

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 25 APRIL 2017
1.30 PM

Council Chamber - 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.

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

4. **Minutes of the Meeting Held on 21 February 2017** 3 - 6

5. **Development Control and Enforcement Matters**

5.1 **17/00011/R4FUL - Former John Mansfield School, Western Avenue, Dogsthorpe, Peterborough** 7 - 30

5.2 **17/00013/R4FUL - Former John Mansfield School Remote Playing Field And Former Welland House Site, Poplar Avenue , Dogsthorpe , Peterborough** 31 - 56

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In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair.



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Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), Bull, G Casey, P Hiller, J Stokes, S Martin, Sylvester, Bond, Clark and C Ash

Substitutes: Councillors: Bisby, Iqbal, N Sandford and B Saltmarsh

Further information about this meeting can be obtained from Jane Webb on telephone 01733 452281 or by email – philippa.turvey@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Paul Smith, Mike Roberts, Janet Maclennan, David Jolley, Louise Lovegrove, Vicky Hurrell, Sundas Shaban, Amanda McSherry, Sam Falco, Matt Thomson, Michael Freeman, Jack Gandy, Chris Edwards, Jim Daley

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 THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 21 FEBRUARY 2017**

Members Present: Councillors Harper (Chairman), Serluca (Vice Chairman), Bond, Casey, Hiller, Stokes, Iqbal, Sylvester, Clark, and Ash

Officers Present: Theresa Nicholl, Development Manager
Amanda Nauth, Planning and Highways Lawyer
Vicky Hurrell, Principal Development Management Officer
Julie Smith, Highway Control Team Manager
Jane Webb, Senior Democratic Services Officer

1. Apologies for Absence

Apologies were received from Councillor Bull and Councillor Martin.

Councillor Iqbal was in attendance as substitute for Councillor Martin.

2. Declarations of Interest

Councillor Harper, declared that in relation to agenda item 6 'Land to the West of Papyrus Road, Werrington, Peterborough', he worked in a property that was relevant to the application.

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

No Members' declaration of intention to make representations as Ward Councillors were received.

4. Minutes of the Meeting Held on 20 December 2016

The minutes of the meeting held on 20 December 2016 were approved as a correct record.

5. Development Control and Enforcement Matters

5.1 16/02260/HHFUL – 16 Fairfield Road, Fletton, Peterborough

The Committee was presented with an application for a ground floor extension to the rear of the property. The extension would measure 4m x 6.5m and have a mono-pitched roof standing at approximately 3.5m in height (2.4m to the eaves). The materials of the proposed extension would match those used in the construction of the existing dwelling.

The Principal Development Management Officer provided an overview of the application and highlighted a number of key issues within the report and update report.

The Committee asked no questions of the officer.

The Committee were in agreement that the only reason the application had come to Committee was because the agent was an employee of the Council otherwise this would have been straightforward and therefore the Committee had no reservations in supporting the application.

A motion was proposed and seconded to agree that planning permission be approved, as per officer recommendation. The motion was unanimous.

RESOLVED: (unanimously) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision:

Subject to the imposition of the attached 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 proposed extension would not unacceptably harm the character or appearance of the host building or street scene, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- The proposed extension would not unacceptably harm the amenity of adjoining neighbours, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

5.2 16/02383/HHFUL – 115 Donaldson Drive, Paston, Peterborough

The Committee was presented with an application for a two storey width extension to the rear.

The Development Manager provided an overview of the application and highlighted a number of key issues within the report.

The Committee asked no questions of the officer.

The Committee were in agreement that the only reason the application had come to Committee was because the agent was an employee of the Council otherwise this would have been straightforward and therefore the Committee had no reservations in supporting the application.

A motion was proposed and seconded to agree that planning permission be approved, as per officer recommendation. The motion was unanimous.

RESOLVED: (unanimously) that planning permission is **GRANTED** subject to the conditions set out in the report.

Reasons for the decision:

Subject to the imposition of the attached 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 proposals will not unacceptably harm the character of the area or the amenity of the occupiers of neighbouring dwellings; in accordance with policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP3 of the Peterborough Planning Policies (DPD) 2012.

6. 7/00166/CONSUL – Land at the West of Papyrus Road, Werrington, Peterborough

Councillor Harper stood down being Chair and Councillor Serluca took the Chair for the item.

The Committee was presented with a report regarding the response of Peterborough City Council Local Planning Authority to Network Rail's submission of an Order under the Transport and Works Act 1992 to the Dept for Transport for the Werrington Grade Separation (of the railway lines).

The Development Manager and Principal Development Management Officer explained the main aspects of the proposals, the procedure under which the draft Order has been submitted to and would be determined by the Secretary of State and the Officers' responses and comments on the key issues which would form the Local Planning Authority response to the consultation.

The Committee thanked officers for a very comprehensive report and presentation.

David Vernon from Network Rail was in attendance and responded to questions from the Committee:

- Network Rail were extremely confident that this scheme would be completed; it was part of a wider project and had been funded right through to delivery; meaning the monies were already allocated.
- Any land that is temporarily utilised during the project would be returned to its original condition or made better.
- Network Rail were aware that construction noise would be an issue. Construction works would be programmed 3-6 months in advance to ensure that residents are aware of what is happening.
- Spoil heaps would be managed.
- The majority of the work would be carried out during core hours but there would be a major closure of the East Coast line at some point for 5 to 9 days.
- Network Rail were currently in negotiations with three properties which could result in a compulsory element if agreement cannot be reached.
- Compensation would be given to those when their agricultural land was out of use.

A motion was proposed and seconded to agree that the report be approved and delegated responsibility be given to officers to have further discussions with the Dept. for Transport and Network Rail throughout the Order process with a view to resolving any outstanding issues, drafting conditions and the subsequent discharge thereof, should the Order be approved. The motion was carried unanimously.

Application 7/00166/CONSUL – RESOLVED that the report be **APPROVED** and delegated responsibility be given to officers to have further discussions with the Dept. for Transport and Network Rail throughout the Order.

Reasons for the decision:

It was considered that the Local Planning Authority raise no objections to the proposed scheme subject to the imposition of the conditions sets out by the Local Planning Authority in the report on any planning permission that may be granted by the Secretary of State.

Responsibility be delegated to officers to have further discussions with the Dept. for Transport and Network Rail throughout the Order process with a view to resolving any outstanding issues, drafting conditions and the subsequent discharge thereof, should the Order be approved.

Councillor Harper returned to the Chair.

7. Planning Compliance Quarterly Report on Activity and Performance October to December 2016

The Development Manager presented a report to the Committee, which outlined the Planning Service's planning compliance performance and activity, and identified if there were any lessons to be learnt from the actions taken.

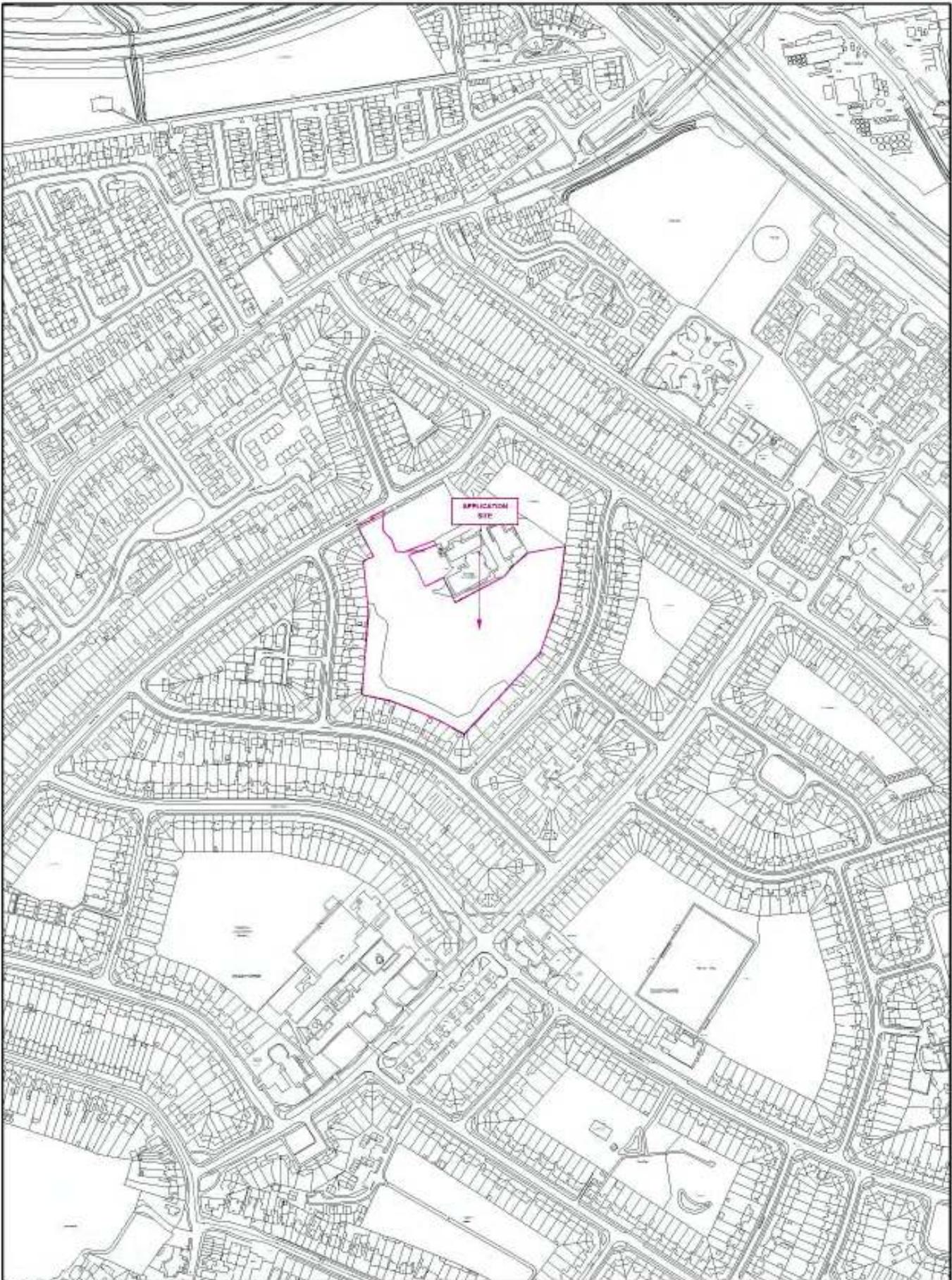
The Committee discussed the report and commended the team on their performance

RESOLVED: that the Committee noted the past performance and outcomes.

Reasons for the decision:

To help inform future decisions of the Planning and Environmental Protection Committee and potentially reduce costs.

Chairman
1.30pm – 2:26pm



LOCATION PLAN 17/00011/R4FUL

Former John Mansfield School, Western Avenue, Dogsthorpe

Scale 1:500

Date 11/4/2017

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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PCC GIS

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Planning and EP Committee

Application Ref:	17/00011/R4FUL
Proposal:	The construction of 87 dwellings comprising a mix of flats, 2, 3 and 4 bedroom houses for rent, shared ownership and sale together with associated external works including roads and car parking
Site:	Former John Mansfield School, Western Avenue, Dogsthorpe, Peterborough
Applicant:	Mr Nick Wright Cross Keys Homes Limited
Agent:	Mr Tony Welland, The Design Partnership (Ely) Ltd
Site visit:	23.01.2017
Referred By:	Councillors Ash and Saltmarsh
Reason:	Major application of wider local interest
Case officer:	Miss V Hurrell
Telephone No.	01733 453480
E-Mail:	victoria.hurrell@peterborough.gov.uk
Recommendation:	GRANT subject to the signing of a LEGAL AGREEMENT and relevant conditions

1 Description of the site and surroundings and Summary of the proposal**The Site and Surroundings**

The application site is located in the Dogsthorpe area of Peterborough. It is some 2.61 hectares in size and comprises most of the undeveloped area formally occupied by the John Mansfield School (the former tennis court area is not included). Access into the site is from Western Avenue which lies to the north of it, on the otherside of which are residential properties. To the east of part of the site is the John Mansfield Centre a community facility and land on which consent has recently been granted for a new medical centre with associated car parking. To the south east, south and west are residential properties backing onto the site. The site contains a number of trees which are protected by a Tree Reservation Order. They are located primarily around the edge of the site.

The site is allocated for residential development in the adopted Site Allocations DPD for up to 140 units. Planning permission was granted a number of years ago for a residential scheme on the site. This permission was never implemented and has now expired.

The site is largely flat and covered with grass scrub.

The Proposal

This application seek full planning permission for the construction of 87 dwellings, comprising a mix of 1, 2, 3 and 4 bedrooms. Access would be from Western Avenue via a new road to be shared with the recently approved medical centre site (see 16/00835/R3FUL). There would also be scope to link to the John Mansfield Centre albeit that this retains its own separate access from Western Avenue.

Of the dwellings proposed 15 would be affordable rented and 22 shared ownership. The remainder would be market housing.

2 Planning History

Reference	Proposal	Decision	Date
08/00914/NDEM	Demolition of single and multiple storey buildings to the front of the site	Permitted	26/08/2008
07/01738/R4OUT	Residential development comprising up to 150 units, new priority junction on Western Avenue adj Acacia Avenue, access road, car parking, amenity space and landscaping	Permitted	28/01/2011
08/01395/R3FUL	New facade to main entrance and cafe, general refurbishment	Permitted	24/02/2009
10/01690/R3FUL	Construction of new entrance extension, alterations to two existing elevations to form new windows and external cladding	Permitted	16/02/2011
12/00936/R3FUL	Additional car parking area to ongoing refurbishment contract	Permitted	18/07/2012
16/00835/R3FUL	Proposed new medical centre	Permitted	30/06/2016

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)

Presumption in Favour of Sustainable Development

Paragraph 14 sets out that development proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Section 6- Delivering a Wide Choice of High Quality Homes

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the 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 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 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

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.

CS08 - Meeting Housing Needs

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS13 - Development Contributions to Infrastructure Provision

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

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.

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)

SA03 - Urban Area

Identifies sites within the Urban Area that are allocated primarily for residential use

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

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.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

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.

PP14 - Open Space Standards

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

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.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document took place between December 2016 and 9 February 2017. The response received are currently being reviewed. At this preliminary stage the policies are of limited weight.

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

Internal

PCC Property Services

No comments received

PCC Lifetime Homes (27.01.2017)

Have a number of detailed comments on the layout of house types in terms of the provision of knock out panels, bathroom designs, and hoist positions.

PCC Tree Officer (13.02.17)

No objections. Tree planting has been outlined on the site plan although in some areas it is difficult to determine what is existing and what is proposed due to their similarities in the key. If the application is successful then it recommended that planning conditions are attached to the decision which:

- Require arboricultural supervision and additional detail with regard to the 'no dig' area adjacent to 4292 Oak as described in the arboricultural report at section 10.6.
- Details of landscaping prescriptions and maintenance/management.
- A pre-commencement meeting once the tree protection measures have been installed.

PCC Wildlife Officer (07.02.17)

No objections subject to conditions. Am pleased to note that the application is accompanied by an Ecological Survey Report (Sept 2016) and am satisfied with the report's assessment of impacts on protected species. Whilst no evidence of roosting bats was found, it is likely that the site boundaries may be used by foraging and commuting bats. I would therefore recommend that a range of bat roosting features be incorporated into the new dwellings to provide suitable bat roosting habitat. In addition, external lighting should be designed to be baffled downwards away from the boundary woodland areas. The above detail should be provided by the applicant which would be acceptable via a suitably worded condition. The proposal involves the removal of vegetation which may support nesting birds. I would therefore recommend that a standard bird nesting informative be attached should the scheme be approved. To mitigate for the loss of potential nesting habitat, I would request that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift, as well as bat roosting features. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition. Evidence of an active fox den was found within the site. Foxes are protected under the Wild Mammals Act 1996 from crushing, asphyxiation etc. Given that site clearance works may inadvertently cause such suffering, I would recommend that a suitably worded condition is imposed. Would also recommend that existing boundary woodland copses and trees are retained and enhanced with native species and plants including wildflower mix.

PCC Archaeological Officer (31.01.17)

No objections. An archaeological evaluation at John Mansfield School in 2007 identified no archaeological features or finds. No remains are recorded within a 250m radius. The evidence would indicate that the site has low archaeological potential. Therefore, the proposed development is unlikely to affect important buried remains.

PCC Building Control Manager

No comments received

PCC Education & Children's Dept - Planning & Development

No comments received

PCC Pollution Team (20.02.17)

No objections. It is noted that there are proposed potential noise sources on site in the form of a pumping station and a sub station. In the absence of noise data the following noise limits should be imposed.

The rating level of noise emitted from the site should not exceed 35 dB LAeq, 15 minutes. The noise levels should be determined at (the nearest noise sensitive premises.) The measurements and assessment should be made according to BS:4142:2014.

Alternatively this could be dealt with by a condition requiring the submission of a scheme to control noise from these utilities - for example:

"Before the development hereby permitted commences a scheme should be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. These provisions could include physical and/or administrative measures".

PCC Peterborough Highways Services

No objections subject to the imposition of conditions. The amended plans address previous comments.

PCC Senior Recreation Officer

Has queried the rational of putting in a new play area on this site and advised that he would rather have a financial contribution towards the upgrade of the existing play area on Myrtle Avenue.

PCC Travel Choice

No comments received

PCC Strategic Housing (08.02.17)

No objections. Policy CS8 of the Peterborough Core Strategy seeks the provision of 30% affordable housing on all development sites on which 15 or more dwellings are proposed. This application is for 87 dwellings. Accordingly, I would anticipate 26 affordable homes on this site, subject to viability. 37 have been proposed, providing 42.5% affordable housing of the whole scheme. The Core Strategy sets out an appropriate mix of affordable tenures which is 70% social rented tenure and 30% intermediate tenure. However, given the changes to the definition of affordable housing set out in PPS3 (update June 2011) and maintained in the National Planning Policy Framework which includes affordable rented tenure, the council is committed to offering a degree of flexibility regarding the tenure of any affordable units. The tenure mix needs to be proposed to meet the guidelines given above. I would expect 18 to be affordable rented homes and 8 to be of intermediate tenure. On this application, 15 affordable rented homes and 22 of intermediate tenure have been proposed, giving 3 fewer dwellings of affordable rented than expected. But considering the much higher percentage of overall affordable housing being provided, this mix is acceptable. Regarding the size of units, the following is proposed: 4 x one bedroom flats, 7 x two bedroom houses and 4 x three bedroom houses for affordable rented tenure. 9 x two bedroom houses and 13 x three bedroom houses for intermediate tenure. This mix is acceptable.

In accordance with the Policy CS8 of the Peterborough Core Strategy, 20% of units should meet Building Regulations Part M (Volume 1), Category 2 (the lifetime homes standard), this equates to 17 dwellings. The Design and Access Statement confirms that 20% of the units will meet the Lifetime homes standard. Additionally 2% of units on schemes with 50 dwellings and over should

meet Building Regulations Part M (Volume 1) (wheelchair units).

PCC Childcare Market Facilitation Manager (T Laws)

No comments received

PCC Lead Local Drainage Authority (09.02.17)

No objections. Consideration needs to be given to the details of the scheme. Recommend a condition.

PCC Waste Management

No objections, the provision of the bin collection points is acceptable.

External

Environment Agency (28.02.17)

No objections.

Police Architectural Liaison Officer (PALO) (20.01.17)

No objections. This office has already been in consultation as stated in the Design and Access Statement and at this stage the proposals are considered to be acceptable. The surrounding area has always been prone to high levels of burglary both of homes and sheds so we are happy to work with the developer to ensure that it is built to the principles of Secured By Design. Lighting details should be secured by a condition.

Cambridgeshire Fire & Rescue Service (13.03.2017)

Request that adequate provision is made either by condition or through a S106 Agreement for the provision of fire hydrants.

Anglian Water Services Ltd (14.02.17)

No objections. The foul drainage network has capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will advise them on the most suitable point of connection. With regard to surface water the method of management does not relate to Anglian Water operated assets. As such Anglian Water has no comments. Should the method of surface water management change Anglian Water should be reconsulted.

Sport England (10.02.17)

No objections. The sites contain land that formed part of the former playing fields for the former John Mansfield school, which closed in July 2007. The playing fields have not been used since that date and therefore they are not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595) (i.e. used within the last five years). Therefore Sport England has considered these as non-statutory consultations. I am also aware that the principle of residential development on these sites has previously been established.

Sport England has also previously accepted that when the pupils of this school transferred to the new Thomas Deacon Academy, additional playing fields (c1.5 hectares) were provided at that site, therefore this provision part met exception E4 of our playing fields policy. In addition, when outline consent was previously granted on these sites, financial contributions were secured as mitigation for the loss of these former playing fields as follows:

- o £150,000 towards the upgrade of the Dance Studio on the Western Avenue site (the former school site)
- o £200,000 towards the enhancement of the Focus Community Centre and sports facilities in Dogsthorpe.

Given the non-statutory nature of these consultations, the previous consents for residential development and the policy issues referred to above, including the provision of additional playing

fields at the Thomas Deacon site and the financial contributions made to nearby sports facilities (I understand these contributions have been paid and implemented), it is not considered an objection could be substantiated on loss of former playing field grounds.

As the proposals do not have any impact on any existing sport facilities or playing fields, and do not generate significant demand for new indoor or outdoor sports facilities, Sport England has no comments.

Local Residents/Interested Parties

Initial consultations: 264

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

4 letters of representation have been received. These raise the following matters:-

- Would like more information such as when it is proposed to build the scheme.
- Hope to get the debris cleared. Have tried for the last four years to get it clear.
- Do not object but would like to make the point that any time works have gone on at the site my driveway is always used by heavy vehicles to reverse onto the site. The weight of them has broken my drive continuously over the years. I have rung the Highways Department on both occasions and was told it would be repaired. This has never materialised. I would like an assurance that if it happens again something would be done this time.
- As we keep hearing on the news people are living longer. In my view warden controlled accommodation or a care home should be built.

5 Assessment of the planning issues

The main considerations are:-

- The Principle of Development
- Highways Impacts
- Layout and Amenity
- Tree Impacts
- Ecological Impacts
- Drainage
- Other Matters

1. The Principle of Development

Under the Local Plan, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 80 units on the edge of Barnack (application 15/01840/OUT refers). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is somewhere between 3.80 years and 4.75 years). Whilst the Council is reviewing its Local Plan, the Inspector concluded that until it is adopted applications must be determined in accordance with the National Planning Policy Framework (NPPF).

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework when taken as a whole.

In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited (2016)* EWCA Civ 168. The Court of Appeal concluded that the definition of 'relevant policies' was wide and not limited to those policies which provide positively for the delivery of new housing in terms of numbers and the distribution of allocated sites but should also include policies the effect of which is to influence the supply of housing by restricting the locations where new housing may be developed. Therefore, all policies which have the potential to restrict or affect housing supply must be considered out of date in respect of the National Planning Policy Framework. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of the paragraph 49 of the NPPF, the decision maker is required to consider what (if any) weight should be attached to such relevant policies having regard, amongst other matters, to the purpose of the particular policy.

An appeal by Cheshire East Council against the Court of Appeal's decision was heard by the Supreme Court on 22 and 23 February. The judgement is still awaited so the position currently remains as per the Court of Appeal decision.

In the case of this application, the policies which must be considered as potentially influencing the supply of housing include CS1 and CS2 (Housing Provision), CS8 (Meeting Housing Need), CS16 (Urban Design), CS17 (Heritage Impacts), CS20 (Landscape Impacts) and CS22 (Flood Risk) of the adopted Core Strategy, policy SA3 (New Housing Sites in the Urban Area) of the adopted Site Allocations DPD and policies PP1 (Sustainable Development), PP2 (Design of New Development), PP14 (Open Space Provision) and PP16 (Landscaping and Ecological Impacts) of the adopted Site Allocations DPD.

In this instance the principle of developing the site for housing is considered to be acceptable as the site is allocated for development in the adopted Site Allocated DPD which has been through examination by the Inspector and the site found suitable for development in principle. Notwithstanding this, the site is located within the urban area of the city and part of it is previously developed land. It is considered to be a sustainable location with good connections to local facilities. The development of the site for housing development will contribute towards ensuring that the Council can demonstrate a five year land supply going forward. Affordable housing provision is discussed in more detail below, but the application would provide 42.5% affordable housing provision. This is a significant benefit which needs acknowledged and to be given significant weight in favour of developing the site.

In addition, the development of this site for housing would bring other social and economic benefits in terms of job creation during the construction phase, support for local services including shops and the public transport network and the delivery of new homes bonus. As set out below there are not considered to be any significant adverse environmental impacts arising from the development. As such the scheme complies with paragraph 7 of the NPPF.

Having viewed all aspects of the scheme as detailed in the sections below, there are not considered to be any significant or demonstrable impacts arising from the development of this site which would outweigh the considerable benefits.

The number of units proposed by this application is less than the allocated number largely due to the fact that since the site was allocated it has been agreed that part of it should be set aside and developed for a new medical centre. The original allocation number also assumed the inclusion of the former tennis courts. As indicated under section 1 the tennis courts have not been included within this application albeit that the scheme has been designed to facilitate a future access into this area. The number of dwellings proposed is therefore considered to be acceptable and appropriate given the nature of the surrounding area.

One of the representations received has commented that the site should be used for a care home.

Whilst such a use would be acceptable there is no policy basis upon which to require this and as indicated, the site is allocated for housing development.

One of the representations received has queried when the works would take place. This will be for the applicant to determine. If granted works will need to commence within three years otherwise the planning permission will expire.

Affordable Housing Provision

Policy CS8 of the adopted Core Strategy requires new developments to provide 30% affordable housing with 70% of this being affordable rented and 30% shared ownership. This application proposes 37 affordable units which equates to 42.5%. As indicated above this is a significant benefit arising from the scheme.

In terms of the tenure mix 3 fewer affordable rented units are proposed than the policy requires (it requires 18, 15 are proposed) but more intermediate units. However, given that the overall level of affordable housing is more than required by the policy the Council's Housing Team have raised no objection. In terms of the unit sizes for the affordable dwellings they have also confirmed that these are acceptable.

Life Time Homes and Wheelchair Houses

Policy CS8 also sets out that 20% of all new dwellings should be constructed as life time homes and 2% as wheelchair houses. In this instance the applicant proposes to spread the provision across this site and the John Mansfield remote site (the subject to application 17/00013/R4OUT). Whilst such an approach would not usually be agreed it is accepted in this instance as both sites will be under the control of the applicant at the same time. The layout plan proposes 17 Life Time Units for this site which accords with policy but no wheelchair housing which is to be provided solely on the remote site. The policy is met across the two sites.

In terms of the design of the house types, these are considered against Categories M 3 and 4 of the Building Regulations which replaces earlier Life Time Homes legislation. The policy will be formally updated in the new Local Plan but it is considered reasonable to assess the house design against this standard now. Having reviewed the house types the Council's Housing Officers made a number of detailed comments and a meeting was held with the applicant. Following this meeting some amendments have been made to the plans. Updated comments are awaited from the Housing Team.

Loss of Playing Field

The application site comprises land which formally used as playing field. Sport England has, therefore, been consulted on this application.

Sport England has raised no objection to the scheme. It has commented that the playing fields have not been used since the school closed in July 2007, and as such they are not considered to form part of or constitute a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595) (i.e. used within the last five years). Therefore Sport England has considered this as a non-statutory consultation. Sport England notes that it has also previously accepted that when the pupils of this school transferred to the new Thomas Deacon Academy, additional playing fields (circa 1.5 hectares) were provided at that site. This provision partly met exception E4 of its playing fields policy. In addition, when outline consent was previously granted on this site, financial contributions were secured as mitigation for the loss of these former playing fields as follows:

- * £150,000 towards the upgrade of the Dance Studio on the Western Avenue site (the former school site)
- * £200,000 towards the enhancement of the Focus Community Centre and sports facilities in Dogsthorpe.

Given the non-statutory nature of these consultations, including the provision of additional playing fields at the Thomas Deacon site and the financial contributions already made to nearby sports

facilities Sport England concludes that it could not object to this application on the grounds of loss of former playing field.

As the proposals do not have any impact on any existing sport facilities or playing fields, and do not generate significant demand for new indoor or outdoor sports facilities, Sport England has no further comments to make. The proposal is therefore considered to comply with policy CS20 of the adopted Core Strategy.

Summary

In light of the fact that the Council cannot currently demonstrate a five year land supply under the provisions of the NPPF the development of the site for housing could only be resisted if significant and demonstrable harm would result which would outweigh the benefits of the scheme. The site has previously been allocated for development and its development will help meet housing need. It will also deliver other social and economic benefits, significantly the provision of affordable housing above the policy standard. The provision of life homes and wheelchair housing can be met across this site and the remote site. There is no objection in this instance to the loss of playing field given the length of time since the site was last used for such and the contributions already made in mitigation for the loss. The principle of development is therefore considered to be acceptable in accordance with the provisions of the National Planning Policy Framework.

2. Highway Impacts

The application is supported by a Transport Assessment. The Local Highway Authority has advised that the Transport Assessment slightly under estimates the number of vehicle trips which would result on the network. That said, the Local Highway Authority has not raised any issues in terms of the capacity on the network or any requirement for off site highway works.

The Transport Assessment has commented that upgrades to the existing bus stops on Western Avenue should be sought in order to provide shelters. The bus stops will also need to be relocated as a result of the new access. The relocation of the bus stops will be secured by condition. The cost of the bus stop upgrades has been passed to the applicant to review and a response is awaited.

When the redevelopment of the John Mansfield site was initially considered a number of years ago it was agreed, in light of concerns raised by ward Councillors and residents of Acacia Avenue, to block it off at the Western Avenue junction so that it becomes a cul-de-sac in order to stop rat running. This was secured by a condition but the works were not carried out as the permission was never implemented.

When the recent application for the medical centre was considered it was again agreed by the Council in its wider role as landowner that it would implement the previously agreed closure and a condition to this effect was imposed. As this application is separate from the permission for the medical centre and could be implemented before it (if planning permission is granted), a condition regarding the closure of Acacia Avenue will also be imposed upon this permission.

The application site will be served by a new vehicle access from Western Avenue. The dimensions of this access reflect those agreed under the medical centre permission. A condition requiring the road to be put in prior to any residential occupations will be imposed under this permission. There is a similar condition in relation to the medical centre permission.

The internal roads within the site are considered to be of an appropriate design. Amended tracking plans have been provided at the request of the Local Highway Authority which has confirmed that they are now acceptable. Car parking is provided in accordance with policy PP13 of the adopted Local Plan.

The development is therefore considered to comply with policy CS14 of the adopted Core Strategy and policies PP12 and PP13 of the adopted Planning Policies DPD.

3. Layout and Amenity

Design

The general design of the houses is considered to be acceptable and appropriate for the area. At the request officers changes have been made to a number of house types and elements of their design. The materials are indicated on the drawings, these will be finalised by a condition.

Impact upon Existing Properties

As indicated under Section 1 residential properties back onto the south, south eastern and western boundaries of the site. Whilst it is acknowledged and recognised that the development of this site will result in a big change in outlook to the surrounding properties, many of which have always had playing field at the bottom of their gardens, the site is allocated for development and it is considered that the layout achieves an acceptable relationship with all the surrounding properties so as not to result in any unacceptable overbearing impact, loss of daylight, overshadowing or overlooking. The minimum straight back to back distance is 22 metres and is much greater between the majority of plots. Where this distance is less angles are oblique or there is a back to side relationship where a lesser separation distance can be accepted.

No 90 Western Avenue at the northern end of the site has a first floor side facing window. The new property on plot 1 would be offset from it by 7.5 metres. This is considered to be sufficient to protect it from any unacceptable impact.

The properties to the north of the site on the otherside of the Western Avenue would not be adversely affected to any degree given the separation distance and the fact there is little frontage development in this scheme.

The proposal is therefore considered to comply with policy CS16 of the adopted Core Strategy and policy PP3 of the adopted Planning Policies DPD.

Layout and Amenity

The internal layout of the site is considered to be acceptable. The site fronts the main roads into the site and largely backs onto existing gardens. Space is retained to allow future access to the former tennis courts. The internal separation distances are considered to be sufficient to afford the future occupiers a satisfactory level of amenity in terms of daylight and privacy.

All plots have rear access for bin and bike stores. Bin collection points have been provided where appropriate. Cycle storage will need to be provided to plots 72-75 and further consideration given to their boundary treatment given the prominence of their gardens in the streetscene. It is considered that these details can reasonable be addressed via a condition.

The Police Architectural Liaison Officer has raised no objections to the scheme. He has commented that he would be happy to work with the developer further to ensure that the site is developed to the principles of Secured by Design. The Police Architectural Liaison Officer has also commented that lighting will be required and has requested a condition to deal with this. This is considered necessary and will be appended.

The Council's Environmental Health Officer has noted that there is a potential noise source from the proposed on site pumping station and substation. In the absence of any noise data he has recommended the imposition of a noise limit. This is considered reasonable and a condition will be amended. The applicant has been made aware of the requirements.

At this stage no details of the external appearance of the substation or the foul pumping station are available. These details will be secured by condition.

Subject to conditions the development is considered to comply with polices CS16 of the adopted Core Strategy and polices PP2, PP3 and PP4 of the adopted Planning Policies DPD.

4. Tree Impacts and Open Space

The application contains a number of trees which are covered by a Tree Preservation Order (TPO) and the application is supported by an Arboricultural Impact Assessment. The supporting Assessment does not mention that many of the important trees on the site are protected by a TPO. The Council's Tree Officer has advised that 8 protected trees would be removed. However, looking at the layout and the trees that will be retained (and retained successfully) he is satisfied that a balance has generally been reached. The Tree Officer originally raised concerns about the relationship between plot 22 and the adjacent tree. The layout has been amended in response and the Tree Officer is now satisfied.

The Tree Officer has further commented that 'no dig' details and arboricultural supervision adjacent to 4292 Oak (protected by a TPO) need to be firmed up as a condition of planning approval. This is considered to be reasonable request and the details necessary. The information will therefore be secured by a condition.

The Tree Officer has also noted that many plots will have shaded gardens given the number of retained trees on the southern and western boundary. Long term he foresees pruning pressure but considers the majority of the problems are unavoidable given that mature trees are welcomed on new housing estates. He has not therefore objected on this basis. It is considered that reasonable efforts have been made by the applicant to keep the protected trees and achieve acceptable relationships with them whilst ensuring that the site is developed as efficiently as possible. In light of the position regarding the five year land supply the application could only be resisted on the basis of the impact upon the existing trees if the harm was significant and would outweigh the benefits of the scheme. As indicated it is considered that the right balance has been achieved in this instance between efficient use of the site and retaining protected trees.

No details of any new landscaping have been provided with this application. These can reasonably be secured by a condition along with a management and maintenance plan.

Open Space

Policy PP14 of the adopted Planning Policies DPD sets out the open space provision for new developments. It is acknowledged that in this case the development would deliver below the required provision. However, a balance has to be struck with ensuring a viable development and efficient use of the site especially given that the Council cannot currently demonstrate a five year land supply. In this case, land is already being utilised for another purpose (the medical centre), and this has been prioritised above the provision of on-site open space, reducing the net developable area available. There would be a further significant reduction in the remaining net developable area if a policy compliant scheme were required. The development is already delivering less houses than the site is allocated for and is providing a level of affordable housing above the policy. This is a significant benefit which needs to be weighed in the balance. As such the scheme as submitted is considered to be acceptable with a below policy compliant level of open space and this does not result in significant or demonstrable harm which would outweigh the benefits of the development.

The plans indicate the provision of a small on site play area. The Council's Recreation Officer has questioned whether it is intended for this play area to come to the Council or to be privately maintained. If it is the former then he has indicated that he would wish to have a financial contribution in lieu of on-site provision, to be spent on up-grading the existing play area at Myrtle Avenue. This has been raised with the applicant and a response is awaited.

Subject to conditions and/or a S106 provision the development is considered to comply with policies PP14 and PP16 of the adopted Planning Policies DPD.

5. Ecological Impacts

The application is supported by an Ecological Survey Report. The Council's Wildlife Officer is satisfied with the conclusions of the report in terms of protected species.

With regard to bats, no evidence of roosting bats was found. However, it is likely that the site

boundaries may be used by foraging and commuting bats. The Wildlife Officer therefore recommends that a range of bat roosting features be incorporated into the new dwellings to provide suitable bat roosting habitat. In addition, external lighting should be designed to be baffled downwards away from the boundary woodland areas.

With regard to nesting birds, the proposal involves the removal of vegetation which may support nesting birds. The Wildlife Officer therefore recommends that a standard bird nesting informative be attached should the scheme be approved. He has also requested that a range of nesting boxes are provided on the site to cater for a number of different species such as House Sparrow, Starling & Swift, as well as bat roosting features. Details can be secured by condition.

With regard to mammals the Wildlife Officer notes that evidence of an active Fox den was found within the site. Foxes are protected under the Wild Mammals Act 1996 from crushing, asphyxiation etc. Given that site clearance works may inadvertently cause such suffering, the Wildlife Officer recommends the imposition of a suitably worded condition advising that no site vegetation clearance or excavation works should take place within 10m of the fox burrows/ den during the period March to June (when young dependent foxes are likely to be underground) unless an ecologist has first confirmed no foxes are present and that all construction trenches are covered overnight or a means of escape provided for any mammals that may have become trapped. Given that foxes are protected by legislation with regard to the potential impacts during the construction period this is considered to be a reasonable request.

With regard to the landscaping of the site, the Wildlife Officer has commented that the boundary woodland copses and trees should be retained and strengthened if possible. With regard to any additional planting he would recommend the use of a range of native tree, shrub and plant species including the use of wildflower seeding where appropriate as per Section 5.3 of the Ecology Report. Not all of the existing boundary trees can be kept within the site however it is considered reasonable to expect the existing landscaping to be strengthened where feasible and for consideration to be given to the use of native planting as part of the landscaping scheme. As indicated above, the new landscaping will be secured by condition.

Subject to conditions therefore the site is considered to comply with policy PP16 of the adopted Planning Policies DPD.

6. Drainage

Anglian Water has raised no objection to the scheme. It has commented that sufficient foul drainage capacity is available within the system. With regard to surface water drainage it has commented, based on the submitted information, that the proposed method of surface water drainage does not relate to Anglian Water assets. The Environment Agency has raised no objections.

The Council's Drainage Team notes the proposals and has raised some issues which require further consideration. The applicant has been made aware of these and are reviewing the proposals further. At this stage it is considered that sufficient information has been provided to demonstrate that the site can in principle be drained. A condition requiring the submission and approval of a detailed scheme is recommended.

The development is therefore considered to comply with policy CS22 of the adopted Core Strategy.

7. Other Matters

Archaeology

The Council's Archaeologist has commented that an archaeological evaluation at John Mansfield School in 2007 identified no archaeological features or finds. No remains are recorded within a 250m radius. As such there is requirement for any further assessment.

The development is therefore considered to comply with policy CS17 of the adopted Core Strategy.

Contamination

Given the location and previous use of the site no concerns have been raised by the Council's Environmental Health Officer regarding contamination. A condition requiring the reporting of any unsuspected contamination is recommended for the avoidance of any doubt.

Construction Management

Given the proximity of the site to existing residential properties and the residential nature of the surrounding area a condition requiring the submission and approval of a Construction Management Plan is recommended.

One of the representations received has commented that previous works to the site have resulted in damage to their drive. This comment is noted and the Construction Management Plan should help guard against this, albeit that it is ultimately a civil matter.

CIL/S106

The application will be subject to CIL payments in accordance with the regulations including the relevant exemptions for affordable housing. The affordable housing provision will be secured through a S106 Agreement. As indicated above, the applicant has been advised that the provision of bus stop shelters and a financial contribution toward the upgrade of existing play equipment is sought. If these provisions are agreed they will be dealt with through the S106 Agreement or via a condition.

Fire Hydrants

A request has been received from Cambridgeshire Fire and Rescue asking that adequate provision be made for the provision of fire hydrants by way of condition or through a S106 Agreement. Whilst this request is noted the provision of fire hydrants is covered by other legislation. It is not, therefore, considered necessary to secure their provision as part of this planning application.

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:

In light of the fact that the Council cannot currently demonstrate a five year land supply under the provisions of the NPPF the development of the site for housing could only be resisted if significant and demonstrable harm would result which would outweigh the benefit. The site has previously been allocated for development and its development will help meet housing need. It will also deliver other social and economic benefits, significantly the provision of affordable housing above the policy standard. The provision of life homes and wheelchair housing can be met across this site and the remote site. There is no objection in this instance to the loss of playing field given the length of time since the site was last used for such, the planning history and previous contributions already made in mitigation for the loss. The principle of development is therefore considered to be acceptable in accordance with the NPPF.

The design and layout of the scheme is considered to be acceptable and appropriate for the area. There would not be any unacceptable adverse impact upon neighbour amenity and adequate provision would be made for the amenity of the new residents subject to a condition in relation to noise impacts. The development therefore complies with policy CS16 of the adopted Core Strategy and policies PP2, PP3 and PP4 of the adopted Planning Policies DPD.

Adequate parking and access would be provided to meet the needs of the proposal and no undue impact would result to the safety of the public highway, 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 proposal would not result in unacceptable impact upon the existing landscaping and new landscaping would be secured by condition. Although open space provision is below the policy standard this has to be balanced with the need to make efficient of land and provision for play will be made either on site or via a S106 contribution. Subject to conditions the ecological impacts of the development can also be addressed. The development therefore complies with policies PP14 and PP16 of the Peterborough Planning Policies DPD (2012).

Subject to conditions relating to drainage the development is considered to comply with policy CS22 of the adopted Core Strategy.

7 Recommendation

The case officer recommends that Planning Permission (Regulation 4) is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions. It is also requested that authority be delegated to officers to make any subsequent final adjustments to the layout or house type designs, the wording of the conditions including the introduction of any new conditions as maybe relevant and/or the content of the S106 Agreement.

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).

C2 The development hereby approved shall be carried out in accordance with the following approved plans and details:-

- Location Plan CK-715-LOC1
- Master Site Plan CK-715-P01 Rev C
- Site Plan CK-715-P02 Rev C
- Plots 1/2/11/16/19/23/28 CK-715-P06 Rev B
- Plots 3-10 CK-715-P07 Rev B
- Plots 12-15/18/26-27/34-37/43-44 CK-715-P08 Rev A
- Plots 17 and 82-85 CK-715-P16 Rev B
- Plots 20-22/24-25 CK-715-P09 Rev A
- Plots 28-33/39-42 CK-715-P10 Rev A
- Plots 45-50 CK-715-P11 Rev A
- Plots 51-54/57-58/76-79 CK-715-P12 Rev A
- Plots 59-63 CK-715-P13 Rev A
- Plots 64-71 CK-715-P14 Rev A
- Plots 72-75/80-81/86-87 CK-715-P15 Rev C
- Street Elevations 1-4 CK-715-P04 Rev A
- Street Elevations 5-7 CK-715-P05 Rev A

- Swept Path Analysis CL-150 P3
- Arboricultural Implications Assessment and Method Statement
- Arboricultural Implications Assessment Plan 281X.P100.AIP
- Tree Protection Plan 281X.P100.TPP
- Ecological Assessment
- Transport Assessment

Reason: In order to ensure that the development complies with that which has been applied for.

C 3 No development, other than groundworks and foundations, shall take place until samples/details of the following external materials to be used in the construction of the new dwellings (and any garages) have been submitted to and approved in writing by the Local Planning Authority:

- Walling (samples) including brickwork, cladding panels and timber boarding
- Roofing (details)
- Windows (details)
- Doors (details)
- Rainwater goods (details)

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. 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, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 4 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include (not exclusively) the following:

- Hours of working
- Haul routes to/from the site
- Material storage locations
- Parking, turning, loading and unloading areas for all construction vehicles
- Contractor parking
- Site welfare cabin and office positions
- Measures to control the emission of dust from the site
- Measures for the control of noise emanating from the site
- Wheel washing facilities, which every vehicle exiting the site must pass through before entering the public highway
- Temporary construction fencing

Development shall be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with policy CS16 of the Peterborough Core Strategy DPD (2011) and policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012). The condition is required prior to commencement to ensure that no works take place in preparing the site which would harm highway safety or neighbour amenity.

- C5 Notwithstanding the submitted information, no site vegetation clearance or excavation works to take place within 10m of the fox burrows/ den during the period March to June (when young dependent foxes are likely to be underground) unless an ecologist has first confirmed no foxes are present. All construction trenches shall be covered overnight or a means of escape provided for any mammals that may have become trapped.

Reason: In order to protect foxes identified within the site in accordance with policy PP16 of the adopted Planning Policies DPD and the provisions of the Wild Mammals Act 1996.

- C6 Prior to first occupation of the development hereby permitted, a scheme of work to facilitate the closure of the junction of Acacia Avenue with Western Avenue shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for the implementation of the approved scheme. The closure shall thereafter be completed in accordance with the agreed details and timetable.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C7 No development, other than groundworks and foundations, shall commence until details of the following off-site highway works have been submitted to and approved in writing by the Local Planning Authority:

i) Relocation of bus stops along Western Avenue which conflict with the approved access road;

ii) Removal of the yellow school road markings along Western Avenue; and

iii) Permanent closure of the existing site access, including any remedial work to the public footway.

The off-site highway works shall be carried out in accordance with the approved details and prior to first occupation of the development.

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).

- C8 The roads and footways linking the dwellings to the existing public highway shall be constructed to a minimum of base course (carriageway) and binder (footways) prior to the first occupation of the dwelling which will be served by them. If occupation takes place before the final surface has been laid then a timetable for completing the roads/footways shall be submitted to and approved in writing by the Local Planning Authority within one month of that occupation. The roads and footways shall thereafter be completed in accordance with the approved timetable.

Reason: In the interests of the safety of all users of the public highway in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

- C9 Within two months of the commencement of development a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall include:-

Planting species and Densities

A Management and Maintenance Plan

The soft landscaping shall thereafter be carried out in accordance with the approved detail prior to the first occupation of the area to which it relates unless an alternative timetable is agreed with the Local Planning Authority through the landscaping details.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die are removed, become diseased or unfit for purpose [in the opinion of the LPA] 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 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 general amenity and promoting biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C10 Within two months of the commencement of development details of the proposed upgraded play equipment and associated boundary treatment including a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable

Reason: In the interests of general amenity in accordance with policy PP14 of the adopted Planning Policies DPD.

Note this condition will be removed if it is agreed that a financial contribution toward the upgrade of the existing Myrtle Avenue play area is more appropriate.

- C11 Hard landscaping including bin collection points and boundary treatment shall be implemented in accordance with the approved details prior to the first occupation of the dwelling or area to which it relates.

Reason: In the interests of general amenity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C12 Notwithstanding the details shown on the approved plans, prior to the commencement of the construction of plots 72-75, details of the following shall be submitted to and approved in writing by the Local Planning Authority:-

- a) Bin storage area
- b) Cycle parking
- c) Boundary treatment

The development shall thereafter be carried out in accordance with the approved details which shall be implemented prior to the first occupation of these units and thereafter retained in perpetuity.

Reason: In order to ensure that adequate provision is made for waste storage and cycle parking in accordance with policies CS14 and CS16 of the adopted Core Strategy and policies PP4 and PP13 of the adopted Planning Policies DPD.

C13 Within two months of the commencement of development a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include the design of the lighting columns, details of the lighting for both adoptable and private areas and a lux plan showing the extent of the illumination. The development shall thereafter be carried out in accordance with the approved lighting details prior to the first occupation of the part of the site to which it relates.

Reason: In the interests of residential amenity, community safety and the protection of biodiversity in accordance with policy CS16 of the adopted Core Strategy and policies PP3 and PP16 of the adopted Planning Policies DPD.

C14 Tree Protection shall be installed in accordance with the approved Arboricultural Impact Assessment and tree protection plans prior to the commencement of any works or development on site (including site set up works).

Notwithstanding the approved plan prior to any works in the vicinity of plot 22 an amended tree protection plan showing a revised fencing location to reflect the final site layout shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the submitted information prior to any works in the vicinity of Oak 4292, additional details of the 'no dig' area adjacent to it as described in section 10.6 of the Arboricultural Report, shall be submitted to and approved in writing by the Local Planning Authority

The tree protection fencing shall thereafter be retained until development in the vicinity of it has been completed. All no dig works shall be carried out in accordance with the approved details and methodology.

Reason: In the interests of protecting the retained trees on the site (which are subject to a Tree Preservation Order) in accordance with policy PP16 of the adopted Planning Policies DPD.

C15 Notwithstanding the provisions of condition 14, prior to the commencement of works on site a site meeting shall take place between the site agent/developer/builder and the Local Planning Authority in order to inspect the tree protection on site. If as a result of this meeting any changes to the tree protection or details of the no dig construction are required then amended details shall be submitted to and approved in writing by the Local Planning Authority before works commencement in that part of the site. The development shall thereafter be carried out in accordance with the amended details.

Reason: In the interests of protecting the retained trees on the site (which are subject to a Tree Preservation Order) in accordance with policy PP16 of the adopted Planning Policies DPD. This is a pre-commencement condition in order to ensure that the trees on site are adequately protected.

C16 Prior to the commencement of development a detailed levels plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include existing levels and proposed levels for houses, gardens and garages. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of general and residential amenity in accordance with accordance with policy CS16 of the adopted Core Strategy and policy PP3 of the adopted Planning Policies DPD. This is a pre-commencement condition as the site levels need to be agreed before works can start.

C17 In the event that previously unsuspected contamination is found when carrying out the approved development it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An

assessment must thereafter be undertaken to identify the contamination and associated pathways, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with the NPPF in particular paragraphs 120 and 121.

- C18 Within two months of the commencement of development on the site a scheme of bird and bat boxes including a detailed specification and details of the location of the boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and box boxes shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwelling or area of the site to which it relates.

Reason: In the interests of biodiversity enhancement in accordance with policy PP16 of the adopted Planning Policies DPD.

- C19 Car parking and turning shall be provided in accordance with the approved layout plan prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained and not used for any other purpose.

Reason: In order to ensure that sufficient car parking and turning remains available in site in accordance with policy PP13 of the adopted Planning Policies DPD.

- C20 Prior to the commencement of development (excluding investigations for the purposes of groundwork, ground works, contamination assessment and remediation) a detailed scheme of foul drainage including the details of any phasing or off site connections/infrastructure improvements shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details before the dwelling to which it relates is first occupied.

Reason: In order to ensure that the site can be adequately drained in accordance with policy CS22 of the adopted Core Strategy. This is pre-commencement condition as the drainage scheme needs to be designed and agreed at the outset of the development.

- C21 Prior to the commencement of development (excluding investigations for the purposes of groundwork, ground works, contamination assessment and remediation) a detailed scheme of surface water drainage, based upon the principles of sustainable drainage along with and an associated management and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and management/maintenance plan prior to the first occupation of the dwelling to which it relates.

Reason: In order to ensure that the site can be adequately drained in accordance with policy CS22 of the adopted Core Strategy. This is pre-commencement condition as the drainage scheme needs to be designed and agreed at the outset of the development.

- C22 The rating level of noise emitted from the pumping station and substation should not exceed 35 dB LAeq, 15 minutes. The noise levels should be determined at (the nearest noise sensitive premises.) The measurements and assessment should be made according to BS:4142:2014.

Reason: In the interests of residential amenity in accordance with policy PP3 of the adopted Planning Policies DPD.

C24 Visibility Splays shall be provided in accordance with the details shown on the approved layout plan prior to the use just of the junction or dwelling to which they relate. They shall thereafter be kept free of any obstructions over 600mm in height.

Reason: In the interests of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD.

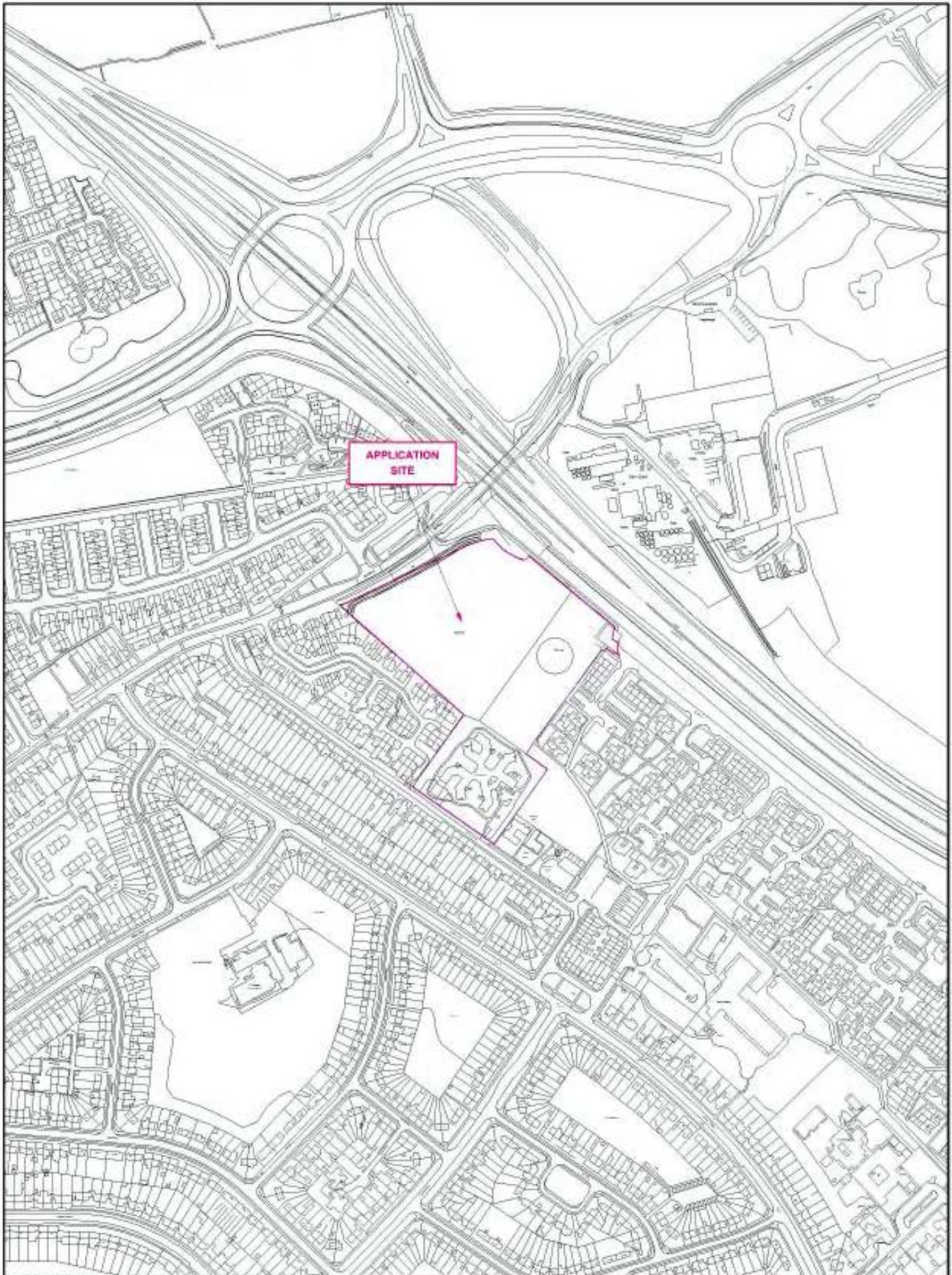
C25 Prior to the commencement of their construction details of the following structures including their finishes shall be submitted to and approved in writing by the Local Planning Authority:-

- The proposed substation
- The proposed foul pumping station

The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure a satisfactory external appearance in accordance with policy CS16 of the adopted Planning Policies DPD.

Copy to Cllrs Ash, Saltmarsh and Sharp



LOCATION PLAN 17/00013/R4FUL

Former John Mansfield School Remote Playing Field And Former Welland House Site

Scale 1:1000

Date 11/4/2017

Name AA Department Planning Services



PETERBOROUGH



CITY COUNCIL

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Planning and EP Committee

Application Ref: 17/00013/R4FUL

Proposal: The construction of 116 dwellings comprising a mix of bungalows, flats, 2, 3 and 4 bedroom houses for rent, shared ownership and sale together with associated external works including road and car parking

Site: Former John Mansfield School Remote Playing Field And Former Welland House Site, Poplar Avenue , Dogsthorpe , Peterborough

Applicant: Mr Nick Wright
Cross Keys Homes Limited

Agent: Mr Tony Welland, The Design Partnership

Site visit: 23.01.2017

Referred By: Councillors Ash and Saltmarsh
Reason: Major application of wider local interest

Case officer: Miss V Hurrell
Telephone No. 01733 453480
E-Mail: victoria.hurrell@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

The Site and Surrounding

The application site is some 4.05 hectares in size and comprises two distinct but adjacent areas. The first part of the site comprises the former John Mansfield School remote playing field and adjacent area of open space. The second area comprises the site of the former Welland Care Home. The John Mansfield remote playing field site is allocated for development in the adopted Site Allocations DPD. The former Welland Care Home site is unallocated.

The remote playing field site is accessed from Belvoir Way (this is the only access into it). To the south of the site are residential properties on Belvoir Way and Saxby Gardens. To the east is a footpath/cycleway and beyond this the Paston Parkway, on the otherside of which is an operational flour mill occupied by Whitworth Brothers. To the west is existing development on Lombardy Drive whilst to the north is Welland Road. There is a verge area with open ditch at the side of the road. Welland Road itself rises up to a bridge over the Parkway so there is a level difference between the road and the north eastern part of the site. The site itself is flat and covered with grass. There is a palisade fence around the part of the site which used to be marked out as a playing field. There are a number of existing trees around the edge of the site.

The site of the former Welland Road care home is located off Poplar Avenue which lies to the west. Poplar Avenue is a narrow single carriageway road with houses. To the south are a couple of residential bungalows. To the east is the bottom part of the open space off Belvoir Way whilst to the north are more residential properties. The building which used to occupy the site has been demolished and the site cleared. There is an existing hedge around the edge of the site and a number of trees within the site.

The Proposal

This application seeks full planning permission for the construction of 116 dwellings comprising a mix of 1 and 2 bedroom flats and 1, 2, 3 and 4 bedroom houses.

87 dwellings would be located on the former John Mansfield playing field site including some flats. This site would have 44 affordable units. Access will be from Belvoir Way.

The former Welland Road care home site would have the remaining 29 units. All of these dwellings would be for market housing. The site would be accessed from Poplar Avenue.

Although the two parts of the site are adjacent the only physical link between them would be a new footpath/cycleway.

2 Planning History

Reference	Proposal	Decision	Date
07/01763/R4OUT	Residential units comprising up to 132 residential units with associated access road, car parking, amenity space and landscaping	Withdrawn by Applicant	08/01/2016

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)

Presumption in Favour of Sustainable Development

Paragraph 14 sets out that development proposals that accord with the development plan should be approved without delay and that where the development plan is absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Section 6- Delivering a Wide Choice of High Quality Homes

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the 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 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 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Section 11 - Contamination

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

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.

CS08 - Meeting Housing Needs

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS13 - Development Contributions to Infrastructure Provision

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

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.

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)

SA03 - Urban Area

Identifies sites within the Urban Area that are allocated primarily for residential use

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

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.

PP14 - Open Space Standards

Residential development (within Use Classes C3 and C4) will be required to provide open space in accordance with the minimum standards. The type of on-site provision will depend on the nature and location of the development and the needs of the local area.

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.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document took place between December 2016 and 9 February 2017. The responses are currently being reviewed. At this preliminary stage the policies are of limited weight.

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

Internal

PCC Tree Officer (13.02.17)

No objections. The tree protection identified is adequate as described within the arboricultural report and tree protection plans. However, further detail would be required regarding the finalised details surrounding Oak 4311 (see section 11.4 of the arboricultural report). Further information relating to the finalised details of landscaping is also required although the general principles except the western boundary outlined above are acceptable.

If the application is successful then recommended conditions would include standard landscaping conditions and future management in addition to finalised tree information related to construction around Oak 4311. A pre-commencement site meeting between the site agent/architect/builder, the developers chosen arboriculturist and the Local Planning Authority's Tree Officer would be advantageous once the protection measures have been installed.

PCC Rights of Way Officer (06.02.17)

No objections. The public footpath that runs across the site will need a modification order (either diversion or extinguishment) before the path can be legally changed.

PCC Property Services

No comments received

PCC Wildlife Officer (07.02.17)

No objections. Am pleased to note that this application is accompanied by an Ecological Survey Report (Sept 2016) and am satisfied with the report's assessment of impacts on protected species. Whilst no evidence of roosting bats was found, it is likely that the site boundaries may be used by foraging and commuting bats. I would therefore recommend that a range of bat roosting features be incorporated into the new dwellings to provide suitable bat roosting habitat. In addition, external lighting should be designed to be baffled downwards away from the boundary woodland areas. The proposal involves the removal of vegetation which may support nesting birds. I would therefore recommend that a standard bird nesting informative be attached should the scheme be approved. To mitigate for the loss of potential nesting habitat, I would request that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swift, as well as bat roosting features. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

I would recommend that the boundary hedgerows and trees, around the former Welland house in particular, are retained and strengthened if possible. With regard to any additional planting I would recommend the use of a range of native tree, shrub and plant species including the use of wildflower seeding where appropriate as per Section 5.3 of the Ecology Report, the detail of which may be provided via a suitably worded condition.

PCC Archaeological Officer (31.01.17)

No objections. An archaeological evaluation at John Mansfield School in 2007 identified no archaeological features or finds. No remains are recorded within a 250m radius. The evidence would indicate that the site has low archaeological potential. Therefore, the proposed development

is unlikely to affect important buried remains.

PCC Building Control Manager

No comments received

PCC Education & Children's Dept - Planning & Development

No comments received

PCC Pollution Team (20.02.17)

No objections. The site is within 250 m of a landfill and so should be investigated accordingly. Conditions are recommended. With regard to noise, that from the mill is a potential issue. To provide adequate noise insulation, alternative methods of providing ventilation and control of summertime temperatures must be provided for facades facing the A15 for plots 1-27. Sound insulating ventilators may be "whole house" systems or individual units installed where necessary. Acoustic trickle ventilators will not provide adequate ventilation for these purposes. The system installed should meet the requirements of the building regulations at the time, for the purposes of all requirements - including trickle and rapid (purge) ventilation - without the requirement to open windows to meet that standard.

PCC Peterborough Highways Services (11.04.2017)

No objections subject to conditions. The amended tracking plan is now acceptable.

PCC Senior Recreation Officer

Would ask that contributions be secured towards upgrading the existing play equipment so that it can cater for older children as there is a need for this in the vicinity.

PCC Travel Choice

No comments received

PCC Strategic Housing (08.02.17)

No objections. Policy CS8 of the Peterborough Core Strategy seeks the provision of 30% affordable housing on all development sites on which 15 or more dwellings are proposed. This application is for 116 dwellings. Accordingly, I would anticipate 35 affordable homes on this site, subject to viability. 44 have been proposed, providing 38% affordable housing of the whole scheme. The Core Strategy sets out an appropriate mix of affordable tenures which is 70% social rented tenure and 30% intermediate tenure. However, given the changes to the definition of affordable housing set out in PPS3 (update June 2011) and maintained in the National Planning Policy Framework which includes affordable rented tenure, the council is committed to offering a degree of flexibility regarding the tenure of any affordable units. The tenure mix needs to be proposed to meet the guidelines given above. I would expect 25 to be affordable rented homes and 10 to be of intermediate tenure. On this application, 26 affordable rented homes and 18 of intermediate tenure has been proposed, which is acceptable.

Regarding the size of units, the following is proposed: 4 x one bedroom flats, 6 x one bedroom houses, 12 x two bedroom flats and 4 x two bedroom houses for affordable rented tenure. 7 x two bedroom houses and 11 x three bedroom houses for intermediate tenure. This mix is acceptable.

In accordance with the Policy CS8 of the Peterborough Core Strategy, 20% of units should meet Building Regulations Part M (Volume 1), Category 2 (the lifetime homes standard), this equates to 23 dwellings. The Design and Access Statement confirms that 20% of the units will meet the Lifetime homes standard. Additionally 2% of units on schemes with 50 dwellings and over should meet Building Regulations Part M (Volume 1) (wheelchair units), this equates to 2 dwellings.

PCC Lifetime Homes (27.01.2017)

Have a number of detailed comments on layout of house types in terms of the provision of knock out panels, bathroom designs, and hoist positions.

PCC Childcare Market Facilitation Manager (T Laws)

No comments received

PCC Lead Local Drainage Authority (09.02.17)

No objections. Consideration needs to be given to the details of the scheme. Recommend a condition.

PCC Waste Management

No objections. Adequate waste provision is made for the flats.

External

Sport England (10.02.17)

No objections. The sites contain land that formed part of the former playing fields for the former John Mansfield School, which closed in July 2007. The playing fields have not been used since that date and therefore they are not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595) (i.e. used within the last five years). Therefore Sport England has considered these as non-statutory consultations.

I am also aware that the principle of residential development on these sites has previously been established. Sport England has also previously accepted that when the pupils of this school transferred to the new Thomas Deacon Academy, additional playing fields (c1.5 hectares) were provided at that site, therefore this provision part met exception E4 of our playing fields policy.

In addition, when outline consent was previously granted on these sites, financial contributions were secured as mitigation for the loss of these former playing fields as follows:

- £150,000 towards the upgrade of the Dance Studio on the Western Avenue site (the former school site)
- £200,000 towards the enhancement of the Focus Community Centre and sports facilities in Dogsthorpe.

Given the non-statutory nature of these consultations, the previous consents for residential development and the policy issues referred to above, including the provision of additional playing fields at the Thomas Deacon site and the financial contributions made to nearby sports facilities (I understand these contributions have been paid and implemented), it is not considered an objection could be substantiated on loss of former playing field grounds.

As the proposals do not have any impact on any existing sport facilities or playing fields, and do not generate significant demand for new indoor or outdoor sports facilities, Sport England has no objection.

Peterborough Local Access Forum

No comments received

The Open Spaces Society

No comments received

Ramblers (Central Office) (15.02.17)

No objections in light of the clarification provided regarding the right of way.

Environment Agency (28.02.17)

No objections.

Police Architectural Liaison Officer (PALO) (20.01.17)

No objections, I can confirm that this office has already been in consultation as stated in the Design and Access Statement and at this stage I consider that the layout is acceptable. This area

has been prone to high levels of burglary of homes and sheds and we would be happy to work with the developer to ensure that it is built to the principles of Secured by Design.

Cambridgeshire Fire & Rescue Service (30.03.2017)

Adequate provisions should be made for the provision of fire hydrants either through a planning condition or through a S106 Agreement.

Anglian Water Services Ltd (14.02.17)

No objections. Anglian Water has assets close to or crossing the site which will need to be accommodated or relocated. The foul drainage system has capacity available for flows from the development at the current time. If the developer wishes to connect to their sewage network then an application will need to be made under S106 of the Water Industry Act. Anglian Water will advise on the most suitable point of connection. With regard to surface water disposal this should be to a sustainable drainage system with connection to the sewer as the last option. The surface water drainage strategy submitted with the application is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed. Request the imposition of a condition relating to surface water drainage.

Local Residents/Interested Parties

Initial consultations: 211

Total number of responses: 8

Total number of objections: 8

Total number in support: 0

Eight letters of representation have been received in relation to this application. These raise the following matters:-

- If the access road is as previously identified on the last application (not mentioned this time) then the additional traffic and loss of play area for the children in the neighbourhood will allow for greater risk. Plus if the access road comes through well surely its Welland House not Dogsthorpe as stated. If the entrance and exit was on Poplar Avenue it would impact less people. Perhaps letting people know all of the plans might allow them to make an informed decision.
- We live on Poplar Avenue which is narrow and already a very busy road. There is a one way system in place which is regularly ignored by cyclists and some cars leaving the doctor's surgery. To add to the volume of traffic with this number of houses would be ludicrous. I understand from our local Councillors that access for the whole site from Belvoir Way would make much more sense. My husband is disabled and access to and from our property is regularly affected at present so we strongly object to access for the southern part being off Poplar Avenue.
- Where will all the traffic go? We only have one doctors and one school.
- When they knocked down the care home my life was a misery, I had lots of noise from 7 in the morning and lorries queuing up from 6.30am. The dust and dirt was intolerable and I became very distressed. I could not hang washing out or sit in the garden. I will expect compensation. I would also like a brick wall built separating my property.
- I would like clarification regarding the height which the hedge at the rear of my property will be trimmed to and the frequency of this. I would like the trees and hedge to be maintained at their current height. I would also like clarification on the position of the new proposed hedge and separation distance to the adjacent new dwellings.
- Hope the fence and area to the rear of my property will be cleaned up. Having been trying to get this done for years.
- Concerned about the extra traffic on Belvoir Way. We have to park on the road. The extra traffic is a concern not only from extra noise but safety.
- The site should be used for warden controlled housing or as a care home. We should look after our elderly people.
- Whitworth Bros. Ltd. would like to register their objection to application due to the increase in residential units located in close proximity to their existing Dogsthorpe Mill site. The site is a long

established industrial site which Whitworth Bros. are continually updating and expanding as their business requires. With the location of the new house's this will make any future expansion of the site more challenging with the increase in number of residents objecting to any increase in noise from the site if the manufacturing facilities are increased. The new houses will also increase the traffic around the mill which could lead to issues with the highways capacity of the area if the site was expanded and the traffic to and from the site increased.

5 Assessment of the planning issues

The main considerations are:-

- The Principle of Development
- Highways Impacts
- Layout and Amenity
- Tree Impacts
- Ecological Impacts
- Drainage
- Other Matters

1. The Principle of Development

Under the Local Plan, Local Planning Authorities are required to have and to be able to demonstrate a five year supply of housing. The Council's five year land supply was recently tested on appeal in relation to a proposal for 80 units on the edge of Barnack (application 15/01840/OUT refers). The Inspector in upholding this appeal and granting planning permission concluded, on the basis of the evidence presented to him, that the Council is currently unable to robustly demonstrate a five year land supply (the supply available is somewhere between 3.80 years and 4.75 years). Whilst the Council is reviewing its Local Plan, the Inspector concluded that until it is adopted applications must be determined in accordance with the National Planning Policy Framework (NPPF).

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of housing. Paragraph 14 states that for the purposes of determining planning applications, this means that applications for housing can only be resisted where the adverse impacts of approving a scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

In considering which policies are 'relevant policies' for the supply of housing, regard needs to be had to the outcome of the decision in *Richborough Estates Partnership LLP v Cheshire East Council and Suffolk Coastal DC v Hopkins Homes Limited (2016) EWCA Civ 168*. The Court of Appeal concluded that the definition of 'relevant policies' was wide and not limited to those policies which provide positively for the delivery of new housing in terms of numbers and the distribution of allocated sites but should also include policies the effect of which is to influence the supply of housing by restricting the locations where new housing may be developed. Therefore, all policies which have the potential to restrict or affect housing supply must be considered out of date in respect of the National Planning Policy Framework. However, the Court of Appeal has confirmed that even where policies are considered 'out of date' for the purposes of the paragraph 49 of the NPPF, the decision maker is required to consider what (if any) weight should be attached to such relevant policies having regard, amongst other matters, to the purpose of the particular policy.

An appeal by Cheshire East Council against the Court of Appeal's decision was heard by the Supreme Court on 22 and 23 February. The judgement is still awaited so the position currently remains as per the Court of Appeal decision.

In the case of this application, the policies which must be considered as potentially influencing the

supply of housing include CS1 and CS2 (Housing Provision), CS8 (Meeting Housing Need), CS16 (Urban Design), CS17 (Heritage Impacts) CS20 (Landscape Impacts) and CS22 (Flood Risk) of the adopted Core Strategy, policy SA3 (New Housing Sites in the Urban Area) of the adopted Site Allocations DPD and policies PP1 (Sustainable Development), PP2 (Design of New Development), PP14 (Open Space Provision) and PP16 (Landscaping and Ecological Impacts) of the adopted Site Allocations DPD.

In this instance the principle of developing the remote playing field part of the site for housing is considered to be acceptable as the site is allocated for development in the adopted Site Allocated DPD which has been through examination by the Inspector and the site found suitable for development in principle. Notwithstanding this, the site as a whole is located within the urban area of the city and the Welland House area is previously developed land. It is considered to be a sustainable location with good connections to local facilities. The development of the site for housing development will contribute towards ensuring that the Council can demonstrate a five year land supply going forward. Affordable housing provision is discussed in more detail below, but the application would provide 38% affordable housing provision. This is a significant benefit which needs acknowledged and to be given significant weight in favour of developing the site.

In addition, the development of this site for housing would bring other social and economic benefits in terms of job creation during the construction phase, support for local services including shops and the public transport network and the delivery of new homes bonus. As set out below there are not considered to be any significant adverse environmental impacts arising from the development. As such the scheme complies with paragraph 7 of the NPPF.

A letter of representation has been received from Whitworth Brothers the occupiers of the flourmill located on the northern side of the Paston Parkway stating that the site should not be developed for housing because of the potential impact upon their business. Whilst these concerns are noted, as already set out, the former playing field part of the site which is located closet to the mill is already allocated for residential development. In addition and as set out above, weight now has to be given to the fact that the Council does not have a five year land supply and the development of this site would not cause demonstrable harm. The application could not therefore be resisted on this basis. Matters relating to transport and noise are covered in the sections below.

Having viewed all aspects of the scheme as detailed in the sections below, there are not considered to be any significant or demonstrable impacts arising from the development of this site which would outweigh the considerable benefits.

Whilst the number of dwellings proposed is below the number of units indicated in the Site Allocations DPD it is considered to be appropriate for the site and makes efficient use of it. A higher number of dwellings could only be achieved if the number of flats and/ or building heights significantly increased. The massing of the units (a maximum of three storeys) is considered to be appropriate as is the overall character of the layout. The redevelopment of this site even at a lower number of units will still help meet the city's housing needs and contribute towards the five year housing supply.

One of the presentations received has commented that the site should be used for a care home. Whilst such a use would be acceptable there is no policy basis upon which to require this and as indicated, the site is allocated for housing development.

Affordable Housing Provision

Policy CS8 of the adopted Core Strategy requires new developments to provide 30% affordable housing with 70% of this being affordable rented and 30% shared ownership. This application proposes 44 affordable units which equates to 38%.

In terms of the tenure mix 26 affordable rented units and 18 shared ownership units are proposed. Under policy CS8, 25 units should be affordable rented and 10 intermediate so the Council's Housing Team has confirmed that the tenure split is acceptable. In terms of the unit sizes for the

affordable dwellings they have also confirmed that these are acceptable.

Life Time Homes and Wheelchair Houses

Policy CS8 also sets out that 20% of all new dwellings should be constructed as life time homes and 2% as wheelchair houses. In this instance the applicant proposes to spread the provision across this site and the John Mansfield main site (the subject to application 17/00011/R4OUT). Whilst such an approach would not usually be agreed it is accepted in this instance as both sites will be under the control of the applicant at the same time. This application proposes 20 life time homes and a further 6 wheelchair houses. The policy is met across the two sites.

In terms of the design of the house types, these are considered against Categories M 3 and 4 of the Building Regulations which replaces earlier Life Time Homes legislation. The policy will be formally updated in the new Local Plan but it is considered reasonable to assess the house design against this standard now given the legislative changes. Having reviewed the house types, the Council's Housing Officers made a number of detailed comments and a meeting was held with the applicant. Following this meeting some amendments have been made to the plans. Updated comments are awaited from the Housing Team.

Loss of Playing Field

The application site includes land which was formally used as playing field. Sport England has, therefore, been consulted on this application.

Sport England has raised no objection to the scheme. It has commented that the playing fields have not been used since the school closed in July 2007, and as such they are not considered to form part of or constitute a playing field, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No.595) (i.e. used within the last five years). Therefore Sport England has considered this as a non-statutory consultation. Sport England notes that it has also previously accepted that when the pupils of this school transferred to the new Thomas Deacon Academy, additional playing fields (circa 1.5 hectares) were provided at that site, therefore this provision partly met exception E4 of its playing fields policy. In addition, when outline consent was considered, financial contributions were secured as mitigation for the loss of these former playing fields as follows:

- * £150,000 towards the upgrade of the Dance Studio on the Western Avenue site (the former school site)

- * £200,000 towards the enhancement of the Focus Community Centre and sports facilities in Dogsthorpe.

Given the non-statutory nature of these consultations, the issues referred to above, including the provision of additional playing fields at the Thomas Deacon site and the financial contributions already made to nearby sports facilities, Sport England concludes that it could not object to this application on the loss of former playing field grounds.

As the proposals do not have any impact on any existing sport facilities or playing fields, and do not generate significant demand for new indoor or outdoor sports facilities, Sport England has no further comments to make. As such the development is considered to comply with policy CS20 of the adopted Core Strategy.

Summary

In light of the fact that the Council cannot currently demonstrate a five year land supply under the provisions of the NPPF the development of the site for housing could only be resisted if significant and demonstrable harm would result which would outweigh the benefit. Part of the site has previously been allocated for development and the redevelopment of the site as a whole will help meet housing need. It will also deliver other social and economic benefits, significantly the provision of affordable housing above the policy standard. The provision of life homes and wheelchair housing can be met across this site and the main site. There is no objection in this instance to the loss of playing field given the length of time since the site was last used for such, the planning history and previous contributions already made in mitigation for the loss. The

principle of development is therefore considered to be acceptable in accordance with the provisions of the National Planning Policy Framework.

2. Highway Impacts

The application is supported by a Transport Assessment. The Local Highway Authority has advised that the Transport Assessment slightly under estimates the number of vehicle trips which would result on the network. That said, the Local Highway Authority has not raised any issues in terms of the capacity on the network or any requirement for off site highway works.

The Local Highway Authority has requested an alteration at the entrance to the remote site in order to narrow the road and to tie the existing road into the new proposed footpath/cycleway. It has also requested that an area of existing highway be stopped up. The applicant has amended the plans in line with highway comments and the Local Highway Authority therefore raises no objection. Implementation of the works will be secured by condition.

Some concerns have been raised by residents regarding increased traffic as a result of the development, both from residents on Belvoir Way/Saxby Gardens and Poplar Avenue. Whilst these concerns are noted as indicated above, the impacts have been fully assessed and the Local Highway Authority has raised no objection. In terms of the Poplar Avenue site whilst it is acknowledged that this is a one way street and fairly narrow, the starting point for consideration of the traffic impacts has to be the traffic associated with the former care home use and the potential for this to be intensified. As indicated above the traffic impacts are considered to be acceptable.

The internal roads within the site are considered to be of an appropriate design. Amended tracking plans have been provided at the request of the Local Highway Authority. Minor amendments to the layout have been made following comments from the Local Highway Authority and it has confirmed that the revised plans are now acceptable. Car parking is provided in accordance with policy PP13 of the adopted Local Plan.

The comments received from the Local Highway Authority refer to the upgrade of bus stops to shelters where necessary. This is considered to be a 'vague' request as no specific bus stops have been identified. Furthermore, there are no bus stops adjacent to the application site. In light of this the request is not considered to be a reasonable one and the applicant has not therefore been asked to fund any upgrades.

Footpath/Cycleway

It is proposed under this development to create a new footpath/cycleway running between Poplar Avenue and Belvoir Way. The introduction of this link is supported and will enhance the sustainability of the site. It will also facilitate access to the existing open space off Belvoir Way which will have a wider public benefit.

Right of Way

A right of way runs across the former John Mansfield remote playing field site. However, this right of way has effectively been blocked for a number of years due to the fencing on the boundary of the site. A footpath/cycle is available to the east of the site. It is proposed to create a new footpath/cycleway link within the site in front of plots 17-20. The Council's Rights of Way Officer has raised no objections to the application advising that a modification order will need to be made before the path can legally be changed. This will be progressed outside of the planning process.

The Ramblers Association originally objected to the application but following clarification regarding the right of way, the fact it is fenced off currently and the alternative provision to be made, it has now withdrawn its objection.

The development is therefore considered to comply with policy CS14 of the adopted Core Strategy and policies PP12 and PP13 of the adopted Planning Policies DPD.

3. Layout and Amenity

Design

The general design of the layout is considered to be acceptable and appropriate for the area. Minor alterations have been made to layout and several house types at the request of officers. Both the layout and house type designs are now considered to be acceptable. The materials are indicated on the drawings, these will be finalised by a condition.

Subject to conditions therefore the development is considered to comply with policy CS16 of the adopted Core Strategy and policy PP2 of the adopted Planning Policies DPD.

Impact on Existing Properties

There are existing properties to the south of the remote playing field site and to the south, north and west (on the otherside of Poplar Avenue).

The existing properties to the west of the remote playing field site on Lombardy Drive include four bungalows with very short rear gardens. The proposed layout includes 6 bungalows adjacent to this area. The separation distance will be some 17 metres. The separation distance with the adjacent houses would be a minimum of 22 metres. The separation to plot 75 is less (12.5 metres) but this is a back to side relationship. Whilst it is acknowledged and recognised that the development of this site will result in a big change in outlook to the surrounding properties, many of which have always had playing field at the bottom of their gardens, the site is allocated for development and it is considered that the layout achieves an acceptable relationship with all the surrounding properties so as not to result in any unacceptable overbearing impact, loss of daylight, overshadowing or overlooking. A condition removing permitted development rights for extensions and outbuildings to the new bungalows and for two storey rear extensions to the adjacent houses is recommended to ensure that the separation distances are maintained.

With regard to the relationship between the properties on Poplar Avenue it is not considered that there would be any unacceptable impact on the properties located on the other side of the road given the separation distance. The relation created, front to front development, is a normal relationship between houses in the urban area.

With regard to the bungalow located to the south side of plot 115, whilst the new house would be set forward of it, there would be a separation distance of some 5 metres. In light of this it is not considered that any unacceptable overbearing would result. Plots 113 and 114 would back onto the side elevation of the bungalow which has some side facing windows, but given the separation distance (at least 14.5 metres) it is not considered that any unacceptable relationship would be created.

With regard to the dwellings to the north, plots 88 and 99 would have a back to side relationship to the existing nearest house, and would be separated by some 19 metres. It is not therefore considered that any unacceptable relationship would result. Plots 96-98 would look forwards the rear elevation of numbers 55-59 Lombardy Drive. As with the remote playing field site it is acknowledged that there would be a significant change in relationship as at present these houses have no development to the rear of them. The layout, however, allows for a separation distance of some 25 metres. It is not therefore considered that any unacceptable overbearing impact, overshadowing or overlooking would result.

It is proposed to prune the existing hedge to the rear of the Lombardy Drive properties. One neighbour has queried what is proposed. This matter has been raised with the applicant. The final pruning height is not yet known. It is considered that this can be dealt with via a condition. It should be noted that the acceptability of the scheme is not dependent upon this as the physical separation distance is sufficient. It should also be noted that the hedge could be removed at any time without the need to secure planning permission.

One of the representations received has commented about the provision for doctors and lack of schools. They have also raised concerns about the noise and disturbance during the construction period and that they would like a brick wall built on the boundary. With regard to infrastructure

provision contributions will be made via the Community Infrastructure Levy (CIL) as set out below. In terms of construction impacts these will be mitigated as far as possible via a Construction Management Plan condition. See below. With regard to a boundary wall this is not necessary to make the scheme acceptable so cannot be required. The neighbour is free to raise this issue with the developer direct.

One neighbour has commented that they hope the fence and area to the rear of their property will be cleaned up as they have been trying to get this done for years. It is not clear which area is being referred but the development would be implemented in accordance with the approved details.

The proposal is therefore considered to comply with policy CS16 of the adopted Core Strategy and policy PP3 of the adopted Planning Policies DPD.

Layout and Amenity.

The internal layout of the site is considered to be acceptable. New dwellings will front the main roads and largely backs onto existing gardens. The internal separation distances are considered to be sufficient to afford the future occupiers a satisfactory level of amenity in terms of daylight and privacy.

All plots have rear access for bin and bike stores. Sufficient provision will be made for the flats in terms of bin and bike storage. No objections have been received from the Council's Waste Management Team.

The Police Architectural Liaison Officer has raised no objections to the scheme. He has commented that he would be happy to work with the developer further to ensure that the site is developed to the principle of Secured by Design. The Police Architectural Liaison Officer has also commented that lighting will be required and has requested a condition to deal with this. This is considered necessary and will be appended.

Noise

The main potential noise sources affecting the new development are noise from the Paston Parkway and from the adjacent flour mill. The application is supported by a Noise Assessment which recommends mitigation measures. The John Mansfield remote site has been intentionally designed with a flat block at the entrance so that this acts as a noise barrier for the remaining site. The internal layout of the flats has been designed to put non habitable rooms on the western elevation. The Council's Environmental Health Officer has raised no objection to the development but has commented that sound insulating ventilators may be "whole house" systems or individual units installed where necessary. Acoustic trickle ventilators will not provide adequate ventilation for these purposes. The system installed should meet the requirements of the building regulations at the time, for the purposes of all requirements including trickle and rapid (purge) ventilation without the requirement to open windows to meet that standard. The comments from the Environmental Health Officer are noted and the applicant has been made aware of them. It is considered that the acoustic measures can be reasonably dealt with via a condition.

An objection to the development has been received from Whitworth Brothers raising concerns about noise from the flourmill and how approval of this development may impact upon their future activities. Whilst these concerns are noted, as indicated above, this relationship and the associated issues have been assessed and it is considered that an acceptable relationship can be achieved. As set out under section 1 given that the Council cannot demonstrate a five year supply the application could only be resisted if the proposal would result in significant and demonstrable harm which outweighs the benefits. Given the advice from the Environmental Health Officer this is not considered to be the case and the application could not, therefore, be resisted on this basis.

The development is therefore considered to comply with policy PP4 of the adopted Planning Policies DPD and the provisions of section 11 of the NPPF.

4. Tree Impacts and Open Space

The Council's Tree Officer has considered both parts of the application site. With regard to the former Welland Road site tree loss is limited to low value trees and two Horse Chestnuts visible from Poplar Avenue. The Tree Officer has no objection to the tree loss. He has also advised that the tree protection measures appear appropriate although it is noted that the measures close to the good quality Oak 4311 must be maintained. This tree and several others onsite are potentially worthy of a Tree Preservation Order. Tree/shrub planting has been identified which is currently indicative and appears acceptable although the details need to be firmed up. This can reasonably be dealt with via a condition.

With regard to the remote playing field site the Tree Officer notes that two Hybrid Black Poplars which are highly visible have been identified for removal. Given the weaknesses associated with these trees and the potential change of land use he considers their removal is justified. A line of new trees has been identified for planting on the western boundary. The Tree Officer has commented that it he uncertain of the value of this feature as there is a hedge on the roadside boundary and then a further hedgerow behind this, having a third layer of vegetation from the roadside boundary seems unnecessary. It is recommended that the existing hedgerow is reinforced where required. Elsewhere in this area of the site the impact on retained trees appears low and the Tree Protection Plan is acceptable. New landscaping will be dealt with via a condition so this comment can be addressed via the submission.

Open Space

Policy PP14 of the adopted Planning Policies DPD sets out the open space provision for new developments. It is acknowledged that in this case no on site provision is proposed. This is considered to be an acceptable approach in this instance given that there is a large area of open space located adjacent to the site which is not well utilised. The provision of on onsite open space would significantly reduce the developable area and as indicated under section 1 above the number of units proposed is already less than the allocation. Officers would not, therefore, wish to see this reduced further. The scheme is also providing affordable housing above the policy standard which is a further benefit which needs to be weighed in the balance. As such the scheme as submitted is considered to be acceptable with a below policy compliant level of open space and this does not result in significant or demonstrable harm which would outweigh the benefits of the development.

The adjacent open space contains a Locally Equipped Area of Play (LEAP). The Council's Recreation Officer has advised that the play equipment should be upgraded to accommodate older children as there will be much more demand for play equipment arising from the development and there is an identified need for play equipment for older children in this area. This request has been made to the applicant and a response is awaited. Any response received will be set out to members in the Update Report.

Ecological Impacts

The application is supported by an Ecological Survey Report. The Council's Wildlife Officer is satisfied with the conclusions of the report in terms of protected species.

With regard to bats, no evidence of roosting bats was found. However, it is likely that the site boundaries may be used by foraging and commuting bats. The Wildlife Officer therefore recommends that a range of bat roosting features be incorporated into the new dwellings to provide suitable bat roosting habitat. In addition, external lighting should be designed to be baffled downwards away from the boundary woodland areas.

With regard to nesting birds, the proposal involves the removal of vegetation which may support nesting birds. The Wildlife Officer therefore recommends that a standard bird nesting informative be attached should the scheme be approved. He has also requested that a range of nesting boxes are provided on the site to cater for a number of different species such as House Sparrow, Starling & Swift, as well as bat roosting features. Details of both bird and bat boxes and external lighting can be secured by condition.

With regard to the landscaping of the site, the Wildlife Officer has commented that the boundary woodland copses and trees are retained and strengthened if possible. With regard to any additional planting he would recommend the use of a range of native tree, shrub and plant species including the use of wildflower seeding where appropriate as per Section 5.3 of the Ecology Report. Not all of the existing boundary trees can be kept within the site however it is considered reasonable to expect the existing landscaping to be strengthened where feasible and for consideration to be given to the use of native planting as part of the landscaping scheme. As indicated above, the new landscaping will be secured by condition.

Subject to conditions the development is considered to comply with policies PP14 and PP16 of the adopted Site Allocations DPD.

6. Drainage

Anglian Water has raised no objection to the scheme. It has commented that sufficient foul drainage capacity is available within the system. With regard to surface water drainage it has commented, based on the submitted information, that the proposed method of surface water drainage is not acceptable and it has requested further information to be secured by a condition. The Environment Agency has raised no objections.

The Council's Drainage Team notes the proposals and has raised some issues which require further consideration. The applicant has been made aware of these and is reviewing the proposals further. At this stage it is considered that sufficient information has been provided to demonstrate that the site can in principle be drained. A condition requiring the submission and approval of a detailed scheme is recommended.

The development is therefore considered to comply with policy CS22 of the adopted Core Strategy.

7. Other Matters

Archaeology

The Council's Archaeologist has commented that an archaeological evaluation at John Mansfield School in 2007 identified no archaeological features or finds. No remains are recorded within a 250m radius. As such there is requirement for any further assessment.

The development is therefore considered to comply with policy CS17 of the adopted Core Strategy.

Contamination

The council's Environmental Health Officer has commented that the site lies within 250m of a landfill site. It will therefore need to be assessed for contamination. Conditions dealing with this area recommended.

Construction Management

Given the proximity of the site to existing residential properties and the residential nature of the surrounding area a condition requiring the submission and approval of a Construction Management Plan is recommended.

CIL/S106

The applicant will be subject to CIL payments in accordance with the regulations including the relevant exemptions for affordable housing. The affordable housing provision will be secured through a S106 Agreement. As indicated above the applicant has been advised that an upgrade of the play equipment is sought. This can be dealt with through the S106 Agreement or via a condition.

Fire Hydrants

A request has been received from Cambridgeshire Fire and Rescue asking that adequate provision be made for the provision of fire hydrants by way of condition or through a S106 Agreement. Whilst this request is noted the provision of fire hydrants is covered by other legislation. It is not, therefore, considered necessary to secure their provision as part of this planning application.

6 Conclusions

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

In light of the fact that the Council cannot currently demonstrate a five year land supply under the provisions of the NPPF the development of the site for housing could only be resisted if significant and demonstrable harm would result which would outweigh the benefit. Part of the site has previously been allocated for development and the development of the site as a whole will help meet housing need. It will also deliver other social and economic benefits, significantly the provision of affordable housing above the policy standard. There is no objection in this instance to the loss of playing field given the length of time since the site was last used for such, the planning history and previous contributions already made in mitigation for the loss. The principle of development is therefore considered to be acceptable in accordance with the NPPF.

The application will provide affordable housing and life time homes/wheelchair housing in accordance with policy CS8 of the adopted Core Strategy.

The development will not result in any unacceptable highway impacts on the surrounding road network. The layout of the roads within the site is acceptable and sufficient car parking can be provided. The development therefore complies with policies PP12 and PP13 of the adopted Planning Policies DPD.

Acceptable relationships can be achieved with the surrounding residential properties and an acceptable level of amenity can be provided for the new residents. The concerns received from the adjacent flour mill are noted but it is considered that these can be addressed via a condition in respect of noise mitigation. The concerns are also not outweighed by the benefits of the scheme given the position in terms of the five year land supply. The development is therefore considered to comply with policies PP3 and PP4 of the adopted Planning Policies DPD.

The development can achieve an acceptable relationship with existing trees and new landscaping can be secured by condition. The ecological impacts of the development are also acceptable subject to conditions. Sufficient open space provision can be provided through use of the existing are of open space. The development is therefore considered to comply with policies PP14 and PP16 of the adopted Planning Policies DPD.

Subject to conditions relating to drainage the development is considered to comply with policy CS22 of the adopted Core Strategy.

Subject to conditions relating to contamination the development is considered to comply with policy PP20 of the adopted Planning Policies DPD.

7 Recommendation

The case officer recommends that Planning Permission (Regulation 4) is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions. It is also requested that authority be delegated to officers to make any subsequent final adjustments to the layout or house type designs, the wording of the conditions including the introduction of any new conditions as maybe relevant and/or the content of the S106 Agreement.

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).

C2 The development hereby approved shall be carried out in accordance with the following approved plans and details:-

Location Plan CK-715-LOC2

- Site Plan CK-715-P100 Rev D
- Master Plan CK-715-P01 Rev C
- Plots 13-15 Cycle store and bin store CK-715-P107 Rev C
- Plots 107-112 CK-715-P118 Rev A
- Plots 85-86/90-91/94-97/101-102/105-106 CK-715-P117 Rev A
- Plots 75-76/84/87-89/92/98 CK-715-P116 Rev A
- Plots 57-68 CK-715-P115 Rev A
- Plots 52-56 CK-715-P114 Rev A
- Plots 42-45/48-49/82-83/113-114 CK-715-P112 Rev B
- Plots 46-47/50-51/79/93/99-100/15-116 CK-715-P113 Rev A
- Plots 34-35/39-41/71-74 CK-715-P111 Rev A
- Plots 28-31 CK-715-P110 Rev B
- Plots 24-27/32-33/36-37/69-70/77-78/80-81/103-104 CK-715-P109 Rev A
- Plots 17-23 CK-715-P108 Rev A
- Plots 1-12 CK-715-P106
- Plots 107-112 CK-715-P118
- Plots 17-23 CK-715-P108
- Street Elevation 9-12 CK-715-P105 Rev A
- Street Elevation 5-8 CK-715-P104 Rev A
- Street Elevations 1-4 CK-715-P103 Rev A
- 151428 CL-152 P5 Tracking Plan- remote
- 151428 CL-151 P2 Tracking Plan- Welland House
- Arboricultural Implications Assessment and Method Statement
- Arboricultural Implications Plan 281X.P02.AIP
- Arboricultural Implications Plan 281X.P04.A1P
- Tree Protection Plan 281X.P04.TPP
- Tree Protection Plan 281X.P02.TPP
- Ecological Survey

- Acoustic Report
- Transport Statement

Reason: In order to ensure that the development complies with that which has been applied for.

C 3 No development, other than groundworks and foundations, shall take place until samples/details of the following external materials to be used in the construction of the new dwellings (and any garages) have been submitted to and approved in writing by the Local Planning Authority:

- Walling (samples) including brickwork, cladding panels and timber boarding
- Roofing (details)
- Windows (details)
- Doors (details)
- Rainwater goods (details)

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. 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, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 4 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses) until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include (not exclusively) the following:

- Hours of working
- Haul routes to/from the site
- Material storage locations
- Parking, turning, loading and unloading areas for all construction vehicles
- Contractor parking
- Site welfare cabin and office positions
- Measures to control the emission of dust from the site
- Measures for the control of noise emanating from the site
- Wheel washing facilities, which every vehicle exiting the site must pass through before entering the public highway
- Temporary construction fencing

Development shall be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with policy CS16 of the Peterborough Core Strategy DPD (2011) and policy PP12 of the Peterborough Planning Policies DPD (2012). The condition is

required prior to commencement to ensure that no works take place in preparing the site which would harm highway safety or neighbour amenity.

- C5 Prior to the first occupation of any dwelling accessed off Belvoir Way, the works to the entrance of the site and the stopping up of the adjacent highway shall be carried out in accordance with the approved details shown on the approved site plan.

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).

- C6 Prior to the first occupation of any dwelling a timetable for the opening up of the proposed footpath/cycleway linking Poplar Avenue and Belvoir Way and the footpath adjacent to plots 17-20 shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall also included details of the culverting of or other works to the existing ditch The development shall thereafter be carried out in accordance with the approved timetable and other details.

Reason: In the interests of sustainability in accordance with policy CS14 of the adopted Core Strategy and policy PP12 of the adopted Planning Polices DPD.

- C7 The roads and footways linking the dwellings to the existing public highway shall be constructed to a minimum of base course (carriageway) and binder (footways) prior to the first occupation of the dwelling which will be served by them. If occupation takes place before the final surface has been laid then a timetable for completing the roads/footways shall be submitted to and approved in writing by the Local Planning Authority within one month of that occupation. The roads and footways shall thereafter be completed in accordance with the approved timetable.

Reason: In the interests of the safety of all users of the public highway in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD.

- C8 Within two months of the commencement of development a soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:-

Planting species and Densities

A Management and Maintenance Plan

Details of existing hedge pruning

The soft landscaping shall thereafter be carried out in accordance with the approved detail prior to the first occupation of the area to which it relates unless an alternative timetable is agreed with the Local Planning Authority through the landscaping details.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die are removed, become diseased or unfit for purpose [in the opinion of the LPA] 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 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 general amenity and promoting biodiversity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C10 Within two months of the commencement of development details of the proposed upgraded play equipment and associated boundary treatment including a timetable for its

implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable

Reason: In the interests of general amenity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C11 Hard landscaping and boundary treatment shall be implemented in accordance with the approved details prior to the first occupation of the dwelling or area to which it relates. Notwithstanding the submitted information, prior to its implementation details of the road surfacing of the bend adjacent to plot 84 shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of general amenity in accordance with policy PP16 of the adopted Planning Policies DPD.

- C12 Bin and Bike Storage to flats shall be provided in accordance with the approved details prior to the first occupation of the units to which they relate. They shall thereafter be retained as such in perpetuity.

Reason: In order to ensure that adequate provision is made for waste storage and cycle parking in accordance with policies CS14 and CS16 of the adopted Core Strategy and policies PP4 and PP13 of the adopted Planning Policies DPD.

- C13 Within two months of the commencement of development a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include the design of the lighting columns, details of the lighting for both adoptable and private areas including the new footpath/cycleway link and a lux plan showing the extent of the illumination. The development shall thereafter be carried out in accordance with the approved lighting details prior to the first occupation of the part of the site to which it relates.

Reason: In the interests of residential amenity, community safety and the protection of biodiversity in accordance with policy CS16 of the adopted Core Strategy and policies PP3 and PP16 of the adopted Planning Policies DPD.

- C14 Tree Protection shall be installed in accordance with the approved Arboricultural Impact Assessment and tree protection plans prior to the commencement of any works or development on site (including site set up works).

Notwithstanding the submitted information additional details of the 'no dig' area adjacent to tree 4311 as described in section 11.4 of the Arboricultural Report shall be submitted to and approved in writing by the Local Planning Authority.

The tree protection fencing shall thereafter be retained until development in the vicinity of it has been completed. All no dig works shall be carried out in accordance with the approved details and methodology.

Reason: In the interests of protecting the retained trees on the site (which are subject to a Tree Preservation Order) in accordance with policy PP16 of the adopted Planning Policies DPD.

- C15 Notwithstanding the provisions of condition 14, prior to the commencement of works on site a site meeting shall take place between the site agent/developer/builder and the Local Planning Authority in order to inspect the tree protection on site. If as a result of this meeting any changes to the tree protection or details of the no dig construction are required then amended details shall be submitted to and approved in writing by the Local Planning

Authority before works commencement in that part of the site. The development shall thereafter be carried out in accordance with the amended details.

Reason: In the interests of protecting the retained trees on the site (which are subject to a Tree Preservation Order) in accordance with policy PP16 of the adopted Planning Policies DPD.

C16 Prior to the commencement of development a detailed levels plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include existing levels and proposed levels for houses, gardens and garages. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of general and residential amenity in accordance with accordance with policy CS16 of the adopted Core Strategy and policy PP3 of the adopted Planning Policies DPD. This is a pre-commencement condition as the site levels need to be agreed before works can start.

C17 No works shall commence until an assessment of the nature and extent of contamination within that zone or part of has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: To ensure potential risks in relation to contaminated land arising from previous site uses have been fully assessed in accordance with the NPPF (2012), particularly paragraphs 120 and 121. This is a pre-commencement condition as matters relating to contamination need to be addressed before development can start.

C18 No works shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure potential risks in relation to contaminated land arising from previous site uses have been fully assessed in accordance with the NPPF (2012), particularly paragraphs 120 and 121. This is a pre-commencement condition as matters relating to contamination need to be addressed before development can start.

C19 Any remediation works which are required shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in

the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority and approved.

Reason: To ensure potential risks in relation to contaminated land arising from previous site uses have been fully assessed in accordance with the NPPF (2012), particularly paragraphs 120 and 121. This is a pre-commencement condition as matters relating to contamination need to be addressed before development can start.

- C20 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 7 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 17, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 18.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 9.

Reason: To ensure all contamination within the site is dealt with in accordance with the NPPF in particular paragraphs 120 and 121.

- C21 Within two months of the commencement of development on the site a scheme of bird and bat boxes including a detailed specification and details of the location of the boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and box boxes shall thereafter be installed in accordance with the approved details prior to the first occupation of the dwelling or area of the site to which it relates.

Reason: In the interests of biodiversity enhancement in accordance with policy PP16 of the adopted Planning Policies DPD.

- C22 Car parking and turning shall be provided in accordance with the approved layout plan prior to the first occupation of the dwelling to which it relates. It shall thereafter be retained and not used for any other purpose.

Reason: In order to ensure that sufficient car parking and turning remains available in site in accordance with policy PP13 of the adopted Planning Policies DPD.

- C23 Prior to the commencement of development (excluding investigations for the purposes of groundwork, ground works, contamination assessment and remediation) a detailed scheme of foul drainage including the details of any phasing or off site connections/infrastructure improvements shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details before the dwelling to which it relates is first occupied.

Reason: In order to ensure that the site can be adequately drained in accordance with policy CS22 of the adopted Core Strategy. This is pre-commencement condition as the drainage scheme needs to be designed and agreed at the outset of the development.

- C24 Prior to the commencement of development (excluding investigations for the purposes of ground work, ground works, contamination assessment and remediation) a detailed scheme of surface water drainage, based upon the principles of sustainable drainage along

with and associated management and maintenance plan, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and management/maintenance plan prior to the first occupation of the dwelling to which it relates.

Reason: In order to ensure that the site can be adequately drained in accordance with policy CS22 of the adopted Core Strategy. This is pre-commencement condition as the drainage scheme needs to be designed and agreed at the outset of the development.

- C25 Notwithstanding the conclusions on the Noise Assessment no works above ground level shall take place until details of noise mitigation measures for plots 1 to 27 have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the mitigation measures which should be installed prior to the first occupation of the dwelling to which they relate.

Reason: In the interests of residential amenity in accordance with policy PP4 of the adopted Planning Policies DPD.

- C26 Visibility Splays shall be provided in accordance with the details shown on the approved layout plan prior to the use just of the junction or dwelling to which they relate. They shall thereafter be kept free of any obstructions over 600mm in height.

Reason: In the interests of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD.

- C27 Notwithstanding the provisions of the Town and Country Planning Act 1990 (General Permitted Development) Order as amended or any subsequent amendments to this :-
- a) no extensions or outbuildings shall be erected to plots 63- 68 except those shown on the approved layout plan
 - b) no extensions above single storey shall be erected to plots 69-72 without the prior written approval of the Local Planning Authority.

Reason: In the interests of protecting the amenity of the adjacent residents