buildings (including community use); revised playing pitch provision including new floodlit all-weather pitch (including community use), erection of two 14 metre high wind turbines, temporary sporting provision and temporary classroom buildings and new vehicular circulation road and associated car parking at St John Fisher RC School. Revised playing pitch provision and parking provision at Thomas More RC School. Temporary construction access off Park Lane through area of existing open space	1.6.2007	PER
07/01683/R4FUL	Construction of a new section of highway as an extension to Park Lane to provide a new vehicular and pedestrian access to St John Fisher and St Thomas More Schools. Alterations within school grounds to facilitate new access including alterations to pedestrian and vehicular routes, parking layout and landscaping. Erection of 14 metre high wind turbine. Construction of hard surfaced play areas including floodlit all weather pitch (amendments to previously approved scheme reference 07/0022/FUL	26.3.2008	PER
07/01769/R4OUT	Residential development comprising up to 230 units with associated access road, car parking, amenity space and landscaping	Current application	

The planning history for the former Hereward Community College site also includes a number of applications for extensions and fencing etc. The applications are not considered to be relevant to the determination of the current application and are, therefore, not listed.

6 CONSULTATIONS/REPRESENTATIONS

Two periods of consultation have been undertaken; the first in respect of the original submission and the second following the receipt of amended information.

INTERNAL

Head of Transport and Engineering – Has not raised any objections to the principle of development subject to the imposition of conditions and informatives, including the provision of a travel plan.

Environmental Health (Pollution Section)- A noise condition is required to protect residents from noise from the A1139 Frank Perkins Parkway. The finding of the Environmental Investigation Report are accepted.

Planning Policy Manager- The site could make a positive contribution toward housing numbers subject to it being determined that the development would meet the affordable housing needs of the local population. Good design will be required to ensure that the density of the proposed development can be accepted. The loss of open space will need to be adequately compensated given the deficiency in the ward.

Historic Environment Officer(Archaeology) – An archaeological buffer zone (to be kept free from development) is required along the eastern edge of the site in order to protect the archaeological remains associated with Car Dyke. Further archaeological investigation will also be required and should be secured via a planning condition.

Strategic and Planning Enabling Manager- No objections.

Sports Services Manager- No objection, subject to the implementation of the mitigation measures to compensate for the loss of the playing field.

Recreation Services- No objections, subject to contributions being made toward open space.

Environmental Engineering Manager (Drainage)- Has not raised any objections to the scheme subject to a condition requiring the submission and approval of a detailed surface water drainage scheme.

EXTERNAL

Senior Architectural Liaison Officer – The parking areas and ground floor flats areas should be secured to minimise the opportunities for crime. Conditions requiring the submission and approval of the fencing, lighting and CCTV should be imposed.

Sport England - Holding objection, pending the submission of further information in respect of the proposed mitigation measures to compensate for the loss of the playing field (please see section 7b below).

Environment Agency – Has not raised any objections to the proposal subject to the submission of a detailed surface water drainage scheme, which should be secured via a condition.

Anglian Water – There is inadequate capacity within the existing surface water system to accept the flows generated by this development. There is sufficient capacity within the foul sewer in the Frank Perkins Parkway to serve this development.

Peterborough Local Access Forum – Has requested the provision of a raised pedestrian platform crossing at the main vehicle entrance/exit points.

Natural England- Has not raised any objection to the proposal. Biodiversity enhancement measures are required to be secured as part of the scheme.

Cambridgeshire Fire and Rescue Service- Adequate provision for fire hydrants should be made via a planning obligation or planning condition.

East of England Regional Assembly – No comment.

NEIGHBOURS

Two public consultations have been carried out in respect of this application.

4 letters of representation were received in relation to the initial round of consultation.

3 of these letters raised concern about the following matter:

- a landscape corridor with a pedestrian/cycle path along the western side of Car Dyke should be provided to open up this valuable archaeological site and to create a sustainable access route and improve connectivity

1 letter expressed support for use as a retirement complex, but not family housing as this would result in traffic congestion.

2 letters of representation have been received in response to the second consultation in respect of amended plans.

1 letter expressed support for the proposal.

1 letter raised concern about the following matter;-

- No access to the site should be taken from Viney Close. This should remain closed off.

COUNCILLORS

No comments received.

7 REASONING

a) The Principle of Development, including Affordable Housing

The site is not allocated for housing within the Local Plan (First Replacement). As such the proposal must be assessed in the context of policy H7 (Housing Development on Unallocated Sites) and other specific policies.

Policy H7 uses two sets of criteria on which to assess the proposal. The first relates to the allocation/location of the site, the second to the impact of the development in order to ensure that efficient use is made of the land, any loss of open space is acceptable and the layout would afford the future occupiers a high standard of amenity.

In this instance, the site is not allocated for any other purpose, neither is it within a defined Employment Area. The site is located within a residential area close to a range of existing facilities/services and to public transport connections. As such the proposal is considered to comply with the first set of criteria set out in policy H7.

It is noted that the density of proposed development is higher than the 50 dwellings per hectare recommended in policy H15. However, this policy and the more up to date Regional Spatial Strategy (policy ENV7) and PPS3 require new development to achieve the highest possible densities, commensurate with the surrounding character.

The density of the proposed development is similar to the applicant's other existing retirement villages e.g. at Milton Keynes, and the number of units proposed are those necessary to support the associated community facilities e.g. bar, restaurant, shop etc. Whilst the density would be higher than that of the neighbouring housing area, with a good design and layout, it is considered that this density could be achieved without significant adverse impact on the character of the surrounding area. As such, the density of development is considered to be acceptable in principle (please see further comments under section 7d below).

The proposal would, however, result in the loss of open space (Please see assessment under section 7b below).

Affordable Housing

It is proposed that the affordable housing provision for the adjacent northern site redevelopment (planning application 07/01769/R4OUT refers) and the requirement for this development, are both provided on this site.

150 affordable units are proposed (out of the total of 260 units on the site). 50 of these would be available for rent and 100 as shared ownership. This would be offered on the basis of 50% or 75% ownership, with rent payable on the outstanding share. The tenure mix has been agreed with the City Council's Housing Department and the affordable apartments would be 'pepper-potted' throughout the development.

The City Council's Housing Market Assessment (2008) looked at housing need within Peterborough. It concluded that there is low demand for more traditional types of elderly person's accommodation such as sheltered housing. The development being proposed by Extra Care offers an innovative approach to elderly person's housing provision. It would offer the opportunity for independent living (each apartment would have its own front door), with a range of social and physical activities in the village centre, but within an environment which can respond to changing health needs of its occupants i.e. each flat can be physically adapted and additional levels of nursing care made available if required.

The Housing Market Assessment also found that more than half of all older person households live in three and four bedroom properties. This means that there are a number of the existing properties within the social rented sector currently under-occupied.

As such, in addition to meeting the needs of elderly persons, the proposed development by Extra Care could result in many larger houses within the social rented sector being freed up for use by younger families. This would help address the wider affordable housing need within the city.

The approach set out above would result in an aggregate affordable housing provision of 30% across both sites. The East of England Plan (RSS) was published in May 2008. This requires Local Authorities to set appropriate targets for affordable housing. There is an expectation that some 35% of new housing (across the region as a whole) should be affordable. The new Core Strategy, which is currently being prepared, will take forward the expectations set out in the RSS and set a revised requirement for affordable housing provision. This revised provision will be sought on all new development coming forward. However, as this application was submitted prior to the publication of the RSS, it would be unreasonable to ask the applicant to comply with a different policy requirement part way through the planning process. As such an overall provision of 30% affordable housing is, in this instance, accepted.

The above proposal has been discussed with the City Council's Strategic Planning and Enabling Manager who has not raised any objections.

Mix of Housing Types

Policy H20 of the Local Plan (First Replacement) seeks to secure a range of house types in developments. Whilst the development would not strictly accord with this policy as it proposes only one and two bedroom apartments, the provision would meet the needs of the future occupiers, who will be either single people or couples with no dependant children. Larger properties will also be provided on the former Hereward Community College site as a whole via the redevelopment of the northern area should planning permission be granted. In view of these circumstances, the proposed housing mix is considered appropriate.

The development would exceed the minimum standards of wheelchair housing (policy H23 refers), as all the apartments are to be designed so that they are wheelchair accessible. All routes and corridors would be wide enough for wheelchairs, and lifts are provided to give easy access to all floors.

Village Centre

Small scale retail and leisure facilities are proposed as part of the village centre of this development e.g. a small shop (34 sq m), hairdresser (23 sq m), gym (78 sqm). Whilst these facilities would be located outside of a designated retail or leisure area, in view of their small size and limitation of use to residents and visitors, their provision is considered to be acceptable.

b) Impact upon Sporting and Recreational Facilities/Creation of Open Space

Loss of Playing Field

This application would result in the loss of some 3 hectares of playing field in an area where the Planning Policy Manager has advised that there is a deficiency of open space.

Policy LT3 of the Local Plan (First Replacement) advises that planning permission should not be granted for development that would result in the loss of open space, unless adequate provision is made, whether in open space or recreational facilities or both, equivalent to that lost.

The applicant is proposing a scheme of mitigation measures to compensate for the loss of the playing field via an investment in new sporting facilities at St John Fisher School as part of its redevelopment/refurbishment (planning application 07/00221/FUL refers). This investment is to include a new all weather pitch, tennis courts and a financial contribution towards the construction of a new sports hall. A community agreement will also be entered into to ensure that these new facilities are available to the general public. These measures would be secured via the associated planning obligation.

Sport England is, in this instance, a statutory consultee because the proposed development would result in the loss of a playing field. It has considered the proposed mitigation measures and asked for the submission of further information/clarification. Sport England is currently considering this information and its further comments will be tabled to members in the update report. Until Sport England's final comments are received it has put forward a holding objection.

If on the receipt of further information Sport England advises that it has no objections to the proposal then it is considered that the mitigation measures will be sufficient to satisfy the requirements of Policy LT3. If, however, Sport England maintains its objection then the application will need to be referred to the Secretary of State under the Town and Country (Playing Fields) (England) Direction 1998. This could result in the application being called in by the Secretary of State for her own determination.

Open Space

Under Policy LT1 of the Local Plan the creation of this number of units would usually result in the need for some 1.6 ha of open space. However, as this development is for a specific section of the population, it is not considered appropriate to apply the Local Plan standards. A range of open space/landscaping areas are proposed on site including a bowling green, winter garden, and galleria which it is considered will be sufficient to meet the open space needs arising from the development.

c) Highway Impacts

General

The Head of Transport and Engineering has not raised any objections to the proposal in principle. The Transportation Assessment submitted with the application concludes that the traffic flows arising from the redevelopment of the site can be accommodated within the surrounding highway network.

The Local Access Forum has indicated that a raised platform should be provided at the entrance/exit to the site. This has been discussed with the Head of Transport and Engineering who has advised that this would not be acceptable.

Representations received request the provision of a landscaped cycleway/footpath along the boundary of the site with Car Dyke. Whilst this is noted, it is not considered to be an essential part of the redevelopment of the site and may also raise safety concerns from the Police Architectural Liaison Officer. As such it is not considered that the application could be resisted on this basis.

Parking

170 car parking spaces are proposed (a ratio of 0.65 spaces per flat). The applicant has advised that this parking level would be consistent with the other retirement villages which it operates (indeed the parking provision would be higher than several of its other sites at which the parking ratio is 0.5 spaces per apartment). Whilst this provision would be below the maximum standard set out in the Local Plan (260), given the nature of development it is accepted that rates of car ownership are likely to be low. Staffing levels are also relatively low. Staff would work in shifts and the applicant has advised that the maximum number staff present at any one time would not exceed 14. Furthermore, the inclusion of communal facilities would reduce the need to travel and the development would also be the subject of a travel plan. On this basis, the proposed parking provision is considered to be acceptable. No objections have been raised by the Head of Transport and Engineering.

