



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 24 NOVEMBER 2020

1.30 PM

VENUE: [Peterborough City Council Youtube Page](#)

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 20 October 2020** 3 - 8
5. **Development Control and Enforcement Matters**
 - 5.1 **20/01025/FUL - The Silver Jubilee, Heltwate Bretton, Peterborough** 9 - 32

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Committee Members:

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Councillors: G Casey (Vice Chairman), C Harper (Chairman), P Hiller, R Brown, Warren, Hussain, Iqbal, Jones, B Rush, Hogg and Bond

Substitutes: Councillors: N Sandford, Simons, M Jamil and E Murphy

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Sylvia Bland, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds,, Amanda McSherry, Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, and Carry Murphy

Minerals and Waste: Alan Jones

Compliance: Clive Dunnett, Julie Robshaw, Glen More, Andrew Dudley

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager 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
MEETING
HELD AT 1:30PM, ON
TUESDAY, 20 OCTOBER 2020
VIA ZOOM VIRTUAL CONFERENCE**

Committee Members Present: Harper (Chairman), Casey (Vice Chairman), Bond, Brown, Hiller, Hussain, Hogg, Amjad Iqbal, Jones, Rush and Warren.

Officers Present: Sylvia Bland, Development Management Group Lead
Daniel Kalley, Senior Democratic Services Officer
Karen Dunleavy, Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Nick Greaves, Principal Engineer

20. APOLOGIES FOR ABSENCE

No apologies for absence were received.

21. DECLARATIONS OF INTEREST

No declarations of interest were received.

22. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were no declarations to speak as ward Councillor.

23. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 30 JULY 2020 AND 1 SEPTEMBER 2020

The minutes of the following meetings were agreed as a true and accurate record:

- 30 July 2020
- 1 September 2020

24. PLANNING AND ENFORCEMENT MATTERS

24.1 20/00708/FUL - Acorn Lodge Kennels And Cattery Thorney Road Eye Peterborough

The Committee received a report, which sought permission to erect a two storey building, which would comprise of replacement staff facilities and vet room at ground floor, and a one-bed, self-contained flat to be used as staff accommodation at the first floor. The proposed building would be two storey, with a floor area of 14.6m x 4.3m and proposed to stand at 5.3m to eaves and 6.6m to ridge utilising brick and tile. The supporting information stated that the self-contained flat would only be used by a member of staff when the Applicant, who currently resided on site, was away. It had been stated that a vet was not required to stay on site overnight.

The Group Lead for Development Management introduced the item and highlighted key information from the report and the update report, which included two Ward Councillor representations in support of the application.

Mr Ian Gowler, the Agent addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The use of the staff flat was purely to be used by staff at the business in an intermittent basis when the Applicant and business owner was not available to be on site.
- At present the Applicant operated a 24hour service and when he was not available, a member of staff would be required to stay at the Applicant's house to cover the service need.
- The situation was not ideal for privacy reasons, and therefore the Applicant wished to build an occasional staff flat to provide this accommodation.
- Providing permanent night shift cover was not practical or financially due to the infrequent and inconsistent need for the cover.
- The Applicant living on site, normally provided the overnight cover.
- The Applicant was happy for the occupancy of this to be attached to the business by condition restricting its occupancy to staff working at the business.
- The Applicant currently relied on staff and family members covering whilst on leave or at times of ill health.
- The Royal Society for the Protection of Cruelty to Animals (RSPCA), Armed Services and other emergency operations required the lodge services 24 hours and this was very intermittent.
- The Agent was not aware of the issue highlighted mentioned the report in relation to the two-storey building proposal and confirmed that the Applicant would be willing to lower the height. This could be achievable by lowering the eaves or building a single storey extension application.
- The accommodation would be used occasionally by an existing member of staff.
- There was no intention to employ and additional member of staff in relation to the proposed dwelling.
- The Applicant had not provided any financial viability information.
- It made economic sense to the Applicant to extend up on the existing property and to avoid using land used to exercise the dogs.
- The Applicant had not wanted a separate dwelling for agricultural workers, only occasional accommodation for a member staff to stay over to cover a service when the applicant was on leave.
- The impact of not providing financial records was not felt detrimental to the Applicant as the need was for staff to occasional stop over and provide cover in the service. This seemed to be where the confusion was.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The L shape defined on the map application had been taken from the Applicant's submission and had not included the whole site.
- The application had been proposed several times and a previous application was located on a green part of the land near unused access from the highway and would have had its own garden if approved.

- It would be difficult to sell the property as a separate dwelling due to the location of kennels attached to the piece of land.
- Members were advised that it would not be possible to apply a time limited operation such as for caravan sites, as these were not effective or enforceable. Members were also advised that an agricultural occupation condition could be attached if Members were minded to approve the application.
- There had not been a financial or functional reason demonstrated by the applicant that the occupancy would be occasional, hence the conflict with policy.
- Members were advised that the information provided by the applicant, at the meeting, had been that the member of staff would not be additional.
- The application was slightly unusual in that the proposal was for a new residential unit as shown on the plans, which would require the financial information to justify it. However, the applicant had suggested something different in that the accommodation would not be permanent. Justification would need to be provided on that basis, which had not happened, therefore officers felt that the application was contrary to policy.
- Members were advised that the proposal would be a difference of 0.6 of a metre in height with the existing bungalow being the highest building on site.
- Although the proposed new dwelling would not be much higher than the present bungalow, surrounding kennel buildings would be much lower and therefore, would not provide effective screening from Thorney Road.
- Members were advised that the 59 dwellings for sales in Eye referenced within the report was to demonstrate that there were other nearby dwellings that could be used for the staff accommodation requirements.
- Members were informed that no access and parking issues had been highlighted by Highways, however, the proposal conflicted with LP11 and LP 4 in relation to new dwellings in the countryside for employment uses.
- Although the Agent had stated that the employee would be existing at the business, Members needed to focus weight around a new proposed accommodation in the countryside.
- The policy had not defined whether the employee would be new or existing for the financial test to apply. Therefore, it was not necessary to state an additional employee within the reason for refusal.
- The applicant had provided a staff room at ground floor level and the proposed plan included a self-contained flat. The applicant could have set out rooms within in the plan for different uses such as a kitchen, shower room or sleeping area, but the proposed application clearly contained a one bed residential flat intended for a member of staff.
- Members commented that it appeared the application was temporary for animal care reasons and not for residential reasons.
- Members felt that it had been difficult to ascertain why the proposal was recommended for refusal as it was not using agricultural land and was intended for shift cover purposes.
- Members would support a mechanism that ensured the proposal would not be used on a permanent basis and for on call purposes only.
- Members commented that the kennels had operated on the site and there had been no complaints received.
- Members felt that although following the letter of policy was important to reach planning decisions, there should be an element of flexibility factored into this proposal. The proposed development would be naught point six metres higher and the applicant was willing to adjust that to meet planning officer requirements. The agent had made clear that the applicant had not wished for the property to be a

permanently occupied property. Therefore, the proposal had not warranted refusal as recommended by officers.

- Members were also in favour of conditions in relation to time commandment, contamination work be carried out, and that materials were in accordance with the application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer's recommendation and **GRANT** the application. The Committee **RESOLVED** (unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of relevant conditions, the proposal was acceptable having been:

1. Members considered that the proposed new building would be located within an existing employment site where there were a number of existing cattery and kennel buildings. The site could be considered as brownfield land.
2. The proposals would not be in conflict with policy LP11 part D as it was not the intention of the applicant to seek permission for a permanent dwelling. The applicant had not sought to create a new dwelling for an additional member of staff; rather he sought to create better working facilities for the existing staff who were engaged in ad hoc overnight work. Members had not considered it reasonable to expect the proprietors to accommodate their workers in their own home as this would be a breach of their privacy. The proposed accommodation would be acceptable providing that a condition was attached to the permission to ensure that it would not be able to be used as a permanent dwelling that could be occupied separately from the existing business.
3. The proposals would not cause material harm to the countryside by way of visual impact as the proposed building would be only 0.9m higher than the existing buildings on site. The proposals would comply with policy LP4.

24.2 20/01005/TRE 7 Enfield Gardens Netherton Peterborough PE3 9RP

The Committee received a report, which sought permission to re-pollard the tree back to the previous pollarding points. These works were to prevent crown failure and to provide clearances to the streetlight and highway. These cyclical works were previously approved in application reference 12/01284/TRE P&EP Cttee, Item No.2, 09.10.2012. The application had been referred to the Planning Committee as the applicant was a Councillor.

The Head of Planning introduced the item and highlighted key information from the report.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- Members commented that there was no reason to refuse the proposal.
- Members felt that pollarding was happening across the city and rural areas this time of the year, and this application was only matter of protocol due to the tree being located at a Councillor's property.
- In addition, Members felt that though the tree was magnificent, the size was getting out of control.

RESOLVED:

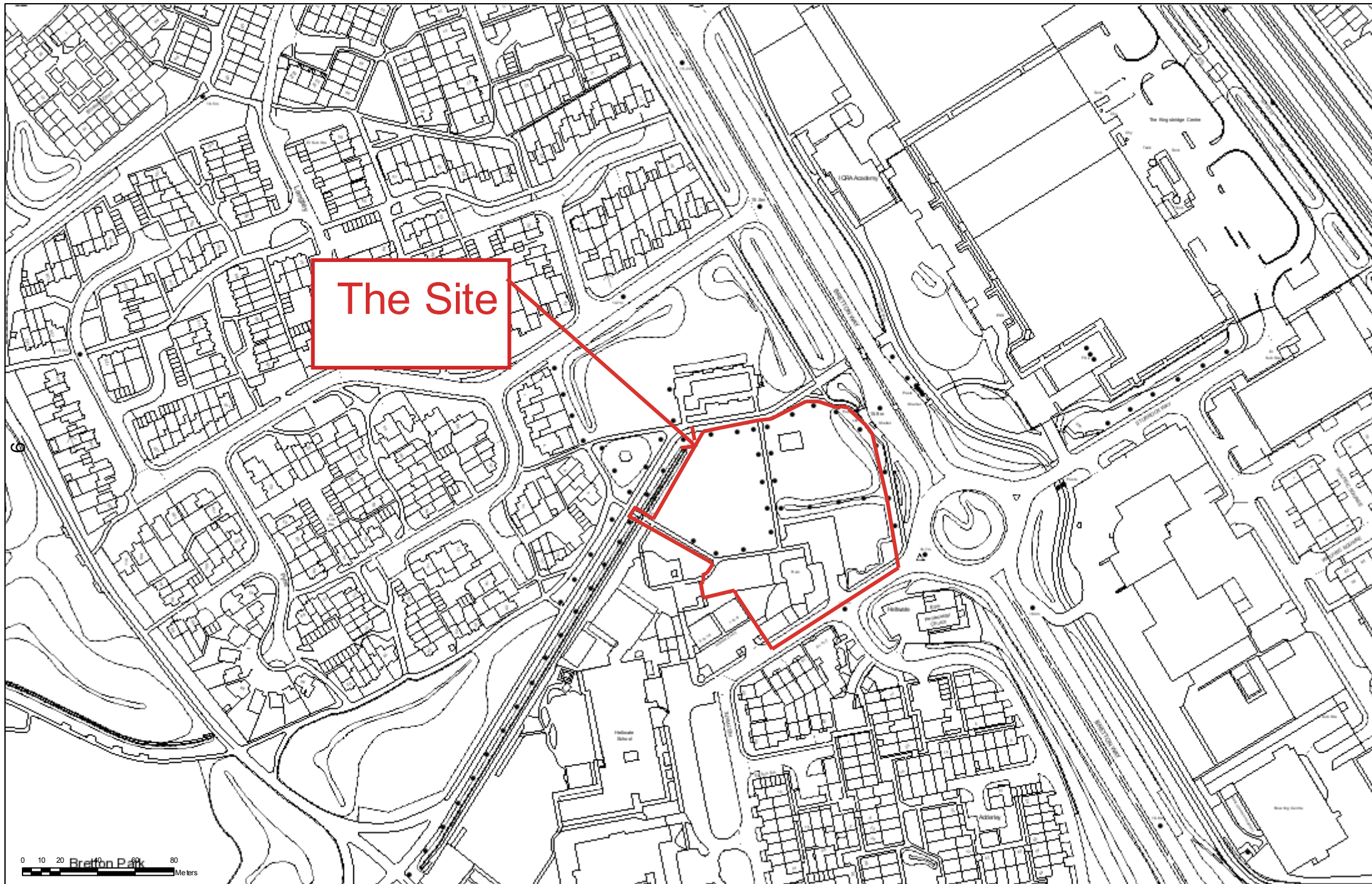
The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the Peterborough Tree and Woodland Strategy and guidance within the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CHAIRMAN
1:30 - 2:32PM

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The Site

Planning Committee Location Plan- 20/01025/FUL- The Silver Jubilee Heltwate Bretton

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Item No.1

Planning and Environmental Protection Committee

Application Ref: 20/01025/FUL

Proposal: Demolition of the former Silver Jubilee public house, construction of a detached two storey building for early years provision, provision of hard standing play area and change of use of public open space to school playing fields, including the provision of a new public footpath together with associated parking, access and landscaping

Site: The Silver Jubilee, Heltwate, Bretton, Peterborough

Applicant: Peterborough City Council

Agent: Hamson Barron Smith

Site visit: 06.11.20

Referred by: Councillor Ellis and Bretton Parish Council

Reason for Call In: Level of public interest

Case officer: Mr M A Thomson

Telephone No. 01733 4501733 453478

E-Mail: matt.thomson@peterborough.gov.uk

Recommendation: **GRANT subject to relevant conditions**

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

Site Description

The application site comprises two parts. The first part comprises the former Silver Jubilee public house and car park which is situated to the south of the application site, and the second part comprises an area of public open space (POS) which extends to the north and west of the former public house.

The public house has been unoccupied for a number of years and is in a poor state of repair having been subject to a large fire which has effectively gutted the building. There are two historic vehicle access points from Heltwate, which historically served the main car park and service yard. Situated at the end of Heltwate is Heltwate School, which caters for 206 pupils aged 4-19 who have moderate and severe learning difficulties (often referred to as a SEN school).

To the west of the public house is Jubilee Court, which comprises two storey residential accommodation with a communal car park to front. To the south of the public house is more residential development comprising two storey dwellings and a 4x storey block of flats. To the east of the application site is Bretton Parkway, a 40mph dual carriage way, with employment uses beyond.

The public open space comprises an area of grass with individual and groups of trees, a fixed bench and bin, and a basketball court with a single hoop. There are a number of formal paths that meander through the application site, and there is a watercourse to the western edge of the public open space. The public open space is accessible from the east from Bretton Way and there is a pedestrian link from Pyhill to the west. There is also an informal track which runs from Heltwate, through the application site to the public open space. To confirm, this is not a Public Right of Way and is not protected.

To the north is a further area of POS with Langley beyond, which comprises two storey residential development fronting the north side of the road, and to the west of the public open space is

Heltwate School itself with Pyhill beyond, which is host to two storey residential development.

The application site is not situated within a Conservation Area and none of the trees are subject to a Tree Preservation Order.

Site History

In 2009, planning permission was sought under App Ref: 09/01507/FUL for the 'construction of 3 x 1bed and 17 x 2 bed flats in 2 blocks', and included the demolition of the Silver Jubilee Public House. However, this application was refused on the basis that a S106 legal agreement for infrastructure contributions was not entered into. This decision was appealed and allowed by the Inspectorate, overturning the Council's decision on the basis that the infrastructure contributions towards public open space and affordable housing were not necessary to make the development acceptable.

In 2017, planning permission was granted under App Ref: 17/01523/FUL for the 'Erection of 11 no. 2 bedroom apartments with associated parking, manoeuvring space and amenity area'. This would have resulted in residential flatted development over 4x floors and the public house was shown to be retained. This permission expires on 23 October 2021 and is therefore extant.

In 2018, a planning application was submitted under App Ref: 18/00131/FUL for the 'Change of use from public house to temporary storage', however this was withdrawn as it did not have Officer support.

Proposal

The Applicant seeks planning permission for the 'Demolition of the former Silver Jubilee public house, construction of a detached two storey building for early years provision, provision of hard standing play area and change of use of public open space to school playing fields, including the provision of a new public footpath together with associated parking, access and landscaping'.

The proposal would provide a standalone building for the school's early years and improve the basic facilities available for children with special needs. It would allow Heltwate School to teach its basic curriculum, and would benefit children across the City and wider area. It would also allow opportunity to refurbish existing school buildings on the main school site.

The number of children attending the school would not increase.

The proposed building would have a maximum floor area of 41.3m x 27.5m and be a mixture of single and two storeys. The two storey element proposes to stand at 8m in height and the single storey element proposes to stand at 5.6m in height. Secure outdoor play areas are proposed to the north of the building at ground and first floor (balcony), with an outdoor dining area to the east. Materials proposed are buff brick, beige grey openings with sky blue detailing and cladding.

The proposed hard standing play area is a multiple use games area (MUGA), with an area of 18.5m x 31m. It would be enclosed by a 3m weld mesh fence and would not be illuminated.

A new pedestrian route is proposed to be created linking Heltwate to Pyhill, east of Jubilee Court and west of the proposed car park.

The new site would be served by a dedicated in and out access arrangement, including a secure pick up and drop off area, as well as 25x staff parking spaces. As part of the scheme, the POS would be enclosed by a 2.4m high palisade fence.

The existing basketball is to be relocated within the immediate area of the application site.

To confirm, the existing pavement along the front of the site and the link to a bus stop on Bretton Way to the east of the site would remain and would be unaffected by the development proposed.

2 Planning History

Reference	Proposal	Decision	Date
18/00131/FUL	Change of use from public house to temporary storage	Withdrawn by Applicant	04/04/2018
17/01523/FUL	Erection of 11 no. 2 bedroom apartments with associated parking, manoeuvring space and amenity area	Permitted	23/10/2018
13/00868/NONMAT	Non-material amendment to 09/01507/FUL (allowed on appeal 10/00014/REFPP) - Construction of 4 x 1bed and 16 x 2 bed flats in 2 blocks	Determined	10/07/2013
09/01507/FUL	Construction of 3 x 1bed and 17 x 2 bed flats in 2 blocks	Refused	12/04/2010
03/00045/NTEL	Installation of 15 metre slim-line telecommunications monopole, three antennas, one dish antenna and associated equipment cabin	Withdrawn by Applicant	29/01/2003

3 Planning Policy

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

National Planning Policy Framework (February 2019)

Section 2 – Achieving Sustainable Development

Section 8 – Promoting Healthy and Safe Communities

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

Peterborough Local Plan 2016 to 2036 (2019)

LP07 - Health and Wellbeing

Development should promote, support and enhance the health and wellbeing of the community. Proposals for new health facilities should relate well to public transport services, walking/cycling routes and be accessible to all sectors of the community.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP23 - Local Green Space, Protected Green Space and Existing Open Space

Local Green Space will be protected in line with the NPPF. Development will only be permitted if in addition to the requirements of the NPPF there would be no significant detrimental impact on the character and appearance of the surrounding areas, ecology and heritage assets.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits

of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

Sport England

No Objection - Sport England are supportive of the proposed scheme, which includes a new Multiple Use Game Area (MUGA) for sport and physical activity, and there is also plenty of amenity open space for more informal physical activity.

The proposals will also improve facilities for sport and physical activity for pupils at the existing school. A condition is sought with respect to securing details of the MUGA before any development commences on site.

Bretton Parish Council

Object - This matter is referred to the City Council's full planning committee.

There has been no confirmation that the basketball courts will remain in their current site with access to the public, nor has there been any confirmation that these Courts will be relocated or reimbursed. They remain the property of the Parish Council and are an important part of the Community. They are in constant use.

There are deep concerns over the loss of the footpath to the side of the site, this footpath leads directly to the bus stop from Ellindon and Adderley. Loss of this footpath, as previously stated, will lead to pedestrians having to walk along the road to a busy roundabout and Bretton Way. There are outstanding and unresolved issues from environmental reports that have not been addressed.

The increase in traffic and footfall in this area may cause an issue, traffic already park along this road during term time, and the expansion may exacerbate this issue. Also, it has been noted that there may be an increase in vehicles that remain idle with their engines running, which can affect the health of residents. The plans indicate that these idle vehicles will be situated closer to the flats and residents' homes.

It is not clear when construction is intended to start or how long it will take.

The Parish Council will be asking the applicants to hold a second public consultation meeting due to the large change in plans.

PCC Wildlife Officer

No objection - Conditions are sought with respect to bat mitigation, a Construction and Environment Management Plan, details of protective fencing, bird and bat boxes and a detailed lighting scheme in accordance with the Bat Conservation Trust/Institute for Lighting Professionals guidance (2018).

PCC Tree Officer

Object - The proposal is contrary to Policy LP29. The Applicant is only proposing to replace 40x of

the 102x trees required, and only 30 of those on the site, despite the loss of 24 mature/early mature Category B trees and 16 Category C trees. There has been no dialogue between the Arboriculturalist and Peterborough City Council's Tree Officer, or any site visits to discuss the proposed tree removals or replacements.

The proposed tree mitigation measures are unacceptable, there is a clear opportunity to plant considerably more trees on this site.

If the number of replacement trees required of the Policy cannot be met on site, then planting will be expected off-site. The cost for off-site planting over a three year period would be £600 per tree.

PCC Open Space Officer

Object - The proposed design would result in the loss of 44x mature trees with wholly inadequate mitigation measures lacking any watering management programme coupled with the lack of agreed financial contribution for loss of Public Open Space (POS) and enhancement of Bretton Park.

The site is dedicated POS maintained by Peterborough City Council (PCC). In accordance with Policy LP23, it should be protected. Furthermore, it indicates that new development which will result in the loss of POS will not be supported unless the criteria in the National Planning Policy Framework (NPPF) are met. While the Bretton area currently exceeds PCC's current required quantity of POS, this is not to be taken as surplus and is not surplus to requirements.

While a MUGA is proposed for the site this is not open for public use, so there is no public benefit and therefore this does not outweigh the loss of POS.

The existing basketball court is not disused, as stated by the Applicant.

Outside of the planning process, the PCC's Open Space Management Team will not be declaring this POS surplus to requirements and therefore it will not be available for inclusion in the currently proposed School Development by PCC's Education Section.

PCC Peterborough Highways Services

No objection – Further to reviewing the submitted assessment, it would appear that there would not be any significant highway impact as there is only 1 additional member of staff. In addition, the increased parking on the site would alleviate some of the existing car parking issues caused by staff parking on the grassed area to the front of the site.

PCC Rights of Way Officer

No comments received at the time of writing this report.

Ramblers (Peterborough)

No objection.

PCC Pollution Team

No objection - The application is supported by an Acoustic Feasibility Report which makes reference to plant emission limits. A condition is sought with respect to securing details of any mechanical plant.

Lead Local Drainage Authority

No objection - Further to the receipt of additional information, the Lead Local Flood Authority (LLFA) raises no objections to the proposal, subject to a condition being appended seeking construction details of all of all drainage assets and a maintenance and management strategy.

Anglian Water Services Ltd

No objection - From the details submitted, the proposed method of surface water management does not relate to Anglian Water operated assets. The Local Planning Authority should seek the

advice of the Lead Local Flood Authority.

There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask informatives be attached should permission be granted.

The foul drainage from this development is in the catchment of Peterborough (Flag Fen) Water Recycling Centre that will have available capacity for these flows.

Environment Agency

No objection.

Police Architectural Liaison Officer (PALO)

No objection - The proposal would go towards improving community safety and reducing vulnerability to crime. This is an area that has seen incidents of anti-social behaviour, fly tipping and criminal activity.

PCC Archaeology

No objection - A programme of trial trenching revealed two linear features of possible Roman date (part of an enclosure?) and an undated pit. A fragment of Roman roof-tile tegula was recovered from the buried soil, therefore there is sufficient evidence to indicate archaeological interest. As there were constraints for an extensive evaluation by trial trenching, an archaeological watching brief is sought to be secured by planning condition.

Local Residents/Interested Parties

Initial consultations: 50

Total number of responses: 19

Total number of objections: 17

Total number in support: 2

Two letters of **support** from two addresses has been received, raising the following comments:

- The silver jubilee has been a blot on the landscape for far too long;
- It is a dangerous eyesore; and
- enabling the school to expand into a bigger area with more provisional space should have no negative effects on the area.

17x letters of **objection** have been received from 13x addresses raising the following concerns:

- Increase in traffic;
- Parking concerns;
- Air pollution from idling mini-buses;
- Impact on wildlife;
- Loss of trees;
- Loss of pedestrian link to the public open space;
- Loss of public open space;
- Loss of basketball court;
- Out of keeping with the character of the area;
- The proposed 2.5m high fence would make it resemble a prison;
- The additional vehicle access points would making using the footpath more difficult;
- The school have not utilised their existing site;
- The pub should be knocked down and a pub, community hub, post office or chip shop built;
- The plans have changed further to the public consultation event.

Councillor Ellis has objected to the proposal, providing the following comments:

'Whilst I agree and support the principal of the application, the long overdue demolition of the unsafe and eyesore of the former Silver Jubilee Building and also improved school facilities for children with special needs by way of expansion with a new building, I feel that the scheme proposed by City Council Education Services is over the top and not sympathetic enough with the natural environment and local community.

Some specific points that need addressing with a revised planning application are:

- Loss of Green open park space & Trees (Also commented on by City Council Tree Officer and Landscape Officer)
- Potential contravention of Asset of Community Value by building on and taking away part of Bretton Park
- Potential Loss of Basketball Court requiring more information and a condition regarding re-provision in the local area
- Impact of potentially additional traffic and parking requiring further information
- Concerns around pedestrian access in the area due to the plans
- Major change to the plans consulted upon on 10 February 2020 by Project Officer Sharon Bishop at Public Consultation, Lack of further consultation following this by applicant.

I would therefore request as Bretton Ward City Councillor that the decision on this application is made at a City Council Planning Committee where all parties can have their say.'

5 Assessment of the planning issues

The main considerations are:

- a) Principle of development
- b) Design and layout
- c) Access, parking and highway implications
- d) Trees
- e) Neighbour amenity
- f) Biodiversity
- g) Drainage
- h) Archaeology
- i) Contamination
- j) Other Matters

a) The Principle of Development

School need

In support of the application is a Schools Needs Assessment, which states that Peterborough's birth rate is the third highest in England, with the highest gross fertility rate. As such, Peterborough has one of the country's highest rates of in-year school admissions. The population is growing rapidly and is highly mobile.

Heltwate School caters for 206 pupils aged 4-19 years who have moderate and severe learning difficulties. In 2017, Heltwate School was re-designated as a school for only severe learning difficulties with complex needs. Some students have physical disabilities and many have complex medical needs. Year-on-year this is significantly changing the requirements for resources and accommodation - as the older moderate learning difficulty children leave in year 11 they are replaced with children with more severe learning needs.

The school has a need for: increased hygiene and toilet facilities; specialist therapeutic curriculum space; and additional space to accommodate an increase in the volume of mobility equipment, wheel chairs and standing frames etc. Disability access and transportation requirements are currently inadequate, and each child requires more space than is actually available, making ordinary school activities unmanageable. This has narrowed the curriculum and the scope of the school to meet children's needs.

All of the pupils have an Educational Health and Care Plan and two thirds of the pupils are on the autistic spectrum. They need appropriate accommodation to enable them to have their medical, personal care and social and emotional needs met. Once these have been met, the school can then address their academic curriculum.

Presently, the majority of requests for specialist places is occurring in the younger years. In September 2018, the school had to reopen Early Years Foundation Stage (EYFS) provision for 4 year olds. This is a specialist curriculum, requiring provision that they do not have. Nationally there is an increase in the need for this specialist provision.

Mobile classrooms were provided to the school in September 2016 and February 2020. These very large mobiles allowed the school more accommodation to be able to provide the additional space required, but these mobiles take up valuable and much needed outdoor sports, play and sensory space. Ofsted rates the performance of the school as Good with Outstanding behaviour and safety of pupils, and Good in all other areas (November 2018). The school feel that they are being held back from an outstanding judgement due to lack of built resources.

The proposal would create a dedicated Early Year's building as well as secure 1.55 acres of open space, which would include a Multiple Use Games Area (MUGA). Outdoor education reduces anxiety, builds confidence and social skills and helps students feel more in touch with their natural surroundings and satisfy their sensory needs, as such the proposal would result in significant improvements to the health and wellbeing of students, as well as enable the school to teach the basic curriculum.

Paragraph 94 of the NPPF (2019) attaches great weight to the need to create, expand or alter schools through planning decisions. Whilst it is understood that the number of children would not increase, an increase in the amount of floorspace would enable the school to retain current numbers as well as refurbish existing facilities elsewhere within the existing school site. It would ensure that the school is able to meet the growing needs of its pupils, and meet the increasing Early Years demand across the City and wider area. As such there is an overriding benefit of the proposal, which should be afforded significant weight in the planning balance.

Loss of public open space

It is accepted that the proposal would result in an area of public open space being incorporated into the school and therefore, a loss of POS would result. As with all proposals involving POS, Sport England are the statutory consultee and in this instance, they have raised no objection to the proposal.

Notwithstanding this, it is noted that the Council's Open Space Officer has raised an objection to the proposal, advising that there is no agreed financial contributions for the loss of Public Open Space (POS) or enhancements of Bretton Park. The Officer has referred to Policy LP23 and Paragraph 97 of the NPPF (2019), stating that POS should be protected. The Open Space Officer has advised that whilst the Bretton ward currently exceeds the Council's current required quantity of POS, this is not to be taken as surplus or as being surplus to requirements.

Paragraph 97 of the NPPF (2019) states that existing open space, including playing fields, should not be built on unless: an assessment has been undertaken which clearly shows that the open space is surplus to requirements; the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The existing POS falls into two separate areas of POS: neighbourhood park and outdoor play equipment. Turning first to the loss of the neighbourhood park, the Peterborough Open Space Strategy (2016) identifies that there is currently a significant surplus of this type of POS within Bretton ward (over 13 hectares) in terms of the need generated by the population. This proposal

would result in the loss of 0.62 hectares (1.55 acres), which equates to 4.8% of this surplus. As a result of this development, Bretton would retain 12.4 hectares of neighbourhood parks above and beyond the need generated by its population. Therefore, whilst Officers are accepting that this should not be taken as agreement that the POS is surplus to requirement, it does identify that Bretton ward could accommodate the loss of POS without significant detriment to the overall supply for local residents.

Turning next to play equipment, it is noted that the Open Space Study identifies that Bretton ward is currently deficient by some 0.02 hectares. As such, the loss of the existing basketball court could result in further worsening of this situation. To address this, and to accord with the requirements of national policy, the Applicant has committed to securing an alternative basketball court elsewhere within the immediate locality, likely within Bretton Park, which is situated 350 metres to the east of the current location. This would ensure that the play equipment is not lost.

Taking the above into account, Officers consider that the proposal accords with the provisions of Paragraph 97 insofar as there is surplus neighbourhood park land within Bretton such that the loss proposed would not harm the overall provision for local residents, and the re-provision of the basketball court would ensure no net loss of play equipment.

With respect to Policy LP23, this states that 'Local Green Space will be protected in line with the NPPF, which rules out new development on these sites other than in very special circumstances'.

As set out above, this development would provide significant improvements to an established SEN school. It would allow them to provide the facilities to directly meet the needs of student's aged between 4 and 19 years, some of which require high levels of care, and to enable the teaching of the basic curriculum at the existing school site for older children. As such, the development would result in significant benefits to students within the City and wider area.

When balancing all of the material planning considerations against National and Local Plan policies, Officers are of the view that the benefits of the proposal would significantly outweigh the relatively limited harm in terms of POS loss. Accordingly, the proposal is not considered to be in conflict with Paragraph 97 of the NPPF (2018) or Policy LP23 of the Peterborough Local Plan, and the principle of the proposal is accepted in this instance.

Other POS-related matters

It has been highlighted by the Council's Open Space Officer and Parish Council that the MUGA proposed within the development would not be open for public use, and as such there is no public benefit. This is correct: the MUGA would be for the benefit of the school only. However, as set out above, the benefits in improving the school facilities are considered to outweigh the loss of access to 0.62ha of public open space in this instance, particularly so given the amount of open space serving the residents of Bretton, and access to these spaces.

Further, it is noted that the Open Space Officer has advised that the area of public open space would not be released for the benefit of the school. It should be highlighted that this is separate to the planning process and is therefore not a material planning consideration. Notwithstanding this, the school's expansion has been agreed by the Council at the Corporate level, who are also responsible for the transfer of land. As such the land would be made available for the benefit of the school should this application be permitted.

Loss of Public House

Whilst this development would result in the loss of a community facility, the loss of the building in planning terms was accepted further to the granting of residential redevelopment in 2009. Further, the building is almost derelict and is a very poor state of repair. As such the loss of the building has previously been found to be accepted, by both the Local Planning Authority and Planning Inspectorate, and Officers have no reason to reach an alternative conclusion in this instance.

b) Design and Layout

The existing Silver Jubilee public house is of no historic or architectural merit, and its loss is accepted.

This section of Heltwate is characterised by a variety of dwelling types, comprising two storey 1970's development atypical of the development corporation, and more modern two storey residential and 4x storey flatted development. As such, the street scene comprises a variety of dwelling styles and design. The proposed school building would stand at two storey and single storeys in height, utilising an L-shaped footprint and a modern flat roof, and set back 20 metres from the road. The building would utilise a buff brick with beige grey openings, which is consistent with the immediate palette of materials, and introduce sky blue cladding and detailing which would enhance the identity of this functional, school building.

The scheme also proposes a secure pick-up and drop-off area to the front of the site, which would utilise a one-way in-and-out access arrangement, as well as a new staff car park with 25x parking spaces (including 2x accessible bays), and a MUGA. These works are not considered to detract from the character or appearance of the area, and are accepted in this instance.

A new footpath would be created to the east of Jubilee Court and west of the proposed car park, which would allow a safe pedestrian link to Pyhill and the public open space from Heltwate. To facilitate the movement of students between the existing and proposed school sites a pedestrian link is also proposed, behind Jubilee Court, so that students would not need to walk along the road.

The application site would be bounded by a 2.4m high fence, and whilst this may feel enclosing, particularly when utilising the proposed footpath between Jubilee Court and the proposed school site, the functional need to secure the application site during and outside of school hours is considered to outweigh this concern and is accepted in this instance. The Police Architectural Liaison Officer has raised no objection to the proposal.

Given the proposed size, scale and massing of school building, it is not considered to unacceptably detract from the character or appearance of the area. Subject to conditions with respect to materials, levels and hard landscaping, the proposal would accord with Policy LP16 of the Peterborough Local Plan (2019).

c) Access, Parking and Highway Implications

As set out within the School Needs Assessment, the proposal would not increase the number of students. The proposed additional floorspace is instead required to improve the facilities currently provided and allow the school to teach the basic curriculum. Therefore, whilst the amount of floor space would increase, only 1 additional member of staff would be employed. The Local Highway Authority (LHA) has reviewed the submitted information and raised no objections to the proposal. Given that there would be no additional students and only 1 additional member of staff, the proposal would not generate any significant level of additional traffic to/from the site and within the surrounding area.

As part of the proposal, 25x off-street parking spaces would be created, as well as a dedicated and secure pick-up and drop-off facility. The car park and entrance to the pick-up and drop-off area would utilise an existing access point from Heltwate, whilst a new exit only would be created closer to the roundabout.

The proposed vehicular access/exit arrangements are considered to not represent any undue danger to highway safety, providing the required visibility splays are secured. Further, the provisions of a dedicated pick-up/drop-off area, which shall mainly accommodate specialist taxis, vehicles and mini-buses, will ensure that no undue congestion would result within the public highway. In addition, the existing school site is known to be subject to significant parking issues which spill out onto the public highway. The proposed 25x off-street parking spaces would go towards mitigating these existing and historic issues within the immediate locality, to the overall benefit of highway safety.

Subject to conditions with respect to the provision and retention of parking and turning and the scheme being implemented in accordance with the submitted plans, the proposal would make satisfactory provision for off-street parking and would not constitute an adverse highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

It is noted that letters of representation submitted have raised concerns that the proposed development would result in the loss of the footpath to the side of the site, which leads directly to the bus stop from Ellindon and Adderley. To confirm, this development would not affect the footpath linking Heltwate to the bus stop on Bretton Way to the east.

Concerns have also been raised with respect to the additional vehicle access point in terms of it making the use of the footpath more difficult. Footpath and pedestrian safety is the responsibility of the Local Highway Authority, who have robustly considered the proposed development and found that it would not result in undue harm.

d) Trees

The Council's Tree Officer has objected to the proposal as it would require, and proposes, the removal of 24x category B trees (of moderate value) and 16x category C trees (of low value). The Tree Officer is of the view that insufficient justification has been provided for this loss, and considers that the design of the scheme should be amended to ensure more trees can be retained. In addition, and notwithstanding his objection to the loss, he is also not content with the level of replacement planting proposed.

Within the submitted Design and Access Statement, the Applicant has set out the design process and how they have arrived at the proposed scheme. To achieve the development brief and taking into account underground services, necessary vehicle access and the juxtaposition to Jubilee Court to the immediate west, the proposed pick up and drop off area, staff car parking and MUGA, this has dictated the location of the building. When considered in association with the submitted School Needs Assessment, it is considered satisfactory justification has been submitted to demonstrate why it is not possible to locate the development elsewhere within the site.

Policy LP29 states, 'where it is appropriate for ... category A or B trees ... to be lost as part of a development proposal, then appropriate mitigation, via compensatory tree planting, will be required. Such tree planting should ... take all opportunities to meet the five Tree Planting Principles ... and ... unless demonstrably impractical or inappropriate, provide [a] specific quantity of compensatory trees'.

With respect to the matrix set out under LP29, the loss of 24x category B trees should be mitigated by the replanting of 102x trees of a 10/12cm girth at 1 metre in height.

As set out within the submitted Arboricultural Impact Assessment, the Applicant is seeking to provide 40x replacement trees, comprising: 16x 12-14cm trees; 21x 18-20cm trees; and 3x Scots Pine at 2-3 metres in height. 30x of these trees would be provided on-site and 10x would be provided off-site, the latter of which would be secured as part of a planning condition.

It should be highlighted that 24x of the replacement trees would be of a heavier standard than what is sought by Policy LP29, however further to clarification from the Tree Officer this does not carry any additional weight.

The Case Officer contacted the Applicant to establish whether any additional tree planting could be secured, whether this be on or off-site. The Applicant has advised that this is not possible owing to the budget constraints of the scheme. The Applicant has provided a Capital Justification Statement, which sets out the original vision for the improving SEN education needs within the City. Members will recall that this was originally proposed to be located on Newark Road in Fengate, however this scheme was not forthcoming and the budget for the school was reduced. The Applicant has confirmed that the budget for this proposed development would be significantly

higher than originally expected (the excess being 70% of the originally allocated budget). Additional funding has been secured through unallocated Section 106 monies as well as basic need capital funding, however there are no further funds available to provide the full quantity of compensatory trees in this instance.

As previously highlighted, Paragraph 94 of the NPPF (2019) attaches great weight to the need to create, expand or alter schools through planning decisions. The application proposal has committed to providing 30x trees on-site and 10x trees off-site, and justification has been provided as to why the scheme design cannot alter to ensure the retention of more existing trees. Therefore, when balancing the benefits of improving facilities to enable the school to teach the basic curriculum to children within the City, the benefits of which would be felt City-wide, versus a shortfall of replacement tree cover, Officers are of the view that the benefit outweighs the harm and accordingly, the scheme is considered to be acceptable in this instance.

Conditions shall be appended seeking to ensure that the development is carried out in accordance with the submitted Arboricultural Impact Assessment and Tree Protection Plan, as well as conditions securing a soft landscaping scheme for the site and off-site tree planting.

e) Neighbour Amenity

Given the juxtaposition of the proposed school building and staff car park, the only properties which could be significantly affected by the proposal are those within Jubilee Court. These are a pair of two storey buildings comprising 8x 1-bed flats over two floors. Further to reviewing historic floor plans, there are ground and first floor openings which serve working kitchens (primary habitable rooms). The proposed school building would be situated some 31 metres, at an angle, to these openings, which is considered to be of sufficient distance so as not to result in an unacceptably adverse loss of outlook or light. Further, given the distances involved it is not considered the proposal would be unacceptably overbearing on the amenity of these neighbouring occupiers windows or communal gardens.

The new building would be provided with a first floor balcony on the north elevation to provide an area of outdoor play, however given the orientation of the raised platform and the distances to neighbouring residential properties it is not considered that this element of the proposal would result in an unacceptably adverse loss of privacy.

Officers recognise that the school would result in noise and disruption associated with the coming and going of staff and children on school days, as well as during outdoor play. However, there have been no objections from the Council's Pollution Control Officer with respect to this matter. Further, such activities would typically only take place during the week-day, and not for example during weekends. Again, with respect to the proposed car parking and pick-up and drop-off area, these would only be used during the school day, and are not considered to give rise to unacceptably adverse neighbour amenity harm.

It should also be highlighted that the lawful use of the land is a public house, and a beer garden used to be situated between Jubilee Court and the public house. Therefore, if the building was repaired, the site could lawfully resume operating as a public house 7-days per week.

It is recognised that there are residential properties situated west and north of the proposed MUGA, however given the nature of the school site, the fact that the MUGA would only be for the benefit of the school and its use would only be during normal school hours without floodlighting, it is not considered the proposal would result in unacceptable adverse harm to neighbouring amenity by reason of noise, disruption or light intrusion.

Subject to a condition with respect to ensuring the MUGA is not externally lit, the proposed development would not unacceptably harm the amenity of neighbour occupiers, and would accord with Policy LP17 of the Peterborough Local Plan (2019).

f) Biodiversity

The Council's Wildlife Officer has raised no objection to the proposal.

In support of the Application is an Ecological Report (Wild Frontier Ecology, June 2020), which states that there was no realistic potential for impacts on designated nature conservation sites, either during the construction phase or during operation.

It was raised that the removal of any trees and scrub habitat on site would constitute a minor negative loss of habitat resource in the local area, which could be mitigated by replanting suitable native species, and by enhancing any retained on-site habitats. Further, it is stated within the Ecology Report that minor negative impacts could be possible for other protected and priority species such as reptiles, hedgehog, and common toad, and suitable best practice mitigation has been provided to minimise any impacts.

Bat activity surveys found a minor day roost for common pipistrelle and soprano pipistrelle bats, and potentially a minor day roost for brown long eared bats. A European Protected Species (EPS) license would be required to legally proceed with the proposed works, and mitigation and enhancement advice set out within the ecological report provided. Further to this, a silver birch tree was found to have low bat roost potential, and is proposed to be soft-felled. No other trees on site were observed to have bat roost potential.

Both the Council's Ecologist and Applicant's Ecologist have advised that the demolition of buildings and the removal of trees, shrubs, and scrub should be done outside of the main nesting bird season to avoid disturbance or harm. Any removal of scrub or piles of deadwood/debris would be done outside of the main hibernation season.

It was highlighted within the submitted Ecological Report that there is an active fox hole within the site, which is sought to be retained if at all possible. If the fox hole needs to be removed then this will be done sensitively to avoid harming foxes in the area.

The Council's Ecological Officer has raised no objection subject to conditions appended with respect to bat protection and mitigation, a Construction and Environment Management Plan, a method strategy for dealing with the identified fox den, the provision of bird and bat boxes and a detailed lighting scheme in accordance with the Bat Conservation Trust/Institute for Lighting Professionals guidance (2018). Subject to these conditions the proposal would accord with Policy LP28 of the Peterborough Local Plan (2019).

It is noted that the Ecologist has requested that any impenetrable barriers (such as fencing) include holes for hedgehog migration. However, this would pose a safeguarding risk given the children's special needs and ages. As such, in this instance, it is considered that such holes are not required.

Letters of representation have raised concerns that there are outstanding and unresolved issues from environmental reports that have not been addressed, however as set out above, the Council's Wildlife Officer has raised no objections to the proposal, subject to further information being secured by planning conditions.

g) Drainage

The Lead Local Flood Authority have raised no objection to the proposal advising that, further to the receipt of additional information, the development would provide a satisfactory surface water drainage scheme, and would not result in an off-site risk of flooding. Subject to securing construction details of all of all drainage assets and an associated maintenance and management strategy the development would accord with Policy LP32 of the Peterborough Local Plan (2019).

h) Contamination

The Council's Pollution Control Officer has raised no objections to the proposal, subject to a condition being attached with respect to uncovering unsuspected contamination. Subject to this

condition the proposal would accord with Policies LP17 and LP33 of the Peterborough Local Plan (2019) and Paragraph 180 of the NPPF (2019).

i) Archaeology

The Council's Archaeological Officer has raised no objection to the proposal.

Further to clarification a programme of trial trenching revealed two linear features of possible Roman date (part of an enclosure?) and an undated pit. A fragment of Roman roof-tile tegula was recovered from the buried soil, therefore there is sufficient evidence to indicate archaeological interest.

As there were constraints for an extensive evaluation by trial trenching, an archaeological watching brief is sought to be secured by planning condition. Subject to this condition, the development would make provision for uncovering buried archaeology, and the proposal would accord with Policy LP19 of the Peterborough Local Plan (2019).

j) Other Matters

The following matters have been raised and have not been addressed elsewhere within this report:

- Air pollution from idling mini-buses

Officer Response: As the proposed number of students would not increase as a result of this proposal, it is not considered issues such as air pollution would be exacerbated as a result. A condition shall be appended however to secure a strategy for the school to enforce, seeking parents and other drivers to turn off their engines whilst waiting during pick up and drop off periods.

- Loss of pedestrian link to the public open space

Officer Response: A new pedestrian link would be created adjacent to Jubilee Court and the proposed car park, which would, in the view of Officers, provide a better pedestrian link to Pyhill than that which currently exists. The existing pavement and pedestrian footway east of the school would be unaffected.

- Loss of basketball court

Officer Response: A condition would be attached securing the re-provision of a basketball court within the locality.

- The school have not utilised their existing site

Officer Response: As set out within the supporting School Needs Assessment, it is accepted in good faith that the proposal is required to enable the school to teach the basic academic curriculum, and would enable opportunity to refurbish existing facilities.

- The pub should be knocked down and a pub, community hub, post office or chip shop built

Officer Response: There is no planning policy requirement to replace the public house with a community hub, post office or hot food takeaway. Each application must be considered on its own merit and alternative options for the site in terms of use is not a matter that can be considered. The building and associated area of public open space are not assets of community value.

- The plans have changed further to the public consultation event.

Officer Response: Notwithstanding the information shared as part of the Applicant's consultation event, this was done by the school outside of the planning process. The plans and supporting information which have accompanied this planning application is the proposal to which they are seeking planning permission and to which Officers and Planning Committee must consider against Local and National Planning Policy.

- It is not clear when construction is intended to start or how long it will take

Officer Response: As set out within the Design and Access Statement (Paragraph 2.4), enabling works are expected to commence in May 2021 and completion by July 2022. A Construction Management Plan would be secured by planning condition, and in addition to this, matters of hours

of construction, noise and dust are controlled by separate legislation outside of the planning process.

6 Conclusions

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

- The development would improve and enhance an established SEN school serving the City, the benefits of improving this provision outweigh the loss of 0.6ha of open space in a ward identified with a surplus, and would secure an off-site re-provision of an established basketball court. As such the proposal would accord with Policy LP23 of the Peterborough Local Plan and Paragraphs 94 and 97 of the NPPF (2019);
- The proposed development would not harm the character or appearance of the area, and would make provision for uncovering buried archaeology, and would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, and would accord with Policy LP17 of the Peterborough Local Plan (2019);
- The proposed development would preserve the biodiversity value of the site, and would secure an on and off-site tree planting scheme, in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019);
- The proposed development would make provision for uncovering unsuspected contamination and would secure a satisfactory surface water drainage scheme for the site, in accordance with Policies LP32 and LP33 of the Peterborough Local Plan (2019);
- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED subject to the following conditions;**

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 The materials to be used in the construction of the external surfaces of the building hereby permitted shall match those indicated on the submitted plans.
- Reason: To ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- C 3 Notwithstanding the submitted information, the finished floor levels and external landscaping of the development hereby approved shall be no more than 300mm above the existing slab level of the public house.
- Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- C 4 During the period of construction works, all construction trenches shall be covered overnight and a method of escape for mammals, specifically hedgehogs, shall be provided to each trench.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019)

C 5 Prior to the first occupation of the development hereby permitted a scheme for the hard landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- All boundary treatments;
- Surfacing of all parking and vehicle turning areas;
- Surfacing of all pedestrian access and circulation areas; and
- External lighting.

The external lighting scheme shall be required to demonstrate compliance with the requirements for Zone E2 within the document 'Guidance Note 1 for the reduction of obtrusive light 2020' by the Institute of Lighting Professionals (2020).

The approved hard landscaping scheme (boundary treatments, surfacing and external lighting) shall be carried out in full prior to first occupation of the development by students.

Reason: In the interests of visual amenity and enhancement of biodiversity in accordance with Policies LP16 and LP28 of the Peterborough Local Plan (2019).

C 6 No development shall take place unless and until the Local Planning Authority has been provided with either:

1. A licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development to go ahead; or
2. Written confirmation from Natural England that the application site has been registered with the Bat Low Impact Class Licence scheme; or
3. A statement in writing from a suitably qualified ecologist to the effect that they do not consider that the specified activity/development will require a licence.

The development shall thereafter be implemented in accordance with the submitted details.

Reason: In the interest of protecting protected species, in accordance with Policy LP28 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

C 7 No development shall take place (including demolition, ground works, vegetation clearance) unless and until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following;

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction;
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period.

Reason: In the interest of protecting protected species, in accordance with Policy LP28 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

- C 8 No development shall commence on site unless and until a Fox-Den Method Statement has been submitted to and approved in writing to the Local Planning Authority. The statement shall set out the protection, mitigation and/or relocation of the fox den identified within the submitted document 'Preliminary Ecological Appraisal'. Thereafter, the development shall be implemented in strict accordance with the approved details, and any protection and/or mitigation shall be retained throughout the period of construction.

Reason: In the interest of protecting protected species, in accordance with Policy LP28 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

- C 9 Prior to first occupation of the development hereby permitted, details of bug and bird nesting boxes (House Sparrow, Starling & Swift), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall be implemented in accordance with the approved details.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C10 No development shall take place unless and until a Written Scheme of Investigation for an archaeological watching brief has been submitted to and approved in writing by the Local Planning Authority. No development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: In the interest of protecting buried archaeology, in accordance with Policy LP19 of the Peterborough Local Plan (2019) and Paragraph 189 of the NPPF (2019). This is a pre-commencement condition as these details need to be submitted to and agreed before work can commence on site.

- C11 No development shall take place unless and until a detailed design and associated management strategy/maintenance plan of surface water drainage for the site, using sustainable drainage methods, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved surface water drainage details and thereafter maintained in accordance with the approved strategy/plan.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, and to accord with Policy LP32 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be submitted to and agreed before work can commence on site.

- C12 Prior to first occupation of the development hereby permitted, a parking and waiting strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how the school will engage with, and encourage parents and professional drivers during pick-up and drop-off periods, not to idle. The strategy shall include measures to ask parents to turn off their engines whilst waiting within the public highway, where it is safe and reasonable to do so. Thereafter the parking and waiting strategy shall be implemented in accordance with the approved details.

Reason: In the interest of protecting neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C13 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178-180 of the NPPF (2019) and Policy LP33 of the Peterborough Local Plan (2019).

- C14 The development hereby permitted shall not be occupied unless and until details of a replacement basketball court have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a specification of the replacement basketball court, any associated fencing and external lighting, its location and a timetable for implementation. Thereafter, the replacement basketball court shall be provided in accordance with the approved details and shall be retained and maintained as such in perpetuity.

Reason: In the interest of retaining an important piece of sporting provision within the Ward, in accordance with Policy LP23 of the Peterborough Local Plan (2019) and Paragraph 97 of the NPPF (2019).

- C15 The rating level of noise emitted from any external plant/machinery (such as air conditioning units) shall not exceed 35dB LAeq at any time. The noise levels should be determined at the nearest noise sensitive premises and in accordance with BS 4142:2014.

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer or their successors in Title, shall be required to undertake a full noise assessment to demonstrate compliance with the above noise limit and submit this within 28 days of notice issued by the Local Planning Authority. Should such an assessment fail to demonstrate compliance, further mitigation measures shall be submitted alongside the noise assessment and implemented in accordance with the submitted details within 28 days of approval by the Local Planning Authority.

Reason: In the interests of preserving the amenities of neighbouring occupants, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C16 The development hereby permitted shall be carried out in strict accordance with the Arboricultural Implications Assessment and Arboricultural Method Statement (AT Coombs Associated Ltd, May 2020) and Drawing Appendix 4 - Tree Protection Plan (AT Coombs Associated Ltd, May 2020).

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy LP16 and LP28 of the Peterborough Local Plan (2019).

- C17 Notwithstanding the submitted details, no development shall take place unless and until a scheme for off-site tree provision and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:

- Details of off-site tree provision and a timetable for implementation that broadly accords with the submitted Arboricultural Implications Assessment and Arboricultural Method

Statement (AT Coombs Associated Ltd, May 2020); and
- Planting plans including retained and proposed trees, species, numbers, size and density of planting.

The off-site tree planting and the soft landscaping on-site shall be carried out within the first available planting season following first occupation of the development or alternatively, in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

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

Reason: In the interests of visual amenity, to secure mitigation for the loss of trees and in the interests of the enhancement of biodiversity, in accordance with Policies LP16, LP28 and LP29 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

C18 No development shall commence on site unless and until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management Plan shall include (but not exclusively the following):

- Hours of working and deliveries which should avoid peak school drop-off and pick-up times;
- Parking, turning and loading/unloading areas for all construction/contractors vehicles;
- Site compounds/storage areas;
- Temporary access points;
- Wheel cleansing facility details; and
- Dust and Noise control measures.

The demolition and construction works shall thereafter only take place in strict accordance with the approved details.

Reason: In the interests of the amenity of the area and highway safety in accordance with Policy LP13 and LP16 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

C19 Prior to first occupation of development hereby permitted, space shall be laid out for the proposed drop-off and pick-up area, and parking and turning of 26 vehicles in accordance with drawing 103300-HBS-XX-00-DR-A-012 P1 (Proposed Block Plan). Those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the use school hereby permitted.

Reason: To ensure the development is provided with satisfactory parking and in the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C20 Prior to first occupation of the development hereby permitted, vehicle-to-pedestrian visibility splays measuring 2 metres x 2 metres (measured from and along the back edge of the highway boundary) shall be laid out on both sides of the new vehicular accesses hereby permitted. The splays shall be provided and maintained thereafter free from any obstruction over a height of 600mm in perpetuity.

Reason: To ensure the development does not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C21 Prior to first occupation of the development hereby permitted, signage indicating a one-way entry/exit system into the site shall be installed in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C22 Notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without amendment), no means of enclosure or gates shall be installed between the fence/gate positions shown on drawing number 23-16-103300-HBS-XX-00-DR-L-80 Revision P4 'Proposed Landscape Plan' and the public highway.

Reason: In the interest of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C23 The development hereby permitted shall be used as school and associated ancillary functions only within Class F.1 of Part B of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification), and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory instrument or Order revoking and re-enacting that Order with or without modification).

Reason: The development has only been assessed in light of the proposed use and alternative uses within the same use class may result in undue highway safety impact, in accordance with the Policy LP13 of the Peterborough Local Plan (2019).

- C24 The multi-use games area (MUGA) hereby permitted shall not be illuminated.

Reason: In order to preserve the amenities of neighbouring residents and in the interests of biodiversity, in accordance with Policies LP17 and LP28 of the Peterborough Local Plan (2019).

- C25 The development hereby permitted shall be carried out in accordance with the following approved plans:

- 103300-HBS-XX-00-DR-A-010 P1 - Site Location Plan
- 103300-HBS-XX-00-DR-A-011 P1 - Existing Block Plan
- 103300-HBS-XX-00-DR-A-012 P1 - Proposed Block Plan
- 103300-HBS-XX-ZZ-DR-A-100 P3 - Proposed Elevations
- 103300-HBS-XX-00-DR-A-030 P8 - Proposed Ground floor plan
- 103300-HBS-XX-01-DR-A-031 P8 - Proposed First Floor plan
- 103300-HBS-XX-02-DR-A-032 P5 - Proposed Roof plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

Copies to Cllrs Burbage, Ellis and Warren.

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