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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 23 NOVEMBER 2021

1.30 PM

Engine Shed, Sand Martin House, Bittern Way

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 19 October 2021** 5 - 14
5. **Development Control and Enforcement Matters**
 - 5.1 **21/01151/R4OUT - Former Peterborough Market And Car Park Site Northminster Peterborough** 15 - 76
 - 5.2 **21/00913/FUL - 197 Crowland Road Eye Green Peterborough PE6 7TT** 77 - 90
 - 5.3 **21/01418/HHFUL - 54 Tollgate Bretton Peterborough PE3 9XA** 91 - 100
6. **Appeals Quarterly Report Jul-Sep 2021** 101 - 108



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Committee Members:

Councillors: C Harper (Chairman), P Hiller (Vice Chairman), R Brown, Warren, Iqbal, Jones, Hogg, Bond, Dowson, Hussain and Sharp

Substitutes: Councillors: B Rush, M Jamil, Bond and Yurgutene

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

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Sylvia Bland, Janet MacLennan, David Jolley, Louise Simmonds,, Amanda McSherry, Matt Thomson, Asif Ali, Michael Freeman, Jack Gandy, Carry Murphy, Mike Roberts, Karen Ip, Shaheeda Montgomery and Susan Shenston

Minerals and Waste: Alan Jones

Compliance: Jason Grove, Amy Kelley and Alex Wood-Davis

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.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 19 OCTOBER,
ENGINE SHED, SAND MARTIN HOUSE, BITTERN WAY, PETERBOROUGH**

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

Officers Present: Sylvia Bland, Development Management Group Lead
Karen Dunleavy, Democratic Services Officer
Chris Gordon, Planning Solicitor
Nick Greaves, Principal Engineer
Emma Naylor, Senior Strategic Planning Officer

25. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Sharp and Ishfaq Hussain. Councillor Rush was in attendances as substitute.

26. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 7 SEPTEMBER 2021

The minutes of the meeting held on 7 September 2021 were agreed as a true and accurate record.

27. DECLARATIONS OF INTEREST

No declarations of interest were received.

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

There were no declarations to speak as Ward Councillor.

29. STATEMENT OF COMMUNITY INVOLVEMENT

The Committee received a report on the Statement of Community Involvement.

The purpose of the report was to present the Planning and Environmental Planning Committee as part of the formal process towards adopting an updated Statement of Community Involvement (SCI).

Senior Strategic Planning Officer introduced the report to Members and asked for them to endorse the SCI before formal approval at Cabinet.

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

- There had been no formal consultation on the SCI as the Local Authority (LA) was not obliged to do so.
- Meetings could be held on a virtual platform and this could be included within the SCI document.

RESOLVED:

The Planning Environment Protection Committee considered and endorsed the updated Statement of Community Involvement (SCI) to Cabinet, prior to Cabinet considering whether to formally adopt the updated document. The Committee **RESOLVED** (9 For, 1 Abstention) to **ENDORSE** the Statement of Community Involvement.

AGREED ACTION

The Committee endorsed the report and agreed that the wording in relation to approval of smaller planning applications would be amended to state Ward Councillor instead of District Councillor.

REASONS

Peterborough City Council (PCC) were required, by regulations, to review their SCI every five years, from the date of adoption. Adoption of the SCI would ensure that PCC continued to satisfy the regulations regarding SCIs.

30. PLANNING AND ENFORCEMENT MATTERS

30.1 21/00477/FUL - 17 CROWLAND ROAD

The Committee received a report, which outlined the conditions that the applicant had not agreed to since planning consent was approved by the Committee on 6 July 2021: C10 and C11

In addition, the Committee was informed of a minor change requested by the applicant to proposed Condition 3 which secured opening hours, the Agent requested that to tally the online hours for Saturday the opening hours should be amended from 08.00am-12.00noon to 08.00am-1.00pm.

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report. The Officer recommendation had changed to one of **APPROVAL** since the report had been published:

Officers proposed to alter Condition 10 to remove the personal restriction and clarify the relationship between the main use (window tinting) and the ancillary uses. Upon further consideration, it was considered that an amended Condition 10 alongside a new condition 12 would ensure that the permission would still restrict the use to windowing tinting purposes only, ensure that the other spaces within the proposal remain ancillary to that use and prevent sub-division of the space which may not require planning permission. Sub-division of the development may result in additional parking movements, need for additional parking provision, additional impact on neighbouring properties and impact on the character of the site.

This would have similar restrictions to that which was sought to be achieved by way of a personal permission. The altered conditions included:

C10 - The space within the building hereby approved labelled 'Workshop', on the approved drawing no.4690/2 would be used solely for the application of window tint to motor vehicles, and the other spaces within the building hereby approved labelled 'Store' and 'Office' and 'Reception' would remain ancillary uses for the window tinting use.

C11 - by removing 'sub-unit' and replacing with 'space', to avoid any confusion in relation to business units or sub-units. The rest of the condition remained unchanged.

C11 - The space within the development hereby approved labelled as 'hobbies (classic cars)' on the approved drawing no.4690/2 would be only used in conjunction with the occupation of the dwelling known 6 as 17 Crowland Road and would only be used for ancillary purposes to 17 Crowland Road.

C12 - The spaces within the building hereby approved labelled 'Store', 'Workshop', 'Office' and 'Reception' on the approved drawing no.4690/2 would not be sub-divided and no mezzanine floors would be inserted, without prior written approval of the Local Planning Authority.

The removal of the personal restriction from within C10 meant that a further condition was required to ensure there would be no adverse intensification of the site by way of sub-division, which would not necessarily require planning permission.

Mr Kevin Rayner, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposed parking for 17 Crowland Road was the same distance as social distancing of 2m adjacent from the objector's property.
- The applicant had informed the Committee of inaccurate distances between properties.
- There were trees and hedges that had not been indicated on the planning application and there were inaccuracies between the application and the planning report. In addition, it was felt that the trees near the objector's property would be destroyed.
- There was a clear height difference between the applicant's and objector's property which had demonstrated that there had been a privacy intrusion and noise impact.
- Complaints had been registered in relation to the noise impact.
- There was a vintage fire engine clearly visible from the objector's property. However, the objector had stated that the hobbies garage was mainly for renovations on cars.
- There had been a total compromise of the applicant's entire living area, which included a living room, dining room, kitchen area, patio and a bedroom.
- Conversations had taken place with the Director of Planning, who had empathised with the applicant.
- It was felt that the height, workshop dimensions, boundary and parking places of the applicant's premises would cause an impact on lorry manoeuvres and lead to reverse manoeuvres onto a busy road.

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

- The applicant agreed with the amended conditions however, condition 3 and 11 were not welcomed. There had also been a confusion over what conditions were being imposed.
- The applicant was concerned about the implementation of condition 10 in relation to the development permitted use would be only for his personal use. It was envisaged by the applicant that the hobbies garage could be sold for retirement or could be passed onto family members as inheritance. Therefore, the applicant had desired an EG classification instead.
- The agreement with the owner of 17 Cromwell Road was to purchase the whole site for a hobbies garage and store the owners fire engine, which would remove it from the neighbour's view. If 17 Cromwell Road was sold the site would be tied to the new owners which concerned the applicant. Furthermore, the applicant felt that the connected use of the land should be removed as he had purchased it and it would not cause parking issues for the 17 Cromwell Road owners.
- The hobby garage window tinting was not common business and if it was restricted to the use class rather than to the applicant personally, then it could be sold on for that purpose only. This in turn would protect the neighbours.

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

- Members were informed that the amended condition 3 had related to operating times from 1 – 5pm.
- Clarification was provided to Members over condition 10, which was proposed in order to restrict the commercial business use of the premises to window tinting only. The applicant had requested an E(g) classification, however, this would risk the business changing to a different use if sold in the future. This could cause issue for numbers 17 and 19 Crowland Road in the future.
- Condition 11 would ensure that the premises being tied into 17 Crowland Road would restrict future the use and increase in noise disruption for that property. Members commented that an E(g) classification would allow a noisier business to operate in the hobbies garage and that to restrict this type of commercial activity was acceptable.
- Members commented that the conditions proposed by Officers were reasonable.
- Members were advised that they were being requested to vote on the whole application.
- Members commented that it had seemed sensible to hobbies business should be personalised to the applicant in order to avoid nuisance to the neighbouring properties.
- Some Members felt that there was not enough separation from an industrial area and a domestic area.
- Some Members felt that implementation of a hobbies area could be more calming rather than industrial environment.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (7 For, 2 Against, 1 Abstention) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

- In the interest of neighbour amenity, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- In the interest of the current and future occupier amenity of 17 Crowland Road, in accordance with Policy LP17 of the Peterborough Local Plan (2019).
- In the interest of neighbour amenity and highway safety, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

30.2 21/00832/HHFUL 40 WESTWOOD PARK ROAD

The Committee received a report, which sought permission for a revised scheme submitted for determination. The initial scheme included:

- Alterations to the front elevation to create an enclosed porch;
- The removal of the existing garage and summer room and replacement with a ground floor rear extension. This extension would project beyond the existing rear wall by 12.8 metres;
- A first-floor level rear extension projecting beyond the rear wall by 5.7 metres to create two en-suite bedrooms.
- A loft conversion for an additional two en-suite bedrooms with Velux rooflights.
- An annexe sited next to the rear boundary with dimensions of 6.45 metres deep x 10.81 metres width to accommodate a gym, shower room, sauna, kitchen and seating area.
- The applicant was requested to remove the proposals for the annexe, to reduce the depth of the first-floor extension by 1 metre and to reduce the depth of the ground floor extension in line with the rear extension at 42 Westwood Park Road.

The revised scheme removed the annexe entirely and reduced the depth of the first-floor extension, however, the applicant had not agreed to reduce the depth of the ground floor extension.

The current proposal would create a seven-bedroom property. It would also provide for two car parking spaces on the driveway. The proposed roof and facing materials would match the existing dwelling. The various elements of the proposals would comprise:

- Alterations to the principal elevation to create an enclosed porch;
- The removal of the existing garage and summer room and replacement with a ground and first floor rear extension. The proposed extension would extend the existing dwelling to the south by 1.7 metres;
- The ground floor rear extension would have an overall depth of 12.8 metres providing an open plan kitchen, dining and living area. Part of the ground floor extension would project 8m beyond the first-floor extension with a flat roof to a height of 3.2 metres;
- The first-floor rear extension would extend by a reduced depth of 4.7 metres providing two en-suite bedrooms. It would have a hipped roof to match the existing dwelling;
- loft conversion for two en-suite bedrooms with rooflights.

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report.

Mr Richard Perkins, objector, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The objector stated that the applicants not been in consultation with him in relation to the development plans. Furthermore, mediation had been requested to resolve the conflict, however, there had been no progress on this.
- The objection was for the first-floor extension, and it was uncertain why the applicant was being permitted to an extra 1.2 metres.
- There was a boundary wall near the objector's living area and fence and the development would be located too close to the objector's property, which would cause and issues with foundations and access to maintain the boundary wall. Furthermore, the applicant could apply to locate his extension closer to number 38 Westwood Park Road.

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

- The rear single storey extension proposal had caused issues which had resulted in the Officers recommendation of refusal. Furthermore, there had been an objection in relation an overbearing impact on the neighbouring seating area as a result of the proposed development.
- There had been an extension built by the objector at number 42 Westwood Park Road which was visible from the applicant's sitting room, and it had been felt that a double standard approach had been applied. There had also been gap at number 42, which was the same distance that had been proposed by the applicant's proposal.
- There had been an extension at number 50 Westwood Park Road, which was larger than proposed by the applicant.
- There had also been extensions on neighbouring properties on Westwood Park Road with a shorter gap between houses than what had been proposed by the applicant.
- A complaint had been made in relation to the Applicant's treatment through the planning process.

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

- Members were advised that three parking spaces had met the standards for the proposed extension.
- Members were advised that the planning process had taken a longer timescale due to the negotiation undertaken to adjust the size of the extension, however, was felt that a compromise could not be reached with the Applicant and that the final proposals would result in over development which would impact on number 42 Westwood Park Road.
- The flat roof could be condition for the use of a Juliet balcony only if the proposal was approved.
- Members were advised that there had been some negotiations throughout the planning proposal to amend the layout, however, this option had been exhausted.
- Members commented that the proposal had not appeared to be any amenity loss however, the massing would present an overbearing impact. Members were advised that the Juliet balcony could also present an overlooking view from side to side.

- Members were advised that the impact on the amenity of the neighbours living room had concerned Officers.
- Members were advised that permitted development had existed for the proposed site but had not allowed high extensions close to a boundary. In essence, there presented a concern for the neighbours.
- Some Members felt that the parking bays would not be enough for the property following the extension.
- Members commented that the applicant had been over ambitious with their proposals and felt concerned about the Juliet balcony. The ground floor element was also too big.
- Members commented that the land could accommodate the proposed extension, however, it would be detrimental to the neighbours.
- Members were concerned with the mass of the proposal and 1.2 metres of wall sticking up above a fence next to a patio with a gap of 30cm was overbearing.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **REFUSE** the application. The Committee **RESOLVED** (9 For, 1 Abstention) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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

- The proposed development, by virtue of its siting, height, scale and orientation of the single storey rear extension, would result in an unacceptably overbearing impact to the adjacent residential dwelling of No.42 Westwood Park Road. The proposal would result in significant overbearing impact to the immediate outdoor seating area and main habitable spaces located to the rear of the property such that unacceptable harm to the amenity of occupants would result. The proposal was therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

30.3 21/00335/FUL - NEWPORT FARM, NEWPORT WAY, UFFORD, STAMFORD

The Committee received a report, which sought permission for the construction of a single dwelling house, formation of pond and re-wilding of land.

The proposed dwelling would for all intents and purposes demolish the existing barn, and in its place erect a new dwelling within the original footprint and roofscape of the existing building.

At ground floor there would be an entrance, snug, study, open plan living, dining and kitchen space, a boot room and utility space, larger and plant room, with a guest suite with its own en-suite bedroom and living room. At first floor, there would be three en-suite bedrooms, all served by roof terraces.

Materials proposed include dry stone walling, vertical oak boarding and zinc cladding with a zinc roof. Solar panels were proposed on the southern elevation. The scheme included provision for parking two cars on the driveway.

The Applicant had set out within the Covering Letter, and expanded upon within the Design and Access Statement, that the principle of residential development had been established

due to the 2020 prior approval application. The Agent referred to case law and a scheme which was approved by South Kesteven District Council, whereby this approach was supported by Officers.

The Development Management Group Lead introduced the item and highlighted key information from the report and the update report, which included updated conditions and an additional representation.

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

- The applicant was not a property developer and had bought Newport Farm to provide a home for his family.
- The original permission was for a class Q scheme and the parish council had stated that the revised proposal had gone against these principles.
- When considering a class Q building project, the agent would look to respect the original built form. The design had been defined by the scale and mass of the existing grain barn.
- There were little class Q developments that had been implemented as originally conceived. The legislation had promoted the two-stage design approach with Q class developments. It was astounding that anyone would think that the approved scheme had been a better design than the final proposal.
- The proposal was designed from the outside in, which had taken an undesirable building and elevating it to a higher quality. In summary the proposal had promoted an innovative alternative to the approved scheme that would provide a family home that would not only act as a reminder of its heritage but add to the architectural diversity of Ufford.
- The proposed heat source pumps would be air sourced to provide hot water and heating to the property.

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

- Members were advised that permitted development rights under Class E for outbuildings would be removed to ensure that the appropriate planning permissions were sought for the erecting of a shed or summer house, however, a dog kennels would not be classed as an outbuilding.
- Members commented that they had not agreed with the Parish Council's assessment of the design. Furthermore, it was felt that the design was striking and one that had resembled the building that it would replace.
- Members commented that the design was of a high quality. There were equal dissenters as supporters of the proposal, however, it would be contentious in a rural setting.
- The design was in keeping with the design of the original barn and was of a high standard.
- Members commented that the proposal was a better design than the original approved design and the conditions had been effectively applied.

RESOLVED:

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

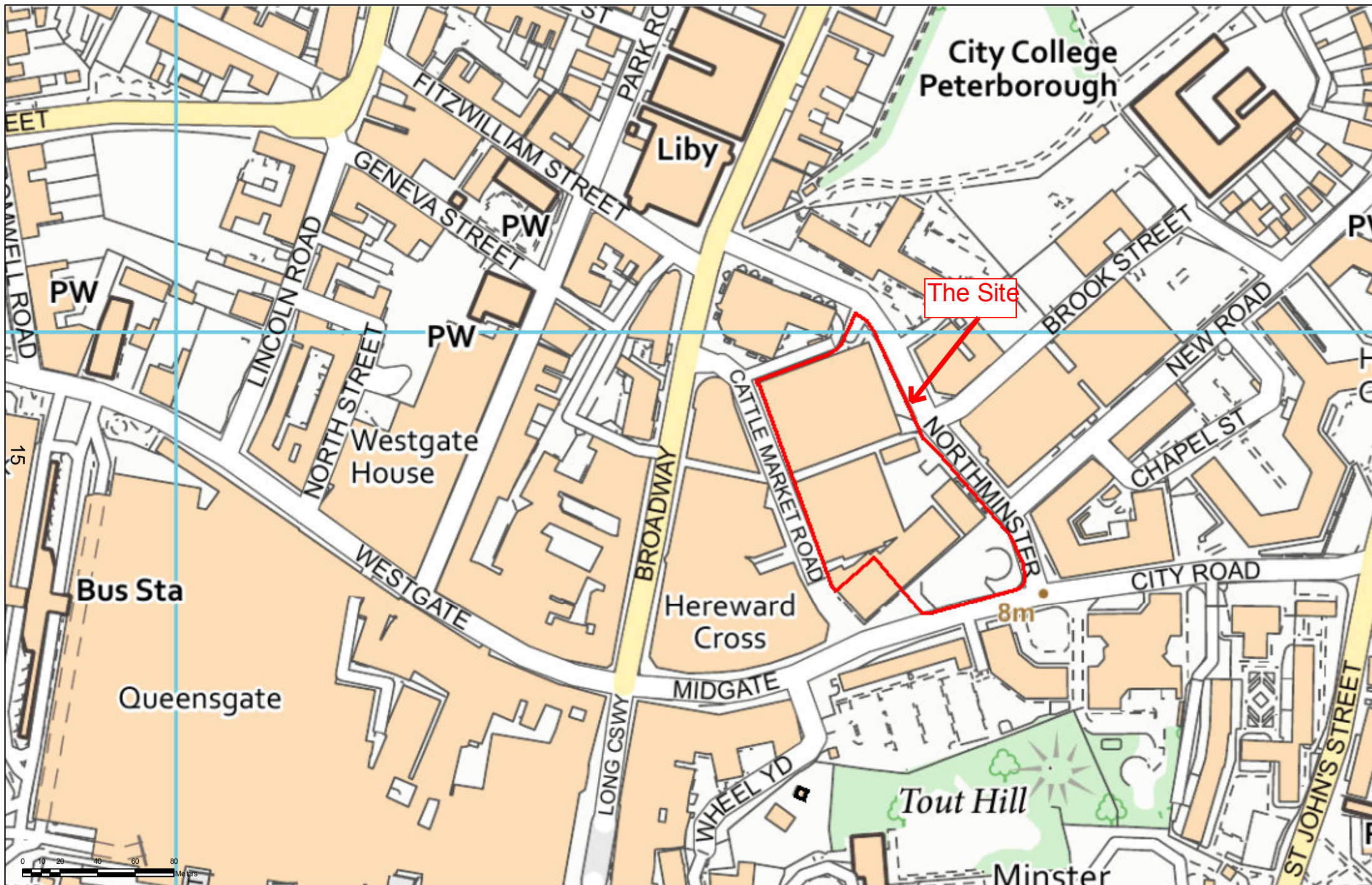
REASON FOR THE DECISION:

Subject to the imposition of the attached conditions, the proposal was 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 was situated within the open countryside outside the settlement boundary, however, there had been a legitimate fall-back position which had a realistic prospect of being implemented. The proposed scheme was considered to be an improvement in design terms, whilst sitting within the original mass and scale of the agricultural building. As such, the overall design quality was considered to be a betterment compared to the development which had already been permitted on the site under Class Q prior approval. This benefit was considered to outweigh the conflict with Policy LP2 and the Peterborough Design and Development in Selected Villages SPD (2011), and was accepted in this instance;
- The application site was not considered to be in an isolated location and accorded with paragraph 80 of the NPPF(2021);
- The proposed dwelling 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);
- The proposal would not have an adverse impact on the biodiversity value of the site, and would accord with Policies LP28 and LP29 of the Peterborough Local Plan (2019);
- The development would make provision for dealing with known and unsuspected contamination, in accordance with Policy LP33 of the Peterborough Local Plan (2019);
- There were no Highway safety concerns and parking could be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

CHAIRMAN
1.30 - 3:32PM

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Committee Location Plan 21/01151/R4OUT Former Peterborough Market And Car Park Site Northminster Peterborough "The Site" NTS

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Application Ref: 21/01151/R4OUT

Proposal: Outline planning application (with all matters other than access reserved) for a residential development of up to 315 units (build to rent) together with 2no. ground floor commercial units, the creation of car parking and substations, and landscaping/public realm and other associated works

Site: Former Peterborough Market And Car Park Site, Northminster, Peterborough,

Applicant: PIP (Northminster) Limited
See Surname

Agent: Mr Jeremy Good
ELG Planning

Site visit: 08.08.2021

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

Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

The application site is approximately 1.1 hectare and lies within the city centre core policy area and Northminster Opportunity Area as designated under policy LP47 of the adopted Peterborough Local Plan. The majority of the site also lies within the primary shopping area as defined under policy LP12 of the Local Plan. The site is brownfield land; the northern part was formerly occupied by a multi storey car park accessed off Northminster, which has now been demolished. Since its demolition in August 2019 a temporary surface car park has been provided on this area, accommodating some 100 cars. The southern part is occupied by the city market with an access provided from Cattle Market Road at the south west corner of the site and via a gated access from Northminster. The southern part includes Laxton Square, an area of public realm.

The site is bounded to the north by Bayard Place, a former five-storey office block which was granted prior approval for conversion to 115 residential apartments (ref. 18/01248/PRIOR) and subsequently permission was granted for a two storey roof extension to create 14x duplex's apartments (ref 18/02043/FUL); now known as Bayard Plaza. To the east the site is bounded by Northminster where there are a number office and commercial developments including the Passport Office, and the Solstice which has outline planning consent for the demolition of existing nightclub and the erection of up to 56 apartments, ground floor retail /restaurant units and accommodation for up to 77 students (ref. 20/00554/OUT). To the west is Cattle Market Road with a nightclub (Edwards/Embassy) on the corner with Broadway, a Tesco supermarket, a vehicle access to Hereward House and Wilkinsons. To the south is the former Fifth Avenue Nightclub, a locally listed building (former Courthouse) which has planning permission for conversion to a hotel (ref. 20/00804/FUL); and Laxton Square, an area of public open space. City Road lies to the south beyond which is Petercourt (Grade II listed) which currently accommodates the Eco Innovation Centre.

The site itself is not located within a conservation area and does not contain any Listed Buildings. However both the City Centre and Park Conservation Areas are within close proximity to the site (71 and 35 metres respectively). Situated 180 metres to the south-west is the Grade I Cathedral Church of St Peter, St Paul and St Andrew (Peterborough Cathedral).

Proposal

The application seeks outline planning consent, with all matters other than access reserved for the following:

- A residential development of up to 315 units. The indicative scheme shows a mix 20% one-bed two person apartments, 27% two-bed three person apartments, 25% two-bed four person apartments, 15% three-bed five person apartments, 7% three-storey townhouse apartments, and 6% two-storey maisonette apartments.
- Two commercial units are proposed to the south of the principal building; one unit having a floorspace of 225 sqm and one unit having a floorspace of approximately 325 sqm with first floor roof terrace.
- A resident's courtyard (private open space) and enhancement to Laxton Square (public open space).
- A food and beverage pavilion approximately 100sqm within Laxton Square.
- Vehicular access to the site would be from Northminster leading to an external car park at the northeast corner of the site comprising approximately 50 car parking spaces.

A suite of plans support of the application to illustrate the scale and layout of the development, as well as floor plans to demonstrate how the quantum of the development can be accommodated on site.

The indicative scheme provided shows a building with a 'k' shape footprint, comprising 10 storey elements located along Cattle Market Road and Northminster, with a three-storey north and south-facing link building.

Parameters plans have been submitted in order to control the height of the development and proposed uses ahead of a future reserved matters application.

The scheme has been revised since the initial submission reducing the overall height of the development by 2 no. storeys from 39m to 33.3m and the number of units from up to 335 to up to 315.

A further round of consultation has taken place.

The proposed scheme would provide for Build to Rent accommodation. This type of development is defined in the NPPF as 'purpose built housing that is typically 100% rented out...Schemes will usually offer longer tenancy agreements of three years or more and will typically be professional managed stock in single ownership and management control.' In this case, the applicant proposes a specific type of Build to Rent scheme known as Private Affordable Rent where the rents will be maintained at 80% of local market rent levels. This is a type of affordable housing for rent, as defined in the NPPF.