The number of disabled spaces is considered to accord with the current British Standard. Should the need for additional disabled parking be identified, the parking layout could be adapted. The proposed motorcycle parking provision is also in accordance with Local Plan standards.

The applicant proposes provision for up to 20 cycle spaces. Although this provision would be below the standard specified within the Local Plan, it is considered to be acceptable given the nature of the development. The provision could also be reviewed in the future and additional cycle parking provided if appropriate.

Minor alterations to the parking layout have been requested by the Head of Transport and Engineering and revised plans are awaited. If these are not received in advance of the application being reported to members additional conditions maybe recommended via the update report.

Travel Plan

The Head of Transport and Engineering has requested that a Travel Plan should be a requirement of the development, in order to reduce the number of car borne journeys to the site. This will be secured via the associated planning obligation.

d) Design, Layout and Amenity

Building Design

Concerns were initially expressed regarding the building design, particularly in respect of the principle elevation and the roofline. Following negotiations amended plans were submitted for consideration. The principal entrance has been repositioned, so that it would be visible from the access road improving the building's legibility and the resulting streetscene. The massing of the building has also been broken up through alterations to the roof design and changes in the proposed materials. These are now more varied with greater contrasts. In addition, the element adjacent to the Parkway has been redesigned to increase the separation distance with it. As a result of these alterations, the proposed building design is now considered to be acceptable.

Amenity Impacts

Part of the proposed development would be located to the rear of existing properties on Reeves Way (Nos 56 -62). Following negotiations the separation distance with these properties has been increased to 35m in accordance with the Peterborough Residential Design Guide. In addition, the applicant has advised that the floor level of the building would be approximately ½ storey lower than neighbouring properties. In addition to the design alterations referred to above, this will further reducing the overall massing of the building.

It is not considered that the building would have any significant adverse impact upon daylight to the neighbouring properties. Information submitted with the application indicates that there could be some loss of morning sunshine during December. It is not considered that this impact would be so severe as to warrant the refusal of the application.

In order to reduce the potential for overlooking, balconies initially proposed on the apartments adjacent to nearest neighbouring properties on Reeves Way have been deleted from the scheme.

The detailed layout of the northern site (application reference 07/01769/R4OUT) should outline planning permission be granted, will need to be designed in response to this development. The indicative layout which has been submitted for consideration with that application indicates how this could be done. As such it is not considered that this application would prejudice an acceptable development on the northern part of the former Hereward Community College site.

Security

The Police Architectural Liaison Officer supports the general design of the building, the proposed internal access control measures together with the associated CCTV proposals. In order to protect the development from the potential for car crime and opportunities for theft from ground floor units the Police Architectural Liaison Officer advised that the parking areas should be secured. The applicant has not implemented measures such as barrier control on its other sites as this is against Extra Care's ethos of open communities, neither have they proved necessary. In view of this it is recommended that the scheme be implemented as designed. Should it subsequently become apparent that such measures are required the applicant could accommodate them without substantial redesign of the parking areas.

e) Landscaping/Ecology impacts

Landscaping

Given the previous use of the site there are no substantial trees within the application area, rather planting is located along the eastern boundary. The development allows for the retention of this planting which forms an important visual buffer with the adjoining parkway.

A good quality landscaping scheme will be required to soften the built form, break up the parking areas and to enhance the visual appearance of the development. A landscaping scheme has been submitted with the application. This is acceptable in principle, subject to some amendments which it is considered could be reasonably secured by way of a condition on any planning permission.

Ecology

Given the previous use of the site, it is considered to be of limited value to wildlife. The Ecological Scoping Report originally submitted as part of this application did not identify the presence of any protected species on the site although it did recommend that follow up reptile and bat surveys be carried out. The findings of these surveys have also been submitted as part of the application. Neither bats nor reptiles were found to be present on the site.

A draft Biodiversity Plan has also been submitted with the application. This identifies on and off site measures which could be incorporated into the detailed design in order to enhance the biodiversity of the site including the retention of the college's former nature area. A condition requiring the incorporation of these measures into the hard/soft landscaping of the site is recommended on any planning permission.

Natural England and the City Council's Wildlife Officer have not raised any objections to the proposal.

f) **Archaeology**

The application site lies within an area of archaeological importance. The course of Car Dyke Roman canal runs along the eastern boundary of the site. Remains associated with Car Dyke (bank material, pre-bank land surfaces and features) survive within the proposed development area. Features associated with prehistoric and Roman settlement and enclosure are likely to survive within the previously undeveloped playing field portion of the site.

In order to ensure the preservation of the remains associated with Car Dyke, the City Council's Historic Environment Officer has advised that an archaeological buffer, to be kept free of development, is required.

The drainage proposals which have been put forward (please see section 7g below) would utilise an existing connection to the Car Dyke and would not, therefore, have any significant adverse impact upon the archaeology remains.

The Historic Environment Officer has also advised that further archaeological investigation and recording will be required across the site. This should be secured via a planning condition on any planning permission.

g) **Miscellaneous**

Drainage/Flood Risk

The Environment Agency has not raised any objections to the application, subject to the submission of a detailed surface water drainage strategy. This is to ensure that flood risk is adequately mitigated for the lifetime of the development.

Anglian Water has advised that it may be feasible to drain part of the development into an existing surface water sewer on Park Lane, subject to flow rates being agreed. The applicant proposes that the remaining surface water drain into Car Dyke and the foul sewerage to the trunk sewer under the Frank Perkins Parkway, via existing private sewers which run through the adjacent St John Fisher/ St Thomas More School sites. The Diocese has indicated that it would, in principle, be agreeable to this. Anglian Water has advised that it would consider adoption of these sewers subject to them being brought up to an acceptable standard. Conditions requiring the submission and approval of detailed schemes of foul and surface water are recommended on any planning permission.

Contamination

A Phase 1 Environmental Assessment has been submitted with the application. This concludes that the likelihood of contamination is low. The conclusions of the report are accepted but it is recommended that a condition be imposed upon any planning permission requiring the reporting of any unsuspected contamination which may be identified during the construction period.

Construction Management

It is recommended that a condition be imposed on any grant of permission, requiring the submission and implementation of a Construction Management Plan. The objective of this plan is to minimise the impact upon residential amenity during the construction period and also to ensure that there is no adverse impact upon highway safety. It should, therefore, address matters such as the hours of operation and deliveries to the site, the control of construction noise, the provision of car parking for contractors and the provision of wheel wash facilities.

f) **S106 Planning obligation**

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

Government Circular 05/2005 – 'Planning Obligations' describes the principles underlying their use. It says that 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.

The Council's final requirements must accord with both national and local policy and comply with the 5 tests set out in DETR Circular 05/2005 (i.e. i) necessary; ii) relevant to planning; iii) directly related to the proposed development; (in the Tesco/Whitney case the House of Lords held that the planning obligation must at least have minimal connection with development) iv) fairly and reasonably related in scale and kind to the proposed development; and, v) reasonable in all other respects).

In this case, as a direct result of the development there would be additional demand on services and upon the highway network. As such, the proposal triggers a requirement for contributions in respect of:-

- Affordable Housing- Section 7a refers;
- Mitigation measures for the loss of playing field- Section 7b refers;
- Waste management;
- Travel Plan (including provision of travel packs) and associated works- Section 7c refers;
- Police;
- Bereavement;
- Primary care;
- 'Friends' scheme;
- S106 Monitoring Fee.

These requirements accord with both national and local policy and in your officer's opinion comply with the 5 tests set out in DETR Circular 5/2005 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 weighting against relevant policies of the development plan and specifically:

- a) The proposal would result in a loss of open space in a ward where there is a deficiency. Mitigation measures are, however, proposed. Subject to these being accepted by Sport England the proposal is considered to be acceptable in the context of policies LT3 and H7 of the Peterborough Local Plan (First Replacement)
- b) The development would not have any significant adverse impact upon highway safety or convenience and the layout provides for the needs of pedestrians and cyclists. The proposal

therefore accords with policies T1, T7, T8, and T10 of the Peterborough Local Plan (First Replacement).

- c) The development can be accommodated within the site without any unacceptable adverse impact upon the amenities of the neighbouring properties and therefore accords with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
- d) The impact of the proposed development upon the ecology of the site is considered to be acceptable. It, therefore, accords with policy LNE19 of the Peterborough Local Plan (First Replacement).
- e) Existing boundary planting will be retained and a detailed landscaping scheme will be submitted. As such, the proposal accords with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- f) The protection of any archaeological remains associated with the Car Dyke can be secured by planning condition. This is acceptable in accordance with policy CBE2 of the Peterborough Local Plan (First Replacement).
- g) The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services be authorised to grant planning permission subject to:-

- a) A scheme of mitigation measures to compensate for the loss of playing field being agreed with Sport England;
- b) The prior completion of a Planning Obligation under the provision of Section 106 of the Town and Country Planning Act 1990 in respect of the delivery mechanism for affordable housing, life time homes (if not addressed via a condition), primary care, bereavement, waste management, travel plan and associated works, police, the 'friends' scheme and S106 monitoring fee;
- c) The following conditions, incorporating any necessary additions or modifications including those that may arise during negotiations on the proposed planning obligation;

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, unless otherwise agreed in writing with the Local Planning Authority, details of all materials to be used in the external surfaces of the development hereby approved 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 unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C3 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, a surface water drainage scheme based on the submitted information (e.g. part connection to the Diocese system and part connection to Park Lane), shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be based on the sustainable drainage principles and an assessment of the hydrological/ hydrogeological context of the development. The scheme shall thereafter be implemented in accordance with the approved details before the first occupation of any apartment, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the site is properly drained and to minimise flood risk in accordance with policy U1 of the Peterborough Local Plan (First Replacement).

C4 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, a scheme of foul drainage based on the submitted information (e.g. connection to the Diocese system) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance

with the approved details before the first occupation of any apartment, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the site is adequately drained in accordance with policy U1 of the Peterborough Local Plan (First Replacement).

- C5 Prior to the commencement of development, the archaeological exclusion/buffer zone (to protect the archaeological remains associated with Car Dyke) shown on plan B4443/PL/01G shall be fully implemented. No development shall thereafter take place within this area, unless otherwise agreed in writing with the Local Planning Authority, and it shall be fully protected during construction works. This area shall thereafter be maintained in perpetuity.**

Reason: To ensure that archaeological remains associated with Car Dyke are protected in accordance policy CBE2 of the Peterborough Local Plan (First Replacement).

- C6 No development shall take place within the site 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 but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and policy CBE2 of the Peterborough Local Plan (First Replacement).

- C7 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, a scheme for the provisions of fire hydrants should be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full before the development is occupied, unless otherwise agreed in writing with the Local Planning Authority.**

Reason for decision: In the interests of the health and safety of occupiers of the site and in the vicinity and in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

- C8 If contamination not previously identified, is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the affected area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved. The development shall thereafter take place in accordance with the approved details.**

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).

- C9 a) No development or other operations shall commence on site until a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;**

(b)No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c)No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take

place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d)Protective fencing shall be retained intact for the full duration of the development hereby approved, and shall not be removed or repositioned without the prior written approval 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).

C10 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) a landscape management plan including long term design objectives, management responsibilities and maintenance schedule for any areas not within private gardens;**
- 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 Outline Biodiversity Strategy dated December 2007;**
- iv) all means of enclosure;**
- v) all hard surfacing materials;**
- vi) any minor structures including waste/recycling facilities;**
- vii) details of cycle parking provision, including the type of stands;**

The hard landscaping work shall be undertaken in accordance with the approved details prior to the first occupation of the development and the soft landscaping works in accordance with the approved implementation plan, 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).

C11 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).

