



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 23 FEBRUARY 2021

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 15 December 2020** 3 - 14
5. **Development Control and Enforcement Matters**
  - 5.1 **20/00554/OUT - The Solstice Northminster Peterborough PE1 1YN.** 15 - 42
  - 5.2 **20/01642/HHFUL - 24 Melford Close Longthorpe Peterborough PE3 9NG** 43 - 52

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Committee Members:

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](mailto: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, 15 DECEMBER 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:** Nick Harding, Head of Planning Peterborough and Fenland  
Stephen Turnbull, Planning Solicitor  
Nick Greaves, Principal Engineer  
Stephen Chesney-Beales, Tree Officer  
Daniel Worley, Senior Conservation Officer  
Daniel Kalley, Senior Democratic Services Officer  
Karen Dunleavy, Democratic Services Officer

**30. APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**31. DECLARATIONS OF INTEREST**

A declaration was received from Councillor Hiller in relation to item 4.3 Tree Preservation Order 20/00001/TPO in that he had a predisposition in relation to a current application.

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

A declaration was declared by Councillor Casey to speak as ward Councillor on item 19/01244/OUT - Gloucester Centre Morpeth Close Orton Longueville Peterborough and that he would be speaking as a Parish Councillor.

Councillor Warren advised that although he was a Ward Councillor for Bretton, he would not be predetermined when considering item 20/00843/HHFUL - 85 Outfield Bretton Peterborough PE3 8JP

At this point Cllr Casey left the position of Planning Committee Member.

**33. PLANNING AND ENFORCEMENT MATTERS**

**33.1 19/01244/OUT - GLOUCESTER CENTRE MORPETH CLOSE ORTON LONGUEVILLE PETERBOROUGH**

The Committee received a report, which sought permission to outline consent for the erection of up to 100 dwellings with details of access to be approved and all other matters relating to the appearance, landscaping, layout and scale would be reserved to a later stage. In addition, 30% of the dwellings would be affordable.

The development would provide a mix of house sizes from one bed to four bed dwellings, which would be predominately two storey. Access would be provided by an existing access to the Gloucester Centre from Morpeth Close. The access to Wainman Road would be closed. The development would provide an area of 0.77 hectares of on-site Public Open Space.

The existing buildings within the site was to be demolished. An amended layout plan and updated information on Trees, Flood Risk/Drainage and Bat Report had been received since the original application was submitted. A re-consultation had been undertaken on the revised details.

In summary, the indicative mix of house types had changed increasing the number of detached dwellings, the introduction of coach houses and apartments provided in four smaller blocks.

In addition, one drainage attenuation basin was proposed to the south west of the site. It had been acknowledged that there was a problem with the City Council Portal system during the second consultation period. This resulted in a duplication of representations which had been deleted. Issues in relation to their comments that were initially not published on the portal, had been rectified.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included details of a neighbour letter written to the MP, Parish Council, Ward Councillor and other representations. In addition, there had been some amendments made to conditions in relation to archaeology and offsite highways work. The Officer recommendation was for approval subject to the agreement of a s106 agreement in relation to affordable housing to be provided.

At this point the Committee agreed that the speaking time would be extended.

Councillors Farooq and Howard, Ward Councillors and Councillor Casey, speaking on behalf of Orton Longueville Parish Council addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Ward Councillors had been overrun with interest in relation to the application, which included residents concerns.
- A summary of concerns raised by local residents included: size and scale of the development, the negative impact on infrastructure, the proposed felling of the trees, the negative impact on residents' gardens on Basil Green and Morpeth Close, Car parking, the number of flats proposed in a single building and potential traffic increases.
- Although Ward Councillors supported the Local Plan, the proposed development was out of character for the area.
- It was highly dense population, and the proposal was a huge burden on current infrastructure.
- According to the school multiplier, places would need to be sought for 35-45 primary places, 23-33 secondary school places and 20-30 preschool places per 100 houses. None of these facts had been taken into consideration and existing schools were already oversubscribed.
- All the traffic travelling to the Gloucester Centre was through Wainman Road. The proposal suggested that all cars would use surrounding roads in the area and it was felt that this would have a major impact for residents.
- There was a concern that Wainman Road had been deemed not suitable access for the proposal. This meant that there could be 200 vehicles traveling along

surrounding roads at two key points of the day. The increase in vehicle movements would also impact on Shrewsbury Avenue and Oundle Road.

- Thornley Drive, Sheringham and Royston Avenue were currently not wide enough to accommodate two cars and the junctions were not suitable.
- Morpeth Close was undersized for a large volume of cars and was already used for on street parking. If the road was widened, the tree roots would be disturbed on a known bat flight path.
- School runs for St Botolphs was under pressure as Oundle Road was gridlocked at those times.
- There were mature trees to provide a biodiverse environment for bats, birds and insects. There had been protection for some trees during the development, however, the proposal could change some of the trees at the time of construction.
- The proposed installation of bat boxes had been 1.5 metres from the ground however, they should be 2 metres ideally.
- The upper limit of 100 units needed to be revised due to increased impact on vehicle movement and address the tree officer's objections.
- A highways impact assessment had not been carried out in relation to Royston Avenue, Hillwood Close, Sheringham Way and Thornleigh Drive. These roads were noticeably congested at peak and term times. These roads were also used as rat-runs and the wear and tear could visibly be seen on junctions of Sheringham Way and Thornleigh Drive.
- The proposal would provide a residential increase within a heavily dense population and was out of keeping and incompatible with developments in surrounding areas.
- The Parish Council were concerned about the loss of green space and natural habitat.
- The proposed high build flats and design was unattractive, bulky and out of character in terms of appearance compared with other buildings and developments in the area.
- The loss of view for residents would adversely affect the amenity of neighbouring occupiers.
- The development would impact on highways safety and the convenience of road users.
- The Parish Council had not accepted the rationale for the closure of Wainman Road, and post COVID surveys had not been taken, especially at the junction of Royston Avenue.
- Previously, traffic would travel through Wainman Road to access businesses and offices. Vehicles would not currently use Morpeth Road and Oakleigh Way.
- There was a signpost on Shrewsbury Avenue that directed traffic to the Gloucester Centre through Wainman Road.

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

- The Gloucester Centre was identified as surplus to requirements by NHS England and was sold by Homes England who acted on behalf of the Government, to ensure that best value was obtained when assets were being disposed of.
- Homes England were please to bring forward the sale in line with the LAs local development plan for 100 dwellings.

- Homes England planned to dispose of the proposed site in due course on the open market and therefore had applied for outline planning permission in order to market the site with as much certainty as possible for the purchaser.
- A master plan had been submitted to demonstrate that the number of dwellings proposed for the site was reasonable.
- The master plan included matters raised at the pre application process such as the number of dwellings, provision of affordable homes at 30%, ability to comply with parking standards, sustainable drainage and ecology issues.
- The proposal met the requirement for opens spaces set by the LA.
- Wainman Road was proposed for closure should the development be permitted at the request of the Highways Authority.
- The client agreed with LA policy that trees should be retained where possible, however there had been degree of professional difference. At this stage it was difficult to finalise the treatment as the proposal was for outline planning permission. The applicant had done their best to keep trees and no felling would take place until the relevant negotiations had taken place and final approval of a scheme and relevant conditions had been obtained.
- The applicant had liaised closely with Natural England in relation to ecology, on site evaluation, monitoring and the proposed mitigation measures. Although a European Protection Species (EPS) licence would be required, this could not be applied for until other necessary permissions were in place.
- Homes England had applied for and gained permission for the demolition of buildings, installation of a purpose built bat barn and other bat boxes.
- It was Homes England's intention to commence with the construction of the bat barn, installation of the bat boxes and gain EPS licence prior to the demolition of buildings once outline permission had been agreed. This would provide evidence that mitigation had been achieved before the land was passed to the housing developer.
- The proposed development would result in a net reduction in traffic as outlined by the Highways Authority and the applicant's highway consultant. Any existing vehicle movement issues could not be addressed or resolved by the development proposed within this application.
- To meet the demands for more housing, the LA had a strategic role through Community Infrastructure Levy (CIL) and social care to expand services as a result of growth in the community.
- The LA highways advice was that the impact on road junctions in the area was below the minimum thresholds for national guidance and therefore would not require further work or testing.
- The traffic flow to the Gloucester Centre had tapered off and Wainman Road was being used less than in the past.
- The two exits to the site had been considered by highways including the pressure on junctions and it was found that the minimal impacts would not justify further exploration. In addition, the Highways Authority asked for the applicant to explore a scheme which incorporated the closure of Wainman Road.

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

- Members were advised that the school provision for 100 houses, was subject to the LAs CIL policy and there was a standardised fixed amount of money depending

- on the floor space of each dwelling, which the developers would need to contribute to. The money could be spent on expanding school facilities.
- Members were advised that school infrastructure to increase classrooms had not been explored at this stage as the CIL policy was in place. If further school places were required, then the LA would have to find a way to meet any unmet needs using the funding provided. If there was no local capacity or school places and they could not be increased, the LA would find the next best location for school expansion.
  - The normal number of dwellings per hectare on an urban site was 35 per hectare and the site was 3.2 hectares in size, so the proposal was in line with policy.
  - There had been no further survey required for highway implications, even though residents had raised many concerns. The LA stance was agreed after a transport assessment conducted by the applicant deemed that no increased traffic movements would happen as a result of the development.
  - Wainman Road would close if the application was approved and only one exit access would be provided, however the LA were satisfied that this was within acceptable limits and had presented a reduction, therefore the road closure would not create extra pressure, even during rush hour.
  - The highways report submitted by the applicant was reviewed by transport engineer deemed acceptable.
  - The highways officer was confident with the vehicle movement assessment that had been carried out by the applicant. Furthermore, the applicant would have needed to undertake a pre application process, which would have asked questions on the issues raised by residents.
  - Traffic surveys were undertaken at the end of June 2018.
  - The recommendation to close Wainman Road had been in relation to safety concerns raised about domestic traffic moving through an industrial area with HGV movements.
  - Members commented that it was hoped timings of vehicle movements carried out by the applicant was in keeping with what might be generated in the future as a result of the development.
  - The site had been allocated in the Local Plan and had been consulted on. The application was outline and there were no objections from areas such as highways, police and archaeology. The tree officer had raised concerns, however a TPO could be placed as suggested in the report.
  - The application included affordable housing, which was of benefit to all areas.
  - The use of the Gloucester centre would have experienced increase traffic volumes when the survey was completed two years ago.
  - The density of the proposal was less per hectare than what was acceptable in relat planning policy.
  - The final development layout would be submitted as reserve matters and the residents' concerns were understandable, however the site was included within the Local Plan which had been adopted at full Council.
  - Members commented that the traffic from the proposed site would be funnelled down Morpeth Road, which was acceptable however, it would be a huge increase as the option of Wainman Road would not be available.
  - The nearest schools would be on Oundle Road and the residents' concerns were shared by some Members about school place provision, as it was unsure if there would be land available for expansion.
  - Not all the traffic from the proposed site needed to travel down Oundle Road as there were other options such as Celta Road.
  - It had been endorsed by officers that the highways assessment submitted by the applicant was accurate for the site in terms of viability and traffic movement.

## **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (9 for, 0 against, 1 abstain) 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 development plan and specifically:

- The site was allocated for housing development in accordance under policy LP37 of the adopted Local Plan and therefore the principle of residential development was supported;
- A safe and convenient access could be provided and the development would not have any unacceptable adverse impact upon highway safety in accordance with policy LP13 of the Adopted Peterborough Local Plan;
- The development would provide 30% affordable dwellings in accordance with policy LP8 of the Adopted Peterborough Local Plan;
- Subject to appropriate noise mitigation the proposal would provide a satisfactory level of amenity for future occupants of the development in accordance with policy LP17 of the Adopted Peterborough Local Plan;
- Subject to condition the site was capable of being drained in accordance with policy LP32 of the Adopted Peterborough Local Plan;
- Subject to conditions it was considered that the proposal would not have any unacceptable ecological impact in accordance with policy LP28 of the Adopted Peterborough Local Plan;
- Subject to conditions any contamination within the site will be identified and satisfactory remediation would be secured in accordance with the National Planning Policy Framework; and
- In principle it is considered that the site can be developed without any unacceptable adverse impact upon neighbour amenity in accordance with policy LP17 of the Adopted Peterborough Local Plan.