The proposals under consideration as part of this application do not include for the relocation of the indoor market. This will be undertaken by the Council as part of its responsibilities as the landowner. A separate project is underway to provide for a new location for the market to Bridge Street, elsewhere within the city centre.

2 Planning History

Reference	Proposal	Decision	Date
21/01183/PRIOR	Demolition of City market and food court	Pending Consideration	
21/00008/SCREEN	Residential development of up to 335 units together with 2no. ground floor commercial units, the creation of car parking and substations, and landscaping/public realm and other associated works	Comments	20/08/2021
19/01555/PRIOR	Demolition of Northminster Car Park	Prior Approval Permitted	21/12/2019

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 - General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (July 2021)

Section 5: Delivering a sufficient supply of homes

Paragraph 60: To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 65: Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. Exemptions to this 10% requirement should also be made where the site or proposed development provides solely for Build to Rent homes.

Section 7: Ensuring the vitality of town centres

Paragraph 86: Planning decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Section 11: Making effective use of land

Paragraph 119: Planning decisions should promote an effective use of land in meeting the need for homes and other uses... Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Section 12: Achieving well-designed places

Paragraph 126: The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130: Planning decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Paragraph 131: Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments and that appropriate measures are in place to secure the long-term maintenance of newly-planted trees.

Section 15: Conserving and enhancing the natural environment

Paragraph 180: Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Paragraph 183: Planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

Paragraph 185: Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Paragraph 186: Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

Paragraph 187: Planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Section 16 Conserving and enhancing the historic environment

Paragraph 194: In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 195: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199: 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.

Paragraph 202: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 205: Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Peterborough Local Plan 2016 to 2036 (2019)

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

LP02 - The Settlement 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.

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

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village

envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

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.

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.

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.

LP21 - New Open Space, Sport and Recreation Facilities

LP12 Part A New Open Space, Outdoor Sport and Recreation Facilities- Residential schemes of 15 or more dwellings will be required to make appropriate provision for new or enhanced open space, sports and recreation facilities in accordance with the standards. The council's first preference is for on site provision.

LP21 Part B: Indoor Sports and Recreation Facilities- All residential development below 500 dwellings will contribute to the provision of 'off site' strategic indoor sports and recreation facilities by way of CIL. For sites of 500 dwellings more a S106 Planning Obligation will be sort.

LP21 Part C Designated Sites- Mitigation of Recreational Impacts of Development- Where development has the potential to have a significant adverse effect on the integrity of a designated international or national site for nature conservation as a result of recreation pressure, the development maybe require to provide open space of sufficient size, type and quality over and above the standards to mitigate that pressure.

LP22 - Green Infrastructure Network

The council in partnership with others will seek to maintain and improve the existing green infrastructure. Strategic and major development proposals should incorporate opportunities for green infrastructure. Proposals will be expected to provide clear arrangements for long term maintenance and management. Development must protect existing linear features of the green infrastructure network. Proposals which would cause harm will not be permitted unless the need for and benefits of the development demonstrably outweigh any adverse impacts.

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, over riding public interest and subject to appropriate compensation.

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

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

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

Part 2: Habitats and Geodiversity in Development

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

Part 3: Mitigation of Potential Adverse Impacts of Development

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

LP29 - Trees and Woodland

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

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

LP31 - Renewable and Low Carbon Energy

Development proposals will be considered more favourably where they include measures to reduce energy demand and consumption, incorporate sustainable materials, incorporate decentralised or renewable energy or carbon off setting. Proposals for non wind renewable energy will be considered taking account of the impact of the landscape including heritage assets, amenity, highways and aviation. Wind proposals will also only be considered if in addition to these factors the site is in an adoptable Neighbourhood Plan and the proposal has local support.

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.

Development will be supported in principle where it involves replacement dwellings (subject to a density control), improves the mix of uses, including especially open space and community facilities, complements/supports community regeneration projects and improves pedestrian/cycle connectivity to the city core, especially North Westgate. The Stanley Recreation Ground will be protected and enhanced. Small scale development maybe allowed where it would not impact on Cathedral views.

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.

LP47 – City Core Policy Area

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.

Peterborough City Council - City Centre Conservation Area Appraisal (2017)

4 Consultations/Representations

Ministry of Housing, Communities and Local Government - The Secretary of State has received a request to consider call-in of the application by a third party. In general, the Secretary of State will only begin to consider if call in is appropriate once an application has completed the planning process at a local level and the LPA is minded to approve. If the committee are minded to approve the application, the issuing of the decision should be withheld until the Secretary of State has had time to consider the case against the Call-in Policy.

PCC Conservation Officer – No objection subject to full package of materials to be secured by condition.

Initial comments: Objection due to impact on views and setting and views of GI listed Cathedral.

The site is not within a designated conservation area however there are views towards both the Park and City Centre conservation areas and to some of the Listed Buildings within them as well as the Registered Park and Garden surrounding the Cathedral Precinct. There are a number of heritage assets within close proximity of the site. The most significant of these include Peterscourt (grade II) and Peterborough Cathedral (grade I).

The demolition of the market structure is not objected to from a heritage consideration.

Cathedral Views and Setting: Concern that the stepping down of the building towards Laxton Square will not negate the detrimental impact on cathedral views and impact on the Cathedral's setting from a number of key vantage points.

Northminster View: There is a positive view of the cathedral from Northminster. The best part of this dynamic view is generally seen outside the front doors of the Solstice, where the roofscape of the cathedral is seen almost in its entirety. The image provided in the Heritage Impact Assessment document is one taken much closer to Laxton Square where only the pinnacles and the crossing tower are apparent above the Peterscourt. On the site visit, it was apparent that there was some merit in the view chosen, as it affords a framed view, albeit limited in relation to the view taken from outside Solstice. The submission refers to the view that is being proposed to be retained and reflects little on the better view that will be lost further north outside the former Solstice bar.

The main concern is that from the location that is being chosen to frame the view, the result will be small projections of the top of crossing tower and west front pinnacles above Peterscourt, with limited visible roofline. The rest of the view will be taken from the public realm and placed into the private. If this was the only view impacted, I think the public benefit might outweigh the harm.

Cathedral Views from the south: It is clear from the TVIA and HIA that the building will be seen and form a background feature in the backdrop of particularly significant Cathedral views from the south. The best classic views of the Cathedral are gained from the south, largely due to limited development, owing to large sections of public open space as well as the presence of the river. At present, the Cathedral is benefitted from a background of sky, whereby nothing competes or detracts from the appreciation of this nationally significant building.

The presence of this proposed building within the backdrop of these first class cathedral views would be considered to have a detrimental impact on the setting of a Grade I listed building and would be deemed unacceptable until such a time that the height was reduced to eliminate this impact. The visibility is likely to be more pronounced in the winter months when the trees have shed their leaf.

Additionally, the view from the embankment is not a static view, but a dynamic view which changes depending on the location you are stood. As such it would appear that between view 6 and 11 the visibility would become substantially more pronounced in the backdrop of the Cathedral than shown. It is therefore necessary to increase the number of positions for wire frame views across the embankment for further consideration.

It is considered that the building remains within the view whereby there would be an impact on the currently entirely clear background to the silhouette of the cathedral.

The silhouette of the cathedral is particularly sensitive to change in its surroundings, by virtue of it being a particularly detailed building of the highest status and designed to be viewed in isolation. At present, its silhouette can be viewed in isolation from the south (viewpoints 6 and 7) as well as the wider dynamic views available and therefore I question the conclusions within the report in relation to the level of harm.

The NPPF contains a general presumption in favour of sustainable development, but development is not considered sustainable if it causes harm to heritage assets. The proposed development will harm the significance of the listed building through inappropriate development within their setting, contrary to paragraph 195 of the NPPF. The proposal would also be contrary to Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

It is considered that the impacts upon those assets identified within these comments are significant, though less than substantial, so paragraph 196 of the NPPF is engaged. While the harm is less than substantial the harm is significant and the level of harm is not justified and would warrant consideration as grounds for refusal.

The harm caused by the proposal on designated heritage assets triggers the “strong presumption” against granting permission and the harm is not exceeded by the limited public benefits of the proposal. The building is too tall for the location it is sited. From a heritage consideration the proposed works are not supported.

Second round: From a heritage consideration the proposed works are now on balance supported. The height of the building has been reduced by two stories, from 39m to 33.3m. The building remains a particularly large and tall building in comparison to its neighbours, however, I agree with the assertions of the MKDS comments that on balance the impact on the streetscene is acceptable.

Following the reduction in height of the proposals and the updated TVIA, wireframes and heritage statement, I am of the view that the proposal is now of a satisfactory height and will not have an unacceptable impact on the setting of the GI listed Peterborough Cathedral or the wider City Centre Conservation Area.

There will remain glimpse views of the upper levels of this development from key vantage points and this will be more pronounced in winter months when there is less tree cover. What is important is that the newly proposed height, despite still being visible in glimpses, allows the Cathedral to be the dominant and principal feature in these views. I now feel that on balance this is now the case.

Landscape Architect (external advisor on behalf of PCC) – No objections.

Initial comments: The current proposals raise concerns which should be addressed with additional information.

Public realm: The proposals appear to be of a high quality and the integration of green-blue SUDs infrastructure is supported. The design of Laxton Square should follow the vision and principles set out in the emerging Peterborough Public Realm Strategy. Details of hard and soft landscaping and roof gardens should be secured by condition.

Access and links to local greenspace: For such a high density development on and off-site provision should be provided including financial contributions to improve local provision of playing fields, allotments, local and neighbourhood play areas and parks. The plans indicate a very small sand play area which would be considered under-provision for the numbers and age range of children living within the development.

Town visual impact assessment (TVIA): It must be demonstrated that the development proposal has been informed by the TVIA. Baseline photography should be taken in winter and summer for comparison. To include consideration of lighting impact. The TVIA appendix B ‘Visualisations’ is missing from the case file. The TVIA should include wireframe views from agreed key locations. The substantial height of the building raises issues relating to the impact on the setting of the Cathedral and also the best Cathedral views appreciated from the south. Looking towards the Cathedral from the riverside open spaces, we are concerned that this proposed development would feature too prominently in the backdrop of the Cathedral in the best of the public views from the south. The south views are made all the more significant because the proposed development would remove much of the last remaining views from the public realm seen from the north. There is also potential for the development to be seen in the backdrop of the Cathedral when coming over the Town Bridge, which is another iconic view.

Local Plan policy makes specific reference to 'a presumption against development that would unacceptably detract from important views of Peterborough Cathedral by virtue of its height, location, bulk and design'. Suggest the development should aim to limit the height of the building below the silhouette of the Cathedral from the riverside.

Building heights cross sections along the line from the riverside parkland to the site demonstrating the worst case line of visual impact should be provided.

The visuals show solar panels side by side with planted green roofs. The submission should demonstrate how this is feasible in practice without the planting and biodiversity net gains being compromised later on when planting is deleted to accommodate, maintain and operate the PVP with maximum efficiency.

The green roofs will make a significant contribution to the greening of the building from street level and surrounding public realm. The submission should demonstrate how this is going to be achieved in reality. This requires substantial investment in load-bearing roof construction for planting coupled with specialist design of suitable planting, soils and integral irrigation.

Only some of the apartments have balconies. Lock down during Covid 19 has demonstrated that importance of access to private amenity space and balconies is the only means of delivering this for apartments. Communal amenity garden space should be in addition to not a substitute for provision of private amenity space for apartments.

Recommends conditions regarding boundary treatments, the public realm, bin storage areas preferably integrated into the buildings and well ventilated; highway visibility splays to ensure street trees, fencing/railings and boundary planting don't impede junction / forward visibility and lighting/CCTV to be designed in conjunction with the tree planting to ensure that street tree planting isn't compromised.

Second round: No further comments.

Urban Design (external advisor on behalf of PCC) - No objections.

Initial comments: The proposal supports much of LP16, LP47.4 and 47.5 as well as relevant parts of LP17 of the Local Plan. Whilst there are urban design and placemaking benefits to this scheme, I continue to be cautious regarding the potential impact the height of the building may have on important views and heritage assets, within the context of the site. I don't think this impacts sufficiently negatively on views to warrant an overall urban design objection. This assessment should be made by the Council's conservation advisor.

The applicant has indicated a scheme of high quality in terms of design. Modifications has resulted in improvements to the proposal, in particular the visual impact of this scheme has been reduced. As a general principle, I would support taller buildings in a city centre location as they help locate people centrally and therefore animate the heart of the urban area, they also assist in identifying and navigating to the centre of the city. Providing an increase in the population of people within the city centre will support the viability of the high street whilst providing homes in a sustainable location with most facilities within a short walk.

Given the visibility of such a prominent building it is important that it is of a high quality both in terms of layout and design. The principles outlined by the applicant together with the indicative proposals regarding layout and design suggests that this is the intention of the applicant. The application supports much of Policy LP 16, LP 47.4 and 47.5 as well as relevant parts of LP17.

The proposed building is taller than the immediate context, although it does drop in height to respect the Peterscourt building and the Cathedral and its gardens. The proposal is clearly urban in scale; this isn't necessarily an issue as it is located within the city centre but does need to be balanced against any potential harm on the surrounding heritage assets.

Whilst the proposed development is large, it appears to respect much of the context of the site. The proposal responds appropriately to street and the local patterns of development.. The scheme does have the potential to create a stronger sense of place and identity on to the surrounding streets (Northminster and Cattle Market Road) and Laxton Square whilst providing an improved public realm. However, despite improvements and a reduction in height, the TVIA indicates that the building continues to be visible (in part) in the context of the view of the cathedral from the Embankment.

The proposed building is taller than its context, but in principle this can be justified on account of the sustainable central location and the existing scale of development to the north of the site. However, whilst its city centre location provides a justification for the height and density, the impact on the townscape, historic context and nearby listed building needs careful consideration. As a result of the information provided recently by the TVIA the scheme has been reduced in height which I welcome and the impact on the key views from the Embankment has been considerably reduced as a result of the applicant lowering the building.

Massing: The development is large, but comparable with the context (certainly in terms of building footprint) and furthermore it is acknowledged that by designing it as 2 wings and stepping down in height toward Laxton Square will help break down the massing and provide more visual interest. Notwithstanding this the development will require a façade treatment that further breaks up its massing. The plans do show an elevation treatment where the building materials appear lighter as the building gets higher. I support this approach as it avoids the structure appearing top heavy.

The building appears as 2 or more related but separate buildings which could further help reduce the massing. The stepping down in height to the south via tiered terracing is a clever but logical way of both respecting the scale of development to the south. I also welcome the reorientation of the ground floor commercial unit, in order to exploit views of the Square and Cathedral.

Active Frontages: The location of the 2 commercial units facing onto Laxton Square is supported as it will help animate this square. Individual ground floor apartments / townhouse with direct access on to Northminster and Cattle Market Rd will help enliven the public realm and provide surveillance over it making it feel safer. Ideally there would be more ground floor commercial units, but I appreciate there needs to be sufficient demand.

The proposed stepping down in height acts as the interface between the existing low height buildings to the south and the existing taller development to the north. This allows space to the listed Peterscourt Building and the Cathedral and its gardens respecting much of their setting whilst providing views and private amenity space to residents.

A stronger rationale for the chosen style and materials would be expected at the reserve matters stage. Balconies are a useful tool for animating the façade and providing private amenity space for apartments, however they should be design as part of the façade, contributing positively to the building's appearance, not simply 'bolted' onto the building.

The proposed improvements in the public realm and the blue green infrastructure would be welcomed particularly around Laxton Square.

Development of this site provides a good opportunity to provide a green link that connects the Embankment through Laxton Square and Northminster to Stanley Recreational Ground. The private terraced gardens could also be used in a manner by which the landscaping forms part of the building façade facing south. This would soften the elevation, break up the massing of the building whilst reinforcing the green link around the Cathedral to the embankment.

The indicative boundary treatments appear to ensure a clear distinction between the public and the private realm. The public spaces and in particular Laxton Square need to feel welcoming to all. The new public realm adjacent to Northminster needs to be designed such that it feels fully public.

The shared residential amenity space is provided via the internal resident's courtyard and the stepped terraces, these spaces need a purpose, and it should be clear who can and can't access them.

The parking is well located and linked to the access generally away from the public view, so car parking won't dominate the public realm which is supported. Care should be taken regarding the design and location of the proposed bin stores in the public space along Northminster and the rear

service area to the 5th Avenue building. Landscaping has been indicated to minimise the impact of these necessary but often unattractive elements of the building.

Second round: Whilst I didn't object to the previous plans, I did have some reservations regarding the proposed height and the impact that this would have on listed buildings around the site, in particular the skyline view of the cathedral. I concluded that these were primarily issues for conservation to consider, however, I do welcome the proposed reduction in height of the development to 10 storeys for both wings of the proposed development.

In terms of scale, the proposed building relates more favourably to its immediate context and the impact on the key skyline views of the city that the cathedral currently dominates, these views for the most part seem to be retained in their current form. I support the proposed amendments as I believe they improve the scheme. With the exception of the height proposed all other comments remain in situ.

I do not object to the proposal on Urban Design grounds and feel the amended scheme has reduced the possibility for any negative visual impact improving the application and ultimately the development. As previously stated, the outline application supports much of LP 16, LP 47.4 and 47.5 as well as relevant parts of LP17 as outlined in my comments.

Archaeological Officer - No objection in principle.

The proposed development site is located immediately to the north of the Cathedral Precincts. The mid Anglo-Saxon abbey of Medeshamstede probably had some kind of boundary, as a wall is mentioned in early documents. According to the Anglo-Saxon Chronicles, a wall was built in the late 10th century, and the abbey changed its name as a result of this from Medeshamstede to Burgh, the walled or fortified place. The burgh wall is thought to have served as the Precinct wall, although the monastery may have occupied a small area within the walled area. The wall circuit has been partly identified during past investigations within the Cathedral Precincts. However, the line of the full circuit remains conjectural.

Although past investigations within the Precincts seem to have identified the burgh sequence, also suggesting that the burgh did not extend this far north, the existence of a phase of walling or 'suburban' activity should not be completely discounted. In addition, archaeological investigations to the south-east and east of the proposed development site have identified remains dating from the prehistoric to the post-medieval periods.

Despite modern interventions associated with the construction of the car park and the redevelopment of the market area, ground disturbance appears to be limited to piling for the car park and resurfacing. Buried remains, if present, may survive relatively undisturbed.

Given the archaeological potential of the area, a programme of archaeological work should be carried out pre-determination to include a Desk-Based assessment, evaluation by geophysical survey and evaluation by trial trenching.

Second round: No objection, subject to recommendations.

The Desk-Based Assessment (DBA) submitted with the current application has identified the following key risks associated with the proposed development: The location of the site within a rich archaeological landscape, with a moderate to high potential for unknown archaeological remains to be present; the uncertainty over the nature and extent of potential archaeological remains; and the negative impact of the proposed development on potential archaeological remains as they would likely be destroyed as a result of groundwork operations.

The DBA has also confirmed the need for the implementation of Ground Penetrating Radar (GPR) survey of the proposed development area and a programme of targeted trial trenching to test the results of the geophysical survey and gain further information about the archaeological significance of the proposed development area (including the character, extent, date, integrity, state of

preservation and quality of known and/or potential heritage assets), in order to assess the merit of the site in the appropriate context.

Recommends the programme of archaeological work should be carried out pre-determination if feasible, or secured by condition at the appropriate stage of the project at a minimum. The results of the evaluation may lead to the formulation of a strategy to ensure the recording, preservation or management of the resource, the formulation of a strategy to mitigate a threat to the archaeological resource and the formulation of a proposal for further archaeological investigation within a programme of national, regional and local research, as defined.

PCC Peterborough Highways Services – Objection.

Initial comments: The proposed 50 parking places within the city core are against LP13 of the Peterborough Local Plan. If the LPA are minded to overrule this objection then clarification is required on tracking, proposed servicing arrangements for the two bin stores fronting Northminster and agreement to the scope of off-site highway works.

Second comments: The proposed 50 parking places within the city core are against policy LP13 - the LPA to comment on whether the parking provision will be acceptable.

I note the objections to the loss of public car parking provision as a result of this development. Previously there was a multi storey car park on half of the site which has been demolished. Presently there are 100 spaces on site. The applicant should provide evidence to demonstrate the loss of public parking is not going to result in an unacceptable loss of City Centre parking. The applicant will need to provide a Parking Management Plan to demonstrate who will use and access the car park, and how the parking bays will be allocated. This can be secure by condition.

Proposed Off-Site Works: 4m kerb radii for the car park access is tight. Minimum 6m kerb radii should be provided which will help tracking issues. No dimensions have been detailed for the access width into the car park. The width of the access appears tight. The tracking plans suggest there is a conflict between two-way traffic along the access road into the car park. The access geometry requires amendment.

The realignment of kerb line along the western side of Northminster to form a wider footway either side of the car park access results in a narrower carriageway and amendments to the pedestrian crossing. More detailed geometry is required for the carriageway, kerbing and footway and pedestrian crossing realignment works. This information is required to understand if the proposal is acceptable in principle.

The carriageway narrowing pinches the lane width on the approach to the crossing to 3.75m. LN120 suggests lane widths between 3.2m and 3.9m should be avoided where cyclists must share the carriageway with vehicular traffic. There may be scope (width) to provide a cycle lane through the pedestrian crossing and car park access? Examples can be provided.

What is the existing width of Northminster carriageway? What is proposed width through the junction of Brook Street? Is there scope to move the kerb line out further, so a 2.0m wide footway can be achieved at the back of the service layby? Detail the taxi rank on-street parking as well as the existing/proposed carriageway widths etc. These details are necessary to understand whether the kerb realignment results in any unacceptable carriageway pinch points.

The main bin store north of Brook Street will be serviced via the loading bay detailed on this plan. How will the bin stores be serviced between New Road and Brook Street?

Proposed loading bay will require a TRO to restrict parking in this location. This will require public consultation and TRO approval pre-commencement. Relocating the double yellow lines along Northminster will require changes to the existing parking prohibition TRO. Again, this will require public consultation and TRO approval pre-commencement.

Refuse collection/turning along Cattle Market Road has not been presented as a workable solution. There are several parking bays that would need to remain unoccupied for the refuse vehicle to turn as suggested. Overrunning a length of paved footway is considered unacceptable. The applicant will need to reconsider the refuse turning in this location. Changing the parking order in this location offers one solution, however this will be subject to public consultation and TRO approval pre-commencement.

It is unclear from the submitted plans, how the substation will be accessed. Note access doors will need to be setback from any highway/public thoroughfare so to avoid obstruction or hazard.

PCC Travel Choice – No objection.

The Framework Travel Plan is acceptable. We would expect 20% of the car parking to have provisions for electric vehicles so 10 EV bays. A full Travel Plan should be secured by condition to include residential Travel Packs including 'Mega Rider' pass/cycle vouchers to be secured.

Lead Local Drainage Authority - No objection subject to the appending of a condition requiring the details of the design, implementation, maintenance and management of the sustainable drainage scheme to be submitted to and approved in writing by the Local Planning Authority.

PCC Pollution Team – No objection.

Noise – The development is affected by noise from road traffic, music from late night hospitality venues and mechanical plant. The noise report has identified that additional glazing is required to ensure suitable internal noise levels are achieved. As the developer has not submitted any internal layout all rooms have been designed to achieve the most stringent night time internal noise criteria. However the noise report has not sufficiently considered noise from music from hospitality venues. The glazing specifications provided are not specific to music noise from pubs and clubs.

The Northern, and Eastern façade of the proposed development appear to be the most affected for noise from pubs and clubs, this is planned to have residential in the form of town houses, maisonettes and apartments. These appear to be single aspect properties. When considering noise from pubs and clubs this section expects noise to be considered in line with relevant guidance which is considered to be the Institute of Acoustics Good Practice Guidance on the Control of Noise from Pubs and Clubs (the Guide). The guidance states that where entertainment takes place on a regular basis music and associated sources should not be audible inside noise-sensitive property at any time, but particularly after 23.00hrs.

Where development is proposed in the vicinity of existing businesses, community facilities or other activities, the NPPF section 187 clearly places the onus on the new developer (or 'agent of change') to ensure that suitable mitigation measures are put in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme. In doing so, the agent of change will need to take into account not only the current activities that may cause a nuisance, but also those activities that businesses or other facilities are permitted to carry out, even if they are not occurring at the time of the application being made. The agent of change will also need to define clearly the mitigation being proposed to address any potential significant adverse effects that are identified.

Therefore to ensure that the proposed glazing and ventilation schemes are effective in mitigating noise from the night time economy and traffic the applicant will need to complete further modelling using music venue frequency spectrum data to determine a scheme that will ensure internal noise levels noise levels from music meet the criteria detailed above. Where premises were closed but are expected to open again representative noise data, such as that detailed below from Acoustic Associates report should be referenced.

Where insulation requirements preclude opening windows for rapid ventilation and cooling, a

mechanical ventilation system installed must comply with the Noise Insulation Regulations 1975 (including acoustic ventilation units incorporating fans for insertion in external walls) and the Approved Document F. Alternatively, a 'whole house' ventilation system could be used. Acoustic trickle ventilators will not provide adequate ventilation for these purposes.