C12 No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

C13 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

- C14 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for protecting the proposed dwellings from noise from the A1139 Frank Perkins Parkway should be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme before the first occupation of any apartment, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) and Planning Policy Guidance Note 24 (Noise).

- C15 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, a Construction 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, unless otherwise agreed in writing with the Local Planning Authority.

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

- C16 The "approach" to the principal entrance to the development, that being the entrance that would be used by visitors arriving by car, and to the ground floor apartments shall be level (no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to avoid the need for a stepped approach and to meet the needs of access for all in accordance with Policy H20 of the Peterborough Local Plan (First Replacement).

- C17 Notwithstanding the submitted information, prior to the commencement of any development unless otherwise agreed in writing with the Local Planning Authority, details of existing and proposed site levels, including finished floor levels and levels of the surrounding ground area, 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, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of residential and visual amenity and to provide for the long term retention of retained trees, in accordance with policies DA1, DA2, LNE9, and LNE10 of the Peterborough Local Plan (First Replacement).

- C18 The building shall not be occupied, unless otherwise agreed in writing with the Local Planning Authority, until the areas for the parking, turning, loading and unloading of vehicles have been drained, surfaced and layout in accordance with the approved site plan, reference B4443/PL/01G. These areas shall thereafter be retained and not used for any purpose other than the parking, turning, loading and unloading of vehicles in connection with the use of the building, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of highway safety, in accordance with policies T1, T10 and T11 of the Peterborough Local Plan (First Replacement).

- C19 The building shall not be occupied, unless otherwise agreed in writing with the Local Planning Authority, until the vehicular accesses and a means of access for pedestrians/cyclists has been constructed in accordance with the approved site plan, reference B4443/PL/01G.**
Reason: In the interests of highway safety in accordance with policy T1, T3 and T5 of the A Peterborough Local Plan (First Replacement).
- C20 Notwithstanding the submitted information, before the new accesses are brought into use unless otherwise agreed in writing with the Local Planning Authority visibility splays shall be provided on both sides of the accesses and shall be kept free from obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.**
Reason: In the interests of highway safety in accordance with policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C21 Notwithstanding the submitted information if gates are subsequently provided to the vehicular accesses they should be set back 6 metres from the edge of the carriage unless otherwise agreed in writing with the Local Planning Authority.**
Reason: In the interests of highway safety in accordance with policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C22 The underground bins for the collection of recyclable material hereby approved shall be installed in accordance with the approved site plan, reference B4443/PL/01G prior to the first occupation of any apartment unless otherwise agreed in writing with the Local Planning Authority. These bins shall thereafter be retained for the collection of recyclable material unless otherwise agreed in writing with the Local Planning Authority.**
Reason: In order to ensure that adequate facilities are available on site for the collection of recyclable material in accordance with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

Informatives

1. Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email buildingcontrol@peterborough.gov.uk. Part 'M' relating to disabled requirements is applicable. Development is affected by a public sewer.
2. With regard to condition 4 in respect of surface water drainage, the Environment Agency has advised that the following information should be submitted for consideration:-
 - Pre-development calculations to establish and agreed using the Institute Of Hydrology, Report124 method, (sites less than 200 hectares should use IOH124 method for a 50 hectare site and scale down to the correct site size).
 - Post Development calculations using the same method. These need to be presented for the 1 year, 30 year, 100 year, and 100 year plus allowance for climate change. The maximum volume and peak flow rate will need to be identified in the worst case storm event, including seasons and the duration of the event. The developer should refer to the Environment Agency / Defra document W5-074 "Preliminary Rainfall Runoff Management for Developments" (Revision D) for guidance. Please note that it must be proved that surface water runoff is not increased post development.
 - An assessment of the overland route water would take, in the event of a surface water system failure, and any flood risks that would arise. It should also state how this will be managed to ensure that it does not increase the risk of flooding off site.
 - Written confirmation from Anglian Water Services Limited confirming the rate that they are willing to take the surface water from the site.
 - Full details of any attenuation methods used. The site should be able to attenuate up to and including the 100 year event plus an allowance for climate change, and the developer should use SUDS methods wherever possible for managing flood risk. Relevant documents for SUDS include the Interim Code Of Practice for SUDS and CIRIA publication C697 (The SUDS Manual). Details of all elements of the proposed drainage

systems should be included together with clear details of the ownership and responsibility of maintenance of all drainage elements for the lifetime of the development. If appropriate, details of adoption of any drainage elements of the drainage system should also be included.

For more detailed advice in respect of the management of surface water drainage, the applicant is advised to contact Chris Hayes on 01522 785 527.

3. The applicant is also advised to make early contact with Anglian Water's Developer Services in order to discuss drainage proposals for the site. Please contact Rosie Tillman on 01480 323 808 and quote reference number 03095/SP44(003).
4. With regard to condition 13 (lighting) the applicant is advised low energy dawn to dusk lights should be installed in any communal parking areas.
5. As the development will result in the creation of new streets, dwellings and/or premises, by development or sub-division, the Council needs to allocate street names and/or property numbers before development begins, please contact the Technical Support Team Manager, Highway Infrastructure Group on 01733 453461 for details of the procedure or email highwayssection@peterborough.gov.uk.
6. Highways Act 1980 - Section 184, Sub-sections (3)(4)(9)
This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works MUST be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

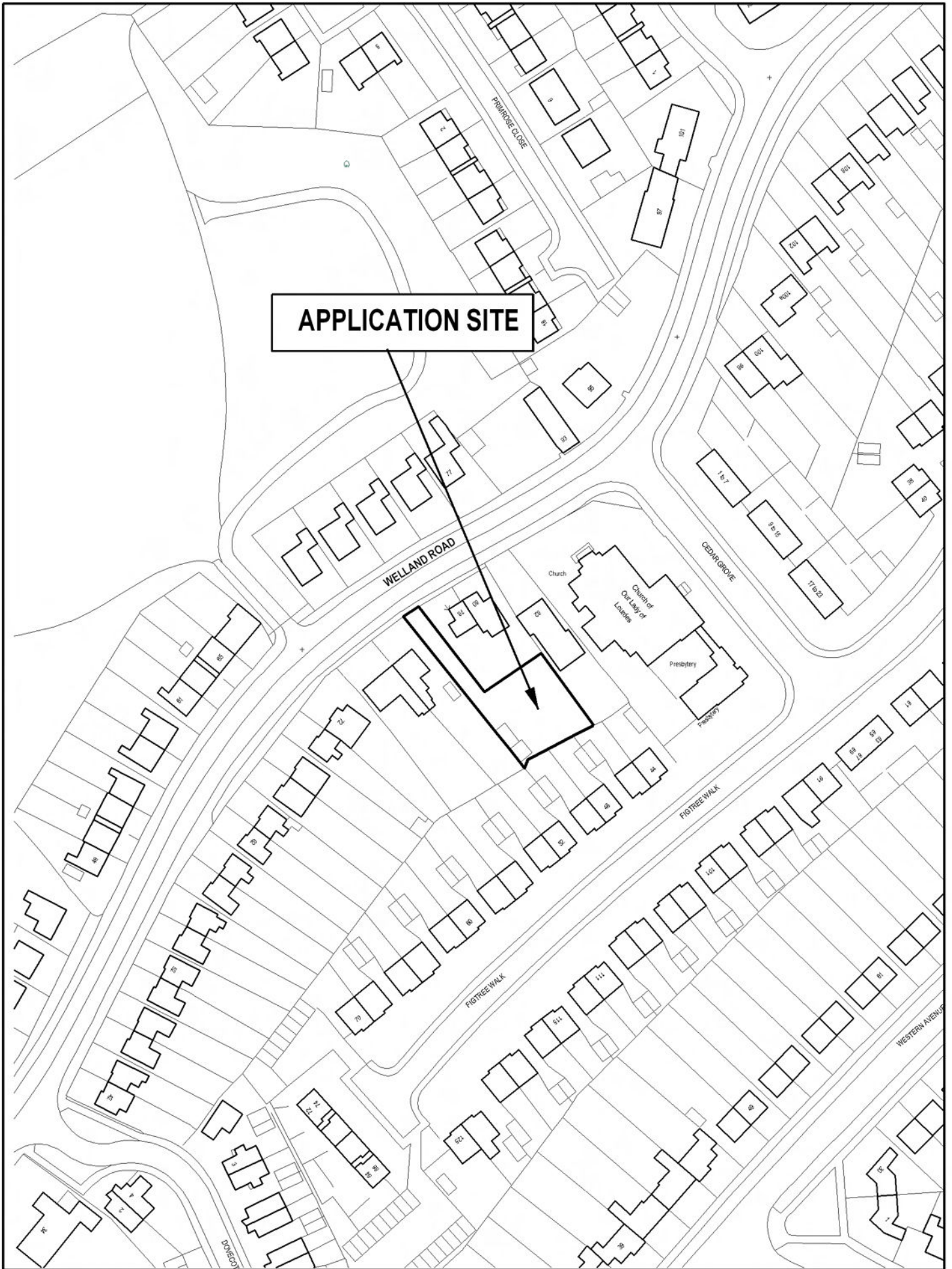
Contact is to be made with the Transport & Engineering - Development Team on 01733 453474 or email HighwaysDevelopmentTeam@peterborough.gov.uk who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

- .7. (NR&SWA 1991)
The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licensed under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Co-Ordinator on 01733 453578.
Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.
8. With regard to condition 15, the applicant's attention is drawn to the need for the wheel cleansing equipment shall be capable of cleaning the wheels, underside of chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.
9. Highways Act 1980 - Section 148, Sub-Section C
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

10. Highways Act 1980 - Section 149

If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copy to Councillors Todd, Goldspink, Collins



LOCATION PLAN 08/01120/FUL

78-80 Welland Road, Peterborough

Scale 1:1250 Name MKB Department Planning Services



PETERBOROUGH



**CITY COUNCIL
PCC GIS**

This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council, LA 100024236, 2007.

This page is intentionally left blank

08/01120/FUL: ERECTION OF A 4-BEDROOM BUNGALOW AND SINGLE GARAGE WITH REAR BOUNDARY WALL – RETROSPECTIVE REVISED SCHEME AT 78-80 WELLAND ROAD, PETERBOROUGH

VALID: 3 OCTOBER 2008

APPLICANT: MR P MILLER

AGENT: H A ARCHITECTURAL

REFERRED BY: COUNCILLOR MINERS

REASON: NEIGHBOUR AMENITY OF PROPERTIES IN FIGTREE WALK, DEVELOPER HAS NOT ADHERED TO ORIGINAL PLANNING SPECIFICATION

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

TELEPHONE: 01733 454412

E-MAIL: louise.lewis@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the development on neighbour amenity

The Head of Planning 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

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

H7 Within the Urban Area residential development on any unallocated site will be permitted subject to criteria

H15 Seeks the highest residential density compatible with the character of the area and other considerations

H16 Seeks to ensure an adequate level of residential amenity

T1 Permission will only be granted if a safe and convenient access is provided and there is no unacceptable impact on the highway network.

DA6 Tandem, backland or piecemeal development should be to an appropriate scale for the site, be in keeping with the character of the area; and have no detrimental impact on neighbouring occupiers

3 DESCRIPTION OF PROPOSAL

The bungalow, which is structurally complete, is situated at the rear of the plot, close to the boundary on two sides. A detached garage is close to the boundary on the south-west side. There is access to the highway via a drive alongside 78 Welland Road.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site is formed of rear gardens to 78 and 80 Welland Road, a pair of semi-detached houses. To the north-east is part of the side wall and the rear garden to 82 Welland Road, and to the south east are the rear gardens of houses in Figtree Walk.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
01/01585/FUL	Erection of dwelling	26/2/2	Consent
08/00615/FUL	Amendments bungalow design approved under application 01/01585/FUL	30/6/8	Withdrawn

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – No highway objections. There are no proposed changes to the access, parking and turning arrangement approved under 01/01585/FUL.
Condition requested.