At this point, Councillor Casey re-joined the Committee.

### **33.2 20/00843/HHFUL - 85 Outfield Bretton Peterborough PE3 8JP**

The Committee received a report, which sought permission to the erection of a single storey side to the dwelling. The land required to build this extension was currently part of the adjacent public open space to the side of the dwelling, therefore this proposal also involved the change of use of the land into residential curtilage.

The applicant was currently in the process of trying to buy a rectangular piece of land measuring approximately 5.5m in width by 16.5m in length from the Council, to accommodate this proposal, although ownership of the land was not material to determination of this application.



The extension would be 4.5 metres in width, but 5.5 metres of the public open space would be required to enable a 1 metre pathway to be provided to the side of the proposed extension. The extension would be set back 0.225m from the property frontage and extend along the full side of both the two storey and single storey elements of property. Giving it a total length of approximately 12 metres. Approximately 4.5m depth of new rear yard/garden space would be provided behind the new extension, gained from the inclusion of the adjacent open space. The height of the proposed extension would be 2.5 metres into the eaves and 3.3 metres to the ridge. The extension would provide a ground floor en-suite bedroom, utility room and playroom. The extension would have a hipped roof and would use matching materials.

The Head of Planning introduced the item and highlighted key information from the report and the update report, which included further information in relation to his reasons for the application.

Ward Councillor Chris Burbage addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The Ward Councillor was in support of the planning application, for Mr Sibtain Damji,
- Mr Damji had been a resident at 85 Outfield for nearly 40 years, and this was the home he had built for himself and his family.
- The original application was submitted for the extension to take in the land to the side of his property, with the intention of building an extension to his family home. He had been told by the PCC legal officers, that the land was available to purchase, and a price was agreed.
- He was advised by a senior landscaper for PCC, to submit plans in full for the use of the land and the extension to his property.
- Mr Damji, had all the plans drawn up and the application was submitted.
- The piece of land was nothing more than a small, grassed area, with scrubland bushes. It was regularly used as a dumping ground for litter and had been unused by any local residents for any recreational purposes.
- The need for additional downstairs room, was to provide accommodation for his mother in later life, and the need for more space for his growing son.
- The land marked on the plan was the only area that was intended for purchase and development.

Mr Damji, the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- To date, the applicant had not received an extension letter from the LA in relation to the application, which was submitted in July 2020
- Several case officers were assigned to the application. Each one had conflicting opinions.
- The medical condition in relation to family members had not been requested at the planning householders application part of the process when it should have been.
- The applicant had followed the correct processes, procedures and guidance as required by Peterborough City Council.
- Both the property and legal team had consulted in relation to the sale of the land and the proposal before it was offered to the applicant.

- The proposal covered the land and hedgerow next to the applicant's own property. The hedgerow was hardly maintained. The report mentioned that the hedgerow softened the landscape.
- The land covered by the extension was 89 square metres approximately, compared to the area of 322 square metres of green space available. The majority of the 89 square metres was covered by hedgerow and had been used as a den for antisocial activities.
- The tree officers report in July 2020 identified the land as public open space, but had not raised any objection, however had requested that a tree survey had to be completed. Following the survey in November 2020, the tree officer went against the original findings.
- There seemed to be many inconsistencies made throughout Peterborough City Council departments during the whole process.
- The applicant's proposal was intended to future proof options for his elderly mother's needs and negated the need for support from Adult Social services.
- The proposal would also cater for his son's medical care needs.
- The applicant had lived at the address for 37 years.
- The care needs included physical exercises that the applicant's son required for his medical condition, and the proposed extension plus garden area would provide this opportunity.

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

- Members were advised that the land in front of the house had not been purchased area was on a hill and not suitable for the applicant's needs.
- Members commented that the existing property to the proposed extension, was a family home, which the applicant had lived at for 37 years. It had not been the case that the applicant wanted to purchase the land and install an extension to suddenly sell up and move on. The extension was required to accommodate the applicant's family's medical care needs.
- The land was not in a conservation area and therefore, no tree preservation order was required.
- The land was currently intended for public open space, however it was used for anti-social behaviour and fly tipping.
- The existing property was an end terraced house, and an extension would not look in character.
- Members were advised that there had been no requirement for a tree preservation order for the adjacent trees as the Authority owned them. Therefore, the Authority would not issue a tree preservation order against itself.
- Members felt that the extension proposed was minimal to the area.
- Members were advised that the sale of the land was not a material consideration for the proposal. It was always made clear that the provisional sale of the land was subject to the grant of planning permission.
- Members commented that if approved the proposal would reduce the land maintenance cost for the LA.

#### **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 particularly in relation to the treatment of the tree.

#### **REASON FOR THE DECISION:**

Members concluded that:

- The extension proposed was not overbearing or out of character to the area.
- The loss of open space as highlighted within the officer's recommendation for refusal, was felt not to be relevant or an issue.
- Officers could place conditions in relation to mitigation circumstances to the correct treatment of the tree.

At this point the committee stopped for a short 10-minute break.

### **33.3 20/00001/TPO - 45 PETERBOROUGH ROAD, CASTOR**

The Committee received a report, which sought permission to confirm a Tree Preservation Order 20/00001/TPO. A provisional Tree Preservation Order (TPO) 20/00001/TPO at 45 Peterborough Road, Castor was made and served on 15th July 2020 following a planning application (20/00775/FUL) to build a four-bed detached dwelling with integral garage in the rear garden.

The TPO had been the subject of consultation and because an objection had been received, the Committee was required to consider the objection, before determining the confirmation of the TPO, in accordance with para 2.6.2.2 (f) of the Council's constitution.

The main considerations were:

1. Whether the trees subject of the TPO worthy of inclusion in a TPO in terms of their public visual amenity value?
2. Was the making of the TPO reasonable and justified having regard to the objections raised?

The Officer recommendation was that the TPO be confirmed without modification.

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

- Members were advised that the tree officer had visited the trees and an assessment was carried out, which concluded that the trees were worthy of preserving and protection.
- The removal of the trees would have an impact on the public view.
- There were not many trees of that stature in the area and removal would be dramatic.
- Members were advised that the TPO was a provisional order and that they were being asked to confirm the order to give permanence to the preservation of the trees.

#### **RESOLVED:**

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **CONFIRM** the Tree preservation order. The Committee **RESOLVED** (unanimously) to confirm the Tree Preservation Order 20/00001/TPO.

## **REASON FOR THE DECISION:**

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

- The trees subject of the TPO, shown were all considered to offer significant, public visual amenity value from the public places.
- All the trees included were assessed to be worthy of TPO status and under threat from the proposed development both directly and indirectly, therefore the serving of the TPO was considered appropriate and reasonable in the circumstances, in order to safeguard the amenity value of the trees and the contribution they make both to the Castor Conservation Area and the wider landscape.

### **33.4 Local List Update - Conservation**

The Committee received a report in relation to the Local List Additions.

The purpose of the report was to provide members with an overview of the items included within the Local List.

The Senior Conservation Officer, introduced the report and in summary the key points highlighted included:

- Information in relation to the creation of the 'Local List' in 2012, some heritage assets, which were served with Article 4 directions' instead of inclusion.
- Changes in government guidance and the expectation that all non-designated heritage assets would be included within a Local List.
- The change in 2016 to the preparation of Conservation Area Appraisals included recommendations for the inclusion of assets within them for the Local List, which were currently being brought forward.
- There had been an expectation that any Conservation Area Appraisals going forward would continue to provide recommendations to help complete the surveying of the district.
- The report was phase one of the proposed collation of the districts heritage asset's within the Local List. Going forward the LA envisaged that a full survey in various phases would be completed.
- There were 98 properties being recommended for placement on the list covered by Article four directions and included Railway Cottages on Lincoln Road and Queens Road, Fletton.
- Twenty seven assets were from officer and Civic Society recommendations, and included.
  - The Town Hall Clock.
  - Arthur Itter Memorial Fountain.
  - Eighteen were from Conservation Area Appraisals.
  - Sutton, Southorpe, Thornhaugh and Pilsgate.

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

- Members were advised that not all of the properties were consulted on, such as the that were covered by the Article four notice protection.
- Members were advised that there would be no responsibility for the property owner ensure that it was kept in a reasonable state. The Government guidance stated the

LA should adopt a Local List. Protection was a material consideration in planning applications.

- Consideration in planning application would be the same status of highways or tree treatment. Historic England had a far more ranging criteria of what should be included in the local list and the LA criteria would change in that respect.
- The recent Government consultation was going to explore at how heritage assets should not be stifled by heritage regimes, however there was no clear guidance on that. There could however be a requirement in the future for LAs to adopt Local and National lists.
- Members commented that it was a good exercise to have a Local List and that the Local List was an important document. In addition, it was positive that other agencies such as the Civic Society had inputted in the exercise.

#### **RESOLVED:**

The Committee agreed (unanimously) to:

1. Note the outcome of the public consultation on the inclusions to the Local List of Heritage Assets within Peterborough
2. Support the inclusion of the proposed heritage assets within the Local List of Heritage Assets within Peterborough
3. Support the inclusion of the existing Article 4 properties within the Local List of Heritage Assets within Peterborough

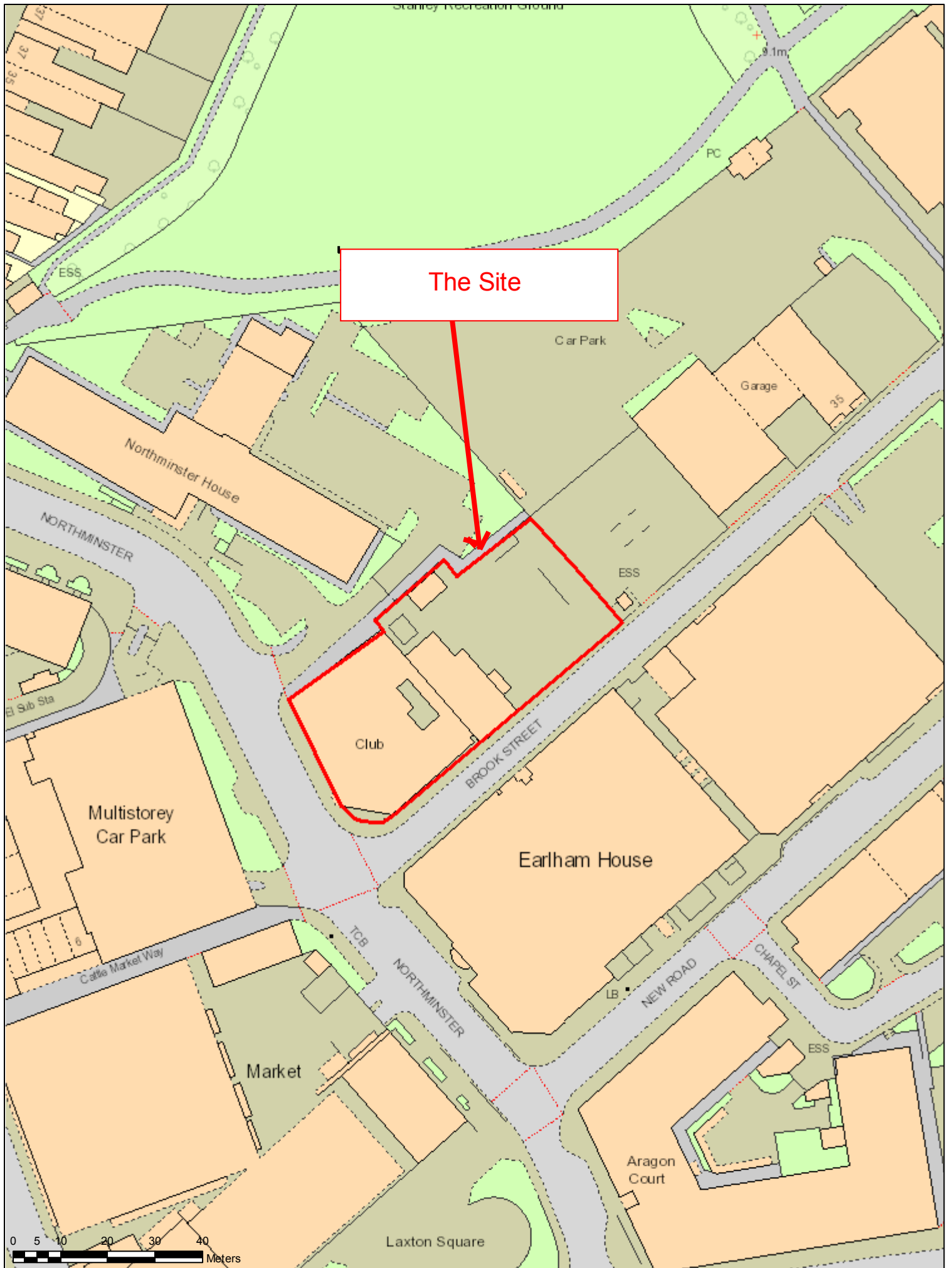
#### **REASON FOR THE DECISION:**

Inclusion of the additional one hundred and forty-three heritage assets within the 'Local Lists of Heritage Assets within Peterborough' would:

- Fulfil the Local Planning Authority's obligations under paragraph 197 of the National Planning Policy Framework, and corresponding guidance within the National Planning Practice Guidance;
- Provide explicit guidance to homeowners and developers regarding the status of the heritage assets and consequent clarity regarding the expectations for development; Have a positive impact upon the conservation of the heritage of Peterborough, by ensuring that development takes into consideration the impact upon the relevant non-designated heritage assets; and
- The proposal would further the stated aim of Policy LP19 of the Peterborough Local Plan (2019).

CHAIRMAN  
1:30 – 15:59PM

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Committee Location Plan 20/00554/OUT The Solstice Northminster Peterborough PE1 1YN. NTS

Scale 1:1,000  
 Print Date: 10/02/2021

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**Application Ref:** 20/00554/OUT

**Proposal:** Outline planning application for the demolition of existing nightclub and erection of a seven storey and three storey block comprising 56 apartments, ground floor Class E(a) retail or E(b) restaurant units, accommodation for up to 77 students and associated car parking (layout, access and scale only, all other matters reserved)

**Site:** The Solstice, Northminster, Peterborough, PE1 1YN  
**Applicant:** MPB Structures Ltd

**Referred by:** **Head of Development and Construction**

**Reason:** Application is of wider concern

**Site visit:** 02.02.21

**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 Solstice Nightclub which is situated on the corner of Northminster and Brook Street; and an area of land to the north-east which is currently used as an outdoor entertainment area associated with the Solstice Nightclub, which fronts Brook Street.

The application site is situated within the City Centre, and the identified City Core Policy Area. To the north is Northminster House, a 4 storey purpose-built office block, and pay and display car park, with Stanley Recreation Ground (Park) beyond. To the east is another surface car park with a laser games arena, car repair garage and restaurant beyond. On the opposite side of Brook Street are a number of leisure uses, including an adult entertainment venue, nightclub, restaurant and a former bowling alley, with an NCP car park beyond. To the west is the City's Market and former market car park, which has since been demolished, with Bayard Place beyond.

The application site is situated outside of any designated Conservation Areas, but is within close proximity to both the Park and City Centre Conservation Areas (50 and 118 metres respectively). Situated 290 metres to the south-west is the Grade I Cathedral Church of St Peter, St Paul and St Andrew (Peterborough Cathedral).

### **Proposal**

The Applicant seeks outline planning permission for the demolition of existing nightclub and erection of a seven storey and three storey block comprising 56 apartments, ground floor Class E(a) retail or E(b) restaurant units, accommodation for up to 77 students and associated car parking. Layout (insofar as the site layout but not internal layout), access and scale are proposed in detail, with all other matters (appearance and landscaping) reserved.

In support of the application, plans have been submitted which illustrate the scale and site layout of development, as well as forming a vehicle access from Brook Street serving an underground car park providing 36x car and 90x cycle parking spaces.

The above ground works would comprise an L-shaped building with a maximum footprint of 69m x 32m. The taller seven storey element would have a maximum footprint of 32m x 27m and stand at

no more than 23.8m in height. The lower, three storey element would stand at no more than 8.7m in height and would have a footprint of 52m x 28m.

Whilst appearance and the internal layout of the development are to be reserved for later consideration, the ground floor would be occupied by Class E (a) & E (b) retail and restaurant uses addressing Northminster and the corner with Brook Street. The residential and student accommodation would be situated on the upper floors.

Indicative floor plans have accompanied the application, but these have only been submitted to demonstrate that the number of residential/student units can be acceptably accommodated.

### **Pre-Amble**

In 2005 there were two planning applications submitted to the Local Planning Authority for residential development on land immediately adjacent to the Solstice Nightclub, which was to be retained.

The first application (05/00409/FUL) was for 'Erection of two blocks of apartments (50 in total)' comprised two 6x storey blocks, however this application was refused on grounds of impact to views of the Grade 1 Cathedral from Stanley Recreation Ground to the north. The application was also refused on grounds of forming a dead street frontage, as it would have been left over to car parking, and there was no provision for affordable housing or public open space.

Later in 2005 a revised application was received (05/02003/FUL) for the 'erection of a seven, and a three storey block of 41 apartments in total, with B1 office use on ground floor, car parking and landscaping'. The proposed blocks were sited on the same footprint as the earlier 2005 scheme, however the main change was that the eastern block was reduced from 6x storeys to 3x storeys, the western block was increased from 6x storey to 7x storey, and the office element created an active frontage at street level.

Further to reviewing the Committee Minutes, this application was recommended for approval by Officers to Members, and the Planning and Environmental Protection Committee resolved to approve the application in line with Officer recommendation subject to relevant conditions, as it was considered, despite the continued objection from English Heritage and the Friends of the Stanley Recreation Ground in respect of the negative impact the development would have on the Cathedral views, the view was taken that the amended heights and front elevational treatment to Brook Street had overcome the previous two reasons for refusal, in that the development would now not detract unacceptably from the Cathedral views or setting, and that the design of the Brook Street frontage was suitably redesigned to provide an active attractive frontage. A legal agreement was secured for affordable housing and off-site public open space provision.

Further to reviewing the planning history, the pre-commencement conditions which formed part of the 2005 permission have not been discharged, however it is understood that works had been commenced and the Section 106 legal monies had been paid to the Council. As such it is the position of the Applicant that the permission has been implemented.

## 2 Planning History

Reference	Proposal	Decision	Date
20/01431/PRIOR	Demolition of nightclub	Pending Consideration	
18/01903/FUL	Change of use from vacant car park area to external customer viewing area for sporting events, boxing and wrestling events, street festivals/food market and live amplified music events, and car park area at other times	Permitted	14/01/2019
16/00743/FUL	Change of use from vacant car park area to external customer viewing area for sporting events and car park area at other times	Permitted	30/09/2016
14/01458/FUL	Replacement of existing timber hoarding to boundary with brick wall - Resubmission	Permitted	07/10/2014
14/00420/FUL	Extend existing rear patio, demolish existing wall and rebuild new wall to enclose extended patio	Permitted	05/06/2014
13/01685/FUL	Replacement of existing timber hoardings to boundary with brick wall	Withdrawn by Applicant	13/01/2014
13/01362/NONMAT	Non-material amendment of planning permission 13/00383/FUL - Construction of first floor patio area	Determined	01/10/2013
13/00383/FUL	Construction of first floor patio area	Permitted	13/05/2013
12/00233/FUL	Construction of single storey rear extension (WC extension), installation of external serving area with sloping roof, double and single doors for access and creation of a beer garden. Installation of new boundary fence to side and rear and side gate (for emergency use only onto Brook St)	Permitted	30/03/2012
05/02003/FUL	Erection of a seven, and a three storey block of 41 apartments in total, with B1 office use on ground floor, car parking and landscaping	Permitted	31/08/2007
05/00409/FUL	Erection of two blocks of apartments (50 in total)	Refused	28/06/2005
97/P0098	Timber cladding and rendering (retrospective) in accordance with drawing numbers 1947/15A, 1947/18A and 1947/20A	Permitted	04/04/1997
P0366/77	Erection of social club including stewards accommodation	Permitted	13/06/1977

## 3 Planning Policy

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

### **Planning (Listed Building and Conservation Areas) Act 1990**

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990  
Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990

### **National Planning Policy Framework (February 2019)**

Section 5: Delivering a sufficient supply of homes  
Section 7: Ensuring the vitality of town centres  
Section 11: Making effective use of land  
Section 12: Achieving well designed places  
Section 15: Conserving and enhancing the historic environment

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **LP02 - The Settle Hierarchy and the Countryside**

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

#### **LP03 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

#### **LP04 - Strategic Strategy for the Location of Employment, Skills and University Development**

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions.

LP4e) Proposals which directly assist in the creation of a university campus will be supported.

#### **LP06 - The City Centre - Overarching Strategy**

Promotes the enhancement of the city centre. Major new retail, culture and leisure developments will be encouraged. It is promoted as a location for new residential development and as a location for employment development including mixed use. Improvements to the public realm will be promoted and the historic environment protected.

#### **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.

#### **LP08 - Meeting Housing Needs**

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

#### **LP12 - Retail and Other Town Centre Uses**

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

#### **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.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

### **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.

### **LP18 - Shop Frontages, Security Shutters and Canopies**

LP18 a) Shop Frontages (including signage)- Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

LP18 b) External Shutters- Permission will only be granted where there is demonstrable need in terms of crime; the property is not listed or within a conservation area; the shutter is designed to a high standard and is perforated.

LP18 c) Canopies- Will only be acceptable on the ground floor of a shop, café, restaurant or public house and only if it can be installed without detracting from the character of the building or surrounding area.

### **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.

### **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.

#### **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.

#### **LP37 - Urban Area Allocation**

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

#### **LP46 - City Core Policy Area**

Part a General- Within the City Core the council will seek development of the highest quality which strengthens the area including the retail, leisure, tourism and civic focus. New development must improve the townscape and public realm, protect Cathedral views, preserve or enhance heritage assets, protect and enhance existing retail. Additional car parking will only be supported in exceptional circumstances.

#### Part B: North Westgate Opportunity Area

Planning permission will be granted for comprehensive mixed-use development including retail, employment, housing, office and leisure. The design, layout and access arrangements must enhance the transition between the residential area to the north and the city centre.

Individual proposals which would prejudice the comprehensive development of this area will not be permitted.

#### Part C: Northminster Opportunity Area

Development should deliver a range of uses that provide high quality office development and approximately 150 dwellings, including student accommodation. Development should protect and enhance the historic environment, particularly the Cathedral Precincts and Peterscourt.

## **4 Consultations/Representations**

N.B. It should be noted that the Applicant has submitted additional heritage impact information (an addendum to the Heritage Impact Assessment) and made a small revision to the height

parameters of the scheme through the removal of a stairwell/lift overrun to the three storey element. In addition, the description of development has been amended to include access as a secured matter (previously reserved) albeit the access positioning has not altered from the first plans submitted. Public consultation on these additional/revised details remains ongoing at the time of preparing this report.

### **Peterborough Civic Society**

#### *First Round*

Object - Prematurity. Within Policy LP47 a site specific requirement is set for development in Northminster. It states that the dwellings sought are 'To be delivered in accordance with a development brief or SPD for the area'. No such development brief or SPD has been produced for the area. The Society agrees that such a document is essential. It would provide a context for the development of this site, addressing essential issues such as the protection of historic assets and views to them (especially to the Cathedral), setting the relationship to other nearby major redevelopment sites, framing the creation of a coherent street scene, safeguarding residents' living conditions, maintaining/enhancing pedestrian links, and creating a positive relationship with adjacent open space. The proposal is therefore premature in the absence of an agreed Development Brief or SPD for Northminster.

Excessive building height. Policy LP47 states that 'new development must, where appropriate: protect important views of the Cathedral'. Clearly the application site is in a direct line of sight between northern and western parts of the public park known as Stanley Recreation Ground and the Cathedral. These views, both from grassed areas and footpaths are undoubtedly 'important' and deserve thorough examination. Neither the Heritage Impact Statement nor the Design and Access Statement addresses these views using summer and winter pictures from park viewpoints setting the proposal and the Cathedral together in photo-montages. It nonetheless appears that the proposed scheme will block views of upper parts of the Cathedral, and interrupt the view of its majestically long east-west profile silhouetted against the sky. As such it is unacceptable.

We note that Paras 3.6 and 3.18 of the Heritage Impact Assessment say that views towards the Cathedral from the recreation ground are considered further within the Design and Access Statement. In fact no such discussion takes place in the statement. Very clearly a set of photomontages is needed in order to identify the extent of the impact on the Cathedral both in summer and winter and assist in determining an acceptable building height. Without them the application should be refused.

Seven storeys are proposed, but clearly an outline permission would expect to refer to parameter heights. The submitted Parameters Plan refers to a maximum roof height of 33.6m, or an average storey height (floor to floor) of 4.8m. Since a typical residential storey height would be around 3.0m-3.5m, the proposal is grossly excessive.

*Comments relating to the second consultation are awaited and any additional comments submitted will be included within the Update Report.*

### **Historic England**

#### *First Round*

Object - Historic England considers that the site of the Solstice nightclub could be redeveloped without causing harm to the historic environment. However, the scale and massing of the current proposals would cause a high level of harm to views of the Grade I listed Peterborough Cathedral and detract from the setting of the City Centre and Park Conservation Areas. We therefore recommend that the application be refused in its current form.

*Comments relating to the second consultation are awaited and any additional comments submitted will be included within the Update Report.*

### **PCC Conservation Officer**

#### *Second Round*

Object - The applicant has provided further assessment in terms of the impact of the scheme on views of the Cathedral from Stanley Rec. This recent assessment essentially provided visual analysis comparing the impact of the previously approved scheme (2005) in relation to the current scheme on the aforementioned views. The visuals of the viewpoints for the proposed new development only act to reaffirm the concerns that this development will largely obliterate and, at best, substantially fragment the appreciation of the existing Cathedral views from Stanley Rec.

However, when assessing comparative impacts on Cathedral views between the previously approved scheme and that of the current scheme, the visuals taken from mutually agreed vantage points throughout Stanley Rec showed comparatively little difference or additional impact over the earlier approved scheme.

Owing to the scarcity of prominent views of the Cathedral from the north of the city, this development would largely obscure any meaningful appreciation of the city's foremost historic asset from the north. Allowing the best north view of the Cathedral to be largely obscured from a public vantage point, would also set a precedent going forward, as other sites within the Northminster area come forward for redevelopment in the future.

As such, although I object to the current development owing to its significant impact on identified important cathedral views, I cannot state that it is any worse than the earlier scheme, for which I have been asked to compare it against.

From a heritage consideration, the development would have an adverse impact on the setting and significance of a Grade I listed building, as well as the City Centre and the Park Conservation Areas.

#### **PCC Peterborough Highways Services**

No objection - The Local Highway Authority acknowledges that the application site is within the city centre and city core and is therefore in a very sustainable location, a short walk from a wide range of services and facilities including the bus and train stations, and is on and close to various bus services. The site is also located a short distance from the proposed site for the Peterborough University, meaning a short walk or cycle ride.

Conditions are sought with respect to the provision of cycle and vehicle parking, access details, a car parking management plan, a demolition and construction management plan, lighting and a pre-condition highway survey.

A number of stand informatives are also sought, which include the requirement for amended traffic regulation orders and works adjacent to the highway.

#### **PCC Pollution Team**

No objection – The Pollution Control team have reviewed the proposal and sought conditions with respect to the submission of a noise assessment, which will take into consideration the night-time economy, mechanical plant, deliveries and collections, operation of the local market, as well as the proposed ground floor uses.

Conditions are also sought with respect to the consideration of internal layout, demolition and construction, uncovering unsuspected contamination and external lighting.

#### **PCC Strategic Housing**

No objection - In accordance with our housing needs policy, we would expect a contribution of 30% on this site of 56 dwellings. The total number of dwellings we require would be 17.

The current tenure split we would expect to see delivered for affordable housing in Peterborough is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 12 affordable rented homes and 5 intermediate tenure in this instance. In terms of intermediate tenures, the provision of shared ownership tenure remains the council's priority for meeting the



need for affordable home ownership products in Peterborough. This is because of its capacity to cater for a wider range of household incomes by varying the initial share required to enable access to home ownership.

In accordance with Policy LP8 of the Peterborough Local Plan, all dwellings should meet Building Regulations Part M4(2), unless they are exceptional design reasons for not being able to do so. Policy LP8 states that all new rented tenure affordable housing will be required to be built to meet minimum National Space Standards (as defined by Building Regulations).

#### **Lead Local Drainage Authority**

No objection - Subject to a condition being appended securing details of design, implementation, maintenance and management of the sustainable drainage scheme submitted.

#### **Anglian Water**

No objection - 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 that an informative 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. The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer.

We request a drainage strategy covering the issue(s) to be agreed. There has been no surface water drainage strategy submitted in support of this application. In order to make an accurate network capacity assessment, we require the submission of a strategy outlining the proposed connection point and discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

#### **Police Architectural Liaison Officer (PALO)**

No objections - We would wish to be included in any consultations regarding this proposed development. We have also notified colleagues in the counter terrorism team so that they are aware of the proposal. This is a large redevelopment scheme in a busy city centre so we are keen to ensure the safety of residents, visitors and businesses.

#### **PCC Archaeological Officer**

No objection - Cartographic evidence shows that the subject site was developed by the early part of the 20<sup>th</sup> century. Former and more recent development and associated groundwork are likely to have caused widespread truncation of potential buried remains associated with the post-medieval development of the city.

On the basis of the available evidence, the proposal is deemed to have negligible implications for potential buried remains. Therefore, a programme of archaeological work is not justified.

#### **PCC Senior Recreation Officer**

No objection – A total offsite contribution, which would go towards open space improvements at Stanley Recreation ground and Burton Street allotments, of £37,899.13 + 5 years Maintenance costs is required.

#### **Waste Management**

Comments – There are a number of reasons why going through the commercial bin store to get to the domestic bins would be sub-optimal, and we agree it would be better to have an external door from the domestic bin store that would lead out to the access road at the side of the building. This would also mean the collection vehicle would be off Northminster and collections would be much easier from that side street.

#### **Civil Aviation Authority**

No comments received

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

Initial consultations: 36

Total number of responses: 15

Total number of objections: 0

Total number in support: 12

#### *First Round*

15x letters of support have been received raising the following comments:

- This is a fantastic idea, the whole area at Northminster is run down and desperately needs modernisation;
- This plan would spark some energy into central Peterborough;
- New Accommodation in this area is desperately needed;
- The proposal would be great for access to the city centre, shops, bars and restaurants;
- This is a great scheme, the area has gone downhill in the last 5 years;
- I need new accommodation close to the City Centre;
- Students and likeminded people will bring life into this part of the City;
- A great social impact will be achieved by more investment in the City, we should back initiatives which seek to make a difference in the heart of the City Centre;
- The prospect of quality flats and shops is welcomed;
- Stanley Recreation Ground is only across the road, therefore residents would have access to green space and it would get more use;
- Investment such as this would deter criminal activity in area;
- Cathedral views remain totally unobstructed according to the scheme;
- It is hoped that the City Centre would be inundated with fresh faces, young professionals, students and visitors;
- Further to the demolition of the multi-storey car park and uncertainty around the future of the market the area is beginning to feel abandoned;
- We need people to live in the centre and support local businesses; and
- The scheme includes shops and a cafe/bar, which will continue the Solstice legacy in the City.

A letter of comments has also been received raising no objections to the proposal.

#### *Second Round*

7x letters of objection have been received to date raising the following concerns:

- The Solstice contributes to the Cities nightlife, its loss will negatively affect the Cities vitality;
- The scheme would result in a loss of jobs, through Solstice closing;
- The Solstice would be a great place for Students;
- The retention of the nightclub should come down to a public vote rather than the higher ups; and
- We have enough flats in the City.

*Any additional comments relating to the second consultation will be included within the Update Report.*

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

The main considerations are:

- Principle of development
- Heritage considerations
- Design and layout
- Access, parking and highway implications

- Neighbour amenity
- Future occupier amenity
- Contamination
- Drainage
- Archaeology
- Infrastructure contributions

## **a) The Principle of Development**

### Loss of the current venue

Turning first to the loss of the existing drinking establishment/nightclub/music venue, there are no local or national planning policies which require the retention of such uses within the City Centre. Furthermore, the demolition of the building falls within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), only requiring the prior approval of the Local Planning Authority as to the method of demolition and land restoration. Such an application for the demolition of the application site is pending consideration with the LPA presently and is due to be determined in the coming weeks.

Whilst the Government introduced changes to these permitted development rights at the end of 2020, removing this right for music venues to be demolished, this planning application and the pending prior approval application for the demolition of the site were submitted before the changes came into effect and are therefore not bound by them. Accordingly, the demolition of the building does not require the express benefit of planning permission from the LPA and cannot be challenged through this application.

Notwithstanding this, as part of this proposal, two retail/restaurant units would be provided which would create an otherwise active street frontage within the City Centre, and go towards the vitality and viability of the City's night-time economy. As noted within letters of representation, there are a number of pubs and nightclubs that operate within the City Centre, some of which have become vacant in recent years and could re-open should market forces dictate.

### Development proposals

The application site is situated within the identified City Core Policy Area and Northminster Opportunity Area, set out within Policy LP47.5 of the Local Plan. The Opportunity area should '...deliver a range of uses that provide high quality office development, approximately 150 dwellings and possibly student accommodation. Development in this area should protect and enhance any historic assets, including in particular the Cathedral Precincts and Peterscourt'.

LP47 also states that within the City Core, there should be, amongst other matters, an overall net increase in dwellings, which include the provision of student accommodation, mixed use development with active street frontage, and development which encourages trips into the City Centre.

The Peterborough Civic Society have objected to the proposal, amongst other matters, as they consider that the proposal is premature and not in accordance with the requirements of the policy covering the site allocation. It is noted that Policy LP47.5 states that the opportunity area is to be delivered in accordance with a development brief or Supplementary Planning Document, and this is the basis of the Society's prematurity position. At the time of writing this report, neither a development brief nor SPD has been prepared.

It is agreed that in an ideal world, a development brief or SPD would have been secured for the Northminster site. However the current proposal has come forward prior to this, and must be determined. Officers are of the view that notwithstanding the lack of comprehensive development brief/SPD, the proposal accords with Policy LP47 and the vision for the City Centre in all other respects, and would not prejudice the ability to develop the wider area including the former Northminster car park site.

The proposed development would introduce a mix of residential and student accommodation, including affordable housing, into the City Centre, as well as ground floor retail and restaurant uses, which would ensure an active corner frontage. Whilst no office space is proposed, Officers are aware of the current climate in this regard and the significant level of office to residential conversion that is taking place within the City Centre owing to the lack of demand for such accommodation. It is considered that the proposal would deliver a range of uses and encourage trips into the City Centre.

Taking the above into account, the application site is situated within the City Core of the Urban Area, and the proposal would go towards meeting the housing needs of Peterborough. It would provide accommodation for the new University, and would enhance the vitality and viability of this part of the City Centre. As such the principle of development would accord with Policies LP2, LP3, LP4, LP6, LP8, LP15 and LP47 of the Peterborough Local Plan (2019) and Paragraph 85 of the NPPF (2019).

### **b) Heritage Considerations**

As scale and layout of the site have been committed as part of this outline planning application, design, layout and heritage considerations can be considered.

Whilst the site is not located within a designated Conservation Area, it is sited in close proximity to a number of important heritage assets, which include the Park Conservation Area, the City Centre Conservation Area, the Grade I listed Peterborough Cathedral, Grade II listed Peterscourt, and a handful of locally listed buildings. Additionally, and most importantly to this development, are views of the Cathedral from a number of vantage points to the north of the site from Stanley Recreation Ground.

Accordingly, the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) are engaged. Section 66 requires that when considering whether to grant any planning permission for development which affects a listed building or its setting, the Council has a legal duty to have special regard to the desirability of preserving the listed building, or its setting, or any of its features, of special architectural or historic interest. Section 72 requires that, in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Planning authorities must place "considerable importance and weight" on these issues. This is further reinforced through local and national planning policies which attach great weight to the need to conserve heritage assets (whether designated or not).

It is noted that Historic England, a statutory consultee, have objected to the proposal as originally submitted, advising that whilst the application site could be redeveloped without causing harm to the historic environment, by reason of scale and massing, the scheme as submitted would unacceptably detract from views of the Grade I Cathedral and setting of the City Centre and Park Conservation Areas. Historic England considers that the blocks would be overly dominant in both short and long streetscape views, causing a high level of harm to the significance of the Grade I listed Cathedral as a result of their impact on its setting, on the setting of the City Centre and Park Conservation Areas and the setting of listed and locally buildings in the vicinity.

The Applicant has submitted an addendum to the Heritage Impact Assessment (HIA), which assesses the impact on views of the Grade I listed Cathedral from Stanley Recreation Ground. This addendum essentially provides visual analysis comparing the impact of a previously approved scheme (2005) in relation to the current scheme. In addition, a stairwell/lift shaft overrun to the three storey element has been deleted. As detailed above, consultation on this remains ongoing.

Whilst comments are awaited from Historic England as to the revised/additional information that has been submitted, the main aspects of the proposal remain. As such, Officers do not believe that Historic England's position will change, and have made their assessment the proposal on the

basis that Historic England will maintain their objection. Nonetheless, Historic England's further comments, and any additional Officer assessment, shall be provided in the Briefing Update Report.

In addition, the Council's Conservation Officer has objected to the proposal. Their objection relates to the same matters as Historic England, and those of the Civic Society.

The Council's Conservation Officer advises that Stanley Rec, being a wide open space, benefits from dynamic views of the north roofscape of the Cathedral. A dynamic view allows for the evolution of a view within the same context whilst retaining an equivalent significance. The view of the Cathedral under consideration in this application can be appreciated to greater and lesser extent as one traverses the public open space. Stanley Rec, which is in itself an historic area of open space, is also sited within the Park Conservation Area. It is benefitted by views of the Cathedral by way of providing a highly significant and historic landmark feature within its backdrop. It also aids wayfinding legibility towards the City Core.

The Conservation Officer notes that the visuals of the viewpoints contained within the HIA Addendum, only act to reaffirm the concerns that this development would largely obliterate and, at best, substantially fragment the appreciation of the existing Cathedral views from Stanley Rec. There are also concerns that by allowing the best north view of the Cathedral to be largely obscured from a public vantage point, would also set a precedent going forward, as other sites within the Northminster area come forward for redevelopment in the future

It is therefore accepted that, owing to the scarcity of prominent views of the Cathedral from the north of the city, this development would largely obscure any meaningful appreciation of the city's foremost historic asset from the north and harm would result.

#### Planning history and heritage impacts

In August 2007, under application reference 05/02003/FUL, planning permission was granted on part of the application site for the construction of a seven and a three storey block of 41 apartment, with office use at ground floor level, and associated car parking and landscaping. This planning permission was implemented however it was never built out and completed. In the intervening years, other permissions have been granted on the site such that this permission cannot now, in the view of Officers, be implemented without the need for a further planning application. It should be noted however that the Applicant and their legal representative disputes this position.

Notwithstanding whether this permission could now be built out without the need for a further permission, the decision is, in itself, a material planning consideration in respect of this current application particularly in regard to the matter of heritage impact.

Officers consider that that the acceptance of the impact resulting from the previous scheme upon the setting of designated heritage assets within the City Centre is material to the assessment of the current proposal. Whilst adopted planning policy has changed in the intervening years, through the introduction of the NPPF and the Council's own Local Plan, the thrust of heritage policy has not fundamentally altered, notably in relation to the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Further, there has been no substantial or material change to the context of the application site or the setting of the Cathedral and Conservation Areas, including that of the view to these heritage assets from the north of the City (Stanley Rec).

Accordingly, Officers consider that the baseline for assessing the impact of the proposal upon the setting of these designated heritage assets should be in the context of planning permission reference 05/02003/FUL. That is to say, assessment needs to be given as to whether the current proposal results in a greater degree of harm than that earlier permission.

The submitted HIA and HIA Addendum by the Applicant therefore focuses upon the comparison between this previously consented scheme and the current proposed development. In particular, the view of the Cathedral and City Centre from the north within Stanley Rec. The viewpoints chosen for analysis were informed by the Council's Conservation Officer.

The viewpoint analysis set out within the HIA Addendum demonstrates that the previously permitted scheme harmed, and resulted in the loss of, some of the dynamic view of the Cathedral from Stanley Rec. It further demonstrates that the proposed scheme would not worsen this impact. This view is shared by the Council's Conservation Officer who has advised that 'The visuals taken from mutually agreed vantage points throughout Stanley Rec showed comparatively little difference or additional impact over the earlier approved scheme'.

In light of this, whilst it is accepted and acknowledged that the proposal would result in harm to the setting of a number of valued heritage assets within the City Centre, including the City's foremost historic building, such harm resulted from a previously consented and implemented development. Officers consider that this is a material planning consideration, and that there are no material grounds, including those of policy, on which a differing conclusion (i.e. to approve) could be reached in respect of this current proposal given that no additional harm would arise.

### Current Policy Assessment

In accordance with Paragraph 193 of the NPPF (2019), 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Further, paragraph 194 of the NPPF (2019) advises that 'any harm to, or loss of, the significance of a designated heritage asset (from ... development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional, and assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

As set out by Historic England and the Council's Conservation Officer, the proposed development would impact on the setting of a Grade I Listed Building, 2no. designated Conservation Areas and other listed and locally listed buildings within the City Centre through inappropriate development within their setting. The degree of harm is considered, in NPPF terminology, to be less than substantial harm. Therefore, paragraph 196 of the NPPF (2019) applies, whereby the harm to heritage assets must be weighed against any public benefit.

There are a number of benefits that form part of this proposal. Whilst the Solstice Nightclub has closed, and has been put forward for demolition, this proposal would bring forward and redevelop an otherwise empty and vacant site within the City Centre. It would provide 56x open market dwellings, 17x of which would be affordable dwellings, as well as 77x student units. At ground floor, retail and restaurant units are proposed, which would form an active frontage on the corner of Northminster and Brook Street, in an area of the City Centre where active frontages and natural surveillance are lacking.

Whilst details of appearance are a reserved matter, based on layout and scale, and the indicative drawings submitted, the proposed development would provide a striking feature that would enhance the character and appearance of the immediate streetscene. Further, this scheme is considered to be a betterment to the development previously approved in 2007, in terms of overall design and fenestration.

Therefore, when assessing the development against paragraph 196 of the NPPF (2019), whilst Historic England and the Council's Conservation Officer have advised that the impact to heritage assets would be of a considerable magnitude, and this is afforded significant weight in the balancing exercise, Officers are of the view that the public benefits do outweigh the failure to satisfy the test set out in the NPPF, and the development can be justified in this instance.

Taking all of the above into account, subject to securing details of appearance, levels and external

materials by way of planning conditions, the proposed development would have a justifiable impact on the setting of the Grade I listed Cathedral, and the Park and City Centre Conservation Areas, and other nearby listed and locally listed buildings. The proposal therefore accords with Policy LP19 of the Peterborough Local Plan (2019) and Paragraph 196 of the NPPF (2019).

### **c) Design and Layout**

The site lies at the junction of Brook Street and Northminster and within an area of mixed character. There are some sites within the surrounding locality that appear somewhat rundown, and generally this part of the City Centre requires regeneration and improvement.

The proposal seeks to provide an L-shaped building that would address both streetscenes, creating activity at this prominent corner. The taller seven storey element would front to Northminster, whilst the three storey element would extend along Brook Street. Whilst appearance is reserved at this time, the Applicant has provided indicative visuals as to how the development could appear and this would create a striking development within the area. It would begin the regeneration of this part of the City Centre, and act as an anchor from which future redevelopments could take their cue.

Whilst there are not many examples of such tall buildings within the City Centre, the massing is considered to be appropriate. The proposal would not appear unduly dominant or obtrusive within the locality, and would respect the overall form and appearance of the area. Further, a building of such height has previously been accepted by the Local Planning Authority (05/02003/FUL). It is noted that the Civic Society have expressed concern as to the height parameters proposed, being taller than seven storeys, however the heights referred to are not from ground level. The height parameters proposed are considered to be in line with those of seven and three storeys.

Officers acknowledge that a building to the maximum height proposed, and of the scale proposed, would need to be designed to the highest standards, with appropriate and high quality external materials. These are matters reserved for later consideration and will be fully considered at that time.

On this basis, it is considered that the proposal would not result in undue harm to the character, appearance and visual amenity of the surrounding area and would, to some degree, improve it by beginning the regeneration of this part of the City Centre. The proposal is therefore in accordance with Policies LP16 and LP47 of the Peterborough Local Plan (2019).

### **d) Access, Parking and Highway Implications**

As access and layout have been committed as part of this outline planning application, the matter of access to the proposed car parking can be considered.

The Local Highway Authority (LHA) has raised no objections to the proposal, noting that as the development is proposed to be within the City Core, it is therefore situated within a sustainable location.

The proposed vehicle access onto Brook Street is considered to be acceptable in terms of its broad position. However, a bellmouth access is shown on the submitted plans whilst a simple dropped kerb crossing is all that is required (as this maintains pedestrian priority along the footway). Revisions to this, and vehicle to pedestrian visibility splays would be secured, measuring 2m x 2m from and along the back of the public highway, to each side of the proposed access and the vehicular access must have a gradient of no steeper than 1:50 for a distance of 10m from the back edge of the public highway. These matters can be secured by planning condition.

The indicative plans submitted identify a total of 36 on-site parking spaces could be provided within the basement area, which is contrary to Policy LP13 which seeks to prevent additional car parking being created within the City Core. However, given that part of the application site has a historic use as a surface car park, the provision of car parking is accepted in this instance.

With respect to cycle parking, this is proposed within the basement area as shown on the indicative floor plans. Therefore, this would form part of a later reserved matters application relating to the appearance and internal layout of the development. Notwithstanding this, the LHA has encouraged the number of cycle parking for students be increased to 77 cycle parking spaces (1 for each student) and this is considered appropriate. A total of 60 cycle parking spaces are proposed to serve the 57 apartments, which is acceptable in this instance. A cycle parking scheme is to be secured by condition as part of the future reserved matters application.

The LHA has advised that various Traffic Regulation Order (TRO) amendments would be required and must be carried out prior to first occupation of both the commercial units and the residential units. The works include the removal of the taxi rank on Northminster, removal of controlled parking on Brook Street to accommodate the new vehicular access and the addition of a loading bay to service the commercial units proposed. This would be secured as part of the Section 278 process, separate to the planning process, however an informative shall be appended for the avoidance of any doubt.

The Local Highway Authority has highlighted that the proposed basement car parking area would require excavation close/adjacent to the public highway, and the introduction of both temporary and permanent works to support the highway during both construction and the permanent structure would be required. Again, these matters would be subject to requirements under the Highways Act and therefore planning should not seek to duplicate this. An informative shall be appended for the avoidance of any doubt. Notwithstanding this, owing to the dense nature of the built form of the area and the potential significant highway implications during the period of construction, a condition is proposed seeking a construction management plan.

Separate to the planning process, the LHA has advised a structural submission in the form of an Approval in Principle (AIP) application together with temporary traffic management (TTM) including details of the working space, required within the public highway, would be sought. This would be resolved separate to the planning process, and an informative shall be appended for the avoidance of doubt.

The Local Highway Authority has, within their comments, sought to establish whether any of the existing bus stops or passenger transport services within the immediate locality are required to be improved. However, further to consultation with the Council's Passenger Transport Team, there are no improvements required within the immediate locality.

*Waste collection* - The proposed development has illustrated two refuse collection areas for residents and students respectively albeit these are only indicative. The Council's Waste team have responded advising it would be preferable to have two separate access points for residential and commercial waste, however the detailed design would come forward as part of a reserved matters application.

Subject to conditions being appended as set out above, the proposal would not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### **e) Neighbour Amenity**

As scale and layout has been committed as part of this outline planning application, neighbouring amenity can be considered.

To the immediate north of the application site is Northminster House, a four storey office block situated on a north-east/south-west axis with glazing serving all floors. Taking into consideration the juxtaposition of this neighbour and implementing the 45 degree vertical and horizontal rule, the proposed 7x storey building would result in a loss of light to these office windows at a certain time of the day. However, a similar relationship was previously found to be acceptable in 2007, and Officers have no reason to reach an alternative conclusion given the building has continued to be occupied as an office use since. As such, this relationship is accepted in this instance.



Situated to the east is a surface car park, where there are no pending or extant consents for redevelopment with a leisure use beyond, and to the south are further leisure uses, of which there are no facing openings. As such the relationship to these neighbouring uses are accepted in this instance.

Situated to the west is the former market car park, which Officers understand is currently being used as a surface car park, however notably there are no planning permissions, either pending or determined for any redevelopment. Therefore the proposed development would have an appropriate relationship to this parcel of land. It is not considered that it would prejudice the redevelopment, as the highway intervening is of such a width that an appropriate separation distance could be achieved window-to-window.

The proposed ground floor retail units would add to the night-time economy, however given the neighbouring land uses, it is not considered the operational use of these units would result in adverse levels of noise or disruption to neighbouring occupiers. These premises would require a license from the Council's licencing team to operate, which could control the hours of use etc.

It is noted that the scheme proposes refuse collection from Northminster, and the retail units proposed would in themselves generate a servicing requirement. However it is not considered the servicing of the development would give rise to unacceptable or harmful issues of noise or disturbance to neighbouring land uses.

As such it is not considered that the proposed development, by reason of scale or layout, or the associated operational use and servicing of the development, would result in an unacceptably adverse impact on the amenity of neighbouring occupiers, and the development would accord with Policy LP17 of the Peterborough Local Plan (2019).

#### **f) Future Occupier Amenity**

The detailed internal layout of the application site is reserved for later consideration. Whilst detailed floor plans have been submitted as part of this application, these are indicative only and have been submitted to demonstrate that the number of units proposed can be accommodated within the parameters of the building.

The Council's Pollution Control Officer has raised no objections to the proposal, however has advised that this is a city centre location and within the vicinity of businesses, community facilities and other activities. Therefore, the proposed residential and student units could be impacted by noise from multiple sources including but not limited to: traffic; the night-time economy; mechanical plant; deliveries and collections; and operations of the nearby local market (which include early hours). As such, a noise assessment is sought to be secured by planning condition, which would establish the noise climate for the area and whether attenuation would be required to ensure an acceptable noise level within the units. Given the known noise climate of the area it is considered an acceptable scheme could be secured in this instance, and is therefore appropriate to condition this detail.

By virtue of the constraints of the site, the proposal would not provide any on-site public open space, and this is not unusual for city centre developments. However, the application site is situated within close proximity to both the City Centre as well as Stanley Recreation ground, and would place greater demand on this Public Open Space. Accordingly, a financial contribution towards enhancements of Stanley Rec and the Burton Street allotments are sought as part of a legal agreement, and discussed in further detail below.

Officers are conscious that this scheme proposes ground floor retail and restaurant uses, which could impact the amenity of future occupiers above by way of hours of operation and alternative uses within Class E. As such, a condition shall be appended securing their use as only those which are applied for, as well as maximum hours of operation.

Subject to conditions being appended securing a noise survey and noise mitigation scheme, as

well as an off-site contribution towards public open space and use class/hours of use restrictions for the retail and restaurant use(s), the proposal would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

#### **g) Contamination**

The Council's Pollution Control Officer has raised no objections to the proposal on the basis of contaminated land. The Pollution Control Officer has advised that the use of the application site prior to the current building is unknown. Historical maps indicate that the area had a number of buildings and possibly working yards each with pump stations and the proposal for the site means that there would likely be extensive groundworks. Given that the current premises is likely to have been built on made ground, and given the unknowns of the site history and proposed extensive groundworks, a condition is sought to be attached which would deal with uncovering unsuspected contaminated land. Subject to this condition the development would make provision to protect the amenity of future occupiers, in accordance with Policies LP17 and LP33 of the Peterborough Local Plan (2019), and Paragraphs 178-180 of the NPPF (2019).

#### **h) Drainage**

The application has been accompanied by an indicative surface water drainage strategy, which highlights that the site is relatively flat, however it is 100% impermeable. As such, infiltration is unfortunately not viable due to the effect water could have on foundations. Landscaping features, such as a green/sedum roof, could be utilised to contain some surface water flows and provide some source control. The drainage scheme has been designed to follow the existing surface water disposal into Anglian Water's network with an agreed maximum discharge rate of 14l/s, and would provide attenuation for the 100 year event including 40% for climate change.

A sewer map obtained from Anglian Water (Appendix B) shows that there is a surface water sewer and a foul sewer that flows under the line of Brook Street in a southerly direction; it is assumed that the existing site is connected to the sewer(s) under Brook Street.

The Lead Local Flood Authority have raised no objections to the proposal, subject to a condition being appended securing a detailed surface water drainage scheme which would include details of maintenance. Subject to this condition the development would make provision for surface water drainage and would not constitute an off-site flood risk, and would accord with Policy LP32 of the Peterborough Local Plan (2019).

In addition to flood risk, Policy LP32 places a duty on new developments to secure efficient use of water and meet the Optional Technical Standard of 110 litres of water usage per person per day. A compliance condition shall be imposed to require the development to meet with this requirement.

#### **i) Archaeology**

The Council's Archaeologist has raised no objections to the proposal, advising evidence shows that the subject site was developed by the early part of the 20th century. Former and more recent development and associated groundwork are likely to have caused widespread truncation of potential buried remains associated with the post-medieval development of the city. On the basis of the available evidence, the proposal is deemed to have negligible implications for potential buried remains. Therefore, a programme of archaeological work is not justified. As such the development proposed is not considered to have an unacceptable adverse impact on buried remains, and would accord with Policy LP19 of the Peterborough Local Plan (2019).

#### **j) Infrastructure Contributions**

##### Affordable housing

Based on 56x open market dwellings the Applicant has committed to provide 17x affordable dwellings, which accords with Policy LP8 and the requirement to provide 30% affordable dwellings. 70% of the units would be affordable rented tenure and 30% intermediate tenure (shared ownership). This would equate to the delivery of 12 affordable rented homes and 5 intermediate tenure in this instance. This would accord with the requirements set out by the Council's Strategic

Housing Officer. In accordance with LP8, any new affordable rented homes shall be required to meet national space standards and this shall be secured by condition.

The Peterborough Local Plan does not have a specific policy on student accommodation in regard to affordable housing provision, and nor is there established case law on this matter. However, further to reviewing the position adopted by other Local Authorities in England and taking a pragmatic view, it is not considered that student accommodation constitutes dwellings in the traditional meaning and therefore it is not a requirement for those student units proposed to be counted towards the affordable housing requirement. To ensure that these units do not, in the future, become typical residential units without the necessary affordable housing being secured, the Applicant has agreed that a legal agreement shall set out that the 77x student accommodation units would remain as such in perpetuity, should planning permission be permitted. In the event of a market change which meant the proposed student accommodation was not forthcoming, triggers would be put in place as part of the legal agreement to require the 77 student units, either in part or whole, to be captured by Policy LP8 and the 30% affordable housing requirement.

#### Housing standards

In addition to securing affordable housing, Policy LP8 requires that all new residential dwellings meet with Part M4(2) of the Building Regulations (often referred to as lifetime homes as this seeks to ensure that residential units are capable of being adapted to meet resident needs throughout their lifetime). The detailed internal layout of the development is reserved for later consideration, and therefore a condition shall be applied requiring any later reserved matters submission demonstrate compliance with this.

In addition, LP8 requires that all new residential developments of 50 units or more, secure 5% as meeting Building Regulations Part M4(3)(2)(a) (often referred to as wheelchair homes). For this scheme, that would equate to 3no. units. Again, this is to be secured as a condition requiring any later reserved matters submission demonstrate compliance.

#### Public Open Space

As the proposal would not provide on-site open space, and would place additional demand upon existing open space (POS), Policy LP21 of the Local Plan requires that an off-site financial contribution be made. The nearest POS to the site is Stanley Recreation Ground and the Burton Street allotments.

The Council's Open Space Officer has advised that Stanley Recreation Ground requires significant investment to its infrastructure, and in line with Policy LP21 has sought an off-site public open space contribution of £37,899.13 (+ 5 years maintenance costs) which would go towards Open Space, Natural Green Space and Children's play improvements within Stanley Recreation Ground (£35,821.11) and Burton Street Allotments (£2,078.02).

Further to clarification from the Councils Section 106 Officer, in 2013/2014 the Council released funds of £18,467.74, secured and paid as part of 05/02003/FUL. These monies went towards infrastructure improvements at Stanley Rec and was based on 44x residential dwellings and office space. Importantly, this permission was never built out or completed, and therefore the financial contribution was spent without the development placing the demand on the City's infrastructure. Whilst the redline for that previous development was slightly different to what is currently before the LPA now, that Public Open Space (POS) contribution which the Council has spent should reasonably be discounted against this scheme. In light of the situation, Officers, including the Council's Planning Obligations Officer, are of the view that this current scheme should only be required to contribute £37,899.13 less £18,467.74, which equates to a total of £19,431.39. The Applicant has agreed to this contribution.

With regards to the 5 year maintenance cost, this matter is still subject to discussion between Officers and the Applicant, and an update will be provided to Members.

The Public Transport Team have been consulted on the application, and are not seeking any

contributions towards public transport enhancements in this instance.

Subject to securing these matters by way of a S106 legal agreement, the development would accord with Policies LP8 and LP21 of the Peterborough Local Plan (2019).

#### **k) Other Matters**

The following matters have been raised within letters of representation, but not addressed elsewhere within this report:

##### *The scheme would result in a loss of jobs, through Solstice closing;*

Officer Response:- As noted above, there is no provision for the retention of the existing nightclub, however jobs would be created as part of the proposed retail/restaurant units, as well as indirect jobs associated with the construction and on-going maintenance and servicing of the proposed uses. Notwithstanding this, the demolition of the existing premises does not require the express benefit of planning permission and therefore this cannot be considered as part of this application

##### *The retention of the nightclub should come down to a public vote rather than the higher ups*

Officer Response:- The application has been advertised in accordance with the Council's Statement of Community Involvement and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Due to the size and scale of development proposed, the application has been reported to the Planning and Environmental Planning Committee for final determination. Notwithstanding this, the demolition of the existing premises does not require the express benefit of planning permission and therefore this cannot be considered as part of this application.

##### *We have enough flats in the City*

Officer Response:- Policy LP3, LP6 and LP47 of the Peterborough Local Plan (2019) seeks to promote 'substantial new residential development' within the City Centre. Furthermore, the site is allocated for redevelopment, including residential units, and therefore the principle of residential accommodation on the site is acceptable.

## **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 application site is situated within the City Core, would provide a mix of residential, student accommodation, retail and restaurant uses as well as affordable housing. As such the proposed development would introduce a mix of residential development into the City Core, and go towards enhancing the vitality and viability of the City Centre. The principle of residential development would accord with Policies LP2, LP3, LP4, LP6, LP8, LP15 and LP47 of the Peterborough Local Plan (2019) and Paragraph 85 of the NPPF (2019);
- The proposed scale and layout of development would not harm the significance of the Grade I listed Cathedral building or the City or Park Conservation Areas above and beyond development which has previously been granted permission on the site, it would not have a harmful impact on buried archaeology, and would not harm the character or appearance of the immediate area. As such, the proposal would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraph 196 of the NPPF (2019);
- The proposed scale and layout of development would not have an unacceptable harmful impact to neighbouring amenity, and would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and Paragraph 180 of the NPPF (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);
- The development would make provision for surface water drainage and uncovering unsuspected contamination, and would accord with Policies LP32 and LP33 of the Peterborough Local Plan,

and Paragraphs 178-180 of the NPPF (2019); and

- The development would secure 17x affordable dwellings, a fall back in the event that the student accommodation becomes available on the open market, and off-site public open space enhancements towards Stanley Recreation ground and Burton Street Allotments, and would therefore accord with Policies LP8 and LP21 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Outline Planning Permission is **GRANTED** subject to signing a Section 106 legal agreement and the following conditions:

- C 1 Approval of details of the internal building layout, appearance and landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 5 The plans and particulars to be submitted under Condition 1 above shall accord with the site layout and building height parameters shown on the following drawings:

- (00)200 A (Location Plan)
- SOLH-NOR-T1-(00)400 A03 (Illustrative Site Plan)
- PL04 A05 (Proposed GA Elevations)
- PL05 A05 (Proposed GA Section AA and BB 1 of 2)
- PL06 A05 (Proposed GA Section CC and DD 2 of 2)

Reason: For the avoidance of doubt and to ensure the development accords with the reasoning and justification for granting permission.

- C 6 No development other than groundworks and foundations shall take place unless and until details of the proposed external materials to be used for the development have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number.

The development shall not be carried out except in accordance with the approved materials.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 7 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).

- C 8 No development shall commence on site unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively the following):-

- Hours of working and deliveries;
- Haulage routes to/from the site up to the point whereby vehicles join the City's parkway system;
- Parking, turning and loading/unloading areas for all construction/contractors vehicles;
- Details of any road closures/lane restrictions;
- Site compounds/storage areas;
- Temporary access points;
- Temporary traffic management measures;
- All temporary and permanent works to support the adjacent public highway;
- Wheel cleansing facility details; and
- Dust and noise control measures

The construction works shall thereafter only take place in strict accordance with the approved Construction Management Plan.

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.

- C 9 The plans and particulars to be submitted under Condition 1 above shall include a car and cycle parking layout to serve the development comprising of:

- Not more than 36no. car parking spaces;
- 77no. cycle parking spaces for use associated with the student accommodation; and
- 60no. cycle parking spaces for use associated with the residential units.

The car and cycle parking shall be provided in accordance with the approved details prior to first occupation of the accommodation/unit to which they relate, including demarcation/numbering of spaces. It shall thereafter be retained solely for the parking of vehicles and cycles in connection with the student accommodation/residential units hereby permitted in perpetuity.

Reason: To ensure the development is provided with satisfactory parking and to encourage more sustainable methods of travel to/from the site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C10 Notwithstanding the details shown on the approved drawings, the plans and particulars to be submitted under Condition 1 above shall include details of a revised vehicular access from Brook Street, in the broad position shown on drawing number SOLH-NOR-T1-(00)400 A03 (Illustrative Site Plan). The revised access shall be of a simple dropped crossing design, to a width of xx metres, and with provision of vehicle-to-pedestrian visibility splays measuring 2 metres x 2 metres (measured from and along the back edge of the public highway) to either side.

The vehicular access shall be constructed in accordance with the approved plans and particulars, and prior to first occupation of any residential unit, student accommodation or commercial unit hereby permitted.

The vehicle-to-pedestrian visibility splays shall be maintained thereafter free from any obstruction above a height of 600mm from ground level in perpetuity.

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

C11 The gradient of the vehicular access shall not exceed 1:50 for a distance of 10 metres from the back edge of the existing public highway.

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

C12 Prior to the first occupation of any part of the development hereby permitted, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The parking on site shall thereafter be managed in accordance with the approved Car Parking Management Plan in perpetuity.

Reason: In order to ensure that sufficient car parking and turning remains available on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C13 Prior to first use of the new vehicular access hereby permitted, any existing access points into the site from the public highway shall be permanently closed to vehicular traffic in accordance with details first submitted to and approved in writing by the Local Planning Authority.

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

C14 Prior to first occupation of any residential unit or student accommodation hereby permitted, a community safety and crime reduction strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include (but not limited to): audio access control system(s) to serve the residential units/student accommodation; access control to the basement parking area; lighting to the basement parking area; and any closed circuit television (CCTV) provision within the development.

The approved community safety and crime reduction strategy shall be implemented in full prior to first occupation of any residential unit/student accommodation and thereafter retained and maintained as such in perpetuity.

Reason: In the interest of protecting the amenity of future occupiers from crime and anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C15 The development hereby permitted shall not be begun unless and until details of the design, implementation, maintenance and management of the sustainable drainage scheme, in accordance with the submitted Drainage Strategy (Rev. P01 dated 30/06/2020 (P20055-SMCE-ZZXX-RP-D-0001)) have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include, but are not limited to:

- a) Information as to the design storm period and intensity, discharge rates and attenuation volumes (both pre- and post-development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Confirmation of source control and how run-off is collected from all hardstanding;
- c) Flood water exceedance routes, both on and off site;
- d) Construction details of all drainage assets, which includes cross sections of the proposed green roof; and
- e) Management and maintenance schedules for the lifetime of the development and details of the parties responsible for said maintenance; and
- f) Demonstration that the details meet the government's national standards.

Thereafter, the development shall be implemented in accordance with the approved details, and thereafter retained, managed and maintained in perpetuity.

Reason: In the interest of ensuring the development is served by a suitable surface water drainage scheme, and preventing surface water run-off, in accordance with Policy LP32 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

- C16 No development other than groundworks or foundations shall take place unless and until provision has been made for fire hydrants in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that sufficient resources are available for firefighting in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C17 No development shall take place above slab level unless and until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted noise assessment shall include (but not limited to) an assessment of the immediate daytime and night-time noise climate, traffic, the night-time economy, nearby mechanical plant, deliveries and collections, and operation of the nearby local market. The noise assessment shall also include details of any necessary mitigation.

Any approved noise mitigation measures shall be implemented in full prior to first occupation of each residential unit/student accommodation to which it relates, and retained and maintained as such in perpetuity.

Reason: In the interest of protecting the amenity of future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and Paragraph 180 of the NPPF (2019).

- C18 The plans and particulars to be submitted under condition C1 above shall include a scheme for the storage and collection of refuse to serve the residential units, student accommodation and commercial units. The approved scheme shall be implemented in full prior to first occupation/use of the unit/accommodation to which it relates and thereafter retained and maintained as such in perpetuity.



Reason: To ensure that refuse from the development is adequately stored and collected in the interests of residential amenity and highway safety, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

- C19 Notwithstanding the provisions of Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the residential units hereby permitted shall be dwellinghouses within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of meeting the needs of small-scale houses in multiple occupation in terms of cycle or bin provision, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

- C20 The ground floor retail and restaurant units hereby permitted shall be occupied for uses within Class E(a) and Class E(B) only, and for no other purpose including any other use within Class E of Part A 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 revoking and re-enacting that Order with or without modification).

Reason: In order to protect the vitality and viability of the City Centre, and because the infrastructure and cycle parking requirements of the development have been based upon the development comprising residential units only and not small-scale houses in multiple occupation, in accordance with the Policies LP6, LP13 and LP47 of the Peterborough Local Plan (2019).

- C21 The student accommodation units hereby permitted shall be occupied for the purposes of student accommodation only, and for no other purpose 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 revoking and re-enacting that Order with or without modification). Any communal areas associated with the student accommodation shall be provided prior to the first occupation of the first student unit, and thereafter retained and maintained as such in perpetuity.

Reason: In order to protect the vitality and viability of the City Centre, and to ensure the amenity of future occupiers, in accordance with the Policies LP6, LP17 and LP47 of the Peterborough Local Plan (2019).

- C22 The plans and particular to be submitted under condition C1 above shall:

- i) Identify and illustrate the location and layout of 17no. affordable housing units to be provided;
- ii) Demonstrate that all affordable units proposed for affordable rented tenure meet minimum national space standards (as defined by the Building Regulations);
- iii) Demonstrate that all residential units meet with Building Regulations Part M4(2); and
- iv) Identify and illustrate the location and layout of 3no. housing units which meet Building Regulations Part M4(3)(2)(a).

Reason: For the avoidance of doubt and to ensure that the development meets with the requirements of Policy LP8 of the Peterborough Local Plan (2019).

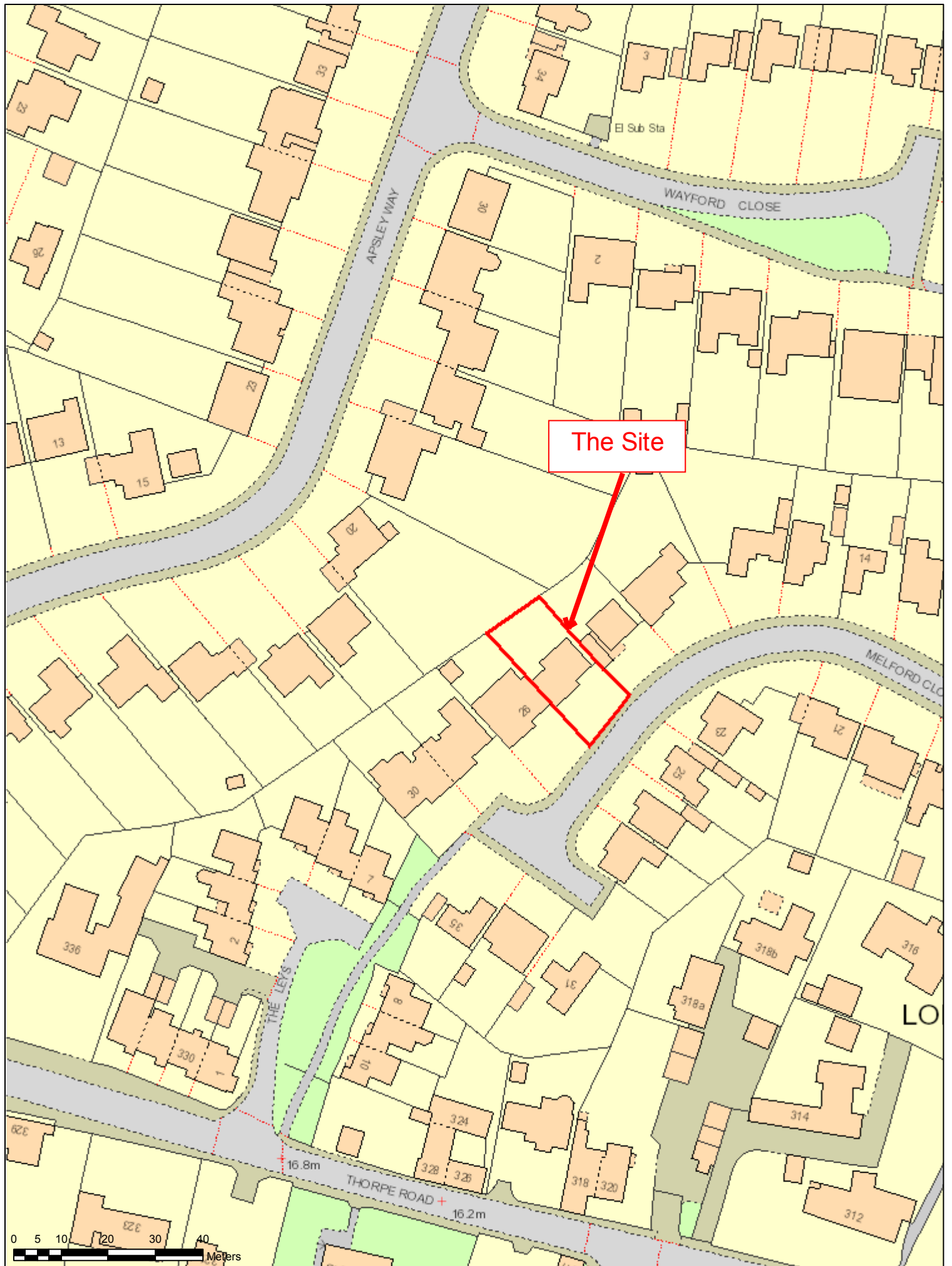
C23 The development hereby permitted shall be constructed to ensure that each residential unit achieves water usage of no more than 110 litres per person per day.

Reason: In order to reduce the impact of the development upon the water environment, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

C24 Prior to first use the Class E(a) and E(b) units hereby permitted, a scheme for the hours of use/operation of those units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, those units shall operate/open in accordance with the approved scheme in perpetuity.

Reason: In order to protect the amenities of neighbouring occupants, in accordance with Policy LP17 of the Local Plan (2019).

Copies to: Cllr Hussain, Cllr Iqbal and Cllr Jamil



Committee Location Plan 20/01642/HHFUL 24 Melford Close Longthorpe Peterborough PE3 9NG. NTS

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**Application Ref:** 20/01642/HHFUL

**Proposal:** Proposed single storey front and rear extension and two storey side extension

**Site:** 24 Melford Close, Longthorpe, Peterborough, PE3 9NG  
**Applicant:** Mrs N Naseeb

**Agent:** Mr Robert Gooding  
 GOOD-DESIGN-ING LTD

**Referred by:** **Head of Planning Services**  
**Reason:** **The applicant is a relative of Cllr Amjad Iqbal**  
**Site visit:** 18.01.2021

**Case officer:** Susan Shenston  
**Telephone No.** 01733 453410  
**E-Mail:** Susan.Shenston@peterborough.gov.uk

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

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

**Site and Surroundings**

The application site comprises of a detached two storey dwelling with attached single storey flat roof side garage. It is located in a residential cul-de-sac, within a predominately residential area. The property is set back from the road frontage with a driveway area for car parking and garden area, on the property frontage. It is bounded on either side by the adjacent residential properties on Melford Close, and to the rear by the residential properties on Apsley Way. On the opposite side of the road from the site are the further residential houses of Melford Close.

**Proposal**

Permission is sought for a single storey front and rear extension, and a two storey side extension. The plans originally submitted with this application, proposed a two storey front extension. However, amended plans have been received during the course of the application changing the front extension from a 2 storey to a single storey extension.

The proposed single storey front extension would provide the property with a new entrance hall. It would have a pitched roof design and would extend approximately 3m beyond the property frontage elevation at its furthest point, and 1.60 metres beyond the existing garage and lobby/porch. It would measure approximately 4.5m in width, and have a maximum height of 3.45 metres and 2.4m to eaves height. A canopy structure would extend from the side of the new extension in front of the lounge window to the side of the property.

The 2 storey side extension would be set back slightly from the property frontage and set down slightly in height from the main ridgeline. At ground floor level it would accommodate a garage and kitchen, and at first floor an en-suite bedroom.

The single storey rear extension proposed would have a flat roof design with 3 roof lanterns and would extend beyond the rear elevation by 3 metres. This extension would cover the whole width of the rear of the property including the proposed side extension and would have an overall height of approximately 2.85 metres, with the roof lanterns projecting approximately 0.3 metres above

this. This extension would accommodate the extended kitchen, family and dining rooms.

The extensions would be all be finished in materials that match those on the existing dwelling.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
07/01531/FUL	First floor side extension and replacement of flat roof over porch with pitched	Permitted	14/11/2007
20/00952/HHFUL	Proposed single storey front and rear extension and two storey side extension	Permitted	16/11/2020

## **3 Planning Policy**

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

### **Peterborough Local Plan 2016 to 2036 (2019)**

#### **LP13 - Transport**

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.

#### **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.

## **4 Consultations/Representations**

**PCC Tree Officer** No Objection - The above site is not within a conservation area and there are no tree preservation orders adjacent to the site. I do not believe, the direct construction works to form the extensions will have a detrimental or adverse long term effect on any trees on or adjacent to the site.

Please condition tree protection measure by way of a Tree Protection Plan (TPP) to ensure the Robinia in the front garden and the two Purple Leaved Plums adjacent to the rear property

boundary are not adversely affected by associated construction related works, including, ground compaction and disturbance, the storage of materials, mixing of cement and the washing out of cement mixers and wheel barrows etc. The TPP should include details of both fencing and ground protection measures, as considered necessary.

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

Initial consultations: 6

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection was received after the first round of consultation from a neighbour. Their key objections are:

- The proposed extension to the first floor bedroom and ground floor entrance hall are beyond the building line which would have a negative/adverse visual impact which is out of character in both the street and local area.
- There is a static concrete outbuilding and large raised decking platform not shown on the existing site plan which makes it difficult to understand from the plans how far the extension at the back is going to be.
- The raised roof lanterns on the proposed rear extension may cause a light nuisance in the evening/night.
- The works would be highly disruptive.
- To minimise the impact on life in the street planning officers should propose a reasonable timeframe from start to completion of works.

No further objections were received after the second round of consultations.

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

The main considerations are:

- Planning History
- Design and impact on the character and appearance of the site and the surrounding area
- Neighbour amenity
- Highway safety and parking provision
- Trees
- Other matters raised

### **a) Planning History**

Planning permission was granted in November last year under planning reference 20/00952/HHFUL for a single storey front and rear extension, and a two storey side extension. This application was determined under delegated powers because Officers were not made aware that the applicant was related to a Councillor. Under this current application Officers have been made aware that Cllr Amjad Iqbal is the brother in law of the applicant, hence why the application comes before Committee for determination. During the course of the last planning application Officers negotiated amendments to the submitted proposal by reducing the proposed 2 storey front extension to a single only and reducing its footprint from 3m projection to 2m projection.

### **b) Design and impact to the character and appearance of the site and the surrounding area**

Melford Close is a residential cul-de-sac comprising of both two storey dwellings and bungalows. There are varying design and styles of properties along Melford Close, however generally dwellings of a similar designs are grouped together in about 4-6 properties before the character changes.

The only difference between this application and the previously approved application 20/00952/HHFUL is that the proposed single storey front extension would now project 3m outwards from the property frontage at its maximum point, rather than the previously approved 2m.

The two storey side extension proposed has been designed to appear subservient from the main house by setting it back slightly from the property frontage and setting it down in height from the main ridgeline. Whilst the extension would extend to the side boundary, an approximate 1m separation distance would remain between this and the side of the neighbouring property to prevent a terracing impact resulting. The siting, design and materials of the proposed 2 storey side extension would be in keeping with the existing property and would have no adverse visual impact on the surrounding streetscene. The 2 storey side extension proposed is identical to that approved under the previous application.

Similar to the last application, this application was submitted proposing a 2 storey front extension. Under the last application Officer's negotiated the removal of the first floor accommodation of this extension and a reduction in forward projection from 3m to 2m on the ground floor. It was considered a 2 storey extension proposed on the property frontage would be excessive and out of keeping with the scale and proportions of the host property and detrimental to the visual character and appearance of the streetscene. Officers reiterated these concerns under this application, and the applicant agreed to delete the first floor, and propose a single storey front extension only, but they wanted to retain the 3m projection rather than reduce this down to 2m as previously approved. A neighbour has objected because they feel this additional projection beyond the established building line of the garages and porches in the street would be visually detrimental to the character and appearance of the streetscene. However Officers on balance do not agree with this view. We do not consider the change between a 2m deep front porch and a 3m deep front porch in terms of its visual appearance in relation to the property and the surrounding streetscene would be significant or so harmful that would warrant a refusal of planning permission. This is particularly as the extension would be set back 7.5m from the site frontage.

The proposed single storey rear extension is considered to be of an acceptable size and scale in keeping with the existing property. Whilst a flat roof is proposed it would be screened entirely from the street scene by the existing dwelling and would use matching materials and therefore would not result in any visual harm.

Therefore, the siting, scale and design of the proposed extensions are considered to be in keeping with the character and appearance of the existing property. It is not considered the additional 1m projection of the proposed front extension would in visual amenity terms render the extension unacceptable. Therefore Officers consider that the proposed extensions would not result in any unacceptable harm to the character and appearance of the site or the surrounding streetscene, in accordance with Policy LP16 of the Peterborough Local Plan 2019.

### **c) Neighbour amenity**

No. 20 Apsley Way, the property to the rear of the application site, is positioned approximately 40m away. Therefore the proposed single storey rear extension and 2 storey side extension would not have any adverse impact on the neighbouring amenity in terms of reduced privacy or overbearing or overshadowing impacts.

In respect of the impact on No.22 Melford Close, which is positioned to the north side of the application site, the single storey rear extension would be positioned 1.3m in from the adjoining side with this property. This neighbouring house is set off this side boundary by their intervening garage. The extension would project 3m outwards from the rear of the existing house. Therefore it is not considered that any unacceptable overbearing or overshadowing impact would result. The height to the top of the 3 x roof lanterns proposed would be approximately 3.15m from ground level and the edge of the nearest roof lantern would be 2.25m from the boundary with No. 22. Therefore due to the separation distances and relationship between these two properties, it is not considered



that the roof lanterns would cause significant light pollution or nuisance for this neighbour. The single storey front extension, whilst south of this neighbour due to the set back from the side boundary, and the size and scale would not result in any unacceptable overbearing or overshadowing impact for this neighbour. Whilst 2 long narrow hall side windows are proposed they would face on to the side wall of that neighbour's garage and their driveway and front garden area and so are not considered to be unacceptable in privacy terms.

No.26 Melford Close is the neighbouring property on the southern side of the application site. The two storey side extension would be positioned adjacent to this property. It would be set off the side by approximately 0.15m, however this neighbouring property is set approximately 1m in from this side boundary, which gives an acceptable separation distance. This neighbouring property has a two storey blank gable with no windows facing the proposed 2 storey extension so no adverse overbearing impact would result. In respect of the proposed single storey rear extension that would sit along the side boundary with this neighbour, the extension would project outwards of 3m beyond the rear elevation, similar to the rear conservatory on No.26 and there would be approximately 1m separation distance between these structures. Therefore it is not considered there would be any adverse overbearing impact on this neighbour.

Therefore, it is Officers view that the proposed extensions would not have an unacceptable impact on the residential amenity of any surrounding neighbours, in accordance with Policy LP17 of the Peterborough Local Plan 2019.

#### **d) Highway safety and parking provision**

Under the Council's adopted car parking standards, two parking spaces are required to serve dwellings with two or more bedrooms. The existing property is a 4 bedroom property, and one additional bedroom is proposed, therefore no additional car parking spaces would be required to meet our parking standards.

The existing garage area that would remain is only approximately 5.2m depth and would so would not be large enough to be counted as a useable parking space in accordance with our current parking standards. A 6m internal garage depth would be required for a usable parking space. However the property has a paved driveway parking area on its frontage which is large enough to accommodate 2 parking spaces, therefore an acceptable car parking provision would remain on site after the proposed development.

On the basis of the above, the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

#### **e) Trees**

The City Council Tree Officer has requested a Tree Protection Plan to ensure the Robinia in the front garden and the two Purple Leaved Plums adjacent to the rear property boundary are not adversely affected by associated construction related works. This has been included as a compliance condition detailing the British Standard level of fencing that is required prior to any works starting.

On the basis of the above, the proposal is considered to be in accordance with Policy LP29 of the Peterborough Local Plan (2019).

#### **f) Other matters raised**

In respect of the concerns that plans submitted make it difficult to understand how for the rear extension would project, the full detailed plans have been submitted with the application. The floor plans have the dimensions marked on to show that the rear projection of the single storey extension would be 3m from the rear of the existing house.

In respect of the neighbour concerns raised about the duration of construction works and their impact on neighbours, unfortunately the planning process has not control in respect of how long the construction process takes and so cannot impose any restrictions as requested. There will be an element of disruption during all construction works, but it would only be temporary period. The applicant will be reminded that normal and reasonable working hours for building sites are considered to be 8am to 6pm Monday to Friday and 8am to 1pm on Sundays. If any activities take place beyond these that cause a statutory noise nuisance then this can be investigated by the Council's Pollution Control and Environmental Health team, and details of how to report a noise or nuisance can be found on the Council's website, or by phoning the Council.

## **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 proposed extensions would not acceptably impact upon the character and appearance of the site or the surrounding streetscene, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).
- Neighbours surrounding the application site would retain an acceptable standard of amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- There would be an acceptable provision of on-site parking spaces to serve the dwelling, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The Executive Director of Place and Economy 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 extensions hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Existing Plans and Location Plan (Drawing number 201154-01)
- Existing Elevations (Drawing number 201154-02)
- Proposed Plans (Drawing number 201154-03 Rev B)
- Proposed Elevations (Drawing number 201154-04 Rev B)
- Existing and Proposed Site Plans (Drawing number 201154-05 Rev B)

Reason: For the avoidance of doubt and in the interests of proper planning.

- C 4 Prior to the commencement of development including demolition, the trees shown on the approved plans to be retained shall be adequately fenced in accordance with BS5837:2012 (or any British Standard revoking or re-enacting that Standard with or without modification). The fencing shall be retained throughout the period of construction/demolition; the ground level shall not be altered within the fenced areas without the prior written consent of the Planning Authority; and no materials shall be stored within the fenced areas at any time.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

Copies to: Cllr Lynne Ayres and Cllr Wayne Fitzgerald

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