In addition the impacts of overheating will also require consideration and where necessary assessment and mitigation in accordance with Acoustic Ventilation and Overheating Residential Design Guide.

A revised glazing and ventilation scheme is required to be developed in accordance with monitoring and modelling data to meet noise level 30dB LAeq(5mins). This can be secured by condition as a reserved matter.

The development includes two transformers and it is likely that new plant associated with the commercial elements shall be required. To ensure adequate protection for all residential units across the development a rating level of 5dB below the night time background level of 45dB LA90(t), and for daytime 5dB below the evening level of 50dB LA90(t) are appropriate. A compliance condition is recommended.

Internal arrangement in blocks of flats require careful consideration. Non habitable rooms, such as kitchens and bathrooms that are adjacent, above or below bedrooms/living rooms/dining rooms are likely to cause impact from noise e.g. opening /closing cupboards, running water , dripping taps, flushing toilets etc. This is likely to give rise to noise complaints. It is good practice that dwellings are planned to ensure that adjacent rooms are compatible in terms of noise sensitivity and noise production.

In addition where residential units are affected by noise from the night time economy consideration should also be given to the design of internal layouts to situate less noise sensitive rooms on facades facing the noise source.

Air quality: The contents of the report are accepted. Due to the proximity of residential occupants (Bayard Place) dust resulting from the remaining demolition and construction of the new development shall require control. A scheme to control dust associated with the demolition/construction could be provided by way of a Construction Management Plan condition.

Contamination: Planning Statement has noted that following a Phase 1 Risk Assessment the risks posed from contamination to future users is low, with moderate risks to site workers and secondary A Aquifers due to sensitivity. A copy of this Phase 1 Risk Assessment is not included in the application. The EIA Planning Statement has concluded that an intrusive ground investigation is required. This and any necessary remediation can be secured by a full set of contaminated land conditions.

Odour: Where commercial units include food preparation and kitchens planning permission for extract plant including odour control and compliance with a noise condition (to be determined once final noise report submitted) shall be required prior to installation.

Second round: All previous comments remain applicable.

Noise from commercial units: Due to the changes of use category under the planning regime it is particularly important to ensure that the specific use type of these units is controlled via the planning regime, including restrictions that will ensure they are not used for leisure uses such as a gym/ sports activities or live music venue/late night bar and/or night club due to the transfer of noise from these uses to residential premises.

Senior Landscape Officer – No objections

The design and landscaping should be secured by condition.

Off-site contributions for public open space should be secured as follows:

- Neighbourhood Parks - £121,005.42 + 5 years land maintenance for the enhancement of Stanley Park
- Childrens Play - £60,209.67 + 5 years land maintenance for play facilities at Stanley Park
- Allotments - £13,092.46 + 5 years maintenance for enhancement of Burton Street Allotments
- Natural Green Space - £29,570.89 + 5 years maintenance for enhancement of Stanley Park

Total Off-site POS contribution: £223,878.44 + 5 years maintenance

The play area has been removed from Laxton Square which is welcome and the memorial plaque is to be retained. Discussions shall take place with the developer regarding long term maintenance of Laxton Square, funding stream for maintenance of trees and shrubs and street furniture to be vandal resistant and easy to cleanse.

PCC Property Services - No comments received

Police Architectural Liaison Officer (PALO) – No objection.

Initial comments: Considers the area to be of low risk to the vulnerability to crime at present, however with this new development proposal, the addition of residential development at Bayard Place and proposed redevelopment at The Solstice to student accommodation, this will increase the population and footfall of the location and with that, the possibility of higher crime levels.

No information has been provided relating to security or crime prevention; this should be discussed at the earliest opportunity.

Further details should be provided regarding external lighting for the car park, residential amenity space and Laxton Square; boundary treatments – the private residents amenity space should be secure with access for residents only – how will this be achieved?; External bin and cycle store security; access control for the car park; and compartmentalisation of the lift cores, allowing residents access to their own floors only and controlling visitor entry and access management by the management company and Laxton Square and public realm management.

It is noted that the addition of this number of new homes and residents, along with the considerable reduction in parking spaces with the removal of the multi-storey car park is likely to cause some issues. As a build to rent development I presume that there will be a clause in rental agreements about car ownership, otherwise this could lead to more (illegal) on street parking and associated disputes and anti-social behaviour.

Second round: No further comments at this stage in terms of community safety or vulnerability to crime.

PCC Strategic Housing – Objection.

The proposal is to be delivered as a build to rent scheme comprising 100% affordable private rent tenure making it a wholly affordable build to rent scheme.

Because this is a scheme being brought forward by an organisation that is 50% owned by the Council, we expect the Council to have a greater involvement in the design, allocations and management of the scheme.

Section 6.3.4 of the Peterborough Local Plan states that "Affordable housing is housing that is provided for eligible households who are unable to meet their housing needs in the open market because of the relationship of housing costs and income. The affordable housing needs of the most vulnerable will be prioritised by the Council". In line with this and policy LP8 of the Peterborough Local Plan we expect "the housing needs of the most vulnerable groups will be prioritised" when

allocating these units.

We would expect the rents of these affordable units to be linked to the Local Housing Allowance (LHA) for Peterborough to ensure that they are truly affordable for those in housing need and most vulnerable. Rental levels which are 80% of the market rent for the unit may only be applied where these are at or lower than LHA levels.

With regards housing need, the Section 106 agreement should set out the approach to eligibility for the development and how the units are let. We expect that for the first four weeks the housing is marketed exclusively through the Council's Choice Based Lettings scheme and offered to eligible households on Peterborough City Council's housing register. We propose an allocations cascade that prioritises the letting of the units thus:

- 1.Homeless households to whom the council owes a full duty under Part 6 of the 1996 Housing Act
- 2.Eligible households in Band 1 of the Councils housing register
- 3.Other vulnerable households in housing need
- 4.General needs households not in housing need

In addition, we would expect an agreed quota of properties to be allocated to households from the housing register each year be set out in the s106 Agreement (to be no lower than 50%) and that the following general criteria apply:

properties should not be under occupied or overcrowded upon initial letting, the property must be truly affordable to the household being offered the property applicants will pass a reference and credit check approved by the Council, recent convictions, within the last five years, will be considered but will not be a bar to allocation, prospective tenants must demonstrate an understanding of the responsibilities within the tenancy agreement.

The landlord must provide the Council with a full allocations policy for approval before first let can be made. The allocations policy must include the above cascade and criteria. The Council requires an annual lettings plan that sets out how the landlord has performed in accordance with the finally agreed and council approved allocations policy.

We also expect the landlord to have a transfer policy to allow tenants to move between properties if their needs change and they need a larger or smaller property. The policy must be approved by the Council and reviewed every year.

Evictions must be approved by the Council's housing service - permission will not be unreasonably withheld - and the landlord must work with the Council's housing service to prevent any of its tenants from being made homeless.

In accordance with policy LP8 of the Peterborough Local Plan all of the units are required to be built to meet minimum National Space Standards (as defined by Building Regulations). It should be noted that 1, 2 & 3 storey properties each apply a different minimum size standard for NDSS.

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.

5% of homes should meet Building Regulations Part M4(3)(2)(a). In this instance that would equate to 17 dwellings. We expect this to be met in full. We also expect these units to be allocated through the housing register and for allocations to be approved by the Council's Adult Social Care and Housing teams. We expect this policy to be applied across the scheme to single, two and three storey dwellings with one or more bedrooms.

Second round: No further comments to add.

Waste Management - Larger bin stores are indicated, however the bins within them aren't shown to be accessible (they're not always forward facing for residents they're back to back and they're not

regular in shape) so it's likely these bin stores will still be too small. The bin store locations are acceptable in terms of distance to the highway, however there is concern about the amount of time it'll take for collection; likely to take half an hour to empty bins at the site every week. Underground bin storage should be considered or a pneumatic waste collection system like Envac. Not only will this be more efficient for collecting waste, but whoever goes on to manage the building is less likely to deal with issues such as side waste, contaminated bins, block bins stores, misuse, and ultimately complaints so the initial spend could help them in the long run.

Second round: We have previously expressed concerns about the time taken to empty the bins. Concern regarding bin collection from between Brook Street and New Road, I would work on the assumption the vehicle would simply have to 'pull up' to empty them. This is of course a busy thoroughfare for vehicles, particularly buses and taxis, and I can only envisage issues here. Similarly, although a loading bay is designed I assume this is not just for refuse collection vehicles, therefore I would also be concerned that the loading bay would have other vehicles in it at the time of waste collections, causing issues on the highway. The tracking on Cattle Market Road is not suitable, it works on the assumption that vehicles will not be parked along here which is unrealistic. The vehicle clearly skims the side of a building too as well as encroaching the development boundary .

I am still not convinced the bin stores are large enough, the bins that are in them are all different sizes and are designed back to back and not side by side. As mentioned, we would not support this application unless alternative waste management options are looked in to (undergrounds or similar). From previous experience the issues the size of these bin stores and the number of flats they service/time taken to empty etc will cause is substantial and I would highly recommend further discussion with the developer to look at better options.

PCC Tree Officer - No objection in arboricultural/landscape terms.

The submitted Arb Report is accepted. Recommends conditions and additional information including a full and detailed landscaping scheme is submitted, showing the location of species, sizes and provision for adequate soil volume (see below for details) and means of support, irrigation and maintenance to ensure establishment to maturity. Please ensure that all tree planting within influencing distance of any adopted highway - footpaths & carriageway/land/drainage suitably protects against future damage from tree root encroachment/damage. Full tree pit details are also required.

PCC Wildlife Officer – No objection.

The site has minimal impact on habitats of significant biodiversity interest. All trees and buildings being lost on site are urban in nature and do not have significant connections to the wider environment. The Ecology Survey Report provides an accurate picture of the development. The green roofs being constructed will hopefully create significant interest for birds and insects within the urban environment.

Any fence lines should be installed with small mammal holes, as it is likely that the local habitat is being used by hedgehogs for feeding. Recommends conditions to secure at least 15 bird boxes and native species within the landscaping scheme. A bird nesting informative is also advised.

PCC S106 Planning Obligations Officer - The proposal is CIL Liable, because it is residential development, however there will be no CIL charging as PCC's schedule does not include a charge for apartments of 15 units or over.

Children Resources – No objection. The resulting additional children requiring childcare and funded entitlements will not create undue pressure on local providers or create capacity issues. From a primary school perspective, while 2020 catchment forecasts, 2021 pupil roll forecasts and admissions data indicate there are already more children living in the catchment than there are places at Bishop Creighton Academy, the pattern of school rolls and local take up of places at St. Thomas More RC Primary School mean that there should be sufficient places for primary children.

From a secondary perspective, the local schools' pupil roll forecasts also indicate an adequate number of places. This development will not push childcare, primary and secondary school infrastructure above capacity.

Childcare Market Facilitation Manager - No comments received

Historic England – No objections to the proposals on heritage grounds.

Initial comments: Objection. The application site is not within a conservation area but is located between the City Centre Conservation Area to the south and the Park Conservation Area to the north. The height, scale and massing of the proposed development, which comprises wings that rise in height to 12 storeys from the south to the north of the site, would have a major impact on the historic environment within its vicinity.

Primarily our concern relates to the impact of the scheme on the setting of the Cathedral. The largely horizontal silhouette of this internationally renowned building can currently be viewed against an uninterrupted skyline from south of the City Centre and the riverside. Views included in the HIA and the TVA demonstrate that the development would appear plainly in the backdrop of the Cathedral and in wider dynamic views.

We consider the development would cause a high level of less than substantial harm to the significance of the Cathedral, which could be addressed if the overall height of the scheme were to be reduced by two storeys; from the height of the Tower to the height of the main body of the Cathedral.

We object to the proposals in their current form and strongly urge your authority to seek reconfiguration of the development to reduce the maximum number of storeys from 12 to 10 storeys overall.

Second round: Now satisfied that the overall height of the development has been reduced sufficiently for me to respond to the LPA saying Historic England now have no objections to the proposals on heritage grounds.

Cambridgeshire Fire & Rescue Service – No objection. Adequate provision should be made for fire hydrants, which may be by way of Section 106 agreement or a planning condition. Access and facilities for the Fire Service should also be provided in accordance with the Building Regulations Approved Document B5 Vehicle Access. Dwellings Section 13 and/or Vol 2. Buildings other than dwellings Section 15 Vehicle Access. If there are any buildings on the development that are over 11 metres in height (excluding blocks of flats) not fitted with fire mains, then aerial (high reach) appliance access is required.

Anglian Water Services Ltd – No objection.

Initial comments: 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. 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 Waste Water sewerage system at present has available capacity for these flows. Surface water to network at the overall agreed rate of 4l/s. We require these documents to be listed as approved plans/documents if permission is granted.

Second round: No further comments to add to our previous response.

Natural England - Comments received.

Appropriate consideration of recreational pressure impacts, through relevant residential development, to be given to sensitive Sites of Special Scientific Interest (SSSI) Natural England's

generic advice on other natural environment issues is set out at Annex A.

Environment Agency - No objections.

EDF Energy - No comments received

The Wildlife Trusts (Cambridgeshire) - No comments received

Peterborough Civic Society – Objection.

Initial comments: The Civic Society was consulted on the proposal before the application was submitted and some minor tweaks have been made, however our major concerns remain unresolved.

The future of the market: The redevelopment excludes the provision of a replacement market or arrangements for relocation. This is essential and there is an obligation on the Council to honour the terms of the charter.

Vitality and Viability of Town Centres: Para. 86 of the NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

The Local Plan strategy is directed towards strong support for the city centre as a retail centre.

More than half of the application site is lies within the PSA and contains the general provision market which in normal times over 120 standard size stalls; a significant amount of convenience goods retail floorspace. Retail floor space was lost when the multi-storey car park was demolished. The loss of the car park and retail units has noticeably reduced pedestrian activity here and damaged the vitality of the Northminster area. The permanent removal of the market would exacerbate this situation. This is contrary to policy LP6 and should be considered as a reason for refusal.

Townscape & Cathedral Setting: Peterborough's historic core and related skyline today is scarcely any greater in extent than it was prior to the arrival of the railways. The Cathedral remains as the most dominant visual image of the city from a southern approach.

The Embankment View: One of the most important views. At para 3.2.1 neither of the 'blue line' outlines look credible, bearing in mind the comparative heights of the Nave roof and the proposed east block, 29.1m and 31.8m respectively. A true cross-section from the proposed scheme to the river bank in the S-E corner of the Embankment would resolve doubts about this assessment. Should our fears be realised then the east block at eleven storeys would be over intrusive in this iconic view of the Cathedral.

Town Bridge Views: The 'blue line' would seem to be an under-estimate of the true effect. Should we be correct a 12 storey block would be too damaging to this very significant viewpoint. It should also be borne in mind that in the winter the softening/screening effect of the deciduous trees will be lost in both this viewpoint and those from the Embankment.

Overbearing Scale & the Setting of the Cathedral: The building mass and height is beyond all existing developments in the vicinity of the Cathedral. The sheer bulk adds to the enormity of the proposed building which overwhelms its neighbours. Even Bayard Place and the ABC Cinema are dwarfed by it. The 12 storey wing has a maximum height of 39.8m, compared with 29.1m for the Nave roof. The setting of the Cathedral from a north aspect will be seriously undermined.

The architects and town planners of the time when Peterborough was designated a New Town were generally not renowned for their regard for the historic environment but here they did realise the importance of the Cathedral and its setting to the future of the city centre. Moreover, they recognised that the 1960's Hereward Centre and St Mary's Court were excessively high and challenged the

Cathedral's dominance. Their reaction was expressed in policies to be followed in redevelopment and regeneration proposals. The gist of this can be found in a few paragraphs from the 'Greater Peterborough City Centre Plan' of 1971.

'a. 2.7 The Cathedral itself must, of course, remain the visual focus of the whole centre. To this end the maximum height of new buildings will in general be limited to the equivalent of five floors of offices, with further restrictions in some places to preserve particular views of the Cathedral.'

b. 2.8 The distinctive visual quality of the approach to the Cathedral from each point of the compass must be protected and where possible enhanced. ...From the new Market Square and Midgate to the north, the Cathedral will be glimpsed at intervals through the gaps to be left between new office buildings; ...'

On page 43, in a caption to a sketch by the civic design consultant, Gordon Cullen, it states:

'a. ...and the best long and open views of the Cathedral are still from the south-east. They must be preserved by keeping to an absolute minimum further building in the open space.'

All office developments in the area north of the Cathedral have respected the philosophy of the 1971 plan apart from Bayard Place and more recently the approved scheme for the Solstice site, which was approved despite strong objections from amongst others, Historic England.

The proposed development at Northminster does not respect the setting of the Cathedral or the character and scale of its location in a number of respects. Of particular concern is the sheer bulk of the building. It is higher than any other building in the vicinity and extends 100 metres north to south and 60m east to west.

The applicants argue that the affect on the setting of the Cathedral and impact on important views of it are minimal. The image used on the 'Contents' page of the Design & Access Statement shows how large the proposed building to be in relation to the Cathedral, a building of national heritage standing, and Peterscourt and the County Court building both heritage assets of value. Cross-sections 4 and 5 again show this relationship as well as how overbearing the proposal would be to the adjoining buildings such as Aragon Court, Northminster House and Monkstone House. We have produced an additional cross-section showing how the proposed blocks would loom over the Cathedral.

The important view of the Cathedral Tower from Cattle Market Road has been explored at para 3.2.6 and in the D&AS. The deep canyon-like effect is not an attractive one and the illustration shows only six of the twelve storeys proposed. If the full building were shown it would be even less appealing. The street scene here would make Peterscourt look like a dolls' house.

Stanley Park: Although this view has been compromised by a recent planning approval it remains as a valid consideration in this application process. It is obvious that, due to the proximity of the proposal to the park and its scale that it will have major impacts on the setting of the Cathedral, very much to its detriment.

The Heritage Impact Assessment (HIA) also covers this viewpoint and therein is a wireframe depiction of the proposed east block on one viewpoint (Fig 12. page 18). The photograph was taken in summer where trees screen the full impact of the proposed building. The outline of the proposed Solstice building is also shown and it pales into insignificance in the context of the Northminster scheme. In short the overbearing impact of this important view from Stanley Park is well demonstrated in this report, although we dispute the conclusion that the impact is neutral and that *'the view from Stanley Rec will be unaffected.'*

Opportunity Missed: With regard to 'Cathedral Views' specifically, there is a missed opportunity presented by the demolition of the multi-storey car park and future clearance of the market site; the presentation of the full east-west profile from fairly close up. This is recognised in the submitted D&AS but is largely only to be available to residents of the internal courtyard flats and customers of the commercial units overlooking Laxton Square. The submitted scheme also ignores a strong pedestrian link running between Brook Street and the Tesco passage to Broadway should be retained. There would be ample scope to provide glimpsed and full views of the roofline of the

Cathedral through an interesting new public space ending in a splendid space focussed on the frontage of Peterscourt.

Planning Policy Context: The proposal does not pass the tests set out in Local Plan Policy LP16 with regard to respect for the setting of the character and local distinctiveness of the area.

Policy LP19: The Historic Environment. This policy places emphasis on the historic environment and the part it plays in the quality of life experienced by local communities. Particular emphasis would be placed on, amongst others; a presumption against development that would unacceptably detract from important views of Peterborough Cathedral by virtue of its height, location, bulk or design and; the protection of designated and non-designated heritage assets and their settings. The proposal would contravene this policy in that it would cause unacceptable harm to the setting of; the Cathedral, Peterscourt and the former County Court building.

Policies related to development in the city centre reiterate the thrust of LP19 at; LP47, City Core Area, LP51, Riverside North Policy Area and LP53, City North Policy Area.

The proposal must also be considered under the guidance in the NPPF section 16. The NPPF requires that harm to a heritage asset must be weighed against any public benefit. It is considered that the impacts upon those assets identified within these comments are significant, though less than substantial, para.202 of the NPPF is relevant. Although the harm is less than substantial the harm is significant and the level of harm to identified heritage assets is not justified and would provide grounds for refusal.

Car Parking: It is not credible that 50 spaces will be enough. All the nearby residential conversions of offices to flats and the approved scheme at the Solstice include a generous provision of on-site parking. The nearest public car parks to the site are at Brook Street and New Road which together have 285 spaces. In a recent survey the average number unoccupied spaces was found to be 4. Other car parks to the south are too far from the application site to be considered suitable for residents of the scheme.

There is local demand for spaces in the Northminster area from office, retail, food/drink outlets, etc. The lack of any proposal to increase parking in the Northminster area will create difficulties for audiences at the New Theatre which will be further exacerbated by the proposed provision of 335 residential units with only 50 car parking spaces. The loss of the multi-storey means that there is so much less public car parking available for all city centre needs. The proposed development would result in an increase in demand for car parking spaces not satisfied by on-site provision shown in the application. On-site provision should be adequate to accommodate predictable need. This reason would provide grounds for refusal.

Over-development. The proposed 335 residential units give a density of 304 residential units to the hectare or 124 per acre, which is about twice the density of the four residential blocks on Fletton Quays. The Northminster area already has significant numbers of small dwellings in converted office buildings, with more to come at Midgate House and possibly, Northminster House and Aragon Court. The concentration of such a large number of small dwellings in apartment form in one area is not generally thought to be desirable as it does not make for mixed communities. Policy LP47.5 relates to the whole of the Northminster Area which is shown on the map as stretching from Broadway to St John's St and the Cathedral precincts to Stanley Park. In effect the number of dwellings in the proposed development is more than twice the allocation for the whole of the area.

Over-development on its own may not be sufficient as a reason for refusal, it is more akin to an indicator that a proposal is out of character with its surroundings and locale.

Critique of the Design & Access Statement, Townscape Report, Heritage Statement and other supporting documents: There are a number of minor and some fundamental criticisms of and concerns raised in the supporting documents to this application.

1. There is a blatant disregard for the public footpath, Market Way, which links the end of Brook Street to Broadway. This is an important route in the integration of the proposal to the locality which has been in existence since 1880's.
2. The 'privatisation' of Laxton Sq. Is to be regretted. It is important to the general functioning of the city centre that some public control over an area, which was bequeathed to the City at the demise of the Development Corporation, is retained.
3. Urban form at Laxton Sq. Is important. The proposal does not achieve a coherent definition at this space. The indicative scheme fails to bring Peterscourt into the space: an opportunity lost as more could be made by uniform treatment of ground/landscape here.
4. The 'improved 'view of the Cathedral from Northminster (Rd) is at the expense of a longer active frontage onto Laxton Square. The benefits of a wider building here should be given further consideration.

Further comments on TVIA Appendix B. Visualisations:

We do not believe the wireframe images shown in the visualisations are accurate and in all cases underplay the scale of the proposed development.

No.2. Using the Embassy as a guide the taller part is the equivalent of 7 storeys and the proposed west block would be in line with it roughly at the point where it reduces in height. The wireframe shown is about eight storeys, not the twelve proposed. This visualisation gives the impression that the 'canyon' effect will be composed of walls of equal height which is obviously false.

No.3. The chosen viewpoint on Crawthorne Rd is clearly to minimise the impact on the cathedral view. If viewed from around the middle of Stanley rec, where there is the best view of the cathedral, the proposed blocks would appear twice the height of the nave roof and will obliterate the best view of the cathedral from the north.

No.6. The east block as proposed would be higher than the Cathedral nave ridge but the wireframe shows it much lower. Of course the distance it is away from the Cathedral would make it appear lower but a section drawn to the viewpoint shows that it would be slightly below the nave ridge and that the west block at 12 storeys would be just below the ridge.

No.7. This cannot be correct. The nave ridge at 39m appears to be much higher than the west block's 39.8m The viewpoint is from a ground height about 1metre above that of the proposal. Again a cross section would show that the west block would appear to be about in line with the nave ridge.

No.9. Tree foliage here is very dense and mainly deciduous. Impact would be greater in winter. Viewpoints from other parts of Galilee Court would experience a greater degree of adverse impact.

No.10. The wireframe is patently inaccurate. The viewpoint is about 11m AOD and the west block would be clearly visible above the nave ridge, the east block just below.

No.11. Viewpoint is not from the highest part of the mound or from the Parkway footpath and does not present the greatest level of impact. Tree belt is very dense here and adverse impact is likely to be greater in the winter. Again the wireframe looks inaccurate, the 12 storey block would be roughly level with the nave ridge.

For the long range views from the south of the site two photos taken from the A605 in the vicinity of Horsey Toll show the relationship between the Cathedral and Hereward Centre tower block which adjoins the site and is 33m tall compared with the west block proposed at 39.8m.

Suggest that, at the very least, the applicants be requested to include some additional evidence in the form of accurate, long sections through the site to viewpoints on the Embankment and London Road.

Second round: Objection.

- a. The Market. The demolition and removal of the City Market is unacceptable in itself and would harm the economic recovery and future vitality of the city centre due to the loss of retail trade.
- b. The Cathedral. The setting of the Cathedral would be seriously harmed by the sheer bulk and height of the proposed blocks and their close proximity to the Cathedral Precincts.
- c. Car Parking. The provision of on-site car parking to serve the development itself is seriously inadequate and will put pressure on local public car parks. This application is premature in the absence of a review of public car parking requirements in the Northminster Area.
- d. Over-development. The proposal also constitutes gross over-development not in line with policies in the Local Plan for the planned redevelopment and regeneration of the Northminster area as a whole.

9. The Embankment View. This crucial view of the Cathedral has been addressed through photographic images, figures 29 and 32 of the Heritage Impact Assessment. The reduction in height of the two blocks to 33.3m has made a difference to the impact on the profile view of the Cathedral.

10. Town Bridge Views. The proposed reduction in height of the west block from 39m to 33.3m will make a noticeable difference to the impact on the view of the Cathedral to the extent that the proposed block would hardly be seen from the Town Bridge approach.

Overbearing Scale & the Setting of the Cathedral.

11. The building mass and height proposed is beyond all existing developments and approvals in the vicinity of the Cathedral. The sheer bulk adds to the enormity of the proposed building which overwhelms its neighbours. Even Bayard Place and the ABC Cinema are dwarfed by it. The 12 storey west block has been reduced in the amended application to 10 storeys and a height of 33.3m, compared with 29.1m for the Nave roof. The setting of the Cathedral from a north aspect will still be seriously undermined and must be a major factor in the assessment of the application. The reduction in height of the west block makes very little difference to its impact on the urban scene which is well illustrated by a comparison of the applicants 3D images submitted with the application.

Local Residents/Interested Parties

Initial consultations: 510

Total number of responses: 13

Total number of objections: 12

Total number in support: 0

13 representations have been received. The comments are summarised below:

The Principle of development:

- Peterborough City Centre should not be destroyed by having the excuse of using housing needs to do so.
- This new housing will not regenerate the centre of town.
- There are so many flats in the central area that it is becoming overwhelming, it seems every spare office is being turned into flats many of which remain empty. I just hope that this is not another white elephant.
- There is no need for these flats to be built and it will cause more disruption to many people of the community.
- The dwellings proposed are all to be rented to residents, on lets of only a few years: that is hardly conducive to people wanting long-term security of tenure, nor them having the opportunity to buy.
- Need to step back and look at the whole picture and needs of the city centre.
- It needs to contribute to the city centre for permission for this premium site.

Scale and Density:

- The development is overbearing, far too large and too high for the area.
- Building up to this height is not appropriate for Peterborough.
- At 12 storeys it is taller than nearby office or residential blocks.
- The building would be over double the height of surrounding buildings which are all 5-6 stories in height.
- The document prepared by WSP (Appendix B - Visualisations) is misleading as it contains clear errors in views 6, 7, 10 and 11 that even the applicant has not adopted in its prime application. The document MUST be withdrawn and the Committee Members advised of this.
- A very high density of people living in a very restricted space.
- The proposal is an overdevelopment of the site.
- At more than 300dpa (and 900 habitable rooms per ha) the density is comparable to high rise blocks in London where rapid and frequent public transport is nearby.
- It is an ugly development not sitting in with the surrounding architecture i.e. Bayard Place and the Library which are excellent examples of pleasing architecture.

Loss of the market:

- The removal of the market, to a place as yet unmentioned, is not conducive to the needs of the local population who rely on a supply of local fresh fruit and vegetables.
- The lack of the market facility in the area forces families into buying from supermarkets with the associated air miles.
- Where in the city centre will you locate the market? There are no clear flat areas available.
- The market usage is dropping. It is too far away from the main shopping area, and people will not walk to shops/market anymore; everything must be accessible by car.
- If and when the Council have made arrangements to relocate the market, then an application for the redevelopment of the site can be considered.
- The proposal is contrary to policies LP12 and LP47 of the Adopted Local Plan – loss of retail use in the main shopping area that includes the market.
- The Council has not supported proposals to improve the market nor worked with market traders to identify a new location.
- These commitments to local residents were made in conjunction with the Planning Inspectorate – it is not within the powers of the Council to unilaterally ignore these commitments.
- These areas of the City are public property owned by the people of Peterborough. There needs to be an open debate if this is what Peterborough wants – this is not what the people are wanting.
- The market has been an active part of the community – as traders we have been treated disgustingly. Livelihoods are being taken away.
- My business is in jeopardy.
- Many customers rely on my business being accessible and located close to disabled parking.
- The market business owners will have no income and nowhere to trade. This may end in many businesses closing permanently.
- There is nowhere else to buy such a diverse and unusual range of fresh food, Cloth and cooked takeaway food. They support local growers reducing food miles and as a result the freshness of products sold.
- The proposal could be amended to include a new market hall.
- The city has had a market for hundreds of years.
- A city council spokeswoman has been quoted as saying that "Peterborough's market is a charter market, meaning it was established by Royal consent, so there is a legal requirement for there to be a market somewhere in the city":
- The market provides a public service and employment for a number of small businesses (the stallholders) as well as for council staff, so for more people than the 23 numbered in the proposal.
- The decision to demolish the current market buildings seems to have been taken in a rush.
- According to a Peterborough Telegraph report dated 13th January 2020, the council was quoted as intending 'to go ahead with a "market and residential scheme" for the area, with the

city market currently located there.

- The Peterborough Telegraph report dated 10th February 2020 quotes a council spokeswoman stating that the market "could be on the Northminster site or elsewhere, but with the plans for the site being at a very early stage it is too soon to speculate. We also value having a market in the city, as do many residents and visitors":
- The Peterborough Development Brochure 'The Time is Now' produced for private and public investor's shows a market hall on the Northminster site. Small businesses such as market traders are investors too.
- The Local Plan allows for an improved market on the current site. Alternatively, it states that the council will work with market traders to identify a new location. PIP were not asked by the city council to develop plans for the market and this appears to be a major omission.
- It was not until early June 2021 that market traders were told that the market would be demolished without prior consultation and without another site being identified. This led to an on-site meeting with councillors and Paul Bristow MP in which the traders were assured that the council did want there to be an exciting and vibrant market, but they did not know where.
- Recently the council has written to traders that the council has identified a potential alternative site, but this was without working with market traders to identify it. Traders should have input as to the suitability of any site to meet their needs.
- Given how quickly PIP was able to reduce the number of dwellings from 353 to 335, it should be possible for the Council to develop and bring forward a firm attractive plan (after having consulted traders) for the market at the same time as they consider any proposal for dwellings in Northminster.
- It should be possible to reconsider the whole development and potentially include the market in Northminster, since that was the aim into last year.

Car Parking:

- Insufficient car parking for number of occupants.
- A total of 286 parking spaces are required – 50 spaces being provided where will the other 236 cars go?
- Given that most families own 2 cars making this situation untenable. Add to this the amount of online shopping and deliveries the area will become highly congested and reduce air quality.
- Other planned residential developments are likely to increase demand for public parking when residents are being visited by friends and relatives.
- Several residential parts of the city have insufficient spaces, causing people to park wholly or partly on pavements and grass verges.
- The application makes no reference to the loss of public car parking which will impact on visiting trade for adjacent businesses, including Broadway and Midgate in particular.
- Any possible public events, as mentioned in the proposal, re Laxton Square would also add to the need for more public parking in the area.
- The loss of parking facilities will impact on the night time economy; a significant income generator for the city. No consideration for those who trade into the evening.
- There is no replacement car park for shoppers.
- As the largest theatre in Cambridgeshire we can attract over 8000 people into the city in one week when we host a leading touring production. The majority of patrons travel from outside the immediate postcode areas and the removal of car parking facilities will have a detriment effect on customer retention.
- We host over 230 performances a year and by generating footfall, have an immediate impact on other businesses in the city centre, including restaurants, bars and hotels.
- The only alternative car park is Brook Street and this is already under capacity to fulfil our needs, plus the park area which customers would have to walk through attracts anti-social behaviour.
- No provision has been provided to additional public parking.
- The multi storey car park was pulled down quickly and practically disappeared overnight – this needs to be investigated. Which Councillors signed it off and who are connected with the poor development company that wants to develop the site?

- Peterborough city centre needs parking or the shops will lose to soulless out of town shopping centres.
- The change to electric powered vehicles will create demand for some public charging sites. Northminster should address these needs.

Access and servicing:

- To achieve adequate sight lines at the access requires the carriageway at Northminster to be narrowed rather than being accommodated within the development. This would put pedestrians at risk using the crossing.
- The space around the development is not adequate for servicing arrangements – refuse vehicles, vans, etc.
- Concern regarding access and turning for Emergency vehicles.
- I assume the fire service will be consulted to ensure that access for rescue from high rise development will be satisfactory?
- A densely populated building will produce a volume of waste, which will require storage and collection. With no off-road parking for such refuse collections considered.
- The storage of the waste before collection could also become an environmental issue regarding vermin.

Impact on Heritage Assets:

- The Cathedral should be the highest building in the city – the building plans are 1.6m higher than the Cathedral.
- The proposal would be a detriment to the views of the Cathedral and taller than the Cathedral's centre tower (applicant quoted it as 38.2 m).
- To avoid impact either on views of the cathedral or on views from the cathedral, the development should be amended to be less than 38.2 metres in height.
- The cathedral is Peterborough's greatest landmark and can be seen from afar due to its prominent position within the city.
- There is the possibility of Archaeological importance given the proximity to the cathedral and such findings could date back as far as the 10th century, The proposed area will be greatly excavated to some considerable depth to support the building and infrastructure.
- It should not be approved unless the removal of the market buildings and the clearing of the former carpark do not entail deep excavation.
- The recommended programme of archaeological work should be carried out and paid for by the builder and not at public expense.

Amenity:

- The amount of light for existing residents/businesses in the area which will be greatly reduced due to the imposing height of the proposed building.
- There is already limited light for flats in Touthill place that face out towards the market until midday.
- Direct sunlight is from a west-northwest direction over the market until sunset, which is where the applicants proposed site will be, blocking the sun and sunlight in turn casting a shadow over Touthill Place and my flat.
- There is an inadequate amount of outdoor landscaping for these people and others to use.
- Laxton Square is a popular public area for a vast amount of people in this area, with nearby workers having lunch. During the day it is used constantly by people and in the evening becomes an area for nearby residents to take young family or enjoy the outdoors. This is a public space for all to enjoy and adds a green space to what is predominantly roads, pavement and buildings. It is there for the people to use.
- No amenities have been proposed for the extra population and surrounding area other than those for certain flats within the new building, and Laxton square will be within the development.

- The plan (page 69) in the NPPF Flood Risk Assessment & Drainage Strategy document does not show the manhole covers that exist on Market Way. The councillors ought to be told what these covers are for and how the presence of whatever water courses they cover (sewage for example must be a possibility) will affect the proposed development.

Viability:

- More transparency is needed as to how this proposal is to be financed and what will be the effect on public finances if it is agreed. The councillors need to have explained this to the public fully before this proposal comes before its planning committee.
- The proposal has already been reduced from 353 dwellings (costing £39,750 each to build according to the Combined Authority) to 335, so councillors should reject the proposal until they have seen the sums and can be certain that it will not negatively impact on finances of both the city council and the combined authority.
- The model for financing this proposal is worrying because PIP - Peterborough Investment Partnership LLP - has its registered office in Manchester rather than here, and PIP was originally registered in Luxembourg and then Guernsey. And its subsidiary, P.I.P (Northminster) Ltd, also has a Manchester address. However, PIP's agent for the proposal is based in Darlington. The city council's partner in PIP is IAGH3 which appeared to be a subsidiary IAG Holdings which was bought by the Oak Group ('an offshore financial powerhouse' according to its website). The funding is coming from the Combined Authority, as a grant, but it is unclear who would own the land and buildings afterwards and what return the public will receive.

Misc:

- The multi-storey car park had public toilets and there is now a lack of them in the north of the city. The proposal should include public toilets.
- The public notice is in the wrong place – not on the boundary and less than 1m from the road endangering the public as people stop to read it. It is also dated 30th July but not on show until 4th August.

Second round following re-consultation:

The Principle of development:

- The Local Plan envisaged only 150 dwellings on this site as well as the market, rather than 315.
- The dwellings are all to be rented, on lets of only a few years; that is hardly conducive to people wanting long-term security of tenure, nor them having the opportunity to buy.
- I support proposals that will ensure dwellings are offered to people on the social housing register in the first instance.

Scale and Density:

- The reduction to 315 units is still an overdevelopment of the site and I concur with the Civic Society's view that the development is not in line with planning policy for the Northminster area.
- Any reason why the height is not limited to match the surrounding tallest buildings at 9 storeys? The current 10 storeys design (plus 2m+ for the lift overrun) is taller than most things in the area.

Loss of the market:

- Contravention of policies LP12 and LP47 – no satisfactory re-provision of the market is proposed and I support the Civic Society's view that this would harm the economic recovery and future vitality of the city centre due to loss of retail trade.
- Perhaps a foodhall and some market stalls could be located on Laxton Square.

Car Parking:

- Car parking remains insufficient and I concur with the Civic Society's view that 50 parking spaces is seriously inadequate and will put pressure on local public car parks.
- The complete loss of public parking will impact on visiting trade to businesses, possible public events at Laxton Square
- Other residential multi-storey dwellings are planned or under development in Northminster area and these are likely to increase demand for public parking.
- The change from cars powered by fossil fuels to those using electric engines will create a need for some public charging sites.
- Insufficient parking is causing people to park wholly or partly on pavements and grass verges.
- I would like confirmation that the cycle parking provision will be one space for each unit. The parking area shown, is that including underground or all surface level? Is there at least 315+ spaces there, one for each dwelling? The plan shows 50 spaces.

Access and servicing:

- The proposals for the access remain inadequate.
- The narrowing of the carriageway of Northminster is unacceptable.
- The narrowing of the footway to provide a loading bay is detrimental to pedestrian movement which will be increased by residential development in the area.
- The quoted site area includes the public highway and Laxton Square.
- The footpath which links the end of Brook Street with Broadway should be retained as it provides access for residents, including The Solstice to bus stops, shops, restaurants and public houses in Broadway.
- The footpath has attained the status of a highway.
- Are all of the bins stores fully enclosed?
- Are the bin stores located at street level and how easy is it for the vehicle to access them?
- The position of some of them looks like refuse truck access will be in the middle of the road.
- Will the one opposite the ramp for Hereward Tower cause access issues for large artics accessing the ramp?

Impact on Heritage Assets:

- The cross-section plan in the D & A Statement shows the height of the Cathedral to be higher than in a previous version of the proposal. - Both sets of figures cannot be correct.
- Can the Council satisfy itself (a) whether or not that provides an answer why the earlier version of the proposal shows a lower cathedral, and (b) that it knows exactly the height of the Cathedral and its spire because objectors have been concerned that the proposal, now 31.8 metres high, will adversely affect the views from the North-West.
- There is an opportunity to retain a new enhanced view of the Cathedral if the proposal is scaled back further along Northminster.
- Please can the Council consider requesting a further revised proposal to enable, from ground level, a full panoramic view of our heritage buildings. This could be possible if the new wing fronting Laxton Square were removed from the proposal or reduced in length.

Misc:

- Is the old Central Park building an integral part of this development? If not, it should be.
- The closed end of Cattle Market Road should be part of the development for a revamp and inclusion in the design so it all flows.
- The planning shows 'Build to Rent' Does this mean that all proposed 315 dwellings will be rental only?

5 **Assessment of the planning issues**

a) Background

The development is being brought forward by Peterborough Investment Partnership (PIP), a joint venture between Peterborough City Council and investment specialists IAGH3, with a vision to revitalise the Northminster area of Peterborough city centre.

Prior to the application being submitted pre-application scheme which was considered by specialist consultees.

The Local Planning Authority (LPA) has undertaken a screening opinion in respect of the outline application as to whether or not the development would require an Environmental Impact Assessment (EIA). The project falls under Schedule 2, item 10 (b) 'Urban development projects,' of the Regulations. The LPA considered that the development would not have significant environmental effects and as such an Environmental Impact Assessment was not required (ref. 21/00008/SCREEN).

A separate application is currently under consideration for prior approval for the demolition of market and food court (ref. 21/01183/PRIOR).

b) The Principal of Development

Development proposal

The application site is situated within the identified City Core Policy Area as designated under policy LP47 of the adopted Peterborough Local Plan. The policy states that *'the council will seek development of the highest quality which, in overall terms, strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region, broadens the range of land uses to include more city centre living and enhances the visitor experience for all'*. Northminster is one of the Opportunity Areas for mixed use development within the Core Policy Area (LP47.5 refers) where it is envisaged that development proposals should deliver a range of uses that provide high quality development.

Policy LP47.5 advises an indicative number of 150 dwellings for the Northminster Area. This area was designated in the former City Centre Plan (Dec 2014) for up to 300 dwellings. However the allocation was reduced to an indicative number of 150 dwellings in the new Local Plan, due to lack of information about the delivery of the Northminster site at the time of preparing the Local Plan (2016 to 2018), there was insufficient evidence to meet the NPPF requirements for deliverable sites.

The supporting text at paras. 7.2.3 and 7.2.4 of the Local Plan states that indicative number of dwellings are used to demonstrate how the approximate Local Plan dwelling requirements can be met. It is emphasised that they are only "indicative", and do not represent a fixed policy target for each individual site. Developers are encouraged to produce the most appropriate design-led solution, taking all national policies and other Local Plan policies into account, in arriving at a total dwelling figure for their site, and they need not be constrained by the figure that appears in the column headed 'indicative dwelling figure'.

Furthermore, Local Plan policy LP3 makes clear that Peterborough's spatial strategy for the location of residential development is to focus the majority of new development in and adjoining the urban area and policy LP6 makes explicit reference to the city centre being promoted as a location for substantial new residential development at a range of densities according to location.

The majority of the site is located within the Primary Shopping Area as defined under policy LP12 of the Local Plan. The proposed commercial units would also be policy compliant and an appropriate use on this site due to its city centre location providing a mixed use development with active street frontages and development which encourages trips into the City Centre.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise (NPPF para. 47). At para. 11 of the NPPF it is advised that decisions should apply a presumption in favour of sustainable development and development proposals that accord with an up to date development plan should be approved without delay.

The proposal would provide a significant amount of housing development at a highly sustainable location close to services and facilities to meet the needs of the future occupants. This will ultimately protect the long-term vitality of the City Centre as a retail & commercial destination. The proposal would also make efficient and effective use of this previously developed site.

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 (SPD). This requirement was included within the policy because of the possible redevelopment of the market and car park, which is the main redevelopment site within the opportunity area and other sites around the area and a co-ordinated approach would be needed. Currently no development brief or SPD has been prepared for the Northminster Opportunity Area. However, it is considered that the application site, is the main development area within Northminster and would set the bar for further development coming forward and would not prejudice the ability to develop the wider Northminster area.

The application has been submitted and must be considered on its merits taking into account all relevant planning policies and material planning considerations. 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.

Quantum of development

The scheme proposes up to a maximum of 315 (C3) residential units, 2 commercial units fronting Laxton Square and the former Courthouse and an enhanced area of public open space. Although the scale of development is not committed at this stage, it is necessary to agree certain parameters at outline stage. The application is supported with parameter plans indicating the maximum height of the development at 33.3m and a series of levels which would reduce the impact of the development on the surrounding area and in particular views of the Cathedral, discussed further in this report.

The illustrative plans submitted at this outline stage demonstrate how the development could be accommodated. Although the scale of development is not for determination at this stage due to the quantum of development proposed it is necessary to agree height parameters which will be acceptable on site particularly due to the impact on nearby heritage assets, notably Peterscourt and the Cathedral.

It therefore considered that in principle the development is acceptable and subject to relevant conditions the proposal would form a sound basis on which a future reserved matters application could be based.

Loss of the market

Policy LP47 states that the Council will support proposals to improve the market or, if necessary, work with the market traders to identify a new location.

A number of objections have been received regarding the loss of the market. The Peterborough Civic Society refer to the site being located within the primary shopping area and that the loss of the car park and retail units has already impacted on the vitality of the area and this would be made worse by the permanent loss of the market.

The Council is working with the market traders to find a suitable location for the relocation of the market. At the time of writing this report the preferred location is along Bridge Street. The provision of an alternative location for the market will be provided by the Council prior to the demolition of the existing market building.

It is considered that the proposal would regenerate this prime city centre site, delivering a high quality development, which would enhance the vitality and viability which would stimulate further investment in the city centre; while at the same time would boost the supply of housing in what is a highly sustainable location. The proposal therefore accords with policies LP3, LP6 and LP47 of the Adopted Peterborough Local Plan (2019) and paras. 86 and 119 of the NPPF (2021).

c) Meeting Housing Need

The proposed scheme will follow a Build to Rent model which is a distinct asset class within the private rented sector. In this case, the scheme will fall within the definition of affordable housing for rent known as Affordable Private Rent.

Affordable housing for rent: meets all of the following conditions:

- (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable);
- (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and
- (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision.

Policy LP8 of the Adopted Local Plan advises that development proposals of 15 or more dwellings (whether as new-build or conversion) should, through negotiation, provide 30% affordable housing. The affordable housing needs of the most vulnerable groups will be prioritised. The proposed build to rent scheme would comprise a 100% affordable private rent tenure making it a wholly affordable build to rent scheme in accordance with the NPPF, exceeding the (30% on-site) affordable requirements of Local Plan Policy LP8.

The applicant proposes that this will increase housing opportunities for a wider spectrum of people and will meet a market demand; the added benefit of the proposal is that the units will be accessible to the full market and therefore the discounted rates will be open to the widest possible population.

Build to Rent is a long-term business model that allows investors to generate sustainable income over time by renting purpose build residential property.

Investment in BTR is attractive to investors because:

- Secure, inflationary income from assets underpinned by a strong record of capital growth
- Increasing demand for rental product due to restricted access to home ownership following recent house price growth
- Growing rental demand driven by changing lifestyle choices

The UK's BTR stock was 63,950 completed homes with a further 42,000 under construction at the third quarter (July, August and September) in 2021.

In spite of the pandemic BTR in 2020 continued to provide resilient income streams with high occupancy levels and robust rent collection levels. The stability of the BTR during 2020 has emphasised the appeal of BTR to investors seeking long-term predictable returns with a widening pool of investors entering the sector including AXA and Pension Insurance Corporation.

BTR developments are also attractive to tenants and local areas, for example:

- Increasing the supply of new homes
- Providing long term tenancies with clarity about rent increases

- Providing professional management, which is more reliable than an individual landlord
- Promoting long-term investment in local areas supporting the delivery of wider regeneration projects

The 2018 revisions to the NPPF created stronger emphasis on housing delivery, with a clear recognition that a multi-tenure approach is required in order to be able to meet challenging housing targets and evolving lifestyle choices. BTR is now a distinct asset class within the Private Rented Sector.

If approved this scheme will receive a grant from CPCA of £14.03M The development will be managed and controlled by a single company and will deliver an entirely Affordable Private Rent scheme with rents fixed at 80% of the market rent with a CPI+1% annual rent increase. These factors reduce potential volatility for investors by having a fixed income stream and deliver certainty regarding the management of the scheme.

The Strategic Housing Team refer to section 6.3.4 of the Local Plan which states that “Affordable housing is housing that is provided for eligible households who are unable to meet their housing needs in the open market because of the relationship of housing costs and income. The affordable housing needs of the most vulnerable will be prioritised by the Council” and therefore the housing needs of the most vulnerable should be prioritised when allocating these units.

The Strategic Housing Team request, amongst other things, that the rents be linked to the Local Housing Allowance (LHA) for Peterborough to ensure that they are truly affordable for those in housing need and most vulnerable; rental levels which are 80% of the market rent for the unit may only be applied where these are at or lower than LHA levels; eligibility criteria for how the units are let and for the first four weeks the housing is marketed exclusively through the Council’s Choice Based Lettings scheme and offered to eligible households on Peterborough City Council’s housing register; and an allocations cascade that prioritises the letting of the units.

In addition, it is expected that an agreed quota of properties be allocated to households from the housing register each year be set out in the s106 Agreement (to be no lower than 50%).

At present the Council does not have a Local policy or SPD that deals with Build to Rent schemes and is silent on this matter, therefore new government policy in the NPPF and NPPG applies. It is considered that the proposed development meets the definition of private affordable rent as set out in Annex 2 of the NPPF and therefore it represents an acceptable form of affordable housing. In accordance with the advice provided in the NPPG on Build to Rent schemes, the Local Planning Authority cannot insist on eligibility controls on occupation which would be contrary to the purpose of the affordable housing for rent concept and the guidance set out in the NPPG, or setting rent levels below a 20% discount on local market rental levels which the NPPG considers to be ‘a suitable benchmark’.

It is accepted that whilst the proposal would have limited impact in helping those in greatest need of housing in the city it would provide additional housing provision at affordable private rent and would accord with the national planning policy guidance.

The applicant will be required to enter into a section 106 agreement to ensure the Build to Rent scheme accords with the advice set out in the NPPG which includes; offering tenancies of 3 years or more, management of the scheme, rent levels at a minimum discount of 20% relevant to local market rents including service charge, homes to be provided as a long-term community benefit in perpetuity; and appropriate clawback arrangements should some or all of the dwellings cease to be provided as Affordable Private Rent; with the clawback to be reinvested in further provision of affordable housing in the area.

Since this scheme falls into the category of an affordable rented tenure scheme, in accordance with Policy LP8 of the Peterborough Local Plan all of the units are required to be built to meet minimum National Space Standards (as defined by Building Regulations).

Furthermore, in accordance with Policy LP8 of the Peterborough Local Plan, all dwellings should meet Building Regulations Part M4(2) and on all development proposals of 50 dwellings or more, 5% of homes should meet Building Regulations Part M4(3)(2)(a). In this instance that would equate to 17 dwellings. The policy requirements would be secured as part of the reserved matters application.

The proposal is a 'build to rent' scheme and would provide a 100% affordable private rent tenure in accordance Annex 2 of the NPPF (2021) and NPPG (2018); and will meet access standards and the changing needs of people over time in accordance with policy LP8 of the adopted Peterborough Local Plan (2021).

d) Impact on Heritage Assets

The site lies in close proximity to a number of designated and non-designated assets, most notably are Peterscourt (grade II) and Peterborough Cathedral (grade I); and the Park and City Centre Conservation areas. There are views towards both of these conservation areas and to Listed Buildings within them as well as the Registered Park and Garden surrounding the Cathedral Precinct.

The proposal is assessed against policies LP19 and LP47 of the Local Plan and section 16 of the NPPF. In summary, policy LP19 places emphasis on the protection of designated heritage assets and their settings. All proposals that would directly affect any heritage asset should be accompanied by a Heritage Statement. Policy LP47 advises that new development must protect important views of the Cathedral; preserve or enhance the heritage assets of the area, and their setting, in a manner appropriate to their significance.

Para 194 of the NPPF (2021) requires that applications 'should not only describe the significance of any heritage assets affected, but also any contribution made by their setting.' The glossary to the NPPF describes the setting of a heritage asset as '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.

Para 197 of the NPPF encourages local authorities to sustain and enhance the significance of heritage assets consistent with their conservation and asks that they take into account "the desirability of new development making a positive contribution to local character and distinctiveness.

Para 199 of the NPPF advises that *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, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

Significance is defined in Annex 2 of the NPPF as: "*The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*".

Para 202 of the NPPF advises '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*'

The Local Planning Authority has a duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66(1) to have a special regard to the desirability of preserving listed buildings, their special features and their setting.

Section 72 of the Town and Country Planning Act 1990 places a duty on the LPA to pay 'special regard' to the desirability of preserving or enhancing the special character or appearance of

conservation areas.

Considerable weight and importance should be given to (a) the need to avoid harm to conservation areas and (b) the duty to have special regard to the desirability of preserving a listed building and its setting. The presumption against the avoidance of harm is a statutory one, (which has been subject to interpretation by the Courts) and can only be outweighed if there are material considerations strong enough to do so, and which involve some advantage or benefit which outweighs the harm.

The City Centre Conservation Area Appraisal (2017) recognises the Cathedral as a major landmark building in the city. The council will seek to protect important views of the Cathedral and its setting.

A Heritage Impact Assessment (HIA) has been submitted in support of the application which has been informed by a Townscape and Visual Impact Appraisal (TVIA) which includes views of key vantage points around the city.

The initial scheme proposed a building with an overall height of 39m. Concern was raised by Historic England regarding the impact of the scheme on the setting of the Cathedral. Currently the largely horizontal silhouette of this internationally renowned building can be viewed against an uninterrupted skyline from south of the City Centre and the riverside. Historic England considered the views included with the HIA and TVIA demonstrate the development would appear plainly in the backdrop of the Cathedral and in wider dynamic views. This would cause a high level of less than substantial harm to the significant of the Cathedral which could be addressed if the overall height of the scheme was reduced by two storeys.

Despite the stepping up the development from 2 storey at Laxton Square rising to 11 and 12 storeys the Cattle Market Road and Northminster wings, the Conservation Officer considered this would not negate the detrimental impact in terms of cathedral views and the setting of the Cathedral from a number of key vantage points. From the north along Northminster, there is a positive view from the front doors of the Solstice. The view taken from Northminster in the HIA is closer to Laxton Square and provides a framed view, albeit limited in relation to the view taken from outside Solstice. The view would be taken from the public realm and placed into the private.

The best views of the Cathedral are from the south and it was clear from the HIA and TVIA that the building would be seen in the background from views of the Cathedral from this direction from the Town Bridge and the Embankment. This would be more pronounced in the winter months when the trees are not in leaf. The Conservation Officer's view was that the building would have a detrimental impact on the setting of the Grade I listed building and would be deemed unacceptable until such a time that the height was reduced to eliminate this impact.

The negative impact on views of the Cathedral were raised by the Peterborough Civic Society who also consider the proposal would impact on the view from Stanley Park and although this view has been compromised by a recent planning approval it remains as a valid consideration in this application process. The view provided in the HIA was taken in summer where trees screen the full impact of the proposed building.

The Peterborough Civic Society questioned the accuracy of the wireframe images shown in the visualisations and considered they underplayed the scale of the proposed development. The applicant has responded that the visual representations prepared to support the TVIA are highly accurate three-dimensional images prepared under a strict methodology of photography, site survey, camera matching, and digital model rendering. This aligns with current industry accepted best practice prescribed by the Landscape Institute (LI) and Institute of Environmental Management & Assessment (IEMA). The methodology ensures the assessment of likely impact resulting from the proposed development is based on a truthful representation of how the proposed development will appear within a selected existing view for an average observer (or receptor).

The view includes all existing fixed baseline features such as buildings, transport/energy infrastructure, landform and vegetation. The views adopt a proportionate approach in accordance

with the guidance and given the salient townscape and heritage sensitivities of the study area are prepared to LI Visualisation Type 4 photomontages/wirelines to support a formal planning application and where the visualisations sit in the public domain. The photomontages presented are therefore based on a full control point land survey and scale verifiable enabling a high level of geographic accuracy and image scaling.

Visually, the highest magnitude and level of effects would arise for visual receptors in the streets immediately around the site, including aligned views along Brook Street and New Road. Effects on the nearest areas of the two Conservation Areas would be of lower magnitude but would result in notable effects given the sensitivity of the views from the Cathedral Precincts; across Stanley recreation ground and along Geneva Street and Fitzwilliam Street.

The applicant was advised to reduce the height of the building and to increase the number of positions for wire frame views across the embankment as this is a dynamic view depending on where you are stood.

The height of the building has been reduced by two storeys, lowering the height from 39m to 33.3m. An addendum TVIA and an updated HIA have been provided to illustrate changes in the visibility of the proposed development and subsequent significance of the 'effect' on visual receptors. In addition 3 of the representative views have been updated; viewpoint 3 - Crawthorne Road, viewpoint 6 – Embankment Walk and viewpoint 7 - London Road. An additional has been provided view point 12 - Frank Perkins Parkway (elevated view).

The addendum advises that the development would continue to have a local, direct, permanent major-moderate adverse significance of effect on the visual receptor from Crawthorne Road across Stanley Park.

The updated HIA shows the 'before and after' visibility and impact of the proposed development from the various agreed vantage points. The Conservation Officer is of the view that the proposal is now at a satisfactory height and will not have an unacceptable impact on the setting of the Grade I listed Peterborough Cathedral or the wider City Centre Conservation Area.

There will remain glimpse views of the upper levels of this development from key vantage points and this will be more pronounced in winter months when there is less tree cover. What is important is that the newly proposed height, despite still being visible in glimpses, allows the Cathedral to be the dominant and principal feature in these views. From a heritage consideration the proposed works are now on balance supported.

In addition, Historic England is now satisfied that the overall height of the development has been reduced sufficiently and there are no objections on heritage grounds.

Following the reduction in the overall height of the proposal the Peterborough Civic Society agrees that the crucial view of the Cathedral from the Embankment and the proposal would hardly be seen from the approach from the Town Bridge. However it is still the Peterborough Civic Society's view that setting of the Cathedral from a north aspect will still be seriously undermined.

It is the view of the Local Planning Authority that in conjunction with the recently permitted development on the Solstice site, the impact from the vantage points from Stanley Rec / Crawthorne Road, the development would have negligible additional impact on what is already a somewhat restricted view by virtue of the recent Solstice permission.

This assessment has found there to be a range of effects which on balance result in a negligible adverse effect to the setting of the Cathedral, this has been downgraded from a minor adverse impact as a result of the changes to the scale. This balance has been undertaken in line with the Palmer v Herefordshire Council & Anor case with most beneficial effects outweighing the adverse effects.

The HIA concludes that there is a moderate beneficial effect on the setting of Peterscourt by the

demolition of the market buildings and the opening up of a new view from Northminster and the provision of a high quality public open space. There is a moderate beneficial effect by improved views of the Cathedral south along Cattle Market Road. A moderate beneficial effect has been identified on the setting of the City Centre Conservation Area from the opening up of the new view from Northminster, enabling a view of two key heritage assets and better revealing the proximity and quality of the city centre. Views from within the development are also opened up, allowing occupiers of the housing and visitors to the cafe to have considerable views towards the Cathedral over and above Peterscourt.

A minor adverse effect has been identified to the setting of the non-designated former Courthouse. However, the effect has been minimised by the lower section of the proposed development fronting Laxton Square.

A negligible adverse effect arises from the impact in the view from the Embankment/public open space north of the River Nene. This impact is minimised somewhat by distance, the design of the building and the narrow width of the tower as well as the reduction in scale through the application process.

Paragraph 202 of the NPPF states that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'*.

It is accepted that the development will bring the view of the Cathedral from Northminster forward providing a framed view, however, on balance the reduction in height of the building has reduced the impact on views from the south. Whilst there is an element of harm due to the best views from Northminster moving forward to become a framed view, this is considered to be less than substantial and at the lower end of less than substantial, therefore the wider public benefits of improving the site require to be considered, in accordance with para. 202 of the NPPF.

It is considered that proposal would result in the regeneration and revitalisation of this prime city centre site, providing a high quality, sustainable development which would stimulate further investment into the area. The proposal would considerably improve the character and appearance of the street scene, particularly along Northminster and Cattle Market Road as well as providing enhancement to Laxton Square which would open up views of the Cathedral and Peterscourt from the north. The proposal would also provide much needed housing within the city centre with the associated benefits of night time economy, natural surveillance and so on.

It is considered that the substantial public benefits of this proposal outweigh the identified harm which is less than substantial. The proposal would not have an unacceptably adverse impact on the setting and significance of the Grade I listed Peterborough Cathedral nor on the character and appearance of the Park and City Centre Conservation Areas and therefore accords with policies LP19 and LP47 of the adopted Peterborough Local Plan (2019) and paras. 194, 197, 199 and 202 of the NPPF (2021).

Archaeology

The site is located within a rich archaeological landscape with a moderate to high potential for unknown archaeological remains to be present. Should features or deposits survive in situ, then development of the site would negatively impact those remains, as they would likely be destroyed as a result of groundworks. An Archaeological Desk Based Assessment has been submitted in support of the application which recommends a Geophysical Survey and a programme of targeted trial trenching following the Geophysical Survey.

A programme of archaeological work will be required at the appropriate stage of the project. The PCC Archaeologist has advised that ideally the programme of archaeological work should be carried out pre-determination if feasible, or secured by condition provided the removal of the market buildings and the clearing of the former carpark do not entail deep excavation. The demolition of

the present buildings is subject to a separate application, and until such time as these buildings are cleared a full Geophysical Survey would be of limited value. As a consequence, the PCC Archaeologist advises that a partial Geophysical Survey be carried out pre-determination.

In order to ensure that disturbance to buried archaeological remains is minimised and residual risk managed accordingly, the results of the evaluation phase may lead to a formulation of a strategy to ensure the recording, preservation or management of the resource, the formulation of a strategy to mitigate a threat to the archaeological resource and formulation of a proposal for further archaeological investigation within a programme of national, regional and local research, as defined.

The proposal therefore accords with policy LP19 of the Adopted Peterborough Local Plan (2019) and paras. 194, 195 and 205 of the (2021).

e) Appearance, design, and scale

The appearance, design and scale of development are reserved to a later stage. A Townscape and Visual Assessment (TVIA) supports the application. The TVIA provides an assessment of the effects of the proposed development on the overall townscape character and visual amenity. This has also informed the HIA, as discussed in section d) above. A 1km study area has been used reflecting the likely extent of notable effects taking account of visibility and the urban context. Eleven viewpoints have been considered from a range of distances and directions. The TVIA concludes that overall the significance of effect on townscape of the proposed development is considered to be low and not significant. Overall, the effect on visual receptors is highest closer to the site with effects reducing with distance.

Illustrative plans and documents submitted indicate a building of quality design and of a form which steps up in scale from lower 2 storey height buildings to the south adjacent to Laxton Square and former Fifth Avenue building rising up in height to the north where it would be closer to taller buildings including Bayard Place (26m), and the former Cinema (17-20m) and the Solstice (24m). The height of the proposal has been reduced from the initial scheme by 2 storeys which has resulted in improvements, particularly in terms of visual impact.

The building would be designed as two separate wings which break up the massing and provide more visual interest to the street scene. The massing of the building would be reduced by a series of green roof terraces on the varying levels of the building providing external space and views of the Cathedral for the occupants. It is also proposed to use brick as the external cladding material varying in colour from the lower level to the upper level thus giving relief to the elevations. The fenestration of vertical proportions would also take reference from Peterscourt, the Cathedral and the Passport Office.

The development would be undeniable large and indeed higher than its neighbours, however, given the city centre location, it is considered the development would respect the surrounding character and context.

The building would provide active frontages to both Northminster and Cattle Market Road, the latter currently having poor surveillance and a 'back of house' appearance; balconies would animate the facades of the building and the proposed commercial units to the south of the site would overlook Laxton Square which would animate this space.

Objectors, including the Civic society consider the proposal would be a high density development and an overdevelopment of the site and refer to the number of residential units within the area; many being the result of converted office space. It is however, considered that until recently the city centre had relatively few houses and flats. The city centre is a sustainable location and appropriate for housing development. It would also go some way to contribute to the housing needs for the city.

The Urban Design Officer has assessed the proposal and considers that the amended scheme has reduced the possibility for any negative visual impact improving the application and ultimately the

development. The scheme is considered to be of high quality design, the principle of taller buildings in the city centre are supported as they help locate people centrally and therefore animate the heart of the urban area, they also assist in identifying and navigating to the centre of the city.

The NPPF advises of the importance of good design being key to sustainable development, creating better places to live and work (para. 126). The scheme represents a comprehensive regeneration of this prime city centre site, however Officers acknowledge that given the height and prominence of the building it is important that the scheme evolves to create a high quality design and layout which will be considered at reserved matters stage.

It is considered that the proposal would contribute positively to the character and local distinctiveness of the area, improving the townscape and public realm and create a sense of place, in accordance with policies LP16 and LP47 of the adopted Peterborough Local Plan and paras. 126 and 130 of the NPPF.

f) Highway Implications

Transport Assessment

A Transport Assessment supports the application. Given the former use of part of the site as a multi storey car park the number of vehicle trips likely to be associated with the proposed development would be substantively below the historic levels. Thus in transport terms there would be a significant positive transport impact in the longer-term as a result of the proposed development. The site is also well-positioned in terms of proximity to public transport services, as well as access to good pedestrian and cycle infrastructure.

Access

Vehicular access to a new surface level car park (comprising 50 car parking spaces) would be via the retained vehicular access at the north-east corner of the site from Northminster. Geometry improvements are to be made to this access in order to achieve 2.4 x 43m visibility splays and to improve tracking. At the time of writing this report, officers are awaiting an amended plan to be submitted. These details would be then secured by condition and implemented prior to the occupation of the development. The details would be provided within the update report to Members.

Off-site Highway works

Off-site works are proposed to the existing arrangement in the vicinity of the proposed access. A new footway would be constructed using width from the existing carriageway to create a new kerb line. This will result in a narrower carriageway and amendments to the pedestrian crossing. The carriageway width must be compliant with LTN 1/20 to provide adequate provision for cyclists. A loading bay would be provided along Northminster. At the time of writing this report, officers are awaiting an amended plan to be submitted. The details would be provided within the update report to Members.

Refuse collection

The main bin store north of Brook Street will be serviced via a loading bay along Northminster which is acceptable subject to a TRO restricting parking of other vehicles. It is unclear how the bin stores located between New Road and Brook Street will be serviced. The LHA and Waste Management Team raise concern regarding refuse collection vehicles having to pull up on the highway and the length of time it would take to empty bins. It has also not been demonstrated that a refuse vehicle would be able to manoeuvre at the end of Cattle Market Road with vehicles parked on the western side. The details of a bin storage and waste management plan would be agreed as part of the reserved matters scheme and secured by condition.

The LHA has advised that various Traffic Regulation Order (TRO) amendments would be required and must be carried out prior to first occupation of the development. The works include restricting parking in the proposed loading bay along Northminster, relocating double yellow lines along Northminster and changes to the existing parking and changes to the parking along Cattle Market Road to achieve refuse collection. The TRO procedure is separate to the planning process, however an informative shall be appended to the decision notice for the avoidance of any doubt.

A condition would be appended to the decision to ensure that the loading bay and servicing arrangements are provided prior to the development being brought into use to ensure that the development can be adequately serviced.

Objections have been made regarding the public footpath link along Market Way which links the end of Brook Street to Broadway, which it is stated has been in existence since the 1880's. It is accepted that this route would be lost as part of the development however, pedestrian and cycle routes would be provided through the site at the northern and southern sections of the site with walking / cycling links between Cattle Market Road and Northminster. It is not considered that the loss of the existing footway would make the proposal unacceptable.

Car Parking

The proposed scheme would provide 50 car parking spaces located to the north of the site. The LHA has advised that this would be contrary to the parking standards under policy LP13 of the Local Plan which advises that new car parking provision will only be supported in very exceptional circumstances. It is considered that given the scale of the development and the loss of the former multi storey car park the proposed car parking provision is modest and is acceptable in this case. A condition would be appended to the decision requiring the applicant to provide a Parking Management Plan to demonstrate who will use and access the car park, and how the parking bays will be allocated.

It is noted that a number of objections have been made to the loss of 100 car parking spaces currently on site and the need for car parking at the site to support the local and local and night-time economy. A particular concern was raised regarding the New Theatre located on Broadway. The LHA has advised that the applicant provides evidence to demonstrate the loss of public car parking will not result in an unacceptable loss of City Centre parking. The applicant has reviewed the accessibility of the area. It is generally accepted that the average walking distance is 1km and that has been the case since the mid-1970s. Further, "acceptable" and "desirable" maximum walking distances in a town centre location are identified as 400m (4–5 minutes) and 800m (8–10 minutes) respectively by the IHT. Given these identified maximum walking distance, isochrones have been prepared to examine the car parking provided in Peterborough city centre within those limits. There are five car parks located within a 4–5 minute walk, with a further six within an 8–10 minute walk.

This considers the Queensgate car parks as a single car parking location. Although the Queensgate car parks currently close at 21:00hrs, on opening of the new cinema which is currently under construction, it is understood that the car parks' opening times will be adjusted. The Transport Statement which accompanied Queensgate's planning application (Ref: 15/01013/FUL) for the provision of a 1,542-seat cinema and restaurants identified that the associated traffic would use the existing shopping centre car parks, with a daily profile presented to 23:00hrs.

In addition to these formal car parks, on-street car parking is provided at many locations nearby. By not including the on-street provision, this review effectively considers a worst case with no nearby on-street parking being available. The area centred on New Theatre would not be impacted by the permanent removal of public car parking on the site, and there is adequate public car parking available in the city centre with the proposed development in place.

There are allocations within the Local Plan to redevelop a number of existing public car parks which will require a re-provision of car parking spaces on alternative sites. The demolition of the multi storey car parking removed the provision of approximately 700 car parking spaces within the city centre,

however, over time a number of changes have taken place within the area. A significant number of office development has been converted to residential, including the neighbouring Bayard Place which has reduced the demand for public car parking provision.

Whilst consideration will need to be given to alternative car parking as the allocated sites come forward currently there are a number of public car parks available within reasonable distance to the city centre including Brook Street, Wellington Street, Bishops Road.

Cycle Parking

Cycle parking will be provided in accordance with Local Plan minimum standards, including long stay spaces for residents and staff, and short stay cycle parking for visitors and customers. The cycle parking requirements for city centre sites in the Local Plan are considered on a case by case basis. The applicant proposes that cycle parking provision for residents will be a phased roll out, if necessary; and approximately 30% of the required long stay cycle parking provision will be provided from the outset with a monitor and manage approach tied to the submitted Travel Plan. This approach has been agreed in principle with the PCC Travel Choice Team. In the event that demand approaches within five percent of total available capacity, further phased provision of cycle parking will be delivered. The landscaping strategy for the site demonstrates that the future provision of this phased cycle parking has been taken into account in the proposals for the wider site.

Framework Travel Plan

A Framework Travel Plan has been submitted in support of the application which details the specific travel plan measures which could be implemented to maximise the opportunities for non-car modes of travel to / from the site (walking, cycling and public transport) and support the low car scheme. This is acceptable to the Travel Choice Team and a Full Travel Plan would be secured by condition.

It would be expected that 20% of the car parking to have provision for electric vehicle which would be 10 bays. Further details will be agreed under the reserved matters application.

It is also expected that Travel Packs would be provided to the first occupants of the development which will include either a free monthly Mega rider pass or a £50 cycle voucher to be secured as part of the S106 agreement.

The proposals offer and encourage access by a wide choice of transport modes, occupy a highly sustainable location, and would provide a suitable quantum of parking.

The proposal would not unduly impact on the surrounding highway network. The site is accessible by a choice of means of transport the proposal would ensure that a safe and convenient access for all users would be available. Hence the proposal would accord with policy LP13 of the Adopted Peterborough Local Plan (2019) and paras 110 and 111 of the NPPF (2021).

g) Landscape Proposals

The application site includes an area of public open space, known as Laxton Square. This is a levelled paved area with trees and raised grassed areas containing flowerbeds and trees. The area provides seating and amenity for pedestrian visitors. An Arboricultural Assessment supports the application. The site contains 11 low quality trees which will not be retained as part of the development. The Tree Officer has considered the assessment and raises no objection subject to a full and detailed landscaping scheme being submitted as part of the reserved matters scheme.

The Senior Landscape Officer has however considered that there are 4-6 trees currently on site which could be retained and would work with the proposals. Further consideration will be given to these trees at reserved matters stage.

Landscaping is a matter to be reserved to a later stage however, Illustrative plans indicate a significant enhancement to this area. The scheme proposes soft landscaping including semi mature trees, deciduous planting and mixture of herbaceous perennials and so on; and will include a network of rain gardens and seating areas. The plans also propose a vertical steel framework which is to evoke the history of the site as a marketplace and provides visual interest and structure. A memorial plaque which is located on one of the raised areas is to be relocated as part of the proposal.

The applicant would be responsible for the on-going maintenance of Laxton Square and all public areas of the development. A maintenance programme would accompany a reserved matters application. The details of on-site POS and the maintenance and management would be secured under a S106 agreement.

Subject to landscaping details being submitted the proposal would enhance the amenity of the area in accordance with policies LP16 and LP29 of the Peterborough Local Plan (2019).

h) Public Open Space

The proposal includes the provision of an external residential courtyard, and an enhancement and an increase to the Public Open Space at Laxton Square, however this would not provide sufficient open space to serve the amount of development proposed and would place additional demands upon existing open space. 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 £121,005.42 (Neighbourhood Parks), £60,209.67 (Children's Play), - £29,570.89 (Natural Green space) for Stanley Park and - £13,092.46 (allotments) Burton Street.

The above off-site contributions are considered to be reasonable due to the quantum of development proposed and would accord with policy LP21 of the adopted Peterborough Local Plan.

i) Ecology

An Ecology Survey Report has been submitted in support of the application. An Extended Phase 1 Habitat Survey was undertaken in September 2020. The site is not located within a statutory, proposed statutory or non-statutory designated nature conservation site. The main habitats within the proposed working area comprise hard standing (associated with a carpark that has been demolished and an existing outdoor market area), areas of amenity grassland and landscape planted trees. No evidence of the presence of legally protected species or invasive species was noted during the survey. However, evidence of feral pigeons using the roof and ledge spaces associated with the outdoor market was noted. Consequently, the key ecological consideration for the proposed development is nesting birds. As such, mitigation measures in respect to these species will be required and considered when programming the proposed works, especially the demolition of the existing building. It is considered unlikely that there will be significant effects on legally protected habitats or species.

Opportunities for the proposed development to incorporate biodiversity enhancement and/or net gain opportunities for ecological receptors will be further considered. Such opportunities at this time, include the inclusion of berry/nectar bearing species within the proposed landscape mitigation planting scheme for which birds may use for feeding and/or foraging as well as the installation of bird boxes within the proposed building design and/or on trees proposed as part of the landscape mitigation planting scheme. In addition, the proposed development includes the construction of a green and blue roof, both of which once established will provide feeding, foraging and/or nesting opportunities for birds and invertebrates.

The Ecology Survey identifies that there are opportunities for the proposed development to incorporate biodiversity enhancement and/or deliver a net gain in this regard.

The Wildlife Officer considers that the site has minimal impact on habitats of significant biodiversity interest. All trees and buildings being lost on site are urban in nature and do not have significant connections to the wider environment and the Ecology Survey Report which provides an accurate picture of the development. The green roofs being constructed will hopefully create significant interest for birds and insects within the urban environment.

The Officer recommends a bird nesting informative and details of at least 15 bird boxes be incorporated in the scheme and that where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance. These details would be secured by condition.

Designated Sites: The proposed development has the potential for adverse affects on designated nature conservation sites and designated landscapes, namely Nene Washes SSSI, Nene Washes SAC, Nene Washes SPA and Nene Washes Ramsar due to recreational pressure associated with new housing development. Natural England have developed Impact Risk Zones (IRZs) which are a tool to provide an initial assessment of the potential risks to SSSIs.

The site is located within close proximity to a large recreation/park area and offsite contributions for enhancement of this area are being sought, thus reducing recreational pressures on the designated area.

Based on the Ecology Survey findings and subject to implementing its recommendations, the proposals will be in accordance with NPPF paragraph 174, which seeks to minimise the impacts of development on biodiversity and look to provide net gains. By incorporating features within the proposed building and/or landscaping design to enhance biodiversity value, the scheme would also align with Local Plan Policy LP28.

j) Flood Risk and Drainage

A Flood Risk Assessment (FRA) and Drainage Strategy supports the application. The site lies in Flood Zone 1 so is at very low risk of flooding. Surface water and ground water flooding at the site has been identified in the FRA and Drainage Strategy, but this confirms these can be adequately mitigated by measures.

The FRA and Drainage Strategy confirms that surface water will be discharged to a public surface water sewer and attenuated to meet the required discharge rate (+ 40% allowance for the predicted impacts of climate change), which would likely be achieved through permeable paving within the car park and hard landscaped areas, rain gardens within the soft landscaped areas; and geo-cellular attenuation below car park and other hard landscaping if required.

The Drainage Team has assessed the proposal and raises no objections subject securing details of the design, implementation, maintenance and management of the sustainable drainage scheme to be secured by condition.

Anglian Water has confirmed that the FRA and Drainage Strategy is acceptable and the to the public surface water network at the overall agreed rate of 4l/s. The document should be listed as approved plans/documents if permission is granted.

A condition would be appended to the decision to ensure water efficiency; that each residential unit achieves water usage of no more than 110 litres per person per day in accordance with policy LP32 of the adopted Peterborough Local Plan (2021)

It is considered that the proposed development can be adequately drained and the proposed development would not be at risk of flooding nor would the proposal result in flooding outside the

site. The proposal therefore accords with Local Plan Policy LP32 and paras 167 and 169 of the NPPF (2021).

k) Noise Implications

A noise report supports the application. The noise report concludes that enhanced glazing and appropriate ventilation is required at some noise sensitive facades to achieve the desired internal noise levels. The internal layout of the development is not known at this stage, however all rooms have been designed to achieve the most stringent night time internal noise criteria. However the noise report has not sufficiently considered noise from music from hospitality venues. The glazing specifications provided are not specific to music noise from pubs and clubs. The northern and eastern facades would be most affected. Guidance states that where entertainment takes place on a regular basis music and associated sources should not be audible inside noise-sensitive property at any time, but particularly after 23.00hrs.

Where development is proposed in the vicinity of existing businesses, community facilities or other activities, the NPPF section 187 clearly places the onus on the new developer (or 'agent of change') to ensure that suitable mitigation measures are put in place to avoid those activities having a significant adverse effect on residents or users of the proposed scheme. Therefore to ensure that the proposed glazing and ventilation schemes are effective in mitigating noise from the night time economy and traffic the applicant will need to complete further modelling using music venue frequency spectrum data to determine a scheme that will ensure internal noise levels noise levels from music meet the criteria detailed above.

Where insulation requirements preclude opening windows for rapid ventilation and cooling, a mechanical ventilation system installed, alternatively, a 'whole house' ventilation system could be used. The impacts of overheating will also require consideration and mitigation. A revised glazing and ventilation scheme is required to be developed in accordance with monitoring and modelling data to meet noise level 30dB LAeq(5mins).

The Noise Pollution Team has advised that these details can be secured by condition as a reserved matter.

The report advises that two transformers would be included as part of the development and it is likely that new plant associated with the commercial elements shall be required. To ensure adequate protection for all residential units across the development a rating level of 5dB below the night time background level of 45dB LA90(t), and for daytime 5dB below the evening level of 50dB LA90(t) are appropriate. A compliance condition is recommended.

As part of the reserved matters application consideration will be given to the internal arrangements of the units to ensure, amongst other things, adjacent rooms are compatible in terms of noise sensitivity and noise production to avoid complaints.

A condition would be appended to the decision to ensure a full assessment of noise is provided with adequate noise mitigation in accordance with policy LP17 of the adopted Peterborough Local Plan and paras 174 and 187 of the NPPF (2021).

l) Residential Amenity

As this is an outline application, the detailed internal layout of properties is reserved for future consideration. However, the indicative layout would achieve adequate separation distances between the proposed properties, as well as with consented residential development nearby, bearing in mind the city centre context, which is suited to a higher-density. It is not considered that the development would result in an unacceptable overbearing impact or result in unacceptable overlooking or loss of privacy for the future occupants.

Concerns have been raised from a nearby occupier of Touthill Close regarding the loss of light which would result from the proposal. Due to the orientation of the building it is not considered that the proposal would result in an adverse impact in this regard.

The applicant has stated that all properties will exceed the Nationally Described Space Standards (NDSS) in accordance with policy LP8 of the Adopted Peterborough Local Plan; these details would be secured as part of the reserved matters scheme.

Turning to amenity space, a private attractive south facing resident communal courtyard would be provided as part of the proposal. Some of the units would include balconies for individual upper floor apartments and small 'garden' spaces to the ground floor units. Shared terraces are also proposed for residential amenity at the south end of residential floors which are occupied by single storey apartments, which will also provide views towards the Cathedral and Peterscourt.

In addition, off site financial contributions towards the enhancement of open space provision at Stanley Park and allotments at Burton Street would be secured by a S106 agreement.

A number of external bin stores are proposed around the site. These are to be screened with planting. The illustrative plans have not demonstrated that sufficient bins have been provided or how accessible they will be. The Waste Management Team have suggested underground bin storage should be considered or a pneumatic waste collection system like 'Envac'. Not only will this be more efficient for collecting waste, but whoever goes on to manage the building is less likely to deal with issues such as side waste, contaminated bins, block bins stores, misuse, and ultimately complaints. The details of waste management are not being determined under this outline application and a waste management condition would be appended to the decision.

Secure cycle parking would also be provided; the details would be considered as part of the reserved matters scheme.

The proposal would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2021).

m) Secured by Design

The Crime Prevention Team considers the area to be of low risk to the vulnerability to crime at present, however the proposed development and the addition of residential development at Bayard Place and The Solstice will increase the population and footfall of the location and with that the possibility of higher crime levels. No information has been submitted regarding security and crime prevention.

Details of lighting and measures to address vulnerability to crime/crime prevention would be considered at reserved matter stage in accordance with policy LP16 of the adopted Peterborough Local Plan.

n) Securing the planning obligations

The following planning obligations need to be secured in respect of the development: the requirements of the Build to Rent scheme – 100% affordable housing, as discussed in section c) above, on-site Public Open Space (1300 sqm), off-site open space contributions totalling £223,878.44 and obligations relating to Household Travel Packs.

The usual method of securing planning obligations is through a section 106 agreement (made between the Council and all those with a legal interest in the site) prior to the permission being issued. However, as the Council is currently the landowner for this site, a section 106 agreement cannot be entered into at this stage as the Council cannot enter into a section 106 agreement with itself or enforce the terms of any such agreement against itself. The applicant is unable to enter into the section 106 agreement at this stage as it does not have an interest in the site.

In these circumstances, and in order to secure the planning obligations, it is proposed that prior to issuing the permission a legal agreement would be entered into by the Council and the applicant pursuant to legal powers under Section 111 of the Local Government Act 1972 (subsidiary powers of local authorities) and Section 1 of the Localism Act 2011 (local authority's general power of competence) as well as any other enabling powers. The legal agreement would secure the planning obligations agreed by the applicant and the Local Planning Authority. The permission shall not be issued until such an agreement has been entered into on terms that are satisfactory to the Local Planning Authority.

At the time of writing this report the Heads of Terms have not been agreed between the applicant and the Local Planning Authority. This will be provided within an update report to Members.

The legal agreement would contain a clause preventing the implementation of the development, other than demolition, by the applicant or any other person, until the applicant (or another third party) has taken an interest in the site and a section 106 agreement has been entered into on the same terms as the legal agreement between any future landowner and the Council. For the avoidance of doubt a condition would be appended to the decision notice to this effect.

o) Other matters

Air Quality

An Air quality report supports the application and assesses the potential impact of the development on local air quality during its construction and operation and the suitability of the site for the proposed uses. The proposed traffic generation and parking spaces compared with the former multi storey car park would be significantly lower. The proposed development is considered to be suitable with regard to air quality and odours. The construction of the development has the potential to cause dust and particulate matter impacts.

The report is acceptable to the Pollution Team. Due to the proximity of the residential occupiers of Bayard Place it will be necessary to control dust resulting from the development it is recommended a condition is appended to the decision requiring a scheme to control dust associated with the demolition and construction phase of the development. This could be part of a Construction Management Plan.

Energy Efficiency

Policy LP31 has been addressed by applying the three principal steps: reducing demand, resource efficiency and finally energy production from renewable energy. The information submitted with the application identifies a range of methods to reduce energy demands and reduction in carbon emissions. This includes solar panels on the roof top, and air source heat pumps to the commercial units. Electric Vehicle charging points are also proposed within the car park. These are matters would be fully considered at reserved matters stage.

Contamination

Intrusive ground investigation is required. The details along with any necessary remediation would be secured by condition. 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 183 of the NPPF (2021).

Statement of Community Involvement

This Statement of Community Involvement (SCI) has been submitted with the application providing details of the public consultation undertaken prior to submission of the application.

The applicant consulted with statutory consultees, elected members, other stakeholders and the local community. The consultation was conducted mainly online, with a handful of face-to-face meetings held with key stakeholders due to the Coronavirus pandemic.

On 3rd June 2021, a four-page newsletter was sent to 1,500 residents and businesses which included details about the public webinars, the project website, contact details and a feedback survey. The day before the launch of the consultation market traders were informed of the closure/relocation. A total of 422 online surveys were submitted and 16 substantive emails/voicemails about the proposal were received by 20 June 2021.

A significant number of comments referred to concerns related to the relocation of the market; there were also concerns raised regarding the availability of city centre parking, the size of the development and the need for more housing in the city centre. There was support for the regeneration of the Northminster area, the boost to the local economy and community ensuring the neighbourhood is sustainable for year to come. More public seating is required in Laxton Square, followed by more green space than community gardens.

Following consultation and the feedback received, the proposed scheme was reduced from 353 to 335 units, reducing the height of the building by two storeys on the East wing.

p) Comments not covered in the above report

- Lack of public toilets due to demolition of the multi-storey car park. It is suggested that the proposal should be amended to include public toilets, given that some of the units will be for commercial use. *Officer Response: There is no obligation on the applicant to re-provide public toilets. The commercial units will have their own facilities.*
- Is the old Central Park building an integral part of this development? If not, it should be. *Officer Response: It is unclear what this building is however, it is not part of the application site.*
- The closed end of Cattle Market Road should be part of the development for a revamp and inclusion in the design so it all flows. *Officer Response: This area is not part of the application site.*
- Too many flats in the city centre. *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.*
- Site notice dated 30th July but not on show until 4th August. *Officer response: The initial site notice was dated 9th August and posted on 8th August. A further site notice was posted on 3rd October.*

6 Conclusions

Subject to the imposition of the attached conditions, and the securing of the planning obligations through a legal agreement, 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 lies within the Northminster Development Area, within the City Centre Core and the proposal would deliver a high quality development, which would enhance the vitality and viability of the city centre and stimulate further investment in the city centre; while at the same time would boost the supply of housing in what is a highly sustainable location. The proposal therefore accords with policies LP3, LP6 and LP47 of the Adopted Peterborough Local Plan (2019) and paras. 86 and 119 of the NPPF (2021);
- The proposal is a 'build to rent' scheme and would provide a 100% affordable private rent tenure in accordance with Annex 2 of the NPPF (2021) and NPPG (2018); and will meet access standards and the changing needs of people over time in accordance with policy LP8 of the adopted Peterborough Local Plan (2021);

- The substantial public benefits of this proposal would outweigh the identified harm due to the best views from Northminster moving forward to become a framed view, which is less than substantial. The proposal would not have an unacceptably adverse impact on the setting and significance of the Grade I listed Peterborough Cathedral, the Grade II Peterscourt or on the character and appearance of the Park and City Centre Conservation Areas and therefore accords with policies LP19 and LP47 of the adopted Peterborough Local Plan (2019) and paras. 194, 197, 199 and 202 of the NPPF (2021);
- An programme of archaeological works would be secured to ensure that disturbance to buried archaeological remains is minimised and managed in accordance with policy LP19 of the adopted Peterborough Local Plan (2019) and paras. 194, 195 and 205 of the (2021);
- Illustrative plans indicate a building of high quality design which would respect the surrounding context and has the potential to add to the local distinctiveness of the area and create a sense of place. Hence the proposal accords with policies LP16 and LP31 of the Adopted Peterborough Local Plan (2019) and paras 126 and 130 of the NPPF;
- The proposal would not unduly impact on the surrounding highway network. The site is accessible by a choice of means of transport the proposal would ensure that a safe and convenient access for all users would be available. Hence the proposal would accord with policy LP13 of the Adopted Peterborough Local Plan (2019) and paras 110 and 111 of the NPPF (2021);
- Illustrative plans indicate an enhancement to the public realm and Laxton Square to the benefit of the visual amenity of the area, along with biodiversity enhancement in accordance with policies LP16, LP28 and LP29 of the adopted Peterborough Local Plan;
- Obligations would be secured for the enhancement of off-site Public Open Space in accordance with policy LP21 of the Adopted Peterborough Local Plan (2019);
- The proposal has demonstrated that the site can be suitably drained, will incorporate SuDS into the proposal to reduce surface water run-off and adequate foul water treatment and disposal can be achieved. The proposal therefore accords with policy LP32 of the Adopted Peterborough Local Plan (2019) and para 169 of the NPPF (2021);
- 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;
- Illustrative plans indicate that the development can be implemented without any unacceptable adverse impact upon neighbouring amenity in accordance with policy LP17 of the adopted Peterborough Local Plan (2021);
- Subject to conditions any contamination within the site will be identified and satisfactory remediation would be secured in accordance policy LP33 of the adopted Peterborough Local Plan (2019) and para. 183 of the NPPF (2021).

7 Recommendation

The Executive Director of Place and Economy recommends Outline Planning Permission (Regulation 4) is GRANTED subject to:-

- (1) The decision by the Secretary of State for the Ministry of Housing, Communities and Local Government not to call in the application for determination;
- (2) The completion of an agreement under section 111 of the Local Government Act 1972/section 1 of the Localism Act 2011 (and other enabling powers) that complies with Heads of Terms to be agreed by the applicant and the Local Planning Authority. The agreement will contain a clause preventing the implementation of the development, other than demolition, until a S106 agreement has been entered into on the same terms between the future landowner and the Council.

The agreement shall be completed within 3 months following the decision made by the Secretary of State not to call the application in, unless otherwise agreed in writing by Officers; and

- (3) Relevant conditions and authority being delegated to Officers to make any necessary or appropriate adjustments to these conditions including the imposition of new conditions.

And the following conditions:

- C 1 Approval of details of the appearance, landscaping, layout and scale (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, landscaping, layout and scale 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 Planning permission is hereby granted for a mixed-use development. The exact quantum for each particular use will be determined through the reserved matters submissions, however the following parameters apply:

- Residential (Class C3) up to a maximum of 315 units;
- Commercial (Class E(a), (b), (c), (e) and (g i)) and / or a drinking establishment (Sui Generis) up to a maximum of 700 sqm;
- A minimum of 1,300 sqm Public Open Space (Laxton Square);
- Single storey Food and beverage pavilion (Class E(a) / (b) within the public open space up to a maximum of 100 sqm; and
- Parking up to a maximum of 50 spaces

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

- C 6 The reserved matters applications to be submitted shall be in accordance with the following approved plans:-

- Site Location Plan drg. no. PNM-NOR-XX - ZZ-DR-A-90000 rev P02
- Proposed Vertical Limitation plan drg. no.PNM-NOR-XX- ZZ-DR-A-90011 Rev P06
- Proposed land use parameter plan drg. no. PNM-NOR-XX ZZ-DR-A-90010 Rev P03

The plans shall not be exceeded by any reserved matters submission.

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

C 7 The details to be submitted as part of the reserved matters scheme under condition 1 above shall demonstrate the following:

- all of the dwellings to meet minimum National Space Standards (as defined by Building Regulations);
- all of the dwellings should meet Building Regulations Part M4(2); and
- 5% of the dwellings shall meet Building Regulations Part M4(3)(2)(a).

Reason: In order to ensure that the development accords with policy LP8 of the Adopted Peterborough Local Plan (2019).

C 8 Notwithstanding the landscaping details to be submitted under condition 1, no development shall take place above slab level until the following details have been submitted to and approved in writing by the local planning authority:

Soft landscaping:

- Planting plans at a minimum scale of 1:200 with schedules of plants noting species, supply sizes and proposed densities;
- Where it is intended to create semi-natural habitats, all species used in the landscaping schedules shall be locally native species of local provenance;
- Tree pit details drawing showing the adequate soil volume, means of support, irrigation and maintenance to ensure establishment to maturity; to include dimensions of engineered tree pit/s, installation, means of protection, including all works and any products to be used such as 'RootSpace', root directors, deflectors, barriers supported by engineers and manufactures recommendations/design guides;
- The planting plans shall include existing and proposed finished levels and contours; visibility splays; retained and proposed street lights; proposed and existing functional services above and below ground;
- Design and landscaping for the private amenity area and Laxton Square Public Open Space;
- Maintenance schedule; and
- Landscape Management Plan

Hard landscaping:

- Hard surface materials;
- A public realm strategy to include the proposed street furniture, lighting, signage, CCTV, seating, bins, bollards, signage;
- Secure cycle storage;
- External bin stores, including materials and details of their appearance;
- Food and drink pavilion/kiosk, including materials and details of its appearance; and
- Relocation of the Laxton square memorial plaque.

All hard and soft landscape works shall be carried out in accordance with the approved details and prior to the first occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a programme agreed in writing with the Local Planning Authority.

If within a period of five years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity.

Thereafter the hard and soft landscape works shall be maintained and retained in situ.

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).

- C 9 Prior to the commencement of development, other than demolition and site preparation, details of the proposed finished floor levels of all buildings, ground retaining measures, embankment gradients and the finished ground levels in relation to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that development proposals respond appropriately to the site and is carried out at suitable levels.

- C10 No installation of any boundary treatments shall take place until details of such have been submitted to, and approved in writing by, the Local Planning Authority. The details shall include a boundary treatment plan (at a minimum scale of 1:500) detailing the position of all proposed boundary treatment, and including a schedule specifying the type, height, composition, elevation appearance of boundary treatment throughout the site including balcony panels.

The development shall be carried out in accordance with the approved details prior to the occupation of each dwelling to which the boundary treatment relates, and shall thereafter be retained in that form.

Reason: In the interests of amenity and in accordance with policies LP16 and LP17 of the adopted Peterborough Local Plan (2019).

- C11 No development shall take place above slab level until full details of green roof construction and specification have been submitted to and approved in writing by the local planning authority. To include specialist design engineering construction details, planting plans and specialist planting specification. Planting plans shall be at a minimum scale of 1:200 with schedules of plants noting species and supply sizes and proposed densities. All green roof works shall be carried out in accordance with the approved details and prior to the first occupation of the building(s) or the completion of the development whichever is the sooner.

If within a period of two years from the date of the planting of any tree or shrub, that tree or shrub, or any tree and shrub planted in replacement for it, is removed, uprooted or destroyed, dies, becomes severely damaged or diseased, shall be replaced in the next planting season with trees and shrubs of equivalent size, species and quantity. Thereafter the green roof works shall be maintained and retained in situ.

Reason: To secure residential amenity and biodiversity benefits and to minimise the effect of development on the area in accordance with policies LP16, LP17 and LP28 of the Adopted Peterborough Local Plan (2019).

C12 No development shall take place/commence other than the demolition of existing structures, until the following programme of archaeological work has been undertaken:

- A Ground Penetrating Radar (GPR) survey has been carried out of the proposed development area and this has been submitted to the Local Planning Authority Archaeologist;
- A programme of targeted trial trenching to test the results of the geophysical survey and gain further information about the archaeological significance of the proposed development area. This programme should be agreed, in writing, with the Local Planning Authority Archaeologist before it is undertaken and following the carrying out of the GPR survey; and
- A programme for any post investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material has been agreed, in writing, with the Local Planning Authority Archaeologist.

Reason: Archaeological evidence may exist on this site which requires further investigation; and to secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with Policy LP19 of the Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2019). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

C13 The development hereby permitted shall not be begun, other than demolition of existing structures and site preparation, until details of the design, implementation, maintenance and management of the sustainable drainage scheme, in accordance with the NPPF Flood Risk & Drainage Strategy dated 15/07/2021 (PC1626-RHD-ZZ-XX-RP-Z-007) have been submitted to and approved in writing by the local planning authority. Those details shall include, but are not limited to:

- a. Information about 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. A full and up to date drainage strategy plan;
- c. Results of the ground investigation and infiltration testing;
- d. Confirmation of the final outfall location;
- e. Confirmation of source control and how run-off is collected from all hardstanding;
- f. Overland flood flow, conveyance and exceedance routes, both on and off site, which includes details of any interception drainage required and the extent of any flooded volumes proposed to be contained within the site;
- g. Hydraulic calculations;
- h. Construction/technical details of all drainage assets;
- i. Management and maintenance schedules for the lifetime of the development and details of the parties responsible for said maintenance; and
- j. Demonstration that it meets the government's national standards

The approved scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system, in accordance with policy LP32 of the Adopted Peterborough Local Plan (2019).

- C14 Notwithstanding the submitted information no development above ground works shall take place 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.

Prior to the first occupation of any dwelling/building to be served by the scheme written confirmation shall be submitted to and approved in writing by the Local Planning Authority that the scheme has been implemented in full and is certified as being ready for use.

Reason: In the interest of community safety and to ensure that adequate supplies are available for fire fighting, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C15 Notwithstanding the submitted Noise Impact Assessment dated 17th September 2021, the submission of the reserved matters shall be accompanied by an updated Noise Impact Assessment to ensure that noise from music venues is considered further and modelled to ensure suitable internal noise levels are achieved within dwellings. As part of the updated Noise Impact Assessment, a revised glazing and ventilation scheme is required to be developed in accordance with monitoring and modelling data.

NOTE: Where premises are affected by noise from night time economy the scheme shall ensure internal noise levels of 30dB LAeq (5mins) or lower.

The development shall be implemented in accordance with the approved details.

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

- C16 The rating level of noise emitted from the transformers shall not exceed 45 dB LAeq, 1 hour between 07:00hrs and 23:00hrs and 40 dB LAeq, 15 minutes at any other time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Reason: In the interest of protecting the amenity of existing and future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and the National Planning Policy Framework.

- C17 The emergency standby generator shall only be used for standby purposes and shall not be used on a permanent basis. The testing of the generator shall be completed between 09.00hrs and 18.00hrs Monday to Friday and not at any other time, and will amount to a total time of no more than two hours each month.

Reason: In the interest of protecting the amenity of existing and future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and the National Planning Policy Framework (2021).

- C18 Where the commercial units include mechanical plant, no mechanical ventilation and extraction equipment shall be installed on the building until a scheme of odour suppression and noise levels, has been submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the the mechanical plant shall not exceed

45 dB LAeq, 1 hour between 07:00hrs and 23:00hrs and 40 dB LAeq, 15 minutes at any other time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, prior to the occupation and operation of any unit to which it relates, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of protecting the amenity of existing and future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and the National Planning Policy Framework (2019).

- C19 The development hereby permitted shall not be occupied until at least 15 bird boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds, in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.

Reason: to secure the long-term protection of the nesting bird potential and in accordance with policy LP28 of the adopted Peterborough Local Plan (2019).

- C20 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).

- C21 No development shall take place, other than demolition of existing structures and site preparation, until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

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

(ii) an assessment of the potential risks to:

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

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, and Policies LP32 and LP33 of the Peterborough Local Plan (2019).

- C22 No development shall take place, other than demolition of existing structures and site preparation, until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, and Policies LP32 and LP33 of the Peterborough Local Plan (2019).

- C23 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, and Policies LP32 and LP33 of the Peterborough Local Plan (2019).

- C24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 30 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contaminate on development must be halted on that part of the site. An assessment must then be undertaken in accordance with the requirements of condition 21, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 22. The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme, a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 23.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, and Policies LP32 and LP33 of the Peterborough Local Plan (2019).

- C25 Plans and particulars to be submitted under condition 1 shall include the following:

- proposed external materials to include the name of the manufacturer, the product type, colour (using BS4800) and reference number. It may be necessary for some elements to be supplied as physical samples;
- proposed windows, doors and balconies;
- roof top plant, flues and equipment, handrails, safety barriers;
- Solar panels and air source heat pumps; and
- An energy statement confirming how the development achieves energy efficiency

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

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

- C26 The commercial units listed at condition 5 shall be occupied for Sui Generis (drinking establishments) or uses within Class E(a), (b), (c), (e) and (g i) 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 amenities of future occupants from uses which may give rise to unacceptable levels of noise/general disturbance, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

- C27 Prior to first use the commercial 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, unless otherwise agreed in writing with the local planning authority.

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

- C28 Prior to first occupation of any residential unit 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):

- * An external lighting plan including calculations and lux levels for the car park, residential amenity space and Laxton Square.
- * External bin and cycle store security.
- * Car park – access controlled for those residents permitted to use it.
- * Access control measures for the main stairs and lift cores.
- * Laxton Square and public realm management.
- * 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 antisocial behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

- C29 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 adopted Peterborough Local Plan (2019).

This is a pre-commencement condition as these details need to be agreed before development commences on site.

- C30 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 Northminster.

The vehicular access shall be constructed in accordance with the approved plans and particulars, and prior to any part of the development being brought into use.

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

- C31 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 Plan shall detail who will use and access the car park and how the parking will be allocated.

Once approved the Car Parking Management Plan shall be adhered to at all times for the lifetime of the development.

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

- C32 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 50 no. car parking spaces;
- at least 20% of the proposed parking bays should contain provision for electric vehicle charging points;
- 30% (based on 1 space per residential unit) cycle parking spaces for the residential (C3) and details of the location of further cycle parking provision as demand increases; and
- 14 no. cycle parking spaces for the commercial 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. The cycle and parking areas shall thereafter be retained solely for the parking of vehicles and cycles in connection development 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).

- C33 The development hereby approved shall not be occupied/brought into use until the following off-site highway works have been implemented in full:

- Relocation of parking spaces along Cattle Market Road to allow access for servicing and delivery; and
- Creation of a loading bay along Northminster.

Reason: In order that the development can be adequately serviced and in the interests of highway safety and in accordance with policy LP13 of the Adopted Peterborough Local Plan (2019).

C34 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).

C35 The plans and particulars to be submitted under condition 1 above shall include provision within the commercial unit overlooking Laxton Square of a first floor viewing terrace in order to capitalise upon elevated views of the Cathedral.

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

C36 Prior to the commercial uses commencing, a delivery strategy, including a delivery noise management plan, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, all deliveries to the commercial units shall be carried out in accordance with these approved details to prevent noise nuisance to surrounding residents.

Reason: In order to protect and safeguard the amenity of the area in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

C37 Prior to the occupation of the commercial units hereby approved, a waste management strategy, including details of servicing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all servicing for the commercial units shall be carried out in accordance with the approved details for the lifetime of the development.

Reason: In order to protect and safeguard the amenity of the area in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

C38 Prior to the occupation of the residential development hereby approved, a waste management strategy, including details of servicing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all servicing for the residential development shall be carried out in accordance with the approved details for the lifetime of the development.

C39 Within 6 months of the first occupation of the building, a travel plan with SMART targets based on the submitted Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall include a mechanism for the monitoring of cycle parking provision for the residential units and where the level of demand for additional cycle parking exceeds 95 percent of capacity, additional cycle parking will be provided in a phased manner up to the levels required in the cycle parking standards of the Peterborough Local Plan.

Thereafter the travel plan shall be implemented in accordance with the approved details and will be regularly reviewed and updated for the lifetime of the occupation of the building.

Reason: In the interest of promoting sustainable travel modes, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

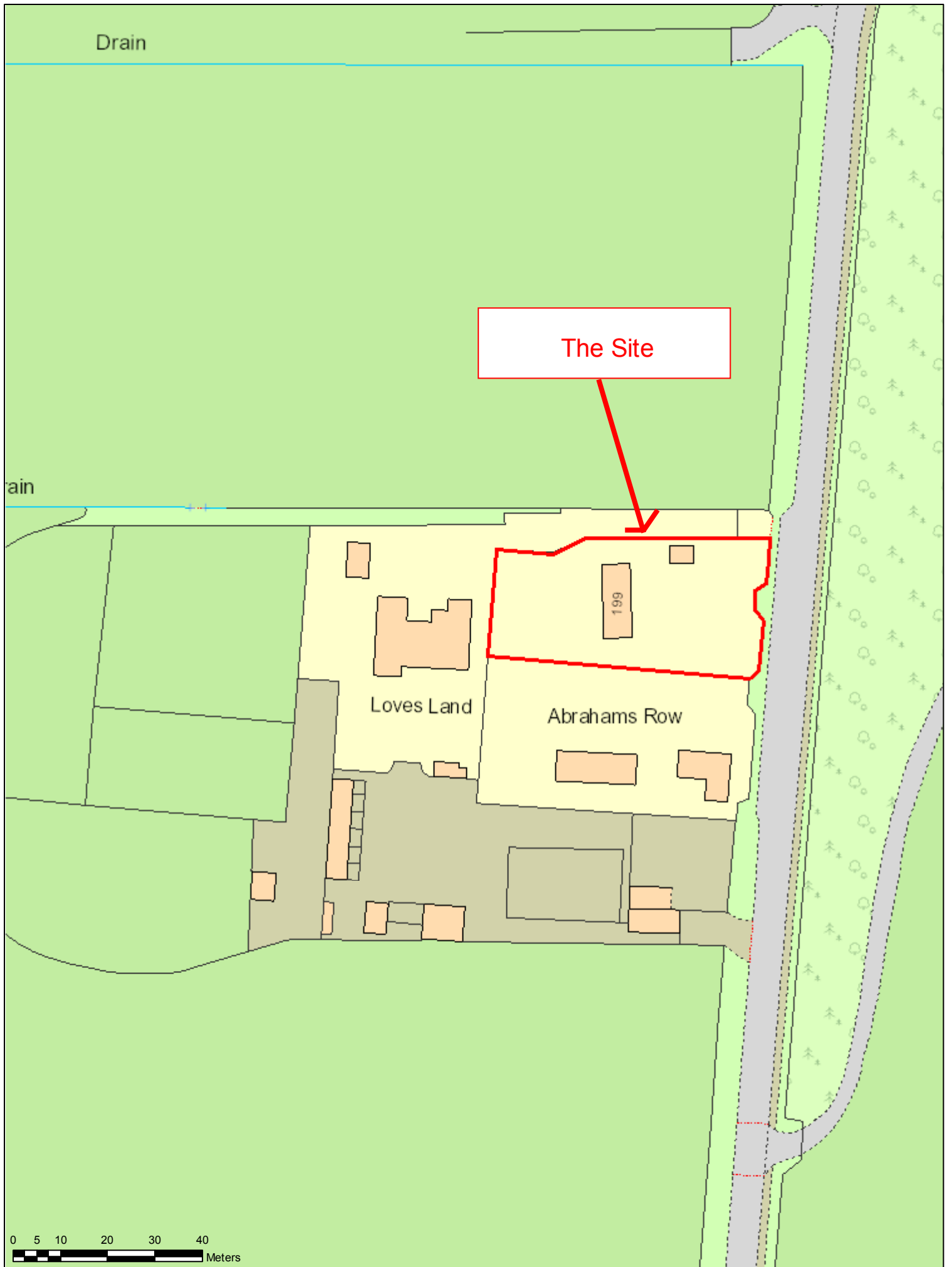
C40 Prior to their installation within the scheme, details of any substation, including siting and materials, shall be submitted to and approved in writing by the Local Planning Authority. Access doors will need to be setback from any highway/public thoroughfare to avoid any obstruction or hazard. The doors shall not overhang any highway/public thoroughfare when open.

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

C41 The development hereby permitted shall not be commenced, other than the demolition of the existing market stalls/buildings/structures on site and site preparation works, until all parties with a legal and equitable interest in the land and so required by the Local Planning Authority have entered into a deed of planning obligation under section 106 of the Town and Country Planning Act 1990 to which the Local Planning Authority is a party, substantially in the form of the deed attached subject to such minor amendments or variations as may be agreed by the Local Planning Authority.

Reason: To secure the planning obligations required to make the development acceptable in planning terms. This is a pre-commencement condition as all the obligations must be secured before any development begins.

Copies to councillors: Mahboob, Amjab and Mohammed



Committee Location Plan 21/00913/FUL 197 Crowland Road Eye Green Peterborough PE6 7TT "The Site" NTS

Scale 1:1,000
 Print Date: 04/11/2021

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Application Ref: 21/00913/FUL

Proposal: Proposed 4 bed dwelling

Site: 197 Crowland Road, Eye Green, Peterborough, PE6 7TT
Applicant: Mr And Mrs B Smith

Agent: Tim Slater
 3D Planning Ltd.

Referred by: Councillor Simons

Reason: Support:
 i) There are no Local Plan policies that enable traveller families to settle down and become part of the settled community. Policy LP11 deals with replacement dwellings, but explicitly excludes replacement of mobiles homes with permanent dwellings and in this instance excludes the Applicants from replacing their mobile home with a permanent dwelling.
 ii) The Applicants are a settled part of the local community and they have outgrown their current mobile accommodation and wish to fully settle with a new permanent home. In planning terms, the site already has residential use and the impacts of the new home will be very similar to that of the mobile in terms of traffic and visual amenity.
 iii) It is my view that the proposal causes no material harm and should be approved.

Site visit: 01.09.2021

Case officer: Mr Jack Gandy
Telephone No. 01733 4501733 452595
E-Mail: jack.gandy@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises land that has previously been approved as a Gypsy and Traveller pitch. This one-pitch site was approved in 2014 under planning application reference 14/01242/FUL. Under this consent, only Gypsies and Travellers could use the land as a caravan site and the site was limited to hold no more than three caravans at any one time, with only one of the three caravans being a static caravan. The site is approximately 220 metres north of the village boundary of Eye Green and is therefore located within the open countryside. The site is served by a large gravel hardstanding to the front of site, with a garden to the rear, all which is enclosed by boundary walls and a gate directly onto Crowland Road.

Proposal

Permission is sought to construct a detached, 4no. bedroom dwellinghouse. The existing static caravan would be removed and the proposed dwelling would be constructed over and across the existing slab.

The proposed dwelling would measure approximately 17 metres in depth by 12 metres in width. There are a number of different roof forms proposed to the dwelling, but the main and highest ridge of the proposed dwelling would be approximately 6.3 metres from ground level, with the associated eaves to measure approximately 2.5 metres in height from ground level. The existing hard standing to the front of site, used for vehicular parking and turning, and the existing garden to the rear of

site, shall be retained.

Additional information

Annex 1 of the Planning Policy for Traveller Sites (PPTS, Department for Communities and Local Government (2015) defines ‘Gypsies and Travellers’ as:

‘Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such’.

The assessment section of the report reviews the Gypsy and Traveller status of the future occupiers of the proposed dwelling.

2 Planning History

Reference	Proposal	Decision	Date
21/00024/FUL	Replacement dwelling	Withdrawn by Applicant	08/06/2021
17/01897/FUL	Removal of mobile home and erection of dwelling	Refused	23/11/2017
15/00496/DISCHG	Discharge of conditions C1 (revised access details) and C6 (specification of mobile home) of planning permission	Determined	02/06/2015
14/01242/FUL	14/01242/FUL - Change of use from agricultural land to a one pitch traveller site - part retrospective	Permitted	01/09/2014
14/00173/FUL	Change of use from agricultural land to a one pitch traveller site – retrospective	Withdrawn by Applicant	20/05/2014
08/00112/WCPP	Removal of condition C10 of planning permission 05/00637/FUL	Withdrawn by Applicant	02/04/2008
00/00659/FUL	Re-siting of vehicle access	Permitted	01/08/2000

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)

LP02 - The Settlement 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.

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

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP10 - Gypsies and Travellers and Travelling Show-people

Permission will be granted provided that the site and use does not conflict with other local or national policies, the site is within reasonable travelling distance of a settlement with facilities, safe pedestrian and cycle access can be provided along with sufficient parking and turning, there is adequate drainage and there would not be any unacceptable impact upon neighbour amenity. Sites in the open countryside will be supported subject to need. Restrictions on use and the provision of permanent structures will be imposed.

LP11 - Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

LP13 - Transport

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

LP13b) The Transport Implications of Development- Permission will only be granted where

appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

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

LP16 - Urban Design and the Public Realm

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

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

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

LP19 - The Historic Environment

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

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

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

LP27 - Landscape Character

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

LP32 - Flood and Water Management

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

LP33 - Development on Land Affected by Contamination

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

4 Consultations/Representations

Eye Parish Council (20.08.21)

Objection: Eye Parish Council object to this application as it is an over development of the site.

Archaeological Officer (16.08.21)

No objection: The proposed development site and surrounding area contain no known heritage assets. In addition, the site has already witnessed development in the early 20th century when it was occupied by a brewery house and in more recent times with the construction of the current

dwelling. The proposal is considered to have negligible impact on preserved buried remains. Therefore, the implementation of a programme of archaeological work is not justified.

PCC Peterborough Highways Services (31.08.21)

No objection: There shall be more than adequate space within the site for the parking and turning of vehicles associated with the new dwelling.

Ideally, the driveway behind the gates should be hard surfaced for at least 5m into the site to prevent loose material from being transferred onto the highway and if this is carried out, a means of intercepting any surface runoff should be installed on the highway boundary, in line with the front boundary wall. Other than this issue, there is little of concern for the Local Highway Authority.

Conditions

- Temporary facilities
- Wheel wash
- Provision and retention of parking area.

PCC Pollution Team (26.08.21)

No objections: The application falls below threshold for the requirement of off-site POS Section 106 contributions. Furthermore, as the application would appear to not affect any existing public open space or amenity landscaping, there are no additional comments to make.

Senior Landscape Technical Officer (02.09.21)

No objections: The proposed development falls below the threshold for the requirements of off-site POS S106 contributions. Furthermore, the proposal would not impact upon any public open space or amenity landscaping.

North Level District Internal Drainage Board (18.08.21)

No objection: North Level District IDB have no comment to make with regard to this application.

PCC Wildlife Officer (16.08.21)

No objections: The proposed dwelling is extremely unlikely to create new negative impacts to the local biodiversity. The area being developed is hard standing with little to no ecological interest. There is no mention of removing or potential damage to the tree in the back garden. Removal of the tree may constitute an offense under the wildlife and Countryside Act 1981 if it is found to be habitat for any protected species such as nesting birds.

To ensure ecological protections, the Applicant is encouraged to include provisioning for bird boxes, feeders and/or wildflowers within the soft landscape design of the proposal. Any lighting should be cool with downward facing cowls to minimise impact on local nocturnal species.

Local Residents/Interested Parties

Initial consultations: 6
Total number of responses: 33
Total number of objections: 1 (Eye Parish Council)
Total number in support: 32

33no. letters of representation were received from local residents. 32no. letters is in support of the proposed development and 1no. letter from Eye Parish Council, as described above, is in objection. The following matters are raised:

Support

- The occupiers represent a caring beautiful family who would need their perfect house.
- The site would look better as a house and would improve the appearance of the area.
- This would improve the Applicant's living space massively and this would be more energy efficient than a mobile home.

- No objections.
- There is no reason why this project would not be granted planning permission. There are dwellings at the site and a more recent one to the rear. A tasteful dwelling would be better than the chalet-type structure that is there at the moment.
- The site's appearance would be better with a house instead of a mobile home.
- The application is fully supported and the Applicants are very respectful members of the community.
- The Smith family are such a lovely family and are part of the Eye community. The application would mean so much to them especially to their children who ask their parents on a regular basis "please can we just have a house " such a normal thing to most settled children but something these children have never experienced. I also personally think this would enormously improve things for the best visually when passing by and see no reason why this couldn't be approved as it sits back from the road and would not impede on anyone else what so ever.
- There has been far more intrusive growth within the village that have been approved. This proposal will have no impact on the surrounding neighbours nor have any negative impact on the supporting infrastructure of the village.
- Fully support this application families needing bigger homes should be allowed to make their current dwellings suitable for their families without the need to move out of the village.
- The land was purchased 10 years ago in 2011. The house at No. 199 Crowland Road and the equestrian centre are in the same ownership of the wider family. The Applicants have been on the site ever since. Now is the right time for them to be granted a permanent dwelling as they have outgrown their current dwelling. They have four children and need more living space.
- There is no reason this would not be approved. The Applicants are members of Eye community in so many ways, through schools, after school clubs, doctors, dentists, as well as lots of friends and family. They are so settled in Eye and have no intention of travelling in caravans anymore, especially with their large family.
- The family have been on this land since day one. There has never been one problem brought to their door. If anything, people from the community approach them for help and advice as they are likeable people.
- The site is outside the village and not going to block any light to neighbours or cause noise.
- The application is supported. This would be an improvement visually for the end of Eye Green.
- The proposed dwelling would be a good use of the land which is currently a bit of an eyesore.
- The Applicants are friendly, community people with a growing family. There is no reason why there would be an objection to allow them planning permission for a house when there is already semi-permanent mobile homes on the plot. The plot is surrounded by houses with plenty of land space still available.
- The family are very accommodating. Whilst I am not a direct neighbour, they are close by and have been of great support to me during some difficult times.
- The house would be out of the way of others. There is no reason to believe that it would impede on anyone else and fully support their decision to build on the land.
- The plans look beautiful and the build will look lovely from the road when passing by, a massive improvement it will look far better to the eye when driving past.
- Over the years, the plot has been turned to the makings of a beautiful home to raise a family.
- The Smith family have been known as my neighbours since moving into No. 199 Crowland Road at the end of March 2021. It soon became apparent that we have such outstanding neighbours. Although we had only just met, Mr Smith helped out massively with our removal process and subsequently became friends with the whole family. The four children are a credit to their parents and we look forward to them developing friendships with our children in the years to come. Following numerous conversations had with Mr Smith, it is quite clear that the proposed house will be the Smiths' home for the foreseeable future. They have no intention of ever leaving No. 197 Crowland Road. With the size of the Smith family it is evident that their current dwelling is not ideal.

Councillor Simons has written in support of the proposal. The following matters are raised:

- There are no policies in the Local Plan that enable traveller families to settle down and become part of the settled community. Policy LP11 deals with replacement dwellings, but explicitly excludes replacement of mobile homes with permanent dwellings and in this instance excludes the Applicants from replacing their mobile home with a permanent dwelling.

- The Applicants are a settled part of the local community and they have outgrown their current mobile accommodation and wish to fully settle with a new permanent home. In planning terms, the site already has residential use and the impacts of the new home will be very similar to that of the mobile in terms of traffic and visual amenity.
- It is my view that the proposal causes no material harm and should be approved.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area
- Highway safety and parking provision
- Neighbour amenity
- Occupier amenity
- Meeting housing standards
- Flood risk
- Contamination
- Archaeology
- Wildlife
- Equalities Act and Human Rights Act

a) Principle of development

i) Development in the open countryside

The proposed development represents the addition of a dwelling within the open countryside to replace the existing caravan on-site. Policy LP2 directs all housing development unless one of its exemptions are met:

'Development in the countryside will be restricted to that which is:

- i) demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services; or*
- ii) residential development which satisfies the 'exception' test set out in Policy LP8; or*
- iii) development in accordance with Policy LP11; or*
- iv) minerals or waste development in accordance with the separate Minerals and Waste Development Plan Documents'.*

Points i), ii) and iv) do not apply to this proposal. For iii), Policy LP11 'Development in the Open Countryside' enables particular developments types to be supported in principle.

Under Policy LP11 (Part B), this policy supports the replacement of an existing dwelling in the countryside with a new dwelling will be supported in principle. However, paragraph h of Policy LP11 (Part B) states explicitly that the original dwelling to be replaced is a permanent structure, not a temporary or mobile structure. The caravan on site is a mobile structure and one that isn't permanent. As such, the relevant policies to this proposal, Policies LP2 and LP11 are not met and thereby it is the view of Officers that the proposal is unacceptable in principle.

The Applicant's Planning Agent is aware of the above but advises that although the residential use of the site was permitted as a mobile home in 2014 (and had been on-site for over six years), this was in effect affixed to the ground with hard utility connections. Additionally, the Agent advises that the underside of the 'dwelling' has been bricked in, meaning that in terms of scale and appearance, the property is in effect a permanent dwelling and has been for several years. Furthermore, the agent states the Council's Local Plan perpetuates a degree of separation and difference, advising that it does not provide for Gypsy and Travellers who wish to cease travelling and to settle within a permanent dwelling.

Turning to the underside of the unit being bricked in first, whilst the brick skim represents operational development, the structural integrity of the static caravan remains as a mobile structure

and thus it is not considered that the operation development around the caravan would identify it as a permanent dwelling.

Officers advise that the Local Plan is the 'first step' as to determining planning applications. The principle of development, as determined by Policies LP2 and LP11, is considered to be unacceptable. The site was approved as Gypsy and Traveller pitches, with conditions applied to ensure such be retained and avoid development in the open countryside. Officers do appreciate the vast quantity of support for the proposal from local residents, however, the proposal represents the creation of a dwelling in the open countryside and one which seeks to replace a static caravan, which would be contrary to Policy LP11 as described above, which is not acceptable.

ii) Gypsy and Traveller: Status and need

Policy LP10 seeks to retain Gypsy and Travellers sites in perpetuity. The most recent Gypsy and Traveller Accommodation Assessment (GTAA, October 2016), states that there is no need for further sites and hence, no new sites were put forward within the current adopted Peterborough Local Plan (2019). As such, existing Gypsy and Traveller sites should be retained and not be subject to loss to ensure existing Gypsy and Traveller needs are met. A new GTAA is being progressed but no updates are expected to be provided until the end of the year.

In terms of Gypsy and Traveller status, the Agent has advised that the father remains a traveller, however, the children are mostly settled given their uptake within the local schools. Officers are mindful that travelling could still occur for the children (for example, during the summer holidays outside of school hours). Given the parent's position where travelling has ceased only temporarily and not permanently, it is considered that the family would continue to meet the definition of Gypsy and Travellers as per Annex 1 of the Planning Policy for Traveller Sites (PPTS, 2015) and they could therefore occupy the site.

However, whilst this would mean that the Gypsy and Traveller status of the pitch would remain, this does not overcome the matter that the proposal would still represent a dwelling in the open countryside, which is contrary to policy as described above. Gypsy and Travellers can live in brick and mortar accommodation, but this generally refers to general housing stock such as market housing, which are predominantly located within established settled areas. Officers consider that although the Gypsy and Traveller status of the site would be retained, this does not outweigh the principle harm caused that the proposed dwelling is located within the open countryside. In addition, the 'loss' of the pitch to a brick dwelling would restrict its desirability / accessibility to those in gypsy and traveller community with an aversion to such accommodation (which is the group which perhaps can be said to face the largest challenges of finding sites for accommodation).

The Council maintains a positive housing supply and thus it isn't necessary to support dwellings within the open countryside. The principle of development is therefore considered to be unacceptable. The assessment of the relevant material planning considerations follows below.

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

The existing site measures 380sqm in area and is enclosed with a boundary wall, with a vehicular gate to the front of site. To the west boundary of the site is the residential dwelling No. 199 Crowland Road. To the south of site is Abraham's Cottage, a two storey dwelling which fronts Crowland Road. There is no established layout within the immediate proximity of the site, as such, it is not considered that the proposed siting is unacceptable in terms of layout character.

The proposed dwelling would be located centrally within the site, in a similar siting to the existing static caravan. The dwelling has a larger footprint compared to the existing building on site, however, given the sizable site area, it is not considered that this is unacceptable in character terms and this view also gives consideration to the sizable footprint at 199 Crowland Road to the west. The proposed dwelling would be served by a projecting porch as well as two gables to the front elevation. The front facing gables, although sizable, add to the character of the front elevation and it is not considered any harm results from its symmetrical appearance. The projecting porch is

considered to be satisfactory, albeit its roof shape is out-of-keeping with the proposed gables. However, the impact is considered to be not unacceptable.

Given the dwelling's height, it would be visible with the surrounding area. The impact in character terms is not considered to be unacceptable. Officers considered that the boundary wall and gates will offer some level of screening and, in addition, the dwelling's siting is one where it would not be appreciated from the surrounding street scene given the lack of public footway and the increasing speed of passing traffic travelling north of Eye Green. The proposed dwelling would be sited approximately 19.7 metres from the access into the site and Officers consider this separation distance would further limit the character impact of the proposal to the surrounding area.

It is considered necessary to secure details of materials to ensure an appropriate appearance if the proposal is approved. Officers do not consider that the proposal would adversely impact upon the character and appearance of the site and the surrounding area.

On the basis of the above, the proposal is considered to accord with Policy LP16 of the Peterborough Local Plan (2019).

c) Highway safety and parking provision

The Local Highway Authority raise no objection to the proposed development. The proposed change from a mobile home to a dwellinghouse would not adversely increase the number of trips in/out of the site onto Crowland Road and thus the access would not be intensified in use. Furthermore, the site is served by a sizable gravel frontage and whilst there is no formal parking layout, Officers consider that the site would continue to enable two vehicles to park and turn and leave the site in a forward gear.

In light of the above, the proposal is considered to accord with Policy LP13 of the Peterborough Local Plan (2019).

d) Neighbour amenity

The site is located within the open countryside and therefore there are limited neighbours surrounding the site. As described earlier, 199 Crowland Road is a dwelling to the west of site, with Abraham's Cottage to the south of the application site.

199 Crowland Road

This dwelling was constructed under approval under planning permission reference 05/00637/FUL (varied under 09/00825/WCPP) and is solely used for residential purposes without any ties. This dwelling is approximately 4 metres from the boundary shared with 197 Crowland Road. There would be approximately 20 metres of separation between the rear elevation of the proposed dwelling and this boundary, totalling approximately 24 metres between the two buildings. Given this separation distance, Officers do not consider that adverse impacts of overbearing, overshadowing or an unacceptable loss of privacy would result between the two dwellings

Abrahams Cottage

Abrahams Cottage is south of the application site and it situated approximately 16.3 metres from the shared boundary. The proposed dwelling would be sited approximately 7.5 metres from the shared boundary. The combined separation distances are considered to be sufficient to avoid any overbearing impact from the proposed dwelling or any direct loss of privacy to this property. Additionally, with Abrahams Cottage sited south of the proposed dwelling, unacceptable shadowing impacts would not result upon this neighbouring dwelling.

Rallye Spares International Workshop

The unit is situated to the west of the rear elevation of Abrahams Cottages. Given its non-residential use, it is not considered that the proposed dwelling would impact upon the amenity of this workshop.

On the basis of the above, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

e) Future occupier amenity

Further to review of the proposed plans and visiting the site, it is considered that the proposed dwelling would adequately cater for the amenity of future occupiers. The proposed 4bed/8 person dwelling exceeds 124sqm requirement recommended by the Nationally Described Space Standards and the habitable rooms within the proposed dwelling would be served by acceptably sized windows to provide both light and outlook provisions. The existing, sizable hardstanding to the front of site would adequately serve the parking and turning needs to the occupiers of the proposed dwelling and the garden to the rear of the existing static caravan would be retained. Overall, it is considered that the proposed dwelling would acceptably cater for the future occupiers of the proposed dwelling.

Officers consider that, in light of the above, the proposal to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

f) Meeting housing standards

Policy LP8 requires all new dwellings to be constructed in accordance with Part M4(2) of the Building Regulations unless there are exceptional design reasons for not being able to do so (such as topographical or listed building constraints).

The proposed dwelling would provide sufficient circulation space to both the ground and first floor of the dwelling. Not all of the bedrooms are identified to have the 0.75m clearance space to the side and rear of the bed, however, the actual position of the beds can be relocated to ensure this standards is met. Additionally, a minimum clearance of 1.2 metres is required ahead of all kitchen units. It is considered that this can be acceptably achieved if the position of the dining table was shifted slightly, but this would not have any adverse impact upon the circulation space of the dwelling.

The car parking area is in gravel and it is not proposed to alter. Part M4(2) requires surfaces to be firm and laid with no loose materials. The loose composition of gravel is considered to identify the proposal as not according with Part M4(2). However, Officers consider it is unreasonable to refuse the proposal on this basis given that the sizable parking area already serves the occupation of a caravan on-site and has done so for a number of years.

Therefore, although the proposal does not fully accord with the requirements of Part M4(2) of the Building Regulations, Officers do not consider it reasonable to refuse the application on this basis. On the basis of the above therefore, the proposal is considered to be in accordance with Policy LP8 of the Peterborough Local Plan (2019).

g) Flood risk

The application site does not fall within Flood Zones 2 or 3. As such, it is not considered that the proposal would be at adverse risk to flooding and not would it increase flood risk within the immediate area.

Policy LP32 requires all new dwellings achieve the Optimal Technical Housing Standard of 110 litres per day for water efficiency, described under Part G2 of the Buildings Regulations to help minimise impact on the water environment. It is considered appropriate and reasonable to secure compliance with the standard as a planning condition, in the event that this proposal is approved.

On the basis of the above, the proposal is considered to be in accordance with Policy LP32 of the Peterborough Local Plan (2019).

h) Contamination

The City Council's Environmental Health Officer raises no objections to the proposal on contamination grounds. However, in the event that the proposal is approved and that unknown contamination is discovered, a condition to assess and to 'deal with' the contamination shall be secured through a planning condition.

In light of the above, Officers consider the proposal is in accordance with Policy LP33 of the Peterborough Local Plan (2019).

i) Archaeology

The City Council's Archaeologist raises no objections to the development. The Officer advises that the application site and surrounding area contain no known heritage assets and the site has previously been subject to development. It is considered that the proposal would have a negligible impact upon any preserved buried remains and Officers do not consider that a programme of archaeological work is necessary or justifiable in this instance.

On the basis of the above, the proposal is considered to be in accordance with Policy LP19 of the Peterborough Local Plan (2019).

j) Wildlife

The City Council Wildlife Officer advises that the proposal is very unlikely to produce unacceptable impacts upon wildlife. The existing area is predominantly comprised of hard standing material with little ecological interest and the tree to the rear of the site is not proposed to be removed. Officers share this view. The City Council's Wildlife Officer has requested bird boxes, feeders and/or wildflowers within the soft landscaping design of the proposal, however Officers do not consider that these requests are necessary for the proposal to be permitted and therefore would not meet the six tests for planning conditions, given the site's existing low biodiversity value.

In light of the above, the proposal is considered to be in accordance with Policy LP28 of the Peterborough Local Plan (2019).

k) Equalities Act & Human Rights Act

It is accepted that the family have protected status and are from a disadvantaged group in society. In making planning decisions, regard should be had to this. The family currently reside on the site and do so lawfully under a planning permission. The application has not given any reason why a brick dwelling is necessary to accommodate their needs. Given the context of the existing situation there appears to be no special circumstances in relation to the status of family and either the Equalities Act or Human Rights Act that can be given weight in favour of granting planning permission.

6 Conclusions

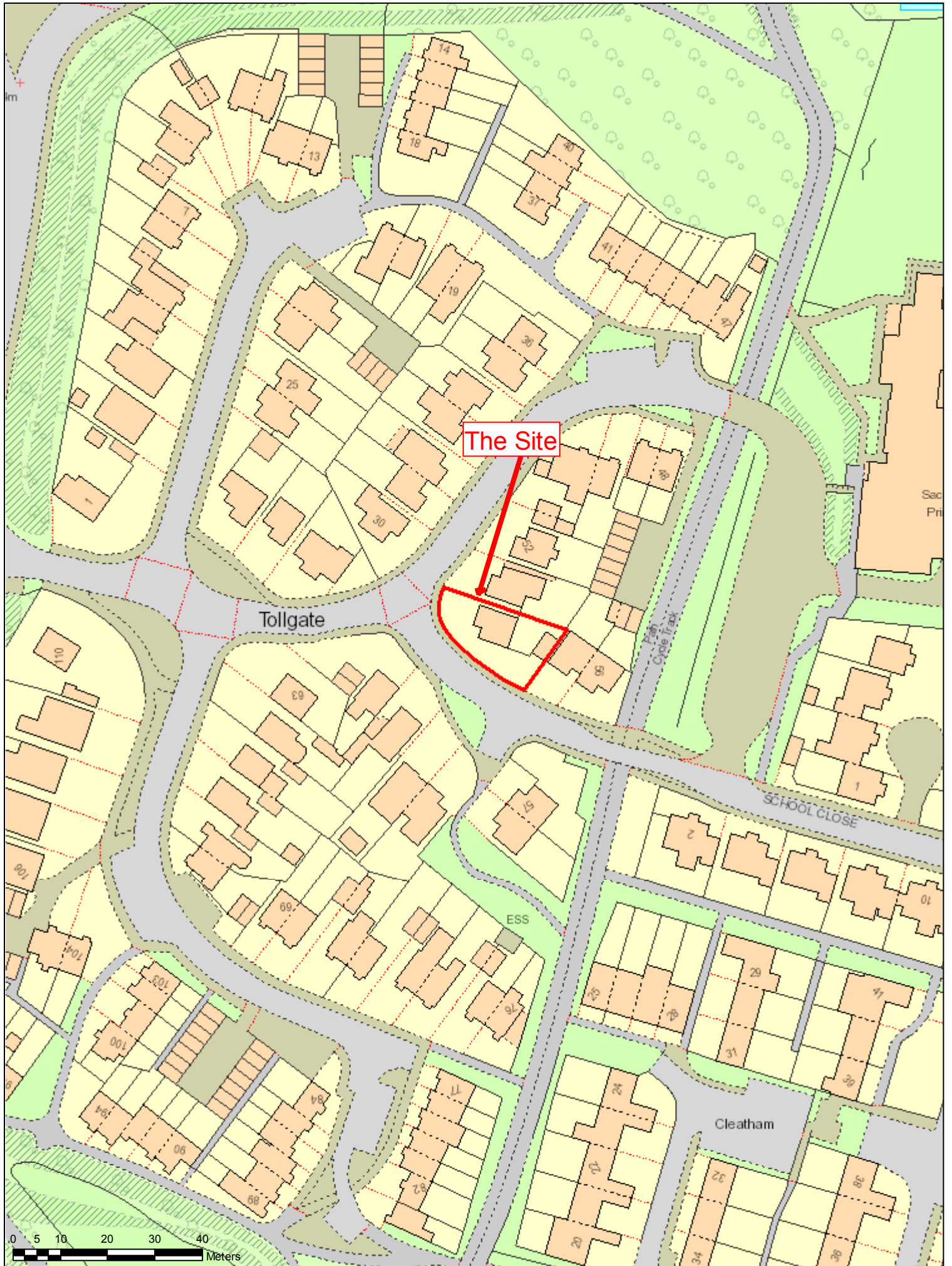
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that Planning Permission is **REFUSED for the following reason:**

- R 1 The proposal seeks to create a new dwelling, to replace a static caravan on a Gypsy and Traveller pitch within the open countryside. Development in the open countryside is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services; or residential development which satisfies the 'exception' test set out in Policy LP8 or development in accordance with Policy LP11. The proposed dwelling does not fall within any of these specified categories. Additionally, the proposed dwelling would replace a mobile structure, which is contrary to paragraph h of Policy LP11 (Part B). Therefore, the principle of development is unacceptable even having had regard to the provisions of the Equality Act and Human Rights Act. Accordingly, the proposal is contrary to Policies LP2 and LP11 of the Peterborough Local Plan (2019).

Copies to Ward Councillors Allen, Brown and Simons.



Committee Location Plan 21/01418/HHFUL 54 Tollgate Bretton Peterborough PE3 9XA "The Site" NTS

Scale 1:1,000
 Print Date: 10/11/2021

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Application Ref: 21/01418/HHFUL

Proposal: Proposed two storey side and front and single storey rear extensions and garage

Site: 54 Tollgate, Bretton, Peterborough, PE3 9XA
Applicant: Mr G Singh

Agent: Mr Chris Dawson
 Hereward Services Limited

Referred by: Councillor Scott Warren
Reason: Proposal does not go against planning policy LP16

Site visit: 04.11.2021

Case officer: Mrs Shaheeda Montgomery
Telephone No. 01733 4501733 453410
E-Mail: Shaheeda.Montgomery@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surrounding Area

The application comprises a two storey detached residential dwelling located on a visually prominent corner plot at the junction of Tollgate (a main residential road off Bretton Way) with School Close. The dwelling is located set back from the highway, benefitting from an enclosed rear garden and a detached garage sited along the eastward rear boundary. 3no. parking spaces are provided on-site: one within an existing detached single storey garage to the rear; one on a hard surfaced driveway to the front of this garage; and a further on a hard surfaced area to the front of the dwelling.

To School Close is a green verge open to the highway with a brick wall enclosing the rear garden sited along the existing building line of the developments on School Close. There is a vehicular access gate serving a detached garage within the rear garden situated within this enclosing wall with hard surfaced area provided between the fence and the highway edge providing an extra on-site parking space, in addition to one on-site space available to the front of the dwellinghouse.

Sacred Heart RC Primary School is located approximately 70m to the north-east of the site and a foot and cycle path running north-south is sited some 20m from the eastern boundary of the site, crossing School Close.

The immediate locality surrounding the application site is characterised by mostly detached dwellings of similar scale and design with ample set back distance from the footway, green verges and soft landscaping which give the setting and surrounding a general outlook of space and openness.

Proposal

The application seeks planning permission for the following elements:

- A rear extension sited 0.5m from the northward boundary, with dimensions 3.8m wide x 8.4m deep and a flat roof with total height of 2.89m topped with a lantern rooflight, to extend the existing kitchen into the rear garden;

- A two storey side/front extension of dimensions 2.6m wide x 2m deep with a flat roof to accommodate a new WC and Lobby, with glazed entrance door and a window to front elevation on the ground floor, and provide additional floor space to existing bedroom on the first floor with a window above the proposed WC;
- A two storey side extension with staggered side elevation, with a maximum width of 3.25m and 6.45m depth which would accommodate a store room and an additional living room on ground floor and create additional floor area to existing bedrooms as well as an en-suite bathroom. The roof apex would be of the same height as the existing dwelling and the rear dormer would be extended on the east elevation; and
- A 600mm high brick wall with an inward opening gate along the southward boundary hard up to the back edge of the footway running along School Close.

All external finishing materials are to match the existing dwelling.

Background

It should be noted that the proposal represents an amendment to development recently refused planning permission (June 2021) under application reference 21/00137/HHFUL. This previous application was refused for the following reason:

R1- Character refusal.

The proposal, by virtue of its scale and siting, would unacceptably impact upon the character and appearance of the site and surrounding area. The proposal would lead to an awkward and contrived appearance, wholly at odds with the existing building lines of the streetscene through the loss of space and openness of the green verge along School Close. Due to its prominent location, the proposal would be readily visible and would appear unduly dominant and at odds with the established pattern of the built form of the streetscene. This would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area, and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

The differences between this earlier refused scheme and the current proposal are as follows:

- The current proposal has a staggered side extension with maximum width of 3.25m (2.7m to front). The earlier application consisted of side extension of 2.6m width)
- The current proposal is for an increase in footprint of 55.3 sq.m compared to 40.9 sq.m in the earlier scheme from June 2021.

2 Planning History

Reference	Proposal	Decision	Date
21/00137/HHFUL	Proposed 2 storey side and front and single storey rear extensions and conversion of garage to study	Refused	21/06/2021

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

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.

4 Consultations/Representations

Bretton Parish Council

No comments received.

PCC Peterborough Highways Services

Comments are awaited from the Local Highway Authority and will be provided to Members within the Briefing Update Report.

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 2

Total number of objections: 1

Total number in support: 1

One letter of objection was received from an adjacent neighbour (No.53 Tollgate) who have raised the following concerns:

- Its large increase in size and dominant situation on the corner plot would make it an overbearing eyesore, out of character and unacceptably awkward and detrimental to the streetscene around it.
- Compared to the plans in the application 21/00137/HHFUL which was rejected, there is only a minute difference between the two plans on the frontal/side elevations which face the road on the corner plot. The difference just being the small connection, or passageway, between the proposed house extension and the garage. The loss of the small utility and toilet behind the garage would not make any real difference to the frontal elevation or the general structure of the house.
- As the possible changing of use of the garage into living accommodation at a later date, e.g. into a study as in the original application would not require any planning permission the assumption that this would invariably happen must be borne in mind.

Councillor Warren has expressed his support for the proposal, referring it to Committee on the basis that he does not consider that it is contrary to policy LP16 of the adopted Local Plan.

5 Assessment of the planning issues

The main considerations are:

- Design and impact on the character and appearance of the site and surrounding area
- Neighbour amenity
- Future occupier amenity
- Highway safety and parking provision

a) Design and impact on the character and appearance of the site and surrounding area

The streetscene is characterised by developments of similar proportions and design features with regular, open, green spaces to break up and set back the built form from the public highway creating a sense of openness. The location of the application site on a prominent corner plot along the main feeder route from Bretton Way gives this particular site visual significance and Officers note that any development that would bring the built mass closer to School Close would alter the streetscene and impact on the surrounding area and would have to be carefully considered.

The proposed side extension towards School Close would result in a bulky and awkward juxtaposition of form which would appear incongruent and out of place against the prevailing design features and proportions of the surrounding locality. The form of development proposed would break the established building line along School Close to the east, sitting forward of this and eroding the breathing space which exists between the highway and the building.

This would be exacerbated by the proposal to reposition the boundary wall. It is proposed to construct a 600mm brickwork boundary wall and gate sited along the footway edge which would introduce a further alien feature in the streetscene which is not characterised by physical boundary treatment coming hard up to the highway or footway edge. Whilst it is noted that the boundary wall proposed would be low, it would still erode the verge which is a characteristic element of the streetscene and maintains the set back of development along School Close.

In this instance, the bringing of development closer to the highway would result in an unduly bulky and obtrusive appearance which wholly fails to respect the established built form and character of the area. The proposal would erode an established and key verdant area within the locality, resulting in a hard and stark appearance within the streetscene to the overall detriment of the visual amenity of the area.

In addition, Officers note that the roof height of the proposed side extension is set at the same level as the host dwelling which would not appear subservient to the existing built form and adds to the visually dominant proportions of the overall proposed scheme.

Turning to the front extension, the proposal would introduce a flat roofed two storey element. Whilst it is noted that flat roof dormer windows are present within the streetscene, there are no other examples of two storey flat roofed developments which are not considered to be a positive design element. Such an extension would appear awkward and incongruous within the streetscape, and exacerbate the harm arising from the two storey side extension.

In light of the above, the resulting scheme would appear visually dominant and out of place in its setting and surrounding area, and would not be considered respectful of the local patterns of development and building form. Accordingly, it is considered that the proposal would not be in compliance with Policy LP16 of the Peterborough Local Plan (2019).

b) Neighbour amenity

One letter of objection was received from an adjacent neighbour (No.53 Tollgate to the north) raising concerns regarding the size and scale of the proposed scheme, and its impact on the character and appearance of the surrounding area. Officers have addressed these in the section above.

Looking due north at No.53 Tollgate, Officers note that the proposed rear extension would result in development only 0.5 metres from the shared boundary between the two properties. However, the single storey nature of the proposed kitchen extension with a flat roof of 2.6m (2.8m including the roof lantern) would be close to what would be achieved within the limits of permitted development. Further relief could be provided with an increase in the proposed gap between the proposed flank wall and the northward boundary, however, in this instance it is observed that this would provide only marginal effect and would not make a material change on the level of impact experienced by this northward neighbour.

No.55 Tollgate is the adjacent neighbour located due east (to the rear) of the application site. It is considered that the siting of the proposed rear extension, between the existing rear wall of the host dwelling and the detached garage along the eastward boundary, combined with the single storey nature of this element, would ensure that no undue level of overbearing impact on No.55 would occur. In addition, no issue of overshadowing would likely result.

The two storey side extension would project the southward flank wall of the host dwelling out towards the highway, bringing it forward of the principal elevation of No.55. However, it is noted that the separation distance between the host dwelling and No.55 Tollgate, combined with the orientation of the proposal to this neighbour, would ensure that the proposal would not result in overshadowing impact on this rear adjacent neighbour. With regards to overlooking, the proposal would introduce further primary habitable windows at first floor level into the rear facing elevation, however this would not substantially increase or worsen the impact that already results to No.55 and any new windows would be at such an angle that only oblique views into neighbouring windows could be achieved.

Officers note that the proposal would result in the application site boundary extending from its current position to along the back edge of the footway which would result in additional length of boundary treatment with No.55. Whilst no details of the fencing are proposed, it is not considered that undue harm would arise to neighbour amenity from this.

Given the above it is considered that the proposal would not result in unacceptable harm to the amenities of neighbouring occupants and is therefore in compliance with Policy LP17 of the Peterborough Local Plan (2019).

c) Future occupier amenity

At present, the rear garden serving the application site is fully enclosed and private. The proposal seeks to reposition the boundary wall along School Close and replace it with a dwarf wall of 600mm in height. This would result in the rear garden area no longer being secure or private, to the detriment of occupier's amenity.

Nonetheless, a condition could readily be imposed requiring that a more substantial and taller fence/boundary treatment be erected in a position which does not pose a highway safety danger and which ensures privacy of the garden. Accordingly, the proposal would maintain the amenities of occupiers of the dwelling, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Highway safety and parking provision

At present, the existing dwelling benefits from 3no. on-site parking spaces available on the hard surfaced areas to the front and rear of the site (off Tollgate and School Close respectively), and within a detached single garage within the rear garden. Whilst the garage does not conform to the size standards now sought by the Local Plan, it is nonetheless of a size which is considered usable as a parking space. Accordingly, this existing parking provision accords with the Council's adopted minimum parking standards for the size of dwelling.

The proposal seeks to reposition the garden boundary wall which would result in the enclosing of the existing hard surfaced driveway to the rear. However, gated access would be maintained and a condition could readily be imposed requiring that the parking space be retained in perpetuity. As such, this would not be lost. In terms of visibility of oncoming pedestrians, the boundary wall is proposed at 600mm in height which would maintain existing pedestrian visibility and not pose an undue safety danger.

Parking provision to the front would be unaltered by the proposal. Whilst 2no. spaces are shown within this area on the submitted drawings, Officers consider that only one space is usable. Notwithstanding this, 2no. parking spaces are required to be provided on-site to meet the needs of the resultant dwelling and this can be achieved. The proposal would therefore not pose a highway safety danger in this respect.

Concern has been raised in the letter of objection received regarding the possible loss of the existing garage in future. Officers note this concern however 2no. parking spaces elsewhere on-site would be maintained irrespective of the garage, and this level of parking accords with the adopted minimum standards. As such, it would not be reasonable or necessary to restrict the ability to convert the garage.

Although the proposed side extension would bring a two storey mass closer to the highway edge and remove the visual openness of the side along the green verge, it is noted that there is not enough grounds for a refusal based on highway safety concern even though it is noted that the proposal would result in a small degree of degradation of the forward visibility of the junction. Furthermore, Officers note that there is an existing tree and medium sized greenery located to site frontage which would limit pedestrian and driver's sightline turning into School Close from Tollgate.

Whilst comments of the Local Highway Authority (LHA) are awaited, they previously did not object to the siting of the proposal or parking arrangement in regards to application reference 21/00137/HHFUL for the reasons set out above.

With regards to the proposed gates to the rear, these would be located hard up on the footway edge would usually be considered a highway safety concern by the LHA. Notwithstanding Officers concerns regarding design of the proposal, should Members be minded to grant planning permission, a condition requiring this access to be ungated could be secured.

Given the above, it is considered that the proposal would be in compliance with Policy LP13 of the Peterborough Local Plan (2019).

6 Conclusions

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

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposal, by virtue of its siting, design and scale, would unacceptably impact upon the character and appearance of the site and surrounding area. The proposal would lead to an awkward and contrived appearance, wholly at odds with the existing building lines of the streetscene through the loss of space and openness of the green verge along School Close. Due to its prominent location, the proposal would be readily visible and would appear unduly dominant and at odds with the established pattern of the built form of the streetscene. This would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area, and is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

Copies to Councillor: Burbage, Fenner and Scott

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE	AGENDA ITEM 6
23 November 2021	PUBLIC REPORT

Cabinet Members responsible:	Councillor Hiller - Cabinet Member for Strategic Planning and Commercial Strategy and Investments	
Contact Officer:	Mrs Louise Simmonds (Development Management Team Manager)	Tel: 07920 160664 (Mon-Thu)

PLANNING APPEALS QUARTERLY REPORT ON PERFORMANCE JULY TO SEPTEMBER 2021

RECOMMENDATIONS	
FROM : Executive Director of Place and Economy	Deadline date: December 2021
It is recommended that the Committee:	
1. Notes past performance and outcomes.	

1. PURPOSE AND REASON FOR REPORT

- 1.1 The Government monitors the performance of local planning authorities in deciding applications for planning permission. This is based on their performance in respect of the speed and quality of their decisions on applications for major and non-major development.
- 1.2 Where an authority is designated as underperforming, the Town and Country Planning Act 1990 (as amended) affords applicants the option of submitting their planning applications (and connected applications) directly to the Planning Inspectorate (who act on behalf of the Secretary of State) for determination.
- 1.3 This report focuses on just the performance of Peterborough City Council in regards to the quality of its decisions on planning applications. It is useful for Committee to look at the Planning Service's appeals performance and identify if there are any lessons to be learnt from the decisions made. This