EXTERNAL

NEIGHBOURS

Letters of objection have been received from 3 local residents raising the following issues:

- Lack of action from Council even when someone blatantly ignores all the restrictions imposed on the original planning application
- Development is testament to the fact that if you build and ignore the council it is unlikely that the council can or will do anything
- Size and imposing nature of building
- Too high to be a bungalow
- Too close to nearby resident
- Overlooks gardens
- Infringes on privacy and human rights
- Windows at the back look straight into kitchen [of house in Figtree Walk]

COUNCILLORS

Cllrs Miners and Saltmarsh have both objected to the proposal on the following grounds

- The bungalow has been almost completed without planning permission and has not been built as the original design
- The applicant seems to have ignored the rules and built the bungalow anyway
- The applicant has not taken into account the disturbance and nuisance on neighbouring properties particularly in Figtree Walk
- The bungalow is higher than expected and completely dominates the rear gardens of the properties at 46, 48 and 50 Figtree walk as it is built very close to the boundary
- The amended bungalow development is an eyesore
- It has made a very significant difference to the rear outlook from these properties and there is a clear view from the new bungalow's windows into 48 Figtree Walk.

a) **Introduction**

This application and the previous withdrawn application were a result of an enforcement enquiry which established that the bungalow was not being built in accordance with the approved plans.

b) **Policy issues**

The purpose of relevant policies in this case is to ensure that new dwellings do not have any unacceptably detrimental impact on neighbour amenity, the streetscene or highway safety; and provide a suitable level of amenity for occupiers.

c) **Impact of development on neighbour amenity**

In this case, as permission was previously granted for a bungalow, the issue is not how much the impact on neighbours has changed from that approved under 01/01585/FUL, but whether that impact is unacceptable.

The previously permitted bungalow had a smaller footprint and a lower ridge height in relation to the dwellings to the rear. The elevation along the southern boundary at the rear was the same length, about 14m, but previously the 4m closest to no 82, to the eastern part of this line, was set back from the main part of the rear elevation by about 2.5m. It was also set slightly further away from that boundary. The side wing, running along the eastern boundary with No 82 Welland Road, was slightly shorter and lower. The ridge was lower by about 0.5m.

Impact on 82 Welland Road has not significantly changed.

The applicant has, as a result of negotiations, included a 2.5 metre wall along the entire southern boundary of the site to ensure no loss of privacy to those residents in Figtree Walk. The wall would be to the north of those properties ensuring no loss of light or privacy to those residents.

The issue of loss of view is not something that can be given a great deal of weight, as there is no right in planning law to a private view.

d) **S106**

No S106 has been requested as this is a revised application. The previous permission was granted without contribution.

e) **Other matters**

The following comments have also been made.

Applicant has ignored previous permission / built without permission / lack of action from the Council

It is not illegal for people to start building before they have planning permission, or to build something that is not in accordance with approved plans. The planning system allows for this, and the developer has the right to submit an application to regularise the unauthorised work which the LPA must evaluate on its merits.

The LPA has taken action, by investigating the complaint and, as it considers that the revised bungalow is acceptable, requesting a revised planning application.

The applicant is aware that development is at his own risk, that there is a chance that planning permission might not be granted, and that in the event of a refusal he would have the right to appeal.

Too high to be a bungalow

The bungalow is approximately 5.5m high to ridge, and 2.5m to eaves. A house is usually about 8-9m to ridge, and about 5-6m to eaves. The eaves height to the bungalow is normal for a single storey building, the roof is steeply pitched and therefore higher than some bungalow roofs.

Comments have been made regarding the possibility of the applicant converting the roof space to accommodation at a later date. A condition is proposed to prevent the insertion of windows in the roof, but the use of the space need not be controlled, and light could be provided by sunpipes, which would not allow overlooking.

Infringes on privacy and human rights

Provided that the boundary wall is high enough to block sightlines between the windows of the bungalow and the windows of the houses in Figtree Walk, privacy will be protected. The appropriate height will be established under Condition. Officers are unable to identify an infringement of human rights.

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 bungalow is situated in a residential area on an unallocated site. Development is considered to be in keeping with the character of the area, providing adequate living conditions for residents and a suitable highway access.

The impact on occupiers of neighbouring properties is not substantially worse than impact of the development permitted under 01/01585/FUL.

The proposal is therefore in accordance with Policies H7, H16, T1 and DA2 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

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

C1 Prior to first occupation of the dwelling a wall shall be erected along the south-east boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority

Reason: In order to protect the privacy of occupiers of adjacent dwellings, in accordance with Policy DA2 of the Peterborough Local Plan 2005 (First Replacement).

NOTE: Should the dwelling have already been occupied by the date of decision, Condition 1 should be amended to read:

C1 Within one month of the date of this permission a wall shall be erected along the south-east boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority

Reason: In order to protect the privacy of occupiers of adjacent dwellings, in accordance with Policy DA2 of the Peterborough Local Plan 2005 (First Replacement).

C2 The garage shown on the approved plans shall be provided for use prior to the first occupation of the dwelling hereby approved and shall be retained thereafter for the parking of vehicles in connection with the use of the dwelling

Reason: In the interest of Highway Safety, in accordance with Policy T10 of the Adopted Peterborough Local Plan 2005 (First replacement).

C3 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no windows shall be inserted into any roof slope of the dwelling other than those expressly authorised by this permission.

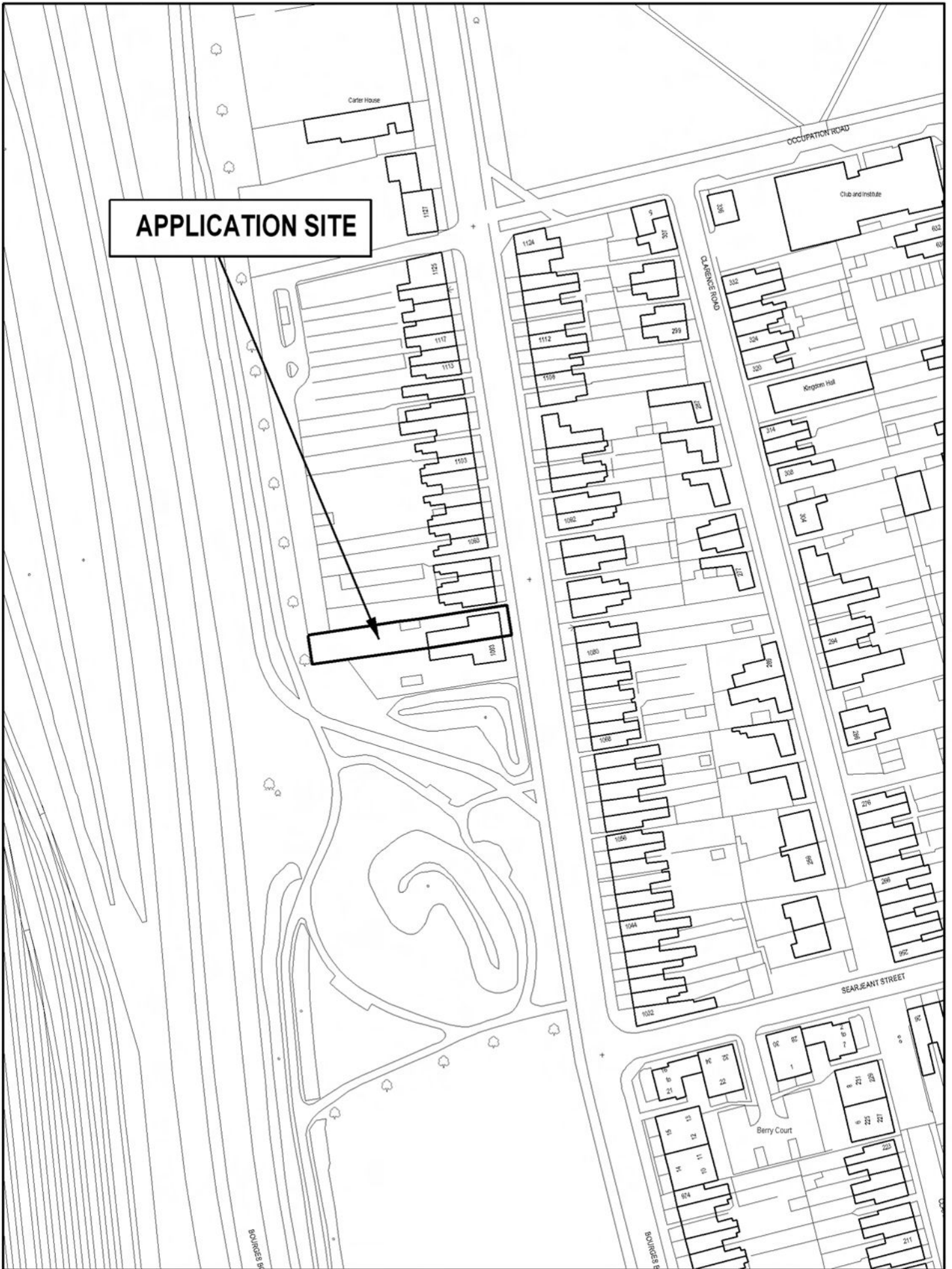
Reason: In order protect the amenity of the adjoining occupiers or the visual amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

C4 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling(s) shall be constructed other than as those expressly authorised by this permission.

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

Copy to Councillors Ash, Miners, Saltmarsh

This page is intentionally left blank



LOCATION PLAN 08/01233/FUL

1085 Bourges Boulevard, Peterborough

Scale 1:1250 Name MKB Department Planning Services



PETERBOROUGH



CITY COUNCIL

PCC GIS

This copy has been produced specifically for the Map Return Scheme purposes only. No further copies may be made. This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. LA 100024236. 2007.

This page is intentionally left blank

08/01233/FUL: SINGLE STOREY SIDE AND REAR EXTENSION AND NEW GARAGE TO REAR AT 1085 BOURGES BOULEVARD
 VALID: 10 NOVEMBER 2008
 APPLICANT: COUNCILLOR NAZIM KHAN
 REFERRED BY: HEAD OF PLANNING SERVICES
 REASON: REQUIRED BY THE CONSTITUTION AS COUNCILLOR APPLICATION
 DEPARTURE: NO

CASE OFFICER: PAUL GREEN
 TELEPHONE: 01733 453524
 E-MAIL: pauls.green@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the proposal upon the residential amenities of the area

The Head of Planning 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

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- can be satisfactorily accommodated on the site itself; and
- would not adversely affect the character of the area; and
- would have no adverse impact on the amenities of occupiers of nearby properties.

3 DESCRIPTION OF PROPOSAL

The proposal is a revised proposal from that approved in July 2007 (07/01150/FUL) by increasing the size of the extension to the side and rear of the dwelling so that it is of the same width as the main dwelling. The extensions and garage have been substantially completed.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises a substantial semi detached dwelling fronting Bourges Boulevard with vehicular access from the rear via an unmade unadopted service road. The area is primarily residential.

5 PLANNING HISTORY

App Number	Description	Date	Decision
07/01150/FUL	Single storey rear extensions and detached double garage	30.8.2007	Consent

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – Comments awaited.

NEIGHBOURS

None received.

7 REASONING

a) Introduction

The proposed extensions effectively square off the footprint of the existing dwelling and bring it marginally closer to the neighbouring property at 1087 Bourges Boulevard. However it is proposed to erect a 2 metre wall between the boundary of the two properties and therefore there should be no loss of privacy. The bricks and roof tiles are considered to be satisfactory.

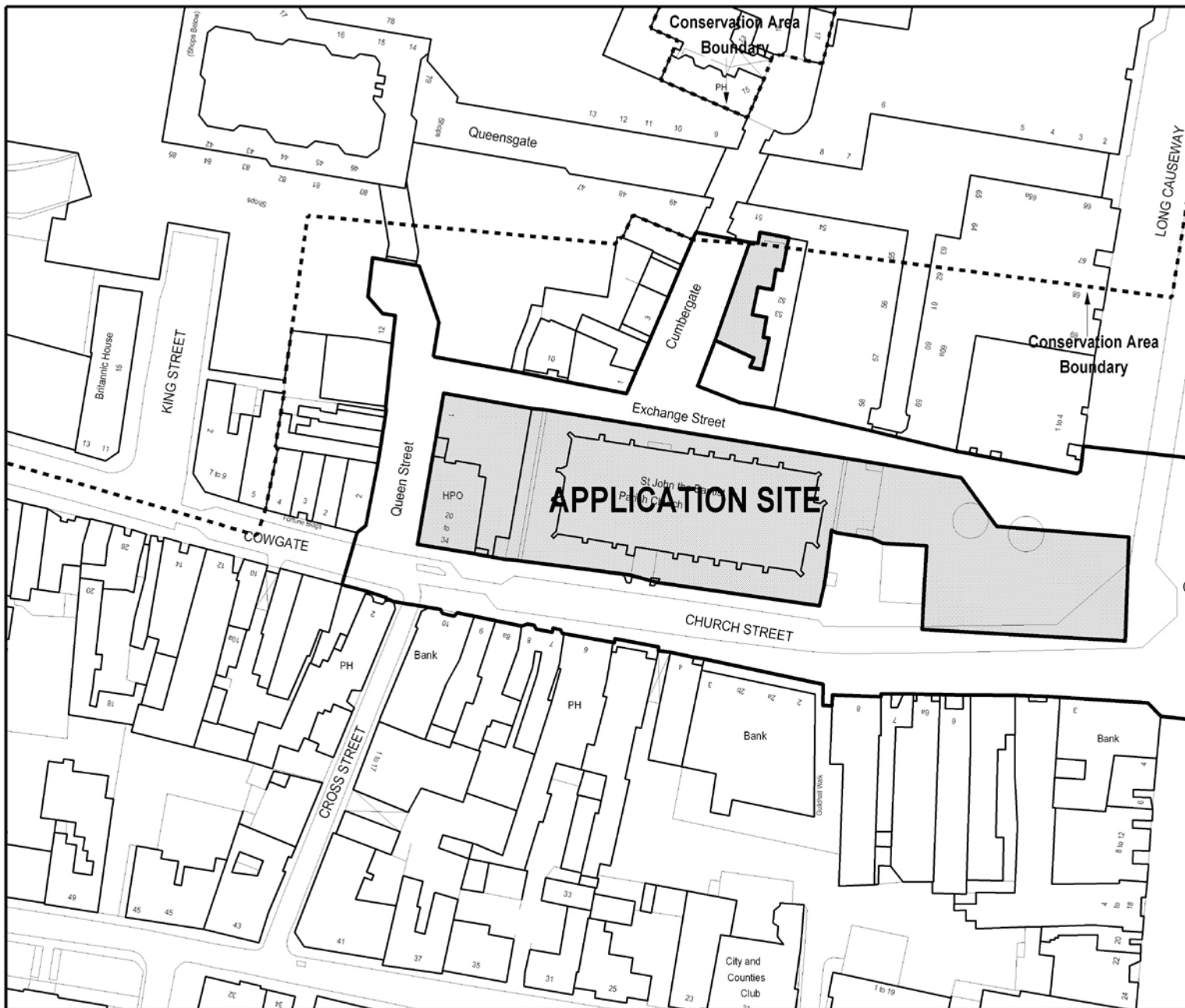
8 CONCLUSIONS

Although large, the extensions can be satisfactorily accommodated on the site, would not adversely affect the character of the area and would have no adverse impact on the amenities of occupiers of nearby properties and therefore comply with policy DA2 of the Peterborough Local Plan 2005 (First Replacement).

9 RECOMMENDATION

The Head of Planning Services recommends that this application is APPROVED without conditions.

Copy to Councillors Hussain, Khan, Fazal



LOCATION PLAN

08/01383/R3FUL

Land at Church Street Including Corn Exchange, St Johns Church, Cathedral Square and area adjacent to Miss Pears Cumbergate

Scale 1:2500 Name LRM Department Planning Services

This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
 © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100024236. 2007.

This page is intentionally left blank

08/01383/R3FUL: PHASE 1: THE CREATION OF PUBLIC SPACE IN CATHEDRAL SQUARE, INCLUDING RESURFACING, CHANGE IN LEVELS AND ENGINEERING WORKS TO PROVIDE WATER FOUNTAINS.
 PHASE 2: CREATION OF PUBLIC SPACE ON LAND TO THE WEST OF ST JOHN'S CHURCH, INCLUDING CHANGE IN LEVELS AND RESURFACING. CHANGE IN LEVELS TO THE SOUTH AND WEST OF ST JOHN'S CHURCH AND PROVISION OF ARCHITECTURAL LIGHTING AT LAND AT CHURCH STREET INCLUDING CORN EXCHANGE, ST JOHNS CHURCH, CATHEDRAL SQUARE AND AREA ADJACENT TO MISS PEARS CUMBERGATE

VALID: 11 NOVEMBER 2008
APPLICANT: TRANSPORT & ENGINEERING SERVICES
AGENT: LDA DESIGN
REFERRED BY: HEAD OF PLANNING SERVICES
REASON: PUBLIC INTEREST
DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN
TELEPHONE: 01733 454438
E-MAIL: janet.maclennan@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Policy context and the principle of development;
- Whether the proposal enhance the public realm of the City Centre;
- Whether the proposal will enhance the character and appearance of the Conservation Area;
- Whether the proposal will preserve the setting of the surrounding Listed Buildings;
- Whether the proposal will provide safe and convenient access for all members of the community

The Head of Planning 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

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

- CBE1 Archaeological Remains of National Importance:** Planning permission will not be granted for development which may adversely affect the preservation or setting of scheduled or other nationally important archaeological remains.
- 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.
- CBE7 Development Affecting the Setting of a Listed Building:** Planning permission will not be granted for any new building which would be detrimental to the setting of the Listed Building – in such applications the design, size, height, location and orientation of proposals will be assessed.
- CC14 Pedestrian and Cycle Access:** All new city centre development should be accessible to pedestrians of all level of mobility and to cycles, providing safe, high quality links to ensure integration with the rest of the city centre and connection to adjacent areas.
- CC16 Cycle Parking:** New city centre development should provide secure, safe and convenient and high quality parking for cycles.
- CC17 Cathedral Views:** Planning permission will not be granted for development that would unacceptably detract from the views of the cathedral or its setting.
- CC18 Public Spaces:** The city council will require large scale development schemes in the city centre to include attractive outdoor spaces available for use by the general public.
- 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.
- DA11 Design for Security:** Planning permission will not be granted for development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.
- DA12 Light Pollution:** Planning permission will only be granted for lighting schemes if the level is at the minimum to achieve its purpose, the design will minimise glare and light spillage and the nature of light emitted does not adversely affect the amenity of the area.
- 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.
- T4 Development Affecting the Cycle way network:** Planning permission will not be granted for any development that would prejudice the safety or, or cause significant inconvenience to, cyclists using any element of the cycle route network.

Material Planning Considerations

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, liveable 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)6: Planning for Town Centres

The Government's key objective for town centres is to promote their vitality and viability by:

- planning for the growth and development of existing centres; and
- promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all.

One of the Government's wider Policy objectives in PPS6 is stated to be; 'to promote high quality and inclusive design, improve the quality of the public realm and open spaces, protect and enhance the architectural and historic heritage of centres, provide a sense of place and a focus for the community and for civic activity and ensure that town centres provide an attractive, accessible and safe environment for businesses, shoppers and residents.'

It promotes high quality design and efficient use of land and states; 'It is essential that town centres provide a high-quality and safe environment if they are to remain attractive and competitive. Well-designed public spaces and buildings, which are fit for purpose, comfortable, safe, attractive, accessible and durable, are key elements that can improve the health, vitality and economic potential of a town centre. Policies for the design of development for main town centre uses, regardless of location, and for development in town centres, should promote high quality and inclusive design, in order to improve the character and quality of the area in which such development is located and the way it functions.'

Planning Policy Guidance (PPG) 15: Planning and the Historic Environment

The PPG 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'.

Regional Planning Guidance - East of England Plan 2008:

- Policy PB1 Peterborough Key Centre for Development and Change: The strategy is for growth and regeneration to strengthen Peterborough's role as a major regional centre. 'Policies should....address 'the regeneration of the city centre and inner urban areas so as to realise the potential of the centre's historic heritage and promote quality in the built environment'.
- Policy SS5 Priority Areas for Regeneration - Identifies Peterborough as a Priority Area for regeneration.
- Policy SS6 City and Town Centres - States that 'Thriving, vibrant and attractive city and town centres are fundamental to the sustainable development of the East of England and should continue to be the focus for investment, environmental enhancement and regeneration.'
- Policy ENV6 The Historic Environment - 'In their plans, policies, programmes and proposals local planning authorities and other agencies should identify, protect, conserve and, where appropriate, enhance the historic environment of the region, its archaeology, historic buildings, places and landscapes, including historic parks and gardens and those features and sites (and their settings) especially significant in the East of England.'
- Policy ENV7 Quality in the Built Environment - 'Local Development Documents should require new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.'

Material considerations

Plan for Peterborough City Centre 2005 – sets the context for planned renewal of the city and identified major new development opportunities. The broad objective of the plan is to create a vibrant and sustainable city centre to serve an expanded Peterborough. Key to this is an invigorated public realm.

Peterborough Public Realm Strategy 2008 – (renamed 'Streets, Squares and Spaces Strategy' was approved by Council on 8 October 2008. It is not part of the statutory Local Development Framework but can be regarded as a material consideration as an Approved Council Document).

'The vision is for a well-connected network of beautiful streets and spaces. These will be the lifeblood of a sustainable city centre where people live, work and play; a public realm which is alive during the day and in the evening. New pieces of city will be seamlessly knitted into the fabric of the existing city centre

forming clear, legible, active and attractive walking and cycling routes. The public realm will have a strong sense of it being 'distinctively Peterborough', stitching together all the key buildings and spaces that enrich its character and using materials and design languages that relate strongly to the place.'

Peterborough Core Strategy 2008 - (At Preferred Options Stage so very little weight can be attached to it.)

Preferred Option CS14 – The City Centre – 'Improvements to the public realm throughout the city centre will be promoted, with a particular focus on the pedestrian environment between the railway station and Cathedral Square and between Cowgate, Priestgate and Bridge Street; and between Cathedral Square and the Embankment, South Bank and Rivergate. Enhancement of the public realm, including better walking and cycling links 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 materials'.

Preferred Option CS15 - Urban Design and the Public Realm – 'New development should improve the quality of the public realm with the creation of vehicular surface treatments, public art, street lighting, street furniture and landscaping which is appropriate for their location'.

Preferred Option CS16 – The Historic Built Environment – The Council will protect, conserve and enhance the historic environment throughout Peterborough, through the special protection afforded to listed buildings, conservation areas and scheduled ancient monuments and through careful control of development that might adversely affect non-scheduled, nationally important archaeological remains; other areas of archaeological potential or importance; buildings of local importance; areas of historic landscape or parkland.....All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

3 DESCRIPTION OF PROPOSAL

The application is set out as two phases; Phase 1 is the area to the east of St John the Baptist Church within Cathedral Square and includes the introduction of a water feature in the form of two grids comprising a series of jets. The jets will be set out on a grid at 3 metre spacings in a north-south orientation and 4 metre in an east-west orientation with a clear diagonal spacing of approximately 11 metres between the two grids allowing people to move between them. The square will be resurfaced with York Stone and Granite will be used around the water jets. Seating will be provided to the north and south of the fountains. The pumps and purification plant which are required for the operation of the jets will be housed in the disused public toilets beneath the square and a new structural slab will be built over the toilets level with the surface of the square.

Phase 2 is the area to the west and south of St John the Baptist Church. The area to the west of the Church is to become a public square, part of this area is currently occupied by the Corn Exchange Building. (Applications for the demolition of the Corn Exchange Building and the change of use to public open space (08/00721/R3FUL and 08/00722/CON) were approved by Members on October 2008. The proposal provides for an area of public open space comprising a paved area surfaced in York Stone slabs and a grassed area set within two terraces accessed via steps and a graded route within the lawns centred on the West front doors. The northern edge of the square will be bounded by a row of pleached trees to a height of approximately 5 metres with clear stems of approximately 2.5 metres. Double sided seating is proposed to the west of this space approximately 6 metres from the Queens Street buildings and three planters will define the southern edge. This area will hereafter be referred to as St John's Square. Railings to the west and south of the church will be removed and replaced with a combination of steps and graded routes to provide access to the lower level church. A small area within Cumbergate to the east of Miss Pears will be resurfaced in York Stone and is part of this application.

The proposal includes works within the public highway including resurfacing of the highway and the sub spaces at Queensgate-Cumbergate, Queensgate-Queens Street and the area to the front of St Nicholas Gate, re-location of the Signage and telephone kiosks, seating, street furniture, cycle racks, bins, bollards, finger posts and lighting columns. This information is presented for information and contextual purposes as the works do not require the benefit of planning permission.

A lighting scheme has been submitted as part of the application to provide safe and well light routes both functional and architectural.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site area includes Cathedral Square, Church Street, Exchange Street, Queens Street and Cumbergate. The site boundary is indicated on plan ref (2729P/102A) is located within the Central Retail Area within the historic core of the city. The site is located within the City Centre Conservation Area and lies within close proximity to a number of Listed Buildings; notably 4-8 and 10 Queen Street, 37 and 39 and the Almsrooms and Miss Pears in Cumbergate, the Bell and Oak Hotel Cathedral Square, 37 and 41 Long Causeway (Starbucks), 1 & 3 Cathedral Square (Midland Bank), 7 & 8 Cathedral Square, 8, 8A and 9 Church Street. The property occupied by Dolland & Aitchison to the north of the site is a building of local importance and St Nicholas Gate to the east of the site is a scheduled ancient monument. St John the Baptist Church is within the site boundary and is a Grade I Listed Building and The Guild Hall which abuts the site is Grade II Listed. To the north of the site is the Queensgate Centre, the Cathedral lies approximately 200m to the east, Church Street to the south and Queens Street to the west. The area within the application site directly to the west of St John the Baptist is currently occupied by the Corn Exchange building; a 1960s, six storey building. There are currently two circular planters within Cathedral square with seating arranged around them. An electricity sub station is located to the east of St Johns Church which will be relocated. The surrounding character is predominantly retail (A1) with other customer-orientated uses i.e. A2, A3, A4 and A5. Vehicular access to Church Street is currently restricted. The carriageway is defined in a contrasting paving material and sloping kerb.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/01317/FUL	Temporary ice rink and associated wooden cabin	06.09.07	PER
08/00721/FUL	Demolition of existing building and change of use to public open space	21.10.08	
08/00722/CON	Demolition of existing building	21.10.08	

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering – The application follows on from a process of consultation/pre-application negotiations. The proposals for this site as set out in the application documentation and identified on Drawing 2729P/102A – GA are practicable and if implemented, would result in the enhancement of the public realm. Implementation of the development should be subject to conditions requiring the prior submission and written approval of details of certain elements within the proposal that, whilst acceptable in principle, are not fully specified in the application documentation. These include: the Water fountains, architectural lighting, street furniture including waste bins insofar as any will be located within the application site, surface water drainage systems and form of construction of the resurfaced areas. It is expected that when details are submitted in respect of the above matters, the potential for any element to be the subject of vandalism will be fully addressed and thereby minimised.

Archaeological Officer – The archaeological desk based assessment (DBA) submitted with the application provides an overview of the general archaeological potential of the area. However, the DBA does not adequately address important aspects of the proposed engineering works including excavations for the fountains, the extent of the engineering works. No archaeological evaluation test pits have yet been excavated in the other areas likely to be effected by the proposed engineering works. Construction excavation depths should be kept to a minimum. Prior to determination of this application, detailed specifications for the depth and extent of construction excavations are agreed and defined in consideration of the archaeological test pit and geotechnical evidence. The necessary archaeological excavations, watching brief, and preservation in situ measures, should be agreed in advance of determination and secured through the application of a PPG16-type condition, which allows for an adaptive and flexible archaeological response to the proposals. During and after archaeological excavation, etc, information should be made available to enhance the appreciation of the city and its heritage.

Historic character and built historic environment: The proposal to demolish the Corn Exchange and create a public open space and thereby re-open the setting of St John's Church is very welcome indeed. Reservations about the removal of historic fabric which itself makes a significant contribution to the setting of the church. The present railings and gate piers contribute significantly to the overall quality of the Grade I Listed Building and its setting and a compelling case has not been made for their removal within this application. Their removal is likely to leave the church vulnerable to vandalism and accidental damage. The proposals should be amended to include re-instatement of level paving on the site of the Corn Exchange and should exclude any other significant alterations to the public realm in the immediate vicinity of St Johns. Proposals for this area should be submitted in consideration of the newly enhanced setting of St John's provided by the loss of the Corn Exchange and after a thorough appraisal of the significance of all the external historic fabric. The area running west to east across the city centre has long been considered to be the 'stone axis'. The introduction of timber benches, inspired by the internal structure of the Cathedral roof (Design and Access Statement, para. 4.5.3) will reduce the legibility of the historic 'stone axis' and should be avoided here. Unpainted/natural metal finish stainless steel is not a feature of this part of the city centre. The introduction of grass terraces and a tree belt within the newly created St John's Square will reduce the legibility of the west-east 'stone axis'. The grass terraces in St John's Square will be difficult to manage and more vulnerable to wear and tear. The tree belt is principally intended to hide the poor façade to the east of the Queensgate entrance. It would be more appropriate to apply some built enhancements to this façade, perhaps using the planned public art projects for St John's Square.

Access Officer:

The City Council's statutory Disability Equality Duty must ensure that the scheme has been informed by the needs of people with disabilities. As this includes wheelchair users, ambulant disabled and those with impaired sight and hearing, the view could be taken that neither the Design and Access Statement nor the submitted plans provide enough detail to ensure that such needs have explicitly or demonstrably informed the proposition. The Planning and Compulsory Purchase Act 2004 requires that the Design and Access Statement should indicate the consultations that have taken place and how they have informed the scheme design. National campaigns supported by accredited studies have indicated that shared surface schemes constructed during the last two decades have not served the needs of people with disabilities. In light of this evidence it may not be appropriate to replicate current practice standards that have been employed on similar development in other locations.

EXTERNAL

Senior Architectural Liaison Officer – Has no objections to the principles of this proposal subject to the following issue being addressed:

VEHICLE ACCESS: A recent assessment has been conducted by the Police in relation to this proposal and in light of recent Government Advice concerning the safety of 'Crowded Places'. This assessment suggests that barriers and rising bollards, should be considered in any re-design of this area and the surrounding streets. These should provide the ability, if ever required, for safety / security reasons, and during any planned event, to 'totally prevent', ANY vehicle access to the Cathedral Square and surrounding area. Strongly advise that such a 'safety / security', scheme be fully considered by the Planning Authority and City Councillors, under this application.

CCTV: Would advise that the success of this application should be 'conditional', upon ensuring that the quality and coverage of all existing CCTV provision is maintained or enhanced. During any demolition or construction phase, I would advise by 'condition', that existing CCTV quality and coverage is maintained, to ensure the continued safety of our community. Proposed row of 'pleached trees' in St John's Square. appear to restrict the existing position of the CCTV view along Queensgate into the entrance of the shopping centre. This view is essential for safety and security. There appears to be two solutions to this problem. 1) Fitting of additional CCTV cameras to compensate for the restricted coverage or 2) Reduce the length of the proposed pleached trees to ensure unrestricted CCTV coverage from the existing camera. The repositioning of this camera may have a negative effect on other essential coverage. Likewise the 3 x column mounted lights proposed for this area, may, have a detrimental effect on the coverage from the current CCTV provision. Lighting appears to be suitable and it is noted that the intention is, that lighting levels, will be increased and assist CCTV operation.

HARDWOOD SEATING: There is the possibility that hardwood surfaces may attract damage or names being carved into them.

RUBBISH BINS: The design and position of rubbish bins in public spaces need to be given full consideration. The proposed location of the bins appear to be appropriate and away from any large glazed areas.

FOUNTAINS: The width of the walkway between the fountains appear appropriate. There is a likelihood that the fountains may attract an element of anti-social behaviour. The authority should be aware, of the apparent ease of access to anyone wishing to drive a vehicle inside the fountain zone intent on 'showing off' or causing 'anti-social behaviour'. However this risk should not detract from the many benefits the vast majority visitors to the area will experience.

CCTV Manager: Neither of the 3 cameras are shown on any of the plans and the only reference to CCTV in the Design and Access document comes under the street lighting and how this will benefit CCTV. There are still issues to be resolved with regard to the positioning of the existing cameras, changing the style of camera and column, whether an additional camera will be necessary if a camera is moved, their sight lines etc. Suggests the pleached trees should be shortened in order to not block the camera views into the Queen St. entrance of Queensgate. "Kiosks" sited in front of the trees – again these should be limited so as not to obstruct the entrance to Queensgate. Also concerns over the position of the line of 3 lighting columns extending from the Leeds BS to HG's pub. Depending on the final position of the camera currently outside the Post Office, these have the potential to obstruct the camera views. The level of CCTV coverage should, at the very least, be maintained at its present level or, if not, it should be improved.

Peterborough Civic Society: Broadly support the scheme. Raise questions regarding the extent of the application outline and is concerned to ensure that the scheme takes place in an integrated manner. Support the design proposals using quality surfacing materials and street furniture. No objection to the removal of the railings to the west and south of the church and consider the reordering of the steps and ramps to gain easier access to the Church will enhance the relationship the building has with the pedestrianised area. The Society has concerns regarding St Johns Square and the over design and complexity of Option 4 proposals for this space.

The north-west/south-east desire lines from the Queensgate entrance to Church Street is compromised by the inset grassed lawns which could become tracked and muddied due to people cutting the corner. The pleached trees will divide the space in two. Suggest that the properties bordering this space should be allowed to improve their image. Frontages should be enhanced rather than hidden from view. The seating along Queens Street will cut the street from the square. The view is that one single space would be more successful, allowing a wider variety of events. Service vehicles should be excluded from the space apart from the very early morning to preserve the pedestrian-friendly ambience of the area. With regards to the Guildhall a scheme for improvements to the paved area of Cathedral Square should ensure that a suitable 'pod' or additional structure can be added at a later date to enable the Guildhall to be put back into use. The lighting details as submitted do not show actual fittings proposed or luminance plots/visual renderings of the effect the lighting will have. Suggest condition for further lighting details. A maintenance code should be established to ensure that the scheme is well cared for in the future and repairs undertaken by the City Council or Public Utilities on a like for like basis. Suggest condition for the submission of further hard and soft landscaping details to be submitted for the St Johns Square area to that when the Corn Exchange building is demolished, all parties can appreciate the proportions and quality of this space.

English Heritage: Supportive of the principle behind this proposal, but has concerns over the loss of the railings around St John's Church. The currently layout of Cathedral Square adds little to the setting of the Grade I Listed Church and the Grade II* Listed Guildhall. The good quality materials and subtle routing of traffic will be an enhancement. The removal of the Corn Exchange building and the replacement with a well designed public open space will enhance the setting of the Church and the Conservation Area. Concern raised regarding the loss of the 19C railings on the west and south side of the Church. The case for the removal of the railings to the east of the porch on the south side has not been made and English Heritage is unable to support this part of the scheme. It is understood that the application is to be revised to address these issues. It is understood that an access route is proposed

along the north side of the Church and there are no objections to this proposal. Currently the railings on the east side of the church step up to follow the raise in land over the toilet block. It would be appropriate to re-site the 1870s railings from the west side along the eastern boundary. Would wish to see the unsightly collection of bins removed from the area.

NEIGHBOURS

No letters of objection have been received from neighbouring properties or members of the public.

1 letter of support from a neighbouring occupier has been received.

COUNCILLORS

Councillor Peach has made a representation of support for the proposal.

7 REASONING

a) Introduction

All issues relating to the tenancy and the demolition of the Corn Exchange Building have no relevance to the consideration of this planning application.

b) Policy context and the principle of development

The proposal is based on the Public Realm Strategy which received Council approval in October 2008. The implementation of the Peterborough Public Realm Strategy (May 2008) brings an opportunity to revitalise the appearance and enjoyment of the historic city centre and at the same time reduce clutter, co-ordinate design and reinforce local character through appropriate materials. Cathedral Square lies at the historic core of the city and is one of the key civic spaces in the city centre. The proposal seeks to enhance the character and appearance of this area by providing a high quality, inclusive, accessible and versatile space for use both day and night and in doing so to raise the profile of Peterborough's role as regional centre and promote the vitality and viability of the city centre. The proposal accords with one of the wider Government policy objectives to improve the quality of the public realm which are considered as key elements that improve the health, vitality and economic potential of a town centre. The proposal accords with the principles of PPS6, policies PB1, SS5 and SS6 of the East of England Plan and policy CC18 of the Adopted Peterborough Local Plan (First Replacement).

The Design and Access Statement submitted in support of the application illustrates that all stages of the proposal has been accompanied by consultations, workshops, questionnaires informed the development of the final design. There has been significant coverage of the proposal within the local media and Opportunity Peterborough staff have engaged with stakeholders and the public to respond to queries. Briefings have been held with local businesses and consultations have taken place with statutory agencies. There is a general consensus in support of the scheme and there have been no fundamental objections. The proposal therefore conforms with the objectives of PPS1.

c) Impact on the Character of the area

The application site lies at the heart of the Conservation Area and essential to this proposal is its effect on the character and appearance of that area. It is considered that the design of the current streetscape does not respect the historic or spatial form nor the main pedestrian movement (large circular raised planters and changes in levels to west of the Guildhall). The proposed layout better defines this movement. The use of natural York Stone and Granite materials are considered appropriate and supported and will complement the palette of materials within this part of the city centre. The Conservation Officer has suggested that sample areas be laid prior to undertaking the works to establish their appropriateness in-situ.

Cathedral Square: It is considered that the water feature, although the introduction of a modern feature within this historic core, will provide a focal point for the city centre and will marry well with the surrounding character. Inherent to the creation of public spaces is the usability and versatility of the space. The water features can be switched off and this, combined with the removal of the large planters within Cathedral Square, the levelling of the toilet block and removal of clutter resulting from the current

seating will enable a usable space for markets, events and so on. The architectural lighting and lighting within the water feature will encourage the use of the public square after dark.

St John's Square: The removal of the Corn Exchange building will create a major new public space with great possibilities for flexible use of the area. The space will allow a much improved setting for St John's Church (Grade I listed) and views from the west along Cowgate and Cross Street. There are however, reservations to this element of the proposed scheme. The Public Realm Strategy proposed limited change to this newly created area. This gave an opportunity to allow an appreciation of the space and then consider if any further alterations are appropriate. This view is supported by the Conservation Officer, the Archaeological Officer and the Peterborough Civic Society. The 'preferred option 4' (Design & Access Statement p. 11) introduces a much more 'engineered' change. This layout is dictated by the provision of a level access to the west door of the church. Large terraced areas provide the transition in level from the square to the curtilage of the church. The various changes in levels at Church Street, at a point where the desire line to Queensgate is strong, introduces an ambiguity where a number of walking routes across 'the corner' from Church Street is likely to arise. It is considered that the terraces may be difficult to manage and vulnerable to wear and tear. This view is supported by the Conservation Officer, the Archaeological Officer and the Peterborough Civic Society.

The Archaeological Officer considers the introduction of grass terraces and a tree belt within the newly created St John's Square will reduce the legibility of the west-east 'stone axis' and the contrasting north-south 'green axis'. The tree belt is principally intended to hide the poor façade to the east of the Queensgate entrance which will become more exposed after the demolition of the Corn Exchange. It would be more appropriate to apply some built enhancements to this façade, perhaps using the planned public art projects for St John's Square. The Peterborough Civic Society considers the proposed pleached trees will divide the space in two and that it would be better to improve the façade of the Queensgate building rather than hiding it from view. The Conservation Officer suggests the provision of new shop frontages to the Queensgate elevation to enliven this bland elevation.

The Civic Society considers that the seating in Queens Street will have the same effect as the pleached trees by dividing up the space. The comments are noted however these elements are located outside of the application boundary.

It has been suggested that the change from the original paved surfacing of St John's Square to grassed areas was the result in public opinion, however, this information has not been submitted with the application for consideration. The maintenance of the grassed areas could prove difficult and costly to the 'public purse' and will only be usable space in certain months of the year, thereby reducing the adaptability and flexibility in use of the space. However, it is considered that the grassed lawns do not harm the overall character and appearance of the area, or that of the Conservation Area and therefore, regrettably, there is no justification for refusing the scheme on this element alone given the overall benefits of the proposal to the public realm.

The rationalisation of street furniture is welcomed. Street furniture should be appropriate to the historic setting. It is considered that stainless steel bollards in front of St Nicholas Gate are not appropriate. The Archaeological Officer considers that the introduction of timber benches will reduce the legibility of the historic 'stone axis' and that unpainted/natural metal finish stainless steel is not a feature of this part of the city centre. However, the majority of the seating and street furniture is located within the highway and not subject to this application. Given the sensitivity of the area the applicant is advised to consult with the Conservation Officer about the suitability of materials and design of the street furniture. An informative shall be appended to any grant of permission to this effect.

The space in front of St Nicholas' Gate provides an opportunity through variation in the laying of the paving to demarcate once again the passageway leading to the Precincts. This would reintroduce a visual and physical link between the square and the Precincts which has been missing since the pedestrianisation works carried out the early 1980's.

It is considered that while there is some disagreement over some of the details of the design of the scheme, overall both Phase 1 and Phase II elements of the scheme will enhance the character and appearance of the Conservation Area. The scheme will not detract from views of the Cathedral and will enhance the setting of the gateway. The proposal accords with policies ENV6 and ENV7 of the East of

England Plan and policies CBE3, CC17, DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement).

d) Impact on Listed Buildings

The application site juxtaposes a number of listed buildings, buildings of local importance and 'St Nicholas Gate is a Scheduled Ancient Monument. These buildings define the character of the city centre. The demolition of the Corn Exchange Building will reveal the attractive west elevation of St John's Church. The Archaeological Officer has raised concern over the removal of the historic fabric considered to make a significant contribution to the setting of the church. The present railings and gate piers contribute significantly to the overall quality of the Grade I Listed Building and its setting. There is also concern that the removal of the railings and piers is likely to result in significantly increased threats to the historic fabric of the church by making it much more vulnerable to vandalism and accidental damage. The loss of the railings is also opposed to by English Heritage and the Conservation Officer. The railing on the south side of the Church date from the 1850s and those on the west from the 1870s. While there may be an argument to support the removal of the railings at the west end, and possibly those to the west of the porch on the south side as part of the public open space, the removal of those to the east of the porch is not supported. However, it is understood that the application is to be revised to address these concerns, thereby retaining the railings on the southern boundary to the east of the porch. English Heritage support this proposal.

It is opinion of the Case Officer that the opening up of the Church by the removal of the railings will provide considerable benefits. In any event, the removal of the railings and piers is part of the fabric of the Grade I Listed Church. Any works to the Church will require Faculty approval under the Ecclesiastical Exemption procedure and is not part of this planning application.

Part of the resurfacing work includes the area to the front of the North Gate which is located within the highway. However this part of the highway abuts an area of a scheduled monument. It has not been indicated that the works will result in any impact on the scheduled monument however, should any of the fabric of the scheduled monument be affected by the works Scheduled Monument consent will be required and an informative shall be appended to any grant of planning permission to this effect.

Overall it is considered that Phase II of the scheme will enhance the setting of the Grade I Listed Building of St John the Baptist Church and accords with PPG15 and policy CBE7 of the Adopted Peterborough Local Plan (First Replacement).

e) Archaeological implications

An archaeological desk based assessment (DBA) submitted as part of the application provides an overview of the general archaeological potential of the area. The Archaeological Officer has advised that the assessment lacks the information necessary to determine archaeological mitigation requirements in respect of this planning application. The DBA does not adequately represent the extent of the engineering works or the effects of general ground level reduction and re-paving across the entire application site. Test pits have recently been carried out within Cathedral Square and important archaeological remains associated with the development of the city centre and medieval market place, have been recorded within each of the evaluation test pits. The Archaeological Officer recommends that the construction excavation depths should be kept to a minimum and prior to the determination of this application, detailed specifications for the depth and extent of construction excavations are agreed and defined in consideration of the archaeological test pit and geotechnical evidence. A programme of archaeological excavation work should precede construction excavations. In areas where significant construction excavation is planned, a programme of thorough archaeological excavation should be implemented.

Whilst archaeological implications have been identified it is considered that these issues can be addressed by a suitable archaeology condition in accordance with the objectives of policy CBE2 of the Adopted Peterborough Local Plan (First Replacement).

f) Highway implications

The proposal seeks to minimise the impact of vehicles upon the space and to give priority to pedestrians and this is welcomed. The more restricted Traffic Reduction Order (TRO) and practical enforcement via a rising bollard to be introduced in January 2009 at Long Causeway / Midgate / Westgate junction will

reduce through traffic. Vehicular access is defined by the siting of cube bollards, seats and other street furniture with a single material and flush surface throughout. This is for information only and works outside the application site and not part of the planning proposal.

Cycling: There is a Sustrans cycle route through Long Causeway and Cathedral Square and cycle access is generally permitted along the existing Church Street and Cathedral Square carriageways. Cycle racks are to be provided to the south side of Church Street, Queens Street and Exchange Street and to the east side of the Church and are in the main positioned close to the lighting columns. Cycle access is allowed along the vehicle carriageway at all times. Again, this is for information only and works outside the application site and not part of the planning proposal.

The Local Highways Authority consider the proposal to be practicable and raise not objections to the proposal subject to conditions requiring certain elements of the scheme to be fully specified including water fountains, architectural lighting and any street furniture within the application site, surface water drainage and form of construction of the resurfaced areas. The proposal accords with policies CC14, T1 and T4 of the Adopted Peterborough Local Plan (First Replacement).

g) Design for Security

Concerns have been raised by the CCTV manager regarding the obstruction of camera views due to the length of the Pleached trees and the positioning of the lighting columns. These issues have been brought to the attention of the applicant, however the pleached trees are located within the public highway and not subject to planning consent.

h) Lighting

A complementary lighting scheme and lighting layout (drawing ref. 645-010) has been submitted and is welcomed. There is a good opportunity to highlight key focal point buildings and those identified for architectural lighting (P23 D&A Statement) are generally supported.

It is proposed to light the Guildhall, Starbucks (41 Long Causeway), Leeds & Holbeck Building Society and HSBC (1 & 3 Cathedral Square) by up-lighters attached to the buildings. Listed building consent will be required for works to the Guildhall (grade II*) 41 Long Causeway (Grade II) and 1&3 Cathedral Square (Grade II). Opportunity Peterborough will be aware of discussions with English Heritage on the most appropriate method of lighting the Guildhall. This should be achieved by roof lights on adjacent buildings and up-lighters (if appropriate) to keep the façade of the building clear.

It is considered that the provision of additional lighting will provide a safer environment for pedestrians and the users of the public space and the proposal is in accordance with policy DA11 of the Adopted Peterborough Local Plan (First Replacement).

i) Design of the Built Environment for Full Accessibility

A public realm access audit of Cathedral Square produced by the Centre for Accessible Environments has been submitted as part of this application. The findings of that audit recommended issues to consider including; the prioritisation for pedestrians and a direct route and not diverted to accommodate vehicular traffic; the need to be better traffic management and parking arrangements; priority should be given to pedestrians and vulnerable road user movement; car parking in Queen St and Exchange Street is unregulated and impedes movement of vulnerable road users; there are areas with gradients up to 1:14 that are too steep for wheelchair users and mobility impaired people to negotiate without handrails; surfaces are largely good but the paving was uneven in places and cracked in some areas where there was car parking; seating on concrete planters and the steel benches provided was either too high, or uncomfortable and not easy for wheelchair users to transfer to; and the Square needs to have a variety of uses so that it becomes more family friendly and more welcoming to vulnerable and disabled people.

The removal of the level change and low walls and furniture to the west of the Guild Hall will allow greater permeability for pedestrians. The principal pedestrian routes through the space are retained as uncluttered thoroughfares. The demolition of the Corn Exchange Building will provide improved pedestrian access to Queensgate. The area immediately around St John's Church is at a lower level and new ramps and step will be introduced to improve access. The steps will have highlighting to the nosings and corduroy pattern hazard warning tactile paving along the upper landing area. Handrails are to be provided on each side of the ramp to the south of the Church. This ramp will have a gradient of

less than 1 in 20 and will be approximately 2.8m wide. A further ramp will be provided at the west of the church passing through the grassed areas with a gradient of less than 1 in 20.

The vehicle route will be level with the pavement. The Access Officer refers to research that has been undertaken and the risks posed by non-delineated surfaces. Kerbs have traditionally provided orientation and way finding for people who are blind or visually impaired. Whilst this view is not challenged it is considered that the provisions for identifying changes in levels and differentiating the vehicle carriageway for example corduroy slabs will be used at the top of all steps and tactile paving are acceptable.

Pedestrian access is also considered in relation to the water jets. These are set flush with the pavement. They are linked to an anemometer so that their height will vary in relation to the wind speed to ensure passers-by are not sprayed by the jet. The water jets will be arranged in a mat of granite paving with a bush-hammered finish so that the areas of this formal space that are frequently wet will not present slip hazard. Each of the two groups of jets is surrounded by a stainless steel drainage channel that will collect splash and recycle it.

Street furniture: It is proposed that the design of the street furniture will take account of the needs of everyone including those with disabilities. Street furniture is to be placed to respect pedestrian flows and define spaces and principles of visual contrast will be followed to ensure easy and safe use of the spaces by people with visual impairments. Bench type seating is proposed in Cathedral Square and at Queens Street. Seating will have suitable space adjacent to allow wheelchair users to sit alongside seated companions and some will be provided with arm and back rests to assist ambulant disabled people. Although most of the seating is outside the application site it will be useful for the design specifications of these features are considered by the Access Officer.

It is considered that the resurfacing and levelling of pavements, the increased permeability and the subordination of vehicular presence contributes to a sense of coherence and provides for good accessibility for pedestrians including those with disabilities and accords with policies CC14 and DA7 of the Adopted Peterborough Local Plan (First Replacement).

j) Landscaping

The Applicant has provided a detailed Arboricultural Assessment in accordance with BS5837: 2005. The report is considered to be an accurate assessment of the trees and the various management proposals are considered to be valid. The Landscape Officer is concerned about the grassed areas to the west of the church and whether the grass will withstand the level of wear anticipated, particularly in view of the level of shading by adjacent buildings and the anticipated pedestrian desire lines to the Queensgate Queen's Street entrance. It is unlikely that maintenance will overcome these problems and the longevity of this part of the scheme is questioned. There is concern that the area becomes a low-quality public area that will require attention and further resources within a relatively short timescale. The removal of the Birch Tree in Cumbergate is supported.

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:

For the reasons given above it is considered that the proposal will provide a well designed public open space which is accessible, permeable, versatile and gives priority to pedestrians and will add to the vitality and viability of the city centre. Through the use of high quality materials the scheme complements the surrounding architecture and historic built form and enhances the character and appearance of the Conservation Area. There are some elements of the scheme which could be improved, namely the deletion of the grassed areas and the pleached trees within St Johns Square, however, this space will allow a much improved setting for Grade I Listed St John the Baptist Church.

The proposal accords with PPS1, PPS6 and PPG15, policies PB1, SS5, SS6, ENV6, ENV7 of the East of England Plan and policies CBE1, CBE2, CBE3, CBE7, CC14, CC16, CC17, CC18, DA1, DA2, DA7, DA11, DA12, T1, T3 and T4 of the Adopted Peterborough Local Plan (First Replacement).

9 **RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED for 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 No development shall take place within the site 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 but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement). (The condition is to be re-worded and will be provided as an update to the Committee).

Informatives

- 1 The applicant is advised that part of the resurfacing work includes the area to the front of the St Nicholas Gate, which is scheduled monument. Should any of the fabric of the scheduled monument be affected by the works Scheduled Monument consent will be required.
- 2 Listed building consent will be required for lighting to any Listed Building including The Guildhall (grade II*) Opportunity Peterborough will be aware of discussions with English Heritage on the most appropriate method of lighting the Guildhall. This should be achieved by roof lights on adjacent buildings and up-lighters (if appropriate) to keep the façade of the building clear.

Copy to Councillors Hussain, Khan, Fazal

AMENDMENT TO LOCAL LIST FOR VALIDATION OF PLANNING APPLICATIONS

REFERRED BY: HEAD OF PLANNING SERVICES
REASON: NEED FOR AGREEMENT BY COMMITTEE AND AUTHORISATION FOR CONSULTATION
CASE OFFICER: Mr D Loveday
TELEPHONE: 01733 453456
E-MAIL: david.loveday@peterborough.gov.uk

1 DESCRIPTION

In April 2008 changes in legislation allowed Local Planning Authorities to set their own standards (local lists) for information to accompany applications. The legislation also allowed Local Planning authorities to review their lists and if they are proposing to make amendments (other than minor amendments) should re-consult and adopt new lists.

The purpose of this report is to secure Member agreement to consult on a proposed addition to the local lists that arises from the Planning Obligations Implementation Scheme (POIS), namely; That prior to validation of any planning application to which the (POIS) applies, applicants will submit either proposed Heads of Terms in respect of any S106 agreement, or a Unilateral Undertaking, dealing in full with any issues arising out of the (POIS).**

2 SUMMARY/OUTLINE OF THE ISSUE

The main considerations are:

The addition to the local list will:

- Help planning applicants to understand, from the outset, the type and extent of information that will be required of them in relation to the (POIS) and Policy IMP1 of the Peterborough Local Plan
- Enable Peterborough City Council to have all the information it needs in order to determine the application and draft the decision notice including any planning conditions required
- Improve ability to achieve performance targets

The Head of Planning Services recommends that consultation is carried out on the basis of the Planning Obligations Implementation Scheme.

3 BACKGROUND**The Town and Country (General Development Procedure) Order 1995 (as amended)**

The Government amended the Town and Country (General Development Procedure) Order 1995 to introduce a mandatory standard application form (1App) and associated information requirements for validation of applications, from 6 April 2008.

The associated information requirements comprise a National Core List that applies to all Local Planning Authorities and additional items that may be specified locally.

Best Practice Guidance

The Lists are outlined in the Department for Communities and Local Government's White Paper, 'The Validation of Planning Applications Guidance for Local Planning Authorities'. Planning Obligations are included in the recommended national list of local requirements that may be adopted locally.

The paper advises on the recommended best practice process for determining the content of the Local Lists. Planning Obligations is included in the Planning obligations– draft heads of terms

They recommend that:

- The relevant committee authorises consultation on the content of the local lists and on additions to those lists for planning and related applications
- Minimum period for consultation with relevant stakeholders should be 6 weeks
- Formal review of comments and report back for formal resolution and adoption of the addition to Local Lists by the relevant committee
- Publication of the adopted Local Lists on the Local Authorities website (and made available through the Planning Portal) in addition to paper copies being made available at planning reception or on request.

The White Paper goes on to advise that where a Local Planning Authority has consulted and adopted Local Lists in accordance with the procedures outlined above, they can be used as the local requirements when validating applications under the amended Town and Country (General Development Procedure) Order.

4 HISTORY

- **Prior to 2006**

Validation requirements were in the form of notes on the application forms and advice given by Planning Officers and Technical staff.

- **2006 to April 2008**

Encouraged by Central Government, more extensive Validation Checklists were introduced and published on the council website in addition to hard copies being provided with application forms in the reception and on request at Bridge House.

- **April 2008 to Present**

Adoption of the Local Lists as agreed by committee and published as required.

5 CONSULTATIONS/REPRESENTATIONS

The White paper advised that the minimum period for consultation with relevant stakeholders should be 6 weeks.

Relevant stakeholders are defined as:

- **Statutory consultees**

The Environment Agency, Natural England, English Heritage, Network Rail, the Strategic Health Authority, the Highway Authority, the Regional Development Agency and statutory undertakers.

- **Parish and Town Councils**

- **Relevant Voluntary and Community Groups**

Residents Groups/amenity societies

- **Agents/developers/applicants forums or representative group of agents**

6 REASONING

The following is based on the main considerations identified in Section 2 of this report.

The (POIS), once adopted, will apply to many applications submitted. This could involve a considerable amount of new work for the department. In order that the additional work does not prejudice the performance targets and as such our customer focus, the (POIS) foresees that the best way of dealing with S106 issues is to start, and in some cases finish, the process at the earliest possible date. Bearing in mind that many of the more simple S106 issues are relatively straightforward, then the best way is to 'front load' the process, ensuring that delays do not occur during the life of the application.

The inclusion of this item in the Local Lists will help planning applicants to understand, from the outset, the type and extent of information that will be required of them

The inclusion of this item in the Local Lists will enable Peterborough City Council to have all the information it needs in order to determine most applications and draft the decision notice including any planning conditions required

This will allow officers and Members to make decisions based on robust information and should reduce the need for officers to request information during the evaluation of the application. Whilst this will impose an obligation on developers to consult on development proposals prior to submission, it should provide them with greater certainty and speed up the decision making process, and thus assist the commencement of development.

The Local Lists will improve ability to achieve performance targets.

7 CONCLUSIONS

The proposed amendment to the content of the Local List is considered essential to the effective delivery of the (POIS) and as such there is a need to consult relevant stakeholders .

8 RECOMMENDATION

The Head of Planning Services recommends that;

- a) Members agree to the suggested amendment to the local list for validation of planning applications, and
- b) relevant stakeholders be consulted on the amendment to the content of the Local Lists in the 6 week period from 18 December 2008 to 29 January 2009.

The outcome of the consultation process will be reported back to Members at the February 2009 meeting.

**For information the source:

The Validation of Planning applications – Guidance for local planning authorities

Planning obligations (or "section 106 agreements") are private agreements negotiated between local planning authorities and persons with an interest in a piece of land (or "developer"), and are intended to make acceptable development which would otherwise be unacceptable in planning terms.

Where Development Plan Documents contain policies that give details of likely planning obligation requirements, a local planning authority may require a statement of the proposed Heads of Terms to be submitted with the application.

This page is intentionally left blank