

## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 19 NOVEMBER 2013

1.30 PM

Bourges/Viersen Rooms - Town Hall

### AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Members' Declaration of intention to make representations as Ward Councillor**

4. **Minutes of the Meeting Held on 22 October 2013** 3 - 10

5. **Development Control and Enforcement Matters**

5.1 **13/01292/FUL - Anteon UK Ltd, Newark Road, Fengate, Peterborough** 11 - 22

5.2 **13/01521/CTR - 25 - 27 High Street, Eye, Peterborough, PE6 7UP** 23 - 26

5.3 **TPO 5\_2013 - Tree Preservation Order Confirmation, 15 Park Crescent, Peterborough, PE1 4DX** 27 - 32

5.4 **12/01414/FUL - Management Office, Queensgate Shopping Centre, Westgate, Peterborough, PE1 1NH** 33 - 46

5.5 **13/01343/FUL - 78 Crowland Road, Eye, Peterborough, PE6 7TR** 47 - 54



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

Committee Members:

Councillors: Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Simons, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – [gemma.george@peterborough.gov.uk](mailto:gemma.george@peterborough.gov.uk)

**CASE OFFICERS:**

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

Minerals and Waste: Theresa Nicholl, Alan Jones

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

**NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering 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 22 OCTOBER 2013**

**Members Present:** Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, North, Todd, Shabbir, Sylvester, Lane and Harrington

**Officers Present:** Nick Harding, Group Manager Development Management  
Carrie Denness, Senior Solicitor  
Hannah Vincent, Planning and Highways Lawyer  
Gemma Wildman, Principal Strategic Planning Officer  
Emma Naylor, Strategic Planning Officer  
Jim Daley, Principal Built Environment Officer  
Karen S Dunleavy, Governance Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Simons and Councillor Sylvester.

Councillor Kreling was in attendance as a substitute.

**2. Declarations of Interests**

Councillor Hiller declared an interest in item 3.1, 29 Maxey Road, stating that he had recently attended a presentation, given by the company Seagate Development, relating to previous developments within Northborough Ward, however this would not prejudice his decision making in respect of this current application.

**3. Development Control and Enforcement Matters**

**3.1 13/01069/FUL - Construction of 5 x 5 bedroom dwellings with associated roadways, hard and soft landscaping - Land to The North of 29 Maxey Road, Helpston, Peterborough**

The application site was located on the edge of Helpston village and abutted Maxey Road. It had well defined boundaries that separated it from the countryside. The street scene was characterised by a variety of styles and age of dwellings, including bungalows, two storey semi-detached and new built executive-style dwellings.

To the north was the East-Coast/Cross-Country railway line. A drainage ditch abutted the eastern edge of the site. The site was covered in rough grass and there were a number of trees at the front of the site, the rest of which had been

bounded by hedges of varying condition. The Helpston Conservation Area was located 100 metres to the south and the site was situated within Flood Zone 1.

The Applicant sought consent to erect five two storey detached dwellings with detached double garages and a new access bridge, which would be constructed over the drainage ditch.

The site was allocated for residential development with an indicative number of six dwellings under Policy SA6.6 of the Peterborough Site Allocations DPD (2012).

The Group Manager Development Management provided an overview of the proposal and highlighted the key points for consideration. The officer's recommendation was to grant the application, subject to the imposition of relevant conditions.

Members' attention was drawn to additional information contained within the update report, which included:

- An additional condition requesting that the exact location of bat habitat boxes be provided;
- An additional condition requesting that no windows, other than those previously indicated, to be installed on the front east elevation of Plot 2; and
- A further letter of objection had been received from Helpston Parish Council addressing points raised within the Applicant's Design and Access Statement.

Comments had also been received from Anglian Water confirming that they had experienced one call out in Church Street with regard to foul sewerage, the conclusion being that no fault was found and it could not be proven that there would be a risk of sewerage issues in the future; and

Ward Councillor David Over and Parish Councillor Joe Dobson addressed the Committee and responded to questions from Members. In summary issues raised included:

- The Maxey Road old hedges had come under pressure over the past 20 years due to the number of housing developments;
- Some of the houses built had not met planning permission or followed the appropriate regulations;
- The area was a recent addition to the planning village envelope, which had not widely been consulted upon;
- Materials to be used for the proposed development were not in keeping with the village street scene;
- There had been no recent sewer problems due to the warm summer and the lack of rain;
- The sewer pipe was six inches in diameter and had most likely been installed in the 1960's. This caused concern around future provision;
- There was a lack of services, such as broadband, in Helpston;
- Consideration should be given to allocate the site for affordable housing

- development for the young or retired;
- The traffic issues currently experienced at the level crossings may increase if the proposed development was approved;
- The proposal appeared to attract high end development and had not catered for the needs of the village nor for families;
- A recent development site within Helpston reached right up to the road and beyond the building line of the adjacent existing properties;
- The plot was overbearing and untypical to what had already existed in other areas of the Helpston;
- Helpston housing developments had increased by 50% and the village was unable to cope with further development as it did not have the necessary infrastructure;
- A S106 agreement would provide more green space if an affordable housing development was introduced in Helpston Village. There would also be the opportunity to update the village hall and various other services;
- Local residents' objections had been raised directly through Helpston Parish Council;
- The site allocation would benefit from a mix of housing options. This would be more attractive to the Parish Council; and
- Affordable housing would attract the younger generation to take up residence in Helpston village.

The Group Manager Development Management provided clarification over points raised and stated that an extensive consultation process had been undertaken on the site allocations proposals in accordance with legislation.

Members debated the application and commented that although they were sympathetic to the concerns raised in relation to the Helpston villager's needs, there would be a POIS contribution which would go towards improvements within the village. It was further noted that sufficient provision should be made to ensure that the bat population was provided for.

The Group Manager Development Management confirmed that the bat survey conducted had not shown a high numbered population, however, Members may request an additional condition calling for additional bat boxes to be installed.

A motion was put forward and seconded to grant the application, as per officer recommendation, subject to the imposition of relevant conditions. The motion was carried by 6 votes, with 2 voting against and 1 abstaining.

**RESOLVED:** (6 For, 2 Against, 1 Abstention) to grant the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C17 as detailed in the committee report;
2. An additional condition requesting the provision of additional bat boxes and the specification of the location of those boxes;
3. An additional condition regarding the restricted installation of windows for Plot 2.

### **Reasons for the decision:**

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

- The design, layout and scale of the development was considered appropriate to the surrounding character and context of the area, it would not have an unacceptably adverse impact on the adjacent Conservation Area and it would not have an unacceptably adverse impact on the amenity of existing and future residential occupiers. The proposal was therefore considered acceptable in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), the NPPF (2012), SA4 and SA6 of the Peterborough Site Allocations DPD (2012) and PP2, PP3, PP4 and PP17 of the Peterborough Policies DPD (2012);
- A suitable access and sufficient on-site parking and turning could be provided. Subject to conditions with respect to securing a Construction Management Plan the development would not result in an adverse impact on highway safety and was considered in accordance with Policy PP12 and PP13 of the Peterborough Policies DPD (2012);
- The proposal would not result in an unacceptable impact on protected trees or existing ecological features of the site. An appropriate scheme for bat mitigating, tree protection and the hard and soft landscaping of the site could be secured via the imposition of a condition, as well as providing opportunities for biodiversity gain. The proposal was therefore in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and PP16 of the Peterborough Policies DPD (2012);
- Subject to the imposition of conditions with respect to uncovering unknown archaeology or unsuspected contamination, the proposal would accord with Policy CS17 of the Peterborough Core Strategy DPD (2011) and PP17 and PP20 of the Peterborough Policies DPD (2012);
- Subject to the imposition of conditions the proposal would make a contribution towards the Council's aspiration to become the Environment Capital of the UK and accord with Policy CS10 of the Peterborough Core Strategy DPD (2011); and
- The development was subject to a POIS contribution which had been secured through a Section 106 Legal Agreement. The proposal was therefore in accordance with Policy CS13 of the Peterborough Core Strategy DPD (2011).

#### **4. Application to Designate a Neighbourhood Area (Bretton Parish Council)**

The Strategic Planning Officer introduced a report which outlined the application from Bretton Parish Council to become a Designated Neighbourhood Area, in accordance with the procedures contained in the adopted Peterborough City Council Statement of Community Involvement.

The options open for Committee's consideration were as follows:

- Option A: 'area approved, without amendment';
- Option B: 'area approved, with minor amendments'; and

- Option C: 'minded to approve an area, but only if significant amendments were made which were subject to a further round of consultation'.

It was advised that the Bretton Parish Council area, if approved, would become the fifth Neighbourhood Area in Peterborough.

A motion was put forwarded and seconded to approve officer recommendation.

**RESOLVED:**

The Committee agreed that:

1. Bretton Parish Council's application to designate a Neighbourhood Area was to be approved without amendment (Option A - approval without amendment); and
2. That the Neighbourhood Area would not be designated as a business area.

**Reasons for the decision:**

It was been considered that the whole of the parish was a logical and appropriate area for designation as a Neighbourhood Area and that the Neighbourhood Area should not be designated as a business area.

**5. Peterborough City Centre Development Plan Document (DPD)**

The Principal Strategic Planning Officer introduced a report which sought comments from the Committee on the City Centre Plan (Proposed Submission Version) before it was presented to Cabinet on 4 November 2013. Cabinet would then be asked to recommend the document for approval by Full Council for the purpose of public consultation and submission to the Secretary of State.

The Principal Strategic Planning Officer also highlighted the changes to the DPD which were outlined within the report.

Members commented on the development ideas for the Wirrina and the recent £250k that had been secured as a result of the Potters Way developments. Members also commended the DPD document and the work undertaken by officers.

**RESOLVED:**

The Committee confirmed their agreement of the draft Peterborough City Centre DPD (Proposed Submission Version) and had no comments to be presented to Cabinet.

Following a request to the Committee, it was agreed that agenda item 7 would be taken as the next item of business.

## **6. Three Month Appeal Performance**

The Group Manager Development Management introduced a report which outlined Planning Service's performance at appeals and identified if there had been any lessons to be learnt in terms of the appeal outcomes. The aim was intended to help inform Committee when undertaking future decisions in order to potentially reduce costs.

Key points highlighted included:

- There had been no costs of award against the Council; and
- The outcome of the appeal for installation of a temporary mobile home for occupation by managers of Dairy Foods.

In response to a question raised by Members regarding the appeal progress of 12/01922/FUL, Cherry Orton Road the Group Manager Development Management advised that an enforcement notice was due to be served.

### **RESOLVED:**

The Committee noted past performance and outcomes.

Following a request to the Committee, it was agreed that agenda item 8 would be taken as the next item of business.

## **7. Planning Compliance Quarterly Report on Activity and Performance – July to September 2013**

The Group Manager Development Management introduced a report which outlined the Planning Service's planning compliance performance and activity which identified if there were any lessons to be learnt from the actions taken. The aim was for Committee to be kept informed of future decisions and potential to reduce costs.

Key highlights within the report included:

- In the second quarter of 2013/4 the Council received a total of 116 service requests (usually average was 150 cases per quarter). And taking into account the number of cases closed over the period (117 cases) as at 31 September 2013 the Council had 238 live cases being investigated / in the process of being resolved;
- The Technical Services Team had acknowledged 97% of new service requests within three working days during the quarter, this was well above the target of 80% and 91% of initial site visits were made within seven days of the service request being received; and
- A total of seven enforcement notices had been issued in the quarter and six enforcement notices issued in previous quarters had been checked and were found to have been complied with. The Council had received 34 less cases than the quarterly average of 150. The number of cases closed was 33 below the quarterly average. The Council had brought a successful



prosecution case against an unauthorised residential extension although the fine imposed had been successfully challenged and the Council was awaiting news on what the new fine would be.

The Group Manager Development Management responded to questions and comments raised by Members. In summary responses included:

- The notices regarding advertisements in the open countryside were currently being prepared;
- The timeliness of when enforcement would be served on a development would depend on the nature of the matter and the number of people affected. As a guideline, most notices were served within six months; and
- The outcome of the appeal regarding the retrospective planning approval for 12/00050/ENFACC, 90 Vere Road was outlined to Committee. The Inspector dismissed the appeal and the Applicant was to take the building back to its original approved planning permission.

**RESOLVED:**

The Committee noted past performance and outcomes.

**8. Peterborough Shop Front Design Guidance Supplementary Planning Document (SPD)**

The Principal Built Environment Officer introduced a report to Committee which followed public consultation on a draft version of the Shop Front Design Guidance Supplementary Planning Document (SPD).

The Committee was advised that the purpose of the report had been to enable the Committee to comment on the draft final version of the Shop Front Design Guidance SPD before it was presented to the relevant portfolio holder (the Leader of the Council and Cabinet Member for Growth, Strategic Planning, Housing, Economic Development and Business Engagement) for approval by Cabinet Member Decision Notice. The Leader would be requested to take into account any comments from the Planning Committee.

The Design Guide was intended to provide good representation over shop front designs that were preferred by the Council.

Members commented on the document and key points raised, and responses given by the Principal Built Environment Officer, included:

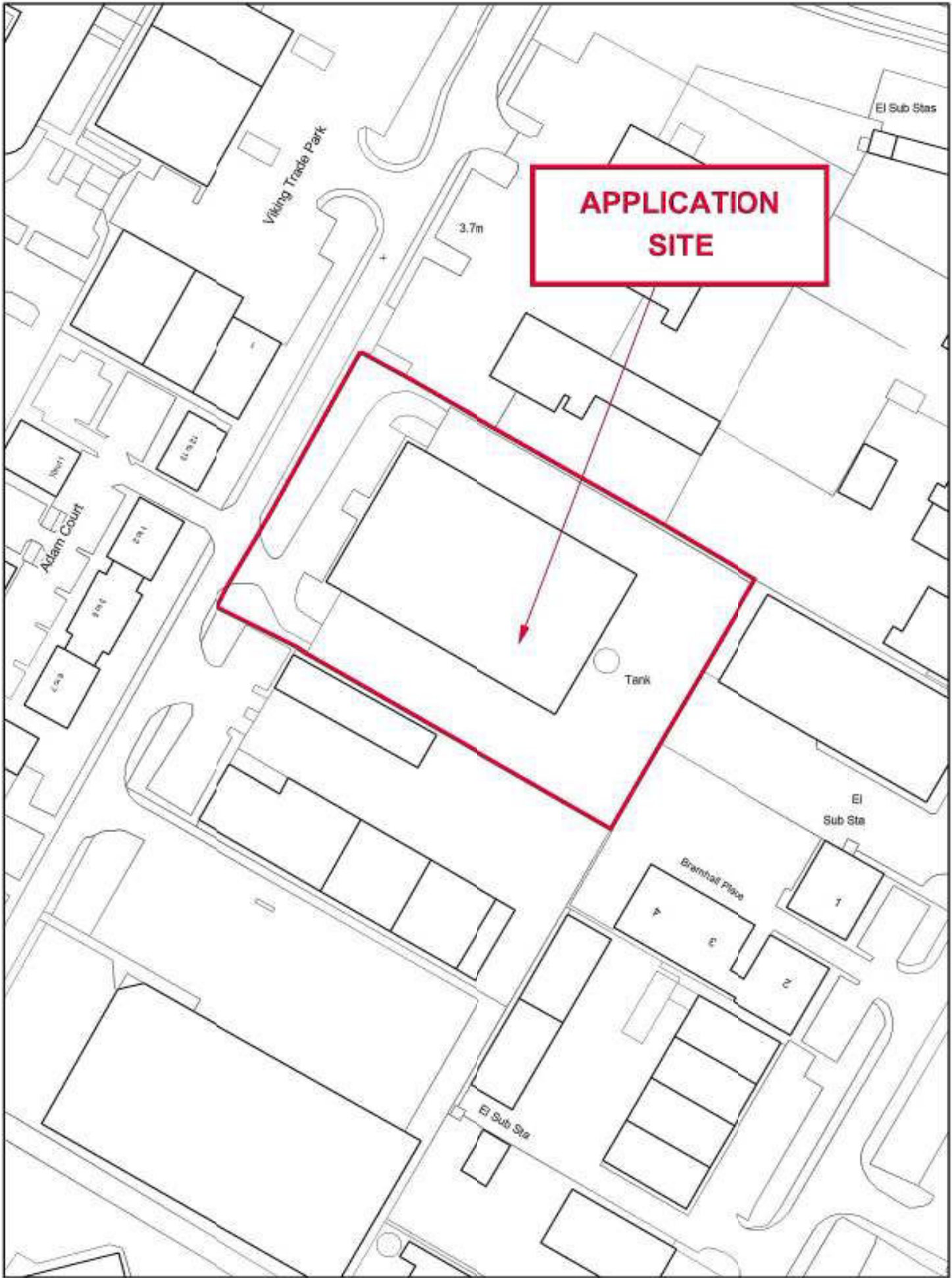
- The document was a good representation of shop front design requirements and once it was embedded into planning policy, it should make the City a more attractive place;
- Requirements on the diameter of shop front entrances for the provision of wheelchair access would be advised by building control;
- Small and Medium-sized Enterprises (SME) would not be subject to a prescriptive material in the choice of frontage design, as the SPD guidance set out the Council's preference in the use of materials. There would

- however, be constraints for graded buildings or conservation areas;
- The team's assessment of a shop front design would be referred to within planning applications, in order to check whether the proposal was a good design that worked well with the street scene, with the aim being to avoid an area becoming cluttered with overbearing shop fronts;
  - There would be no advertisement control over stickers displayed in shop front windows, however the SPD would aim to avoid shop windows becoming completely covered in unnecessary signage;
  - There was no objection by the team as to outside lighting, however consideration should be given from a highway point of view in that the lighting should not be too dominant. As an example a small pool of light to welcome customers into a shop was acceptable;
  - The style of shutters outside shops, would be determined by considering the crime statistics for an area;
  - Some Members commented that the SPD was an important document, however, it would be disappointing if SMEs were to experience obstacles due to the rules contained within it and over regulation; and
  - Some Members commented that the Council had a duty to protect other shopkeepers in terms of setting shop design standards within an area and to preserve the character of old buildings. Businesses needed to be aware of what the Council's design expectations were.

**RESOLVED:**

The Committee commented on the Peterborough Shop Front Design Guidance Supplementary Planning Document (SPD). There were no specific recommendations put forward by the Committee in order to assist the Leader in reaching his decision.

1.30pm – 3.08pm  
Chairman



**LOCATION PLAN 13/01292/FUL**

Anteon UK Ltd, Newark Road, Fengate, Peterborough

**Scale** NTS **Date** 6/11/2013 **Name** AA Department **Planning Services**



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**Application Ref:** 13/01292/FUL

**Proposal:** Erection of shelter to encapsulate a holding food freezer to rear of site (retrospective)

**Site:** Anteon UK Ltd, Newark Road, Fengate, Peterborough

**Applicant:** Mr Hanif Sahim, Samsara Consultancy  
**Agent:** Mr Ray Hart, Stanza Consulting

**Referred by:** Director of Growth and Regeneration  
**Reason:** To ensure a transparent and open decision making process

**Site visit:** 07.11.2013

**Case officer:** Miss L C Lovegrove  
**Telephone No.** 01733 454439  
**E-Mail:** louise.lovegrove@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surroundings**

The application site comprises a large detached storage and distribution warehouse (Use Class B8) set centrally within its plot and surrounded entirely by concrete hardstanding. The existing unit is of dual pitched design with buff brick construction to the ground floor and metal cladding at first and second floors. The principal elevation of the unit is entirely glazed. Parking is provided on-site to the front and sides of the unit, with vehicular access taken from Newark Road to the south-western corner of the site. The area of hardstanding to the rear of the unit was previously used for the manoeuvring of delivery vehicles and overflow car parking. The building is set back from the adopted public highway by a small strip of landscaping comprising grass, semi-mature trees and shrubbery.

The site lies within the allocated Eastern General Employment Area with the surrounding area comprising a mix of industrial and commercial units.

**Proposal**

The application seeks planning permission for the construction of a detached cold storage building to the rear of the site measuring 23.75 metres (width) x 61.275 metres (length) x 11.6 metres (height to eaves). It should be noted that development has been substantially completed and as such, the scheme is retrospective.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
DC0872	Factory and ancillary offices	Permitted	05/09/1988
CNT015	Factory and office development including associated external works	Permitted	08/05/1989
06/00534/FUL	Replacement fencing with concrete pillars/posts	Permitted	12/06/2006
12/01748/FUL	Change of use class from B2 to B8 for the wholesale distribution of food products	Permitted	07/02/2013

## **3 Planning Policy**

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

### **National Planning Policy Framework (2012)**

#### **Section 1 - Economic Growth**

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

#### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

#### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and if required, the Exception Test.

### **Peterborough Core Strategy DPD (2011)**

#### **CS02 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

#### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

#### **CS16 - Urban Design and the Public Realm**

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

### **CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

### **Peterborough Site Allocations DPD (2012)**

#### **SA11 - General Employment Areas and Business Parks**

Within the allocated General Employment Areas (GEAs) and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B8 within the GEAs, classes B1(a) and B1(b) within the Business Parks).

### **Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)**

#### **MW30 - Waste Consultation Areas**

Waste Consultation Areas will be identified through the Core Strategy and Site Specific Proposals Plan and development will only be permitted in these areas where it is demonstrated it will not prejudice future or existing planned waste management operations.

### **Peterborough Planning Policies DPD (2012)**

#### **PP02 - Design Quality**

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

#### **PP03 - Impacts of New Development**

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

#### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

#### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

## **4 Consultations/Representations**

### **Transport & Engineering Services (21.10.13)**

No objections - Whilst the development results in the loss of an area currently used for delivery vehicle manoeuvring/loading/unloading and overflow car parking, adequate space is retained for these purposes. Request a condition restricting delivery vehicles from accessing the site during normal working hours owing to conflict with visitor parking and the site entrance.

**Minerals and Waste Officer (Policy) (22.10.13)**

No objections - Whilst the application site lies within the Waste Consultation Area, the development is unlikely to prejudice the waste management operations at the planned Energy from Waste scheme on Fourth Drove.

**Pollution Control (01.11.13)**

No objections – The rating level of noise emitted from the unit should not exceed 55dB LAeq and this may be secured by way of a compliance condition.

**Environment Agency (11.10.13)**

No objections.

**Local Residents/Interested Parties**

Initial consultations: 16

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

Three letters of objection have been received (two on behalf of the same neighbouring occupant) on the following grounds:

- The description of development is rather disingenuous and suggests a rather less substantial building that is actually proposed.
- It seems odd that an application so obviously lacking in any meaningful justification would be validated, although its retrospective nature may have a bearing on this.
- The sheer scale of development requires a degree of site coverage that leaves only a small amount of space to cater for the operational requirements of the business without activities such as car parking spilling on to the highway.
- With regards to sustainable development, assessment should also consider the re-use of the premises by users in the future and whether the constraints that the proposal forces on the site restricts future occupant.
- The development results in fewer on-site car parking spaces than originally proposed, despite an increase in floor space and this can only be achieved by removing areas of landscaping previously required to deliver a development of adequate quality.
- The provision of soft landscaping is an important element to secure quality in the wider area and that should not be weakened by this proposal.
- Policy CS16 of the Peterborough Core Strategy DPD (2011) clearly states that: new development should respond appropriately to the particular character of the site and its surroundings; new development should improve the quality of the public realm; and new development should not result in unacceptable impact on the amenities of occupiers of any nearby properties. The key principles of this policy should be taken into account for alterations/extensions to existing buildings and it seems clear that they have not.
- Policy PP2 of the Peterborough Planning Policies DPD (2012) details that proposals should: make a positive contribution to the quality of the natural and built environment; and not have a detrimental effect on the character of any immediately adjoining premises or the surrounding area.
- Policy PP3 of the same policy document states that planning permission will not be granted for development which would result in unacceptable: loss of light to and/or overshadowing of any nearby properties; or overbearing impact on any nearby properties.
- The proposal lacks consideration of the context set by the site which is a fundamental weakness in delivering high quality development.
- Concern regarding the impact of the building upon neighbouring sites, particularly in terms of development opportunities/options in the future.



- The company concerned have chosen to ignore all reasonable planning and construction practice.
- The building is disproportionately overbearing.
- It cannot be considered simply that a refusal of permission here will impact on jobs as the specific requirements can be found or created in a proper manner in Peterborough.
- The building dwarfs those surrounding it and is not in keeping with the character of the surrounding area.
- The building has significant visual impact to neighbouring units.
- As the building is to house a freezer/cold room, no doubt external refrigeration equipment will be present which can be a source of noise nuisance. The application does not include the location of this equipment

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Parking and highway implications
- Impact upon neighbour amenity
- Flood risk
- Waste consultation area

### **a) Principle of development**

As detailed in Section 1 above, the application site is located within the identified Eastern General Employment Area, as set out in Policy SA11 of the Peterborough Site Allocations DPD (2012). Within such an area, the Policy identifies that planning permission will be granted for development within Use Classes B1, B2 and B8. Furthermore, paragraph 19 of the National Planning Policy Framework (2012) highlights that 'significant weight should be placed on the need to support economic growth through the planning system', including the expansion of existing employment generators. The development which has been undertaken relates to construction of a large detached cold room store associated with the existing storage and distribution use on the site (Class B8). Accordingly, the development represents expansion of an existing employment use and as such, the principle of development is acceptable in accordance with these policies.

It is noted that an objection has been received in relation to sustainable development and the requirement for planning decisions to ensure that the development undertaken does not prejudice the future reuse of the site by other users. This is accepted and the assessment of other material planning considerations below takes account of this fully.

### **b) Design and impact upon the character and appearance of the area**

It is acknowledged that the constructed detached cold store building is of a large size, scale and mass and of a height which exceeds other properties within the locality. Notwithstanding this, it is not considered that the proposal appears an incongruous or alien element within the streetscene. Throughout the wider Fengate area, there is a large variety in the size, scale and height of buildings - all however retaining an 'industrial' character. The constructed building is sited to the rear of the existing building, running across almost the entire width of the plot. Whilst the scale is significant, by virtue of the positioning of the building within its plot, it does not appear an unduly dominant or overbearing feature when viewed from Newark Road.

The letters of objection received from neighbouring occupants, detail the harm that would result from the removal of the existing soft landscape strip which fronts the site adjacent to the public footway. The streetscene along Newark Road is characterised by verdant, landscaped frontages however the depth and landscape qualities of these frontages varies significantly. The development as constructed has retained an area which would allow for some landscaping to the front of the site albeit to a reduced width. Upon completion of landscaping

works (to be secured by condition), it is not considered that this will significantly detract from the overall amenity of the locality, subject to suitable replacement planting.

With regards to impact upon the character along Storeys Bar Road, it is not considered that the development has an unacceptably harmful impact. Owing to existing developments along the street, views of the building are mainly screened from the public realm with only glimpses visible through the access roads leading off the highway. As such, whilst the building when viewed near-to may appear oppressive, its impact is lessened within the public realm.

Accordingly, it is not considered that the application scheme results in any unacceptably harmful impact upon the character, appearance or visual amenity of the surrounding area, in accordance with paragraph 58 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

### **c) Parking and highway implications**

#### Car parking

The development as constructed results in the loss of the rear yard area of the site, which was previously used for the parking, turning, loading and unloading of delivery vehicles and for overflow car parking. As such, the scheme has sought to amend the internal layout by removing part of the existing soft landscape strip to the front of the site (adjacent to the public footway) in order to accommodate additional car parking. Further car parking is also provided alongside both side elevations of the existing building. As such, the application scheme provides for a total of 64 parking spaces, a reduction of 4 spaces from the original site layout prior to development. The current adopted parking standards for B8 uses (within which the application site falls) require a maximum of three parking spaces per unit plus the provision of one parking space for every 300sqm of gross internal floor space. Even taking into consideration the additional floor space generated by the development, the car parking provision achieved on the site exceeds these maximum parking standards. Accordingly, it is considered that sufficient car parking is provided within the site and therefore, undue pressure for parking on the adjacent public highway network will not result.

#### Delivery vehicle access and manoeuvring

Included within the application scheme are revised access and turning arrangements for delivery vehicles, required owing to the loss of the rear yard area. The proposal details that delivery vehicles will enter the site and turn within the increased area of hardstanding to the front of the original building. This area is also to be used for visitor and staff parking (as detailed above) and as such, the Local Highway Authority (LHA) has raised concerns regarding the potential for conflict. If delivery vehicles were to be manoeuvring within this area during 'normal' working hours, visitors and staff wanting to enter the site would be prevented from doing so, thereby having to queue on the adjacent public highway and creating an impediment to the free flow of traffic. In order to overcome this, the LHA has requested that a condition be imposed which restricts delivery vehicles from accessing the site during 'normal' working hours - generally between 8.30am and 5.30pm. It is considered that such a condition would remove the potential for conflict and prevent any unacceptable risk to highway safety. The Applicant is happy with the imposition of such a condition as it does not impact on the operation of the development.

On the basis of the above, the development provides adequate parking within the curtilage of the site and does not pose any unacceptable risk to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

**d) Impact upon neighbour amenity**

By virtue of the size of the building erected and its position within the site, it is acknowledged that the development results in some level of harm to surrounding units. Most notably, the building is sited immediately adjacent to the rear boundary of the site, in close proximity to Barber House and No.4 Bramhall Place (Adcock). The majority of the building dominates the car parking/yard areas to these units however, it is not considered that it result in such an overly dominant or oppressive impact to warrant refusal of the scheme. The neighbouring units themselves are not subject to any significant levels of overbearing or overshadowing impact and as such, the working conditions for occupants are not unduly harmed. Similarly with regards to the neighbouring units to the north and south of the site (Unity Automotive and The Lindum Group respectively), the impact predominantly results to external parking/yard areas and not to the units themselves. As such, it is not considered that the development results in an unacceptable impact to the working conditions of neighbouring occupants.

In terms of potential noise impact from the refrigeration equipment, this is all housed internally within the building. As such, there are no external plant/machinery/ducting or flues which could generate noise disturbance to neighbouring occupants. Notwithstanding this, the City Council's Pollution Control Team has requested a condition be imposed which limits the noise emissions from the site to 55dB LAeq at the nearest noise sensitive receptor. This is considered to be reasonable and appropriate.

On the basis of the above, the development will not result in any unacceptably harmful impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**e) Flood risk**

The majority of the application site lies within Flood Zone 1 (low risk) although a small area of the north-eastern corner lies within Flood Zone 2 (medium risk). The application has been accompanied by a Flood Risk Assessment which has been accepted by the Environment Agency and no objections to the development have been raised. The development does not result in a significant increase of impermeable surface and the building itself, is considered to be 'less vulnerable development', as defined in the National Planning Policy Framework (2012). In terms of applying the requisite Sequential Test, it is acknowledged that within the Fengate area there are likely to be sites which could accommodate the development and which are sequentially preferable. However, the site is owned and operated by the Applicant and the area within Flood Zone 2 is minimal. As such, it is not considered reasonable, or in the interests of economic development, to refuse the application on the basis of failure to accord with the Sequential Test - particularly in light of no objections having been received from the Environment Agency. It is not considered that the development would be at unacceptable risk of flooding itself, nor would it result in unacceptably increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

**f) Waste consultation area**

The application site lies within the identified Waste Consultation Area (as set out in Policy CS30 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD) which is intended to ensure that development in this area does not prejudice the existing or future planned waste management operations of the City - most notably the planning Energy from Waste development on Fourth Drove. The City Council's Minerals and Waste Officer has not raised any objections to the development as it is not considered that the proposal is likely to prejudice the waste management operations of this planned facilities.

**g) Other matters**

With regards to neighbour objections that are not discussed in the preceding sections, Officers make the following comments:

**Inaccurate description of development** - It is considered that the description of development used for the application scheme adequately details the development that has been undertaken.

**Development was undertaken without the requisite permissions** - The commencement of development without first seeking planning permission is unauthorised however, the Local Planning Authority has a statutory duty to determine any planning application it receives. The fact that the application is retrospective does not affect the determination which must be in accordance with the adopted Local Plan and all material planning considerations.

## **6 Conclusions**

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

- the development represents the expansion of an existing employment use (Class B8) within an identified and allocated General Employment Area, in accordance with paragraph 19 of the National Planning Policy Framework (2012) and Policy SA11 of the Peterborough Site Allocations DPD (2012);
- the constructed building and proposed external alterations will not result in any unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with paragraph 58 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012);
- adequate car parking is provided within the site and the development will not result in any unacceptable risk to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the development does not result in any unacceptable harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the development is not at unacceptable risk from flooding or will result in increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011); and
- the development does not prejudice the waste management operations of the planned Energy from Waste development on Fourth Drove, in accordance with Policy CS30 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (2011).

## **7 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 No delivery vehicles shall enter or exit the site during the hours of 08.30 to 17.30 on any day.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 2 The areas shown on drawing number P5109 RH\_SZA\_GF\_S\_004 for the parking, turning, loading and unloading of delivery vehicles visiting the site shall not be used for any other purpose in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 3 Those areas shown on drawing number P5109 RH\_SZA\_GF\_DR\_S\_001 for staff and visitor parking shall not hereafter be used for any purpose other than the parking of vehicles in connection with the use of the site.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C 4 Within three months of the date of this permission, a scheme for the landscaping to the front of the site (adjacent to the public footway) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following approval of the details. The scheme shall include planting plans, including retained trees, species, numbers, size and density of planting.

Reason: In the interests of the visual appearance of the development, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 5 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

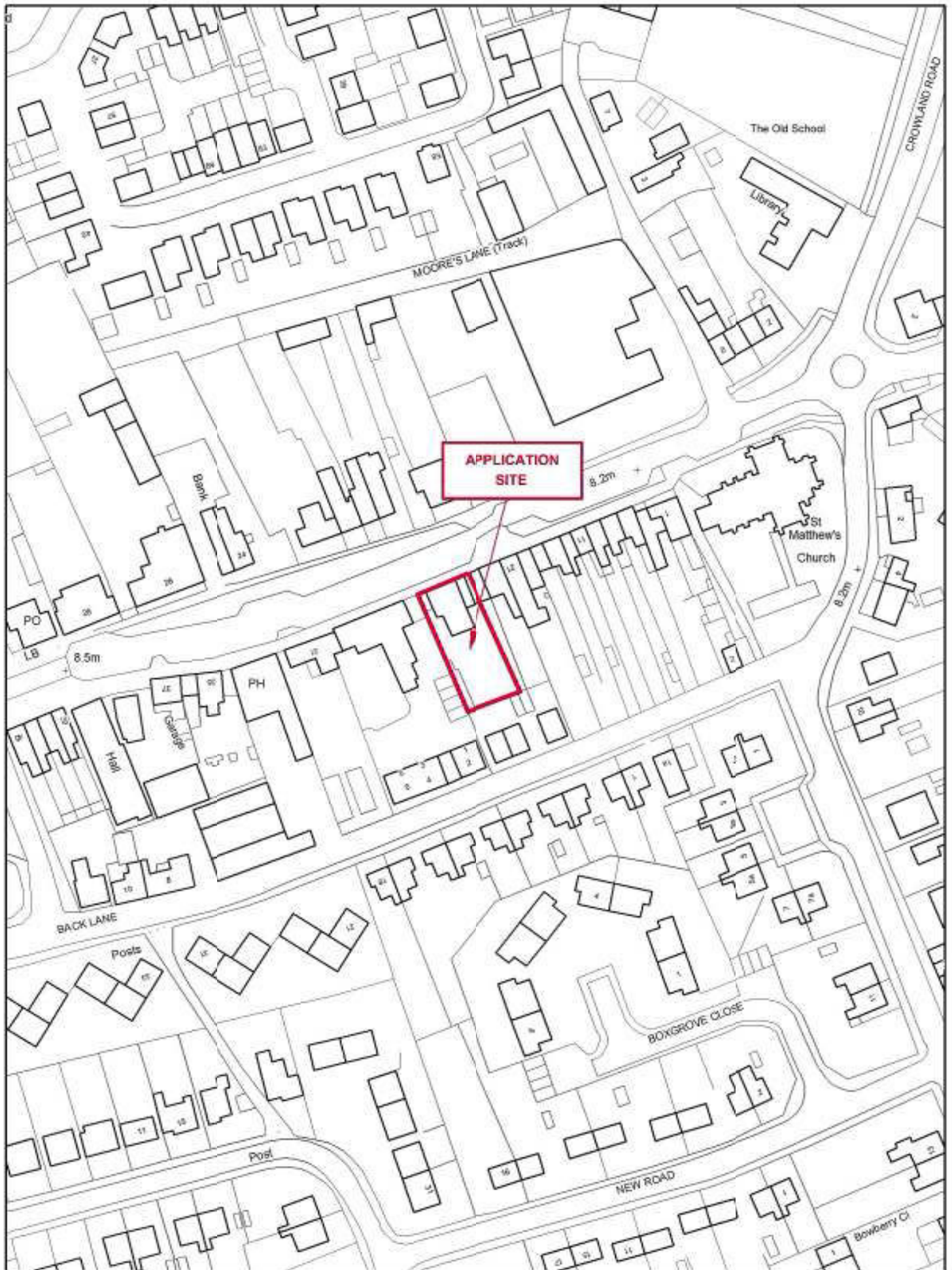
Reason: In the interests of the visual appearance of the development in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 6 The rating level of noise emitted from the building shall not exceed 55 dB LAeq determined at the windows of the nearest noise sensitive premises (including commercial uses). In the event of a reasonable noise complaint to the Local Planning Authority, the Developer (or their successors in Title) shall submit a full assessment showing compliance with this limit, or where necessary, additional mitigation measures and a timetable for their implementation. The measurements and assessment should be made according to BS:4142:1997.

Reason: In the interests of preserving the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Copies to Cllrs N Shabbir, M Todd, J Johnson

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**LOCATION PLAN 13/01521/CTR**  
 25-27 High Street, Eye, Peterborough PE6 7UP

**Scale** NTS      **Date** 6/11/2013      **Name** AA      **Department** Planning Services



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**Application Ref:** 13/01521/CTR

**Proposal:** Section 211 Notice of intent to carry out works to trees in Eye Conservation area

**Site:** 25 - 27 High Street, Eye, Peterborough, PE6 7UP

**Referred by:** Director of Growth and Regeneration

**Reason:** The Applicant is Councillor Dale McKean

**Case officer:** Mr John Wilcockson  
**Telephone No.** 01733 453465  
**E-Mail:** john.wilcockson@peterborough.gov.uk

**Recommendation:** **NO OBJECTIONS** are raised and the works are therefore approved

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

A Section 211 Notice has been submitted by Cllr Dale McKean, a notification to carry out tree work at 25-27 High St, Eye, Peterborough. The notification was registered within the Local Planning Authority (LPA) on 11<sup>th</sup> October 2013.

The proposed works are :-

Reduce (T1) Cypress by 2m and lateral reduction by 1m, Reduce (T2) Hazel by 2m overall, reduce (T3) Twisted Willow by 2m overall.

The main considerations are:

- **Are the proposals in line with sound Arboricultural practice, reasonable and justified having regard to any representations received?**
- **Are the trees worthy of inclusion into a Tree Preservation Order (TPO) in terms of public visual amenity value, condition and health?**

The Director of Growth & Regeneration recommends that **NO OBJECTIONS** are raised and the works are therefore approved.

## **2 DESCRIPTION OF SITE AND SURROUNDINGS**

The trees are located in the rear garden of the property, the garden is largely screened by surrounding properties.

## **3 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

None

### **EXTERNAL**

Eye Parish Council – No comments received.

### **NEIGHBOURS**

None

## **COUNCILLORS**

None

## **4 REASONING**

Under a section 211 anyone proposing to cut down or carry out work on a tree in a Conservation Area is required to give the Local Planning Authority (LPA) six weeks' prior notice. The purpose of this requirement is to give the LPA an opportunity to consider whether a TPO should be made in respect of the tree.

The works to T2 Hazel and T3 Willow are repeat works for which a Notice was received last year under 12/00191/CTR - no objections were raised by the Council to this application and the works were therefore approved. Neither tree is worthy of inclusion into a TPO due to lack of visual amenity value and the works are arboriculturally sound.

The works to the Cypress was requested by the applicant to allow more light into the garden. Whilst reducing the height of a tree for light is not considered to be sound Arboricultural practice, the Cypress is not worthy of inclusion into a TPO due to lack of visual amenity value.

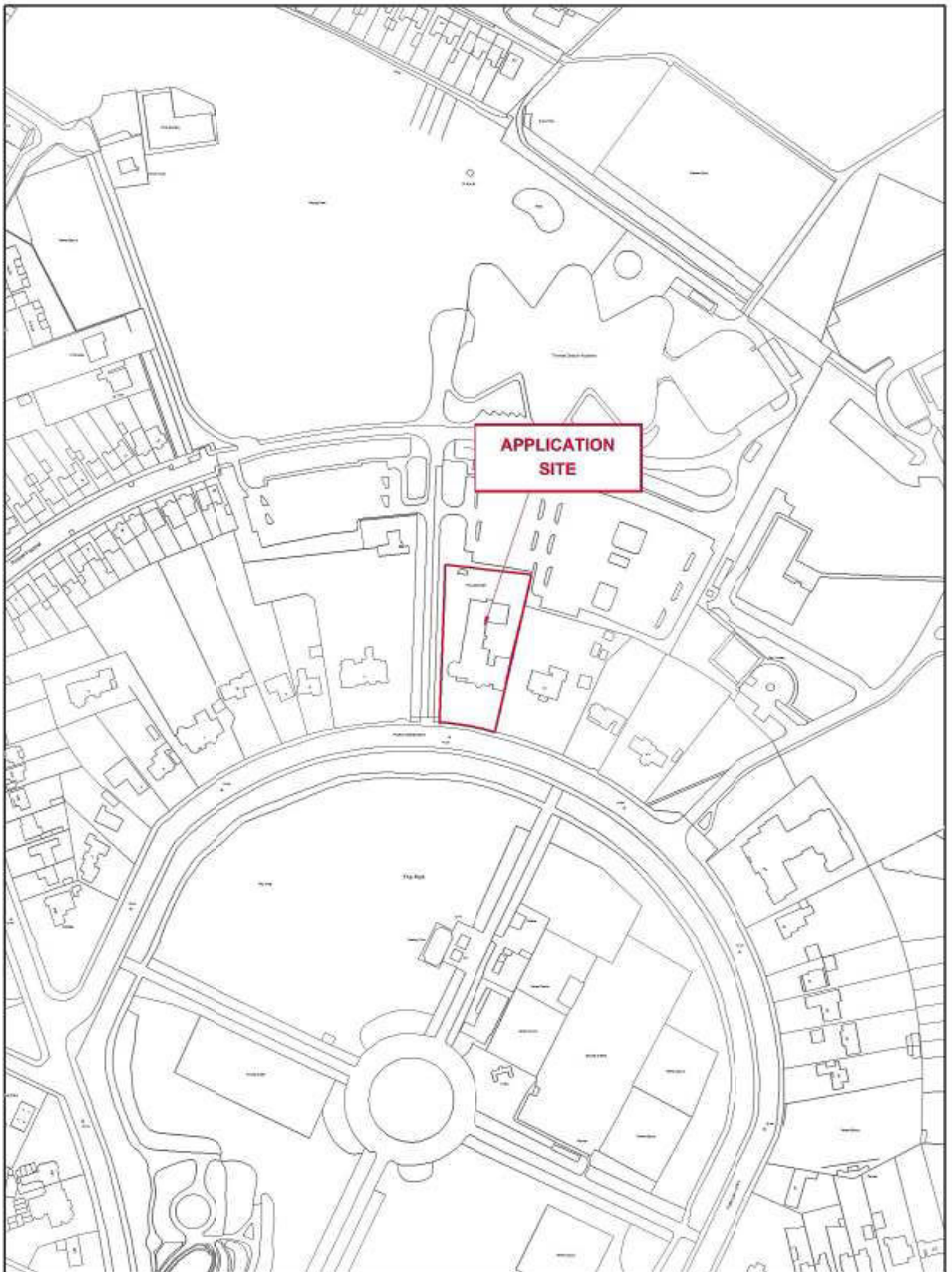
## **5 CONCLUSIONS**

The proposed works are acceptable.

## **6 RECOMMENDATION**

The Director of Growth & Regeneration recommends that **NO OBJECTIONS** are raised to this Notice and the works are therefore authorised.

Copies to Cllrs D Sanders, D McKean



**LOCATION PLAN**

15 Park Crescent, Peterborough PE1 4DX

Scale NTS      Date 6/11/2013      Name AA Department Planning Services



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**Application Ref:** TPO 5\_2013  
**Proposal:** Provisional Tree Preservation Order  
**Site:** 15 Park Crescent, Peterborough, PE1 4DX  
**Referred by:** Director of Growth and Regeneration  
**Reason:** Objections have been raised to the provisional TPO  
**Case officer:** Mr John Wilcockson  
**Telephone No.** 01733 453465  
**E-Mail:** john.wilcockson@peterborough.gov.uk  
**Recommendation:** That the TPO is **CONFIRMED**

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

Officers have served a provisional Tree Preservation Order (TPO) 5\_2013 at 15 Park Crescent, Peterborough following the submission of a Section 211 Notice of intent to carry out works to a tree in a Conservation Area which threatened the loss of a Cedar tree. Following the public consultation period, objections have been raised.

The main considerations are:

- **Is the tree worthy of inclusion into a TPO in terms of public visual amenity value, condition and health?**
- **Are the proposals reasonable and justified having regard to any representations received?**

An objection has been raised in respect of the Tree Preservation Order and Committee are asked to determine the application accordingly in accordance with para 2.5.1.2.(f) of the Council's Constitution.

The Director of Growth and Regeneration recommends that the TPO is **CONFIRMED**.

## **2 DESCRIPTION OF SITE AND SURROUNDINGS**

The tree T1 (Cedar) is located to the front of the Care Home at 15 Park Crescent, Peterborough PE1 4DX.

The tree is in good condition and health and provides significant public visual amenity value as viewed from Park Crescent and contributes significantly to the appearance of the conservation area. The tree is therefore considered worthy of protection by way of a Tree Preservation Order.

## **3 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

None

### **EXTERNAL**

Mr Simarjit Barjwa of Peterborough Care Ltd (the owner of the tree) made the following comments during the consultation on the provisional Tree Preservation Order:-

- The tree is too large and too close to the building.
- The tree sheds needles that create a slip hazard for pedestrians especially in winter.
- The tree causes access problems for emergency services.

## **NEIGHBOURS**

None

## **4 REASONING**

### **a) Introduction**

A Section 211 Notice - 13/01264/CTR was submitted to fell the tree by Peterborough Care Ltd on the 21<sup>st</sup> Aug 2013. In terms of a Conservation Area Notice, the Local Authority first and foremost have to consider the importance of the tree in the public landscape (i.e. tree can be seen from a public place, not a private garden) and would the works be a negative affect on that landscape.

The officer made an assessment of the tree as per “Tree Preservation Orders: A Guide to the Law and Good Practice” and concluded that the tree was in good health and that it made a significant contribution towards the visual amenity of the area and the conservation areas and therefore concluded that the felling of the tree was not appropriate. Given this, the importance of the tree was highlighted to the Care Home and in line with best practice guidelines, discussions were entered into with a view to the Notice being withdrawn. Ultimately, the Care Home refused to withdraw the Notice. As a Section 211 Notice cannot be refused, the only recourse to the officer was to protect the tree by way of a Tree Preservation Order (TPO). A provisional TPO was served on the 16<sup>th</sup> September 2013 and consulted upon.

At the same time, a CAVAT (Capital Asset Value for Amenity Trees) Assessment was also carried out, This provides a basis for managing trees in the UK as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. It is intended particularly for councils and other Public Authorities and primarily for publicly owned trees. It is established in the Town and Country Planning Act 1990 Section 198, that trees have value as a public amenity and therefore local planning authorities are given a duty to protect trees in the public interest. The legislation itself does not specify how amenity is to be assessed, leaving it open for the value of trees to be expressed in the most appropriate way for the intended purpose, and not necessarily in monetary terms. Because CAVAT is specifically designed as an asset management tool for trees that are publicly owned, or of public importance, it does express value in monetary terms, and in a way that is directly related to the quantum of public benefits that each particular tree provides. Applied to the tree stock as a whole it enables it to be managed as if it were a financial asset of the community. Applied to single trees it gives a value that is meaningful in itself but allows a comparison to be made with the value of other public trees. CAVAT works by calculating a unit value for each square centimetre of tree stem, by extrapolation from the average cost of a range of newly planted trees, and then adjusting this to reflect the degree of benefit that the tree provides to the local community. The adjustment is designed to allow the final value to reflect realistically the contribution of the tree to public welfare through tangible and intangible benefits. The CAVAT assessment placed a value on the tree of £225,000.

### **b) Considerations of Representations Received on Provisional TPO**

Under the DETR guidance, people affected by the order have a right to object or make comments on any of the trees or woodlands covered before the Local Planning Authority (LPA) decide whether the order should be made permanent (Confirmed), the following advice is provided to LPA's regarding objections:-

***If objections or representations are duly made, the LPA cannot confirm the TPO unless they have first considered them. To consider objections and representations properly it may be necessary for the LPA to carry out a further site visit, which would in any case be appropriate if the LPA had not yet assessed fully the amenity value of the trees or woodlands concerned. Any objection or representation made on technical grounds (for example, that a tree is diseased or dangerous) should be considered by an arboriculturist, preferably with experience of the TPO system.***

***Discussion between the LPA and any person who makes an objection is encouraged. Discussion can lead to a greater mutual understanding of each side's point of view. This in turn can help clarify the main issues which will have to be considered by the LPA before they decide whether to confirm the TPO. Alternatively, discussions can lead to the withdrawal of objections.***

As reported in Section 3, two representations have been received and these are responded to below:

Needle Drop Causes Health & Safety Risk - It is not considered proportionate to fell a tree on the basis of needle drop - frosts & icy weather events account for a small percentage of days through a calendar year.

Tree Restricts Access by Emergency Vehicles - If there were issues in terms of emergency services and it was considered the tree to be a serious issue in terms of access, it is suggested that this problem would have been identified by the emergency services by now. As the emergency services have not identified that there is a problem, this claim is unsubstantiated and it is not therefore considered proportionate to fell the tree on this basis.

Tree is too close / big in relation to the building - There has been no evidence provided to suggest that there is structural damage to the property and officers would agree to works to provide adequate clearance from the building.

Tree does not contribute significantly to the visual amenity of the area - The tree itself is considered to be an important feature within the landscape of one of Peterborough's oldest streets, a street that is to a degree defined by its trees. The tree is also an important part of the appearance of the conservation area.

Tree is not balanced - A tree is a self-optimised structure, it is growing into a shape and size that it needs to be to sustain itself - the term "balanced" is a human need and has no bearing on sound Arboricultural practices. The visual amenity this tree provides is considered to be important in terms of the surrounding landscape and is of significant benefit to the public.

## **5 CONCLUSIONS**

It is the opinion of the Case Officer that the TPO should be Confirmed for the following reasons:-

- The tree offers public visual amenity value and it is considered that the loss would be of detriment to the greater public and the landscape in this location.
- There has been no substantiated evidence to support the felling of this tree.
- It is the opinion of the Case Officer that tree could provide 50 yrs + visual amenity value based on its current condition.

## **6 RECOMMENDATION**

The Director of Growth and Regeneration recommends that this provisional TPO is CONFIRMED.

Copies to Cllrs P Kreling, J Peach, J Shearman

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**Application Ref:** 12/01414/FUL

**Proposal:** Installation of street furniture at external entrances to Queensgate shopping centre, comprising new Publicly Available Specification (PAS) 68:2007 rated bollards (static, removable and rising variations), vehicle blockers and PAS rated cycle racks. New gatehouse to be installed at one service entrance

**Site:** Management Office, Queensgate Shopping Centre, Westgate, Peterborough

**Applicant:** Hammerson

**Agent:** Mr Alan Down  
Workman LLP

**Referred by:** Director of Growth and Regeneration

**Reason:** Application of wider public interest

**Site visit:** 31.07.2013

**Case officer:** Mrs J MacLennan

**Telephone No.** 01733 454438

**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

The application site involves the entrances to the Queensgate Shopping Centre. The Centre lies at the heart of the central retail area and is juxtaposed both modern and historic development.

### Proposal

The proposal is to install new Publicly Available Specification (PAS) 68:2007 rated street furniture at all external entrances to Queensgate shopping centre, including bollards (in rising, removable and static variations), planters and new vehicle blocker barriers to the service yards. The Truckstopper bollard by Safetyflex is proposed in most locations. This has an elliptical shaped sleeve in stainless steel and single black band the dimensions of the sleeve are c.130mm(w) x 220mm(d) x 1000mm(h).

The specific design details of the bollards at each location will be agreed by condition, however indicative design styles are provided at Appendix 1 to this report. The counter terrorism measures are proposed as follows:

1. Queensgate entrance off Westgate adjacent to John Lewis entrance:
  - Removal of existing chain, cycle racks and bollards and make good surfaces
  - Installation 14 no. PAS68:2007 rated bollards with 1.2m width clearing. Two of the bollards would be sleeved with a 'shark fin' bicycle rack.
  - Installation of 1 no PAS68:2007 rated bollard and surface mounted vehicle blocker within service yard adjacent to 'Fleure'
  
2. Entrance to Westgate Arcade
  - Removal of existing bollards and street furniture and make good surfaces
  - Installation of 14 no. PAS68:2007 rated bollards with 1.2m width clearing including 2 no. removable bollards at central point of build out. The bollards would be location 0.45m from the

kerb line and would follow the kerb line. Sleeve to bollards would have a 'Westminster' design. (This element has been revised since the initial submission which including bollards crossing the footway.)

3. Frontage to Long Causeway/Entrance to Queensgate

- Installation of 1 no PAS68:2007 rated bollard
- Installation of 6 no. PAS68 rated planters, Marshalls Rhinoguard Optima 952 with timber surround
- Installation of 6 no PAS68:2007 rated bollards with 1.2m width clearance at Long Causeway entrance to Queensgate

4. Exchange Street/Cathedral Square entrances to Queensgate

- Installation of 6 no PAS68:2007 rated bollards with 1.2m width clearance to replace existing bollards on Exchange Street, including 2 no. removable bollards
- Installation of 4 no PAS68:2007 rated bollards with 1.2m width clearance and 1.2m from façade of entrance to Queensgate  
(This element has been revised since the initial submission and the bollards will now replace existing bollards.)

5. Exchange Street/St John's Square

- Replacement of existing bollards with 4 no. PAS68:2007 rated bollards with 1.2m width clearance including 2 no removable bollards to be positioned adjacent to corner of fence line on church boundary to minimise vehicle approach line.

6. Argos entrance to Queensgate

- Replacement of existing bollards with 6 no. PAS68:2007 rated bollards with 1.2m width clearance and make good existing surfaces.

7. Security Hut

- Erection of brick built security hut, dimensions: 1.8m x 1.8m x 2.35m in height to be positioned at entrance to Queensgate service yard.
- New PAS68:2007 rated surface mount Vehicle Blockers to entrance and exit

8. Queensgate Undercroft south end

- Installation of 4 no PAS68:2007 rated bollards with 1.2m width clearance
- Installation of PAS68:2007 rated Vehicle Blocker

9. Queensgate undercroft north end

- Installation of 4 no PAS68:2007 rated bollards with 1.2m width clearance
- Installation of PAS68:2007 rated Vehicle Blocker

10. Steps and car park entrance Bourges Boulevard

- Installation of 9 no PAS68:2007 rated bollards with 1.2m width clearance

## **2 Planning History**

No relevant planning history

## **3 Planning Policy**

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

## **National Planning Policy Framework (2012)**

### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

### **Section 8 - Safe and Accessible Environments**

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

## **Peterborough Core Strategy DPD (2011)**

### **CS04 - The City Centre**

Promotes the enhancement of the city centre through additional comparison retail floor space especially in North Westgate, new residential development, major new cultural and leisure developments and public realm improvements, as well as protecting its historic environment.

### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

### **CS16 - Urban Design and the Public Realm**

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

### **CS17 - The Historic Environment**

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

## **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

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

### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user

groups and there would not be any unacceptable impact on the transportation network including highway safety.

#### **PP17 - Heritage Assets**

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

#### **Material Planning Considerations**

Crowded Places: The Planning System and Counter-Terrorism 2012 (DCLG)

#### **4 Consultations/Representations**

**Conservation Officer** – Objects - The proposals need further consideration and refinement. Whilst some elements are acceptable much of the work proposed in the public realm is insensitively designed and wholly inappropriate. There would appear to be little consideration given to the convenience and safety of pedestrians and disabled users. The combined effects of this approach to security will add significantly to the street clutter around the city and degrade the quality of the conservation area. This is not the correct approach to securing the centre or the wider city. This approach will set an unwelcome precedent which may well turn the city into an unwelcome looking fortress. This in turn will raise the perception of the issues, increasing fear and discouraging shoppers and visitors. There are a variety of other more subtle measures which could be employed to achieve the same ends.

**English Heritage** – Objects - The proposal would result in undesirable street clutter that will harm the character and appearance of the conservation area. The recent works to the public realm in Cathedral Square has enhanced the character and appearance of the Conservation Area and the setting of highly graded listed buildings in the vicinity. The installation of the bollards etc. would erode some of the quality of the public realm. The proposal would result in a degree of harm and while that harm would be less than substantial harm, there is insufficient justification to demonstrate that there would be wider public benefits from the proposal that would outweigh the harm. Recommends the application is refused.

**Ancient Monuments Society** - We do not wish to comment in detail, but would only ask if your authority's Conservation and Urban Design Teams have been consulted on the proposals. In view of the recent successful town centre improvements carried out by Peterborough Council, it seems essential to us that any further change to the public realm should be carried in consultation with the appropriate local authority department.

**Archaeological Officer** – No objection - Given the sensitivity of the area, all groundwork should be monitored and recorded by an appointed archaeologist. Recommends conditions.

**Police Architectural Liaison Officer** - I can confirm that Cambridgeshire Constabulary have had on-going, Pre Application discussions, with the Applicant and City Council, in relation to what is being proposed. The Police wish to provide our full support to the Queensgate Centre Management Team and the Centre Owners, in relation to the security measures outlined in this application. The measures adequately address vulnerability to crime.

**City Centre Management** - No comments received

**Transport & Engineering Services** – Objection - The bollards do not meet the criteria for location in the highway. Works within the highway would require a S278 Agreement. It is unclear which bollards would be located in which area. The bollards at location 2 (Westgate) would conflict with the positioning of signage which needs to be retained. The bollards should not extend into the parking bays. It is proposed that the bollards would match the existing bollards however, these do not meet current specifications as there is no reflective banding. Planters at location 3 (unit 2 Long

Causeway) restrict the width of a very busy pedestrian thoroughfare and would be a trip hazard. Bollards at location 4 (Cathedral Square entrance to Queensgate) would be an incongruous feature within the square and will obstruct pedestrians as this entrance is heavily used. Bollards in this location are unnecessary due to difficulty in manoeuvring a vehicle into this position due to existing street furniture. The bollards, if approved, will need to meet highway standards. Bollards at location 5 (Exchange Street) obstruct access to the jewellers. There are existing bollards at St Johns Square. Bollards at location 6 (Argos entrance to Queensgate) are acceptable in principle. Bollards at location 10 (Bourges Boulevard) are unacceptable as the Local Highway Authority are redesigning this area with a signalised junction and the bollards would be within the area for the traffic signal equipment. Cycle racks at location 1 and bollards at location 3 and 4 appear to cause a trip hazard/obstruct pedestrians - this would be a concern if mass evacuation was required.

**Peterborough Local Access Forum (LAF)** - Peterborough LAF have no comments to make on the planned application.

**Cambridgeshire Fire and Rescue** – No objection - No major issues. The evacuation strategy for Queensgate is based on the malls evacuating first followed by the shops so it is predicted that a steady flow rate would occur instead of a mass exit. The impact of the proposed bollards should have little impact on the evacuation strategy. Consideration how the proposed bollards will impact on people with disability should be assessed.

### **Local Residents/Interested Parties**

Initial consultations: 217  
Total number of responses: 1  
Total number of objections: 1  
Total number in support: 0

No representations have been received from neighbouring occupiers.

**Peterborough Civic Society** - We are disappointed that some sections of newly installed paving on Exchange Street will need to be destroyed in order to install the new security bollards. We trust that a high standard of reinstatement will be insisted upon. We also note that there is a conflict between the Long Causeway proposals and the current application by Pret for outside tables ((Ref 13/00966/FUL). As to the remainder of the proposals we consider it essential that the City Council insists on a phased sequential implementation in order that access to the City Centre shopping streets from Queensgate is not inhibited (or appears to be) from all entrances at the same time. We assume that the City Council has been in discussion with Queensgate management over an agreement as to the future maintenance and replacement of those elements which lie within the highway.

## **5 Assessment of the planning issues**

### **a) Background**

There have been discussions between the applicant, the City Council and the Cambridgeshire Constabulary regarding counter security measures for the city centre. The most appropriate measures would be to have a wider ring of security measures around the city centre. However, this has proved difficult due to the required access for traders into the city centre, deliveries, bus routes, etc. In the absence of being able to overcome these constraints the proposed security measures are intended to reduce vulnerability to crime within the Queensgate Centre.

There have been changes to the initial submission for locations 2 (Westgate) and 4 (Cathedral Square entrance to Queensgate) as described above and re-consultations have been undertaken.

## b) Vulnerability to Crime

The UK faces a significant threat from international terrorism. Experience shows that crowded places are and will remain an attractive target for international terrorists by virtue of their crowd density. An important element in the Government's strategy for countering terrorism (CONTEST) is to create safer places and buildings that are less vulnerable to terrorist attack and, should an attack take place, where people are better protected from its impact. Designing-out crime and designing-in community safety are already central considerations in planning development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder. Crime for these purposes includes terrorism, and good counter-terrorism protective security is also good crime prevention (DCLG, 2012).

One of the greatest threats is posed by the use of Vehicle Borne Improvised Explosive Devices (VBIEDs). VBIED attacks involve the use of a vehicle containing an explosive device, being either parked close to or driven into a target destination before being detonated. They are regarded as one of the most effective and common weapons available to terrorist organisations, as the load carrying capacity and mobility of vehicles provides terrorists with an effective, readily available method of delivery, with the capacity to inflict large scale damage and loss of life.

It is acknowledged that the proposed bollards would not prevent all threats to the Queensgate Centre however preventing vehicles from entering the centre would avoid mass impact. There are a variety of types of bollard which would achieve the required security and the style of bollard would be dependent on the location and also the need to conform to specifications for bollards within the highway.

There are a number of bollards located around the city centre however; the important consideration is for the type of bollard to achieve the standard for preventing vehicles accessing the Queensgate Centre. There is a need to strike a balance between addressing vulnerability to crime and ensuring that public spaces remain functional and attractive places.

The Cambridgeshire Constabulary Counter Terrorism Officer and Police Architectural Liaison Officer are in full support of the application which they consider adequately addresses vulnerability to crime.

## c) Design and Visual Amenity

The proposal is intended to discreetly enhance the security of the shopping centre at all entrances without compromising the visual amenity of the area.

**Location 1 – Queensgate entrance off Westgate adjacent to John Lewis entrance:** The bollards would be located under the overhang of the building and would align with the building columns. The existing chain and cycle rack would be removed and replaced with two shields providing cycle racks within the line of the bollards. The proposal would to some degree, tidy up the site and it is not considered that the bollards would detract from the character and appearance of the street scene. The vehicle blocker would be inside the demise of the access and would not be directly visible from the street.

**Location 2 - Entrance to Westgate Arcade:** There are existing bollards located in the build out around the canopy to the Westgate Arcade. The original submission proposed some of the bollards crossing the footway, whilst the positioning of the bollards provided a clearance width of 1.2m the proposal would have resulted in a cluttered appearance particularly as there would have been 3 each side of the entrance canopy and there is already a significant amount of street furniture at this entrance.

It is considered that the new positioning for the bollards which run along the back of the footway would be less cluttered. It is proposed that the bollards would have a Westminster design which would have a similar appearance to the existing bollards. It is considered that the bollards would

not detract from the character and appearance of the street scene. The Local Highways Authority (LHA) have advised that these do not conform to current specifications, however it is considered that an appropriate design could be agreed upon which both address the need for the bollards to respect the character and appearance of the area and conform to highway standards. These details would be secured by condition.

**Location 3 - Frontage to Long Causeway/Entrance to Queensgate:** It is proposed to locate 6 PAS68 rated planters Marshalls Rhinoguard Optima 952 (see Appendix 1) with timber surround outside the overhang of the Queensgate building to the front of Unit 2. The precise details would be secured by condition. The location of the planters would be an improvement to bollards and would enhance the frontage given that planning permission has been granted for Unit 2 Queensgate for a change of use to restaurant/café (A3) (ref. 13/01004/FUL) and permission has been granted for outside seating (ref. 13/00966/FUL). The 6 bollards at the Long Causeway entrance would align with the columns of the Queensgate building and their position would not be unduly prominent in the street scene.

It is noted that Peterborough City Council is currently preparing designs for a remodelling of the carriageway and footpaths outside the Long Causeway entrance to Queensgate. It is hoped to create a flexible performance space which will include large fixed seating and public art. It is not considered that the proposed bollards and planters would compromise these works. It is your officer's view that these plans are not in the public domain and therefore cannot impact on the outcome of this decision.

**Location 4 – Exchange Street/Cathedral Square entrance to Queensgate:** The scheme has been amended from the initial submissions which sought to relocate existing bollards closer to the entrance to Queensgate. It was considered that this would have resulted in a proliferation of bollards detrimental to the visual amenity Cathedral Square. The existing bollards would be replaced with PAS 68 bollards. The positioning of 4 bollards at the Queensgate entrance would not compromise the improvements undertaken to Cathedral Square.

**Location 5 - Exchange Street/St John's Square:** The principle of bollards in this location is already established as there are existing bollards, albeit they would not conform to the PAS 68 2007 standard. The bollards would be relocated closer to the boundary of the church. Subject to precise details the bollards would not detract from the visual amenity of the area.

**Location 6 – Argos entrance to Queensgate:** The principle of bollards in this location is already established as there are existing bollards, albeit they would not conform to the PAS 68 2007 standard. The existing bollards would be replaced with PAS 68 bollards. Subject to precise details the bollards would not detract from the visual amenity of the area.

**Location 7 - Security Hut:** The hut would be located within the service area of the Queensgate building and would not be directly visible from the street.

**Location 8/9 - Queensgate Undercroft south/north end:** The vehicle blockers would be in the demise of the Queensgate site and would not be directly visible from the street.

**Location 10 - Steps and car park entrance Bourges Boulevard:** This is not a sensitive location and the bollards would not unduly impact on the visual amenity of this area.

**d) Impact on the character and appearance of the Historic Environment**

The Queensgate Centre lies at the heart of Peterborough's historic core and abuts the City Centre Conservation Area boundary and lies adjacent to many Grade II listed buildings. Some of the proposed bollards/planters are located within the Conservation Area. Objections have been raised by the City Council's Conservation Officer who considers the proposal to be detrimental to the setting of the conservation area and contrary to policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD.

It is also the view of English Heritage that the proposal would lead to unnecessary street clutter and that the refurbishment works to Cathedral Square have greatly enhanced the character and appearance of the conservation area and the setting of the listed buildings. The proposal would erode some of the quality of the public realm. The proposal would result in a degree of harm and while that harm would be less than substantial there is insufficient justification to demonstrate there would be wider public benefits arising from the application that would outweigh the resulting harm. The recommendation is one of refusal.

The National Planning Policy Framework (NPPF) emphasises the need to conserve the historic environment and the new development should make a positive contribution to local character and distinctiveness. It also states that 'where a development proposal will lead to less than substantial harm to the significant of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'.

It is acknowledged that the application is not supported with any justification for the proposed counter terrorism measures however, it is widely accepted that crowded places such as shopping centres are an attractive target for international terrorism. The Department for Communities and Local Government (DCLG) has produced a guidance document on this issue.

It is considered that with appropriate design the bollards and street furniture would not detract from the character and appearance of the conservation area or the setting of the listed buildings. Indeed, as with other street furniture and artefacts for example within Cathedral Square/St John's Square they would be part of the modern landscape and an example of how the needs of the present day can harmonise with the fabric of the past.

A condition would be appended to the decision requiring details of the reinstatement of the pavement to be submitted for approval by the Local Planning Authority to ensure that there is no harm to the refurbishment works to the Cathedral Square.

It is considered that the public benefit of protection from a large impact terrorist attack far outweighs the less than substantial harm likely to be caused to the character and appearance of the conservation area and the setting of the listed buildings and it is considered that the proposal accords with policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD and the NPPF.

**e) Highway Implications**

Some of the bollards/planters would be located within the public highway and notice has been served on the Local Highway Authority (LHA). Works within the highway would require a S278 Agreement. The LHA recommends refusal of the application due to the height of the bollards/planters being insufficient to be easily perceptible to pedestrians and therefore would present a trip hazard.

The precise details of the bollards would be agreed by condition, including the height, particularly for those located in the public highway. The agent has advised that the 1m height could be achieved as the bollard sleeve can be amended to suit the requirement for 1m above finished floor level. Reflectors could also be accommodated for bollards within the highway. The final design and type of bollard to be located at each of the proposed locations would be agreed by condition due to the need to satisfy highway requirements.

The agent has provided details for the bollards to the Westgate entrance these have a 'Westminster' sleeve (see Appendix 1) and are similar to the bollards currently in place at this location. The LHA has advised that they are currently rationalising the type of bollards used and the bollards in this location should be a 'Glasdon Manchester' (see Appendix 1) or similar. It is not known whether the 'Glasdon Manchester' bollard would conform to PAS68 specification and hence serve the required purpose however, the bollards are available with a variety of sleeves for example the 'RhinoGuard Manchester' (see Appendix 1) is of very similar style. It is therefore



considered that a suitable bollard could be agreed at this location which would be sympathetic to the Conservation Area as well as conforming to highway standards.

The LHA also raises concerns regarding the entrances to the Queensgate which are heavily used by pedestrians who are likely to be obstructed by the positioning of the bollards particularly if there were to be a need to vacate the building in an emergency. The Cambridgeshire Fire and Rescue Service has commented on the application and there are no major concerns. The evacuation strategy for Queensgate is based on the malls evacuating first followed by the shops so it is predicted that a steady flow rate would occur instead of a mass exit. The impact of the proposed bollards should have little impact on the evacuation strategy.

The LHA question the need for bollards at location 5 St Johns Square and outside the jewellers as there are already bollards at the junction with Cowgate and St Johns Square. However, these bollards/retractable bollards are spaced too far apart which enables cars to park illegally on the square. The bollards at location 5 would still be required to prevent vehicles accessing Exchange Street through the green space of St Johns Square.

In addition, although the bollards are positioned directly outside the jewellers this would not inhibit access for customers to this shop.

Whilst the ability for vehicles to manoeuvre into an appropriate position to be able to drive into the entrances is questioned by a number of consultees it is not within the field of expertise of the Planning Office to challenge these views. However, consultation has been undertaken with the Cambridgeshire Constabulary Counter Terrorism Officer and the Police Architectural Liaison Officer who have provided advice on the precise standards and specifications for counter terrorism measures.

The LHA has advised of works for a redesign of Bourges Boulevard to provide a signalised junction and crossing and that is it likely that the bollards would be positioned within the area where the traffic signal would be located. It is your officer's view that these plans are not in the public domain and therefore cannot be taken into account in determining this application.

Accessibility: Access to the shopping centre and all surrounding areas remains unchanged in all proposed areas. In terms of accessibility the Local Access Forum has raised no objections.

The spacing between the bollards is 1.2m and is set in line with the PAS requirements to ensure the functional effectiveness of the bollards is sufficient for their intended purpose, but also to ensure that mobility between the bollards is suitable for all pedestrians. The bollards are laid out specifically to ensure the additional security of the centre, but also to enable access to all areas of the centre remains unhindered. This distance also conforms with equality legislation.

#### **f) Archaeology**

The proposed work affects a sensitive area of Peterborough's historic centre where remains dating from the medieval period have been recorded. It is likely that parts of the proposed development area are expected to have been disturbed by modern interventions; past investigations have demonstrated that archaeological remains survive in very good conditions of preservation in undisturbed pockets of land throughout the historic city centre. The Archaeological Officer has no objections in principle to the proposed works subject to a programme of archaeological fieldwork is secured by condition in accordance with Section 12 of the NPPF. This can be limited to a watching brief as the proposed ground impact is too limited to warrant further investigation.

## **6 Conclusions**

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

- the benefits of addressing vulnerability to crime outweighs the limited harm the proposal would have on the character and appearance of the Conservation Area or the setting of Listed Building surrounding the site;
- a suitable design of bollards/planters would be available which are sympathetic to the character and appearance of the area in which they would be placed while meeting the required highway standard; and
- the proposal would not result in any adverse highway implication and would not impede the flow of pedestrians or people with disabilities

Hence the proposal accords with Policies CS14, CS16, CS17 of the Peterborough Core Strategy DPD , Policies PP1, PP2, PP3, PP12 and PP17 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (2012).

## **7 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

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

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

- C 2 No development shall take place until details the bollards have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, dimensions and reference number (where applicable). The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and that the bollards conform to highway standards, in accordance with Policies CS14, CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 3 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) to include a watching brief has been submitted to, and approved by, the local planning authority in writing. The scheme shall include an assessment of significance and research questions. The written scheme of investigation is expected to fulfil the conditions specified in a brief issued by this office.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C 4 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (3).

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy

Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C 5 Prior to the commencement of development precise details of the reinstatement of the paving/surfacing materials following the installation of the bollards/planters shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In other that the quality of the public realm is maintaining and in accordance with policies CS16 and CS17 of the Adopted Peterborough Core Strategy DPD (2011) and policies PP2 and PP17 of the Adopted Peterborough Planning Policies DPD.

Copies to Cllrs M Jamil, N Khan, M Nadeem

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Truckstopper bollard by Safetyflex



Location 2 – Westgate ‘Westminster’ design bollard



Manchester, Westminster and Waterside styles shown

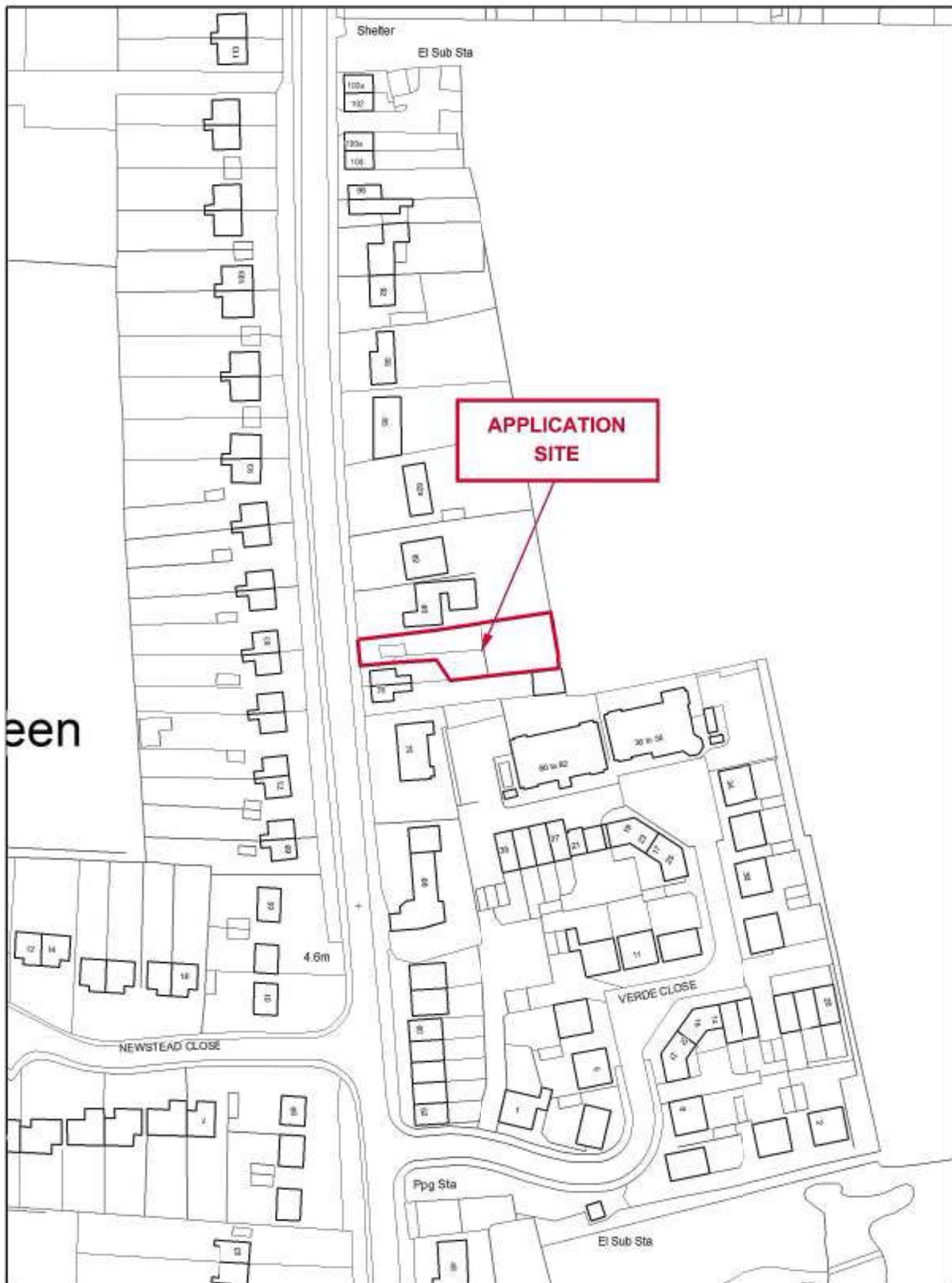
Sleeve Options

Glasdon Manchester Bollard – Highway preferred bollard



Planters at Location 3 Long Causeway Marshalls Rhinoguard Optima 952





**LOCATION PLAN 13/01343/FUL**

78 Crowland Road, Eye, Peterborough PE6 7TR

Scale NTS Date 7/11/2013 Name AA Department Planning Services

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PCC GIS

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**Application Ref:** 13/01343/FUL

**Proposal:** Construction of two-bed dwelling

**Site:** 78 Crowland Road, Eye, Peterborough, PE6 7TR  
**Applicant:** Mr S Deegan

**Agent:** N/A  
**Referred by:** Director of Growth and Regeneration  
**Reason:** Conflicting planning advice given in respect of application  
**Site visit:** 02.10.2013

**Case officer:** Mrs J MacLennan  
**Telephone No.** 01733 454438  
**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** REFUSE

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

The application site is located on the eastern side of Crowland Road and is part of the side garden to number 78 which is owned by the applicant. The site is approximately 7m in width and extends rearwards for approximately 19m where the width increases to 13m and extends a further 28m to the rear. The site is enclosed by 1.8m fencing to the north and south and there are mature trees further to the rear of the site. The character of Crowland Road comprises ribbon development with development fronting the road. Within the immediate vicinity the properties to the west of Crowland Road are predominantly two storey semi detached dwellings and on the east side there is a more varied character. Directly to the north is a chalet bungalow which is set back from the road by 12m. Directly to the south is a pair of modest sized semi detached dwellings fronting the road.

**Proposal**

The application seeks permission for the erection of a two storey detached two bedroom dwelling. The property would be positioned in line with the neighbouring property to the north (no. 80) and set back from the highway by 12m. The dwelling would be 5m in width and the two storey element would be 8.4m in length. To the rear would be a single storey element which would be 6.8m in width and 6m in length. Parking would be provided to the front of the proposed property for two vehicles and one parking space would be provided for the existing property at no. 78.

**2 Planning History**

Reference	Proposal	Decision	Date
12/01807/FUL	Construction of 3 bedroom detached dwelling on land adj 78 Crowland Road	Application Withdrawn	16/05/2013

**3 Planning Policy**

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

## **Peterborough Core Strategy DPD (2011)**

### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

### **CS16 - Urban Design and the Public Realm**

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

### **CS13 - Development Contributions to Infrastructure Provision**

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

### **CS17 - The Historic Environment**

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

### **PP17 - Heritage Assets**

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

## **Peterborough Planning Policies DPD (2012)**

### **PP02 - Design Quality**

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

### **PP03 - Impacts of New Development**

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

### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

## **Community Infrastructure Levy (CIL) Regulations 2010**

### **Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:**

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

#### **4 Consultations/Representations**

**Archaeological Officer** - No objections to the proposed development provided that a programme of archaeological fieldwork is secured by condition. **Building Control Surveyor** - Building regulations approval required.

**Transport & Engineering Services** - No highway objections subject to conditions regarding parking provision and visibility splays.

**S106 Planning Obligations Officer** - A POIS contribution of £4,000 is sought plus a 2% monitoring fee.

**Eye Parish Council** – Eye Parish Council wish for any S106 monies from this development to be spent on improving the traffic calming on Crowland Road.

**North Level Drainage Board** – No objection

#### **Local Residents/Interested Parties**

Initial consultations: 5

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No neighbouring letters were received.

#### **5 Assessment of the planning issues**

##### a) Background

The application is a resubmission of a previous application for a detached dwelling (ref. 12/01807/FUL) The applicant was advised by the case officer that the dwelling then proposed could not be supported due to its scale, design and lack of parking. The applicant was advised that the design should be more akin to the host dwelling at number 78. The applicant was advised that he could either withdraw the scheme and consider a redesign or the application would be refused and the applicant would have the right to appeal.

Following the withdrawal of the initial scheme the applicant had submitted informally, a redesign which was commented on by the case officer having discussed the proposal with her Team Leader. The application was resubmitted and was generally in accordance with the advice provided by the case officer to the applicant.

The application was considered at the internal 'Planning Surgery' which is attended by the Group Manager. The decision of the panel was that the dwelling would have an adverse impact upon the amenity of the occupiers of the property at no. 78 and the recommendation was to refuse. This was contrary to the advice given to the applicant by the case officer.

b) Design

The site is part of the side garden to no. 78 and having looked at aerial photographs there was formerly a building located on the site; possibly a garage which has now been demolished. As such the appearance of the site gives an impression that the site is of sufficient size to accommodate a dwelling. However, the site is of limited width – 7m which is a constraint as to the spacing which would be available either side of the dwelling and to avoid the dwelling appearing visually cramped in the street scene. The character and appearance of the dwelling is similar to the neighbouring semi's at 76/78 Crowland Road and it is considered that the dwelling can be occupied within the site without detriment to the street scene. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP2 of the Adopted Peterborough Planning Policies DPD. However, the position of the dwelling and its height and design does impact on the outlook from the rear of number 78 (see para. c) below).

c) Neighbouring Amenity

Due to the limited width of the site the dwelling would have a fairly significant depth – 8m at two storey height (8.8m) and a further 6m at single storey. As the dwelling would be positioned 3m from the neighbouring property at number 78 the main bulk and mass of the dwelling would result in the loss of outlook and an overbearing impact on the occupiers of this property. The proposal is therefore contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

d) Highway implications

The submitted plans indicate the provision of 2 parking spaces serving the new dwelling and 1 space would serve the host dwelling at no. 78. The Local Highways Authority have not raised objection to the proposal as the layout would enable 4 parking spaces to be provided; 2 tandem spaces for each dwelling which would accord with the parking standards within the Peterborough Planning Policies DPD. A condition would be appended to ensure adequate parking provision would be available within the site. The proposal therefore would accord with policy PP13 of the Adopted Peterborough Planning Policies DPD.

e) Residential Amenity

It is considered that the layout would provide a satisfactory level of accommodation for the future occupiers of the proposed dwelling. The dwelling would provide adequate levels of natural light and there is a large enclosed rear garden. On plot parking is also provided. The proposal therefore would accord with policy PP4 of the Adopted Peterborough Planning Policies DPD.

f) Archaeology

The Archaeological Officer has advised that while the site contains no archaeological remains, there have been archaeological finds 200m to the south where an Anglo-Saxon inhumation cemetery was discovered at the beginning of the 20<sup>th</sup> century. Roman artefacts have been recovered in the general area. Therefore the site has the potential to contain prehistoric, Roman and Early Medieval remains. The existence of later remains should not be discounted. The Archaeological Officer raises no objections to the proposal subject to a condition requiring a programme of archaeological works.

g) S106

The application would give rise to an additional burden on the services of the City Council and in accordance with the Planning Obligation Implementation Scheme (POIS) and policy CS13 of the Adopted Peterborough Core Strategy DPD a contribution of £4,000 would be sought. The S106 agreement has not been progressed due to the application being recommended for refusal.

## **6 Conclusions**

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

## **7 Recommendation**

The Director for Growth and Regeneration recommends that planning permission is **REFUSED**

- R 1 The proposed dwelling by virtue of its positioning, height and length, close to the shared boundary, would have an overbearing impact on the occupiers of number 78 Crowland Road. The outlook for the occupiers of this dwelling would be the bulk and mass of the two storey dwelling extending 8m rearwards and two storey in height which would be harmful. The proposal is therefore contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

Copies to Cllrs D Harrington, D McKean, D Sanders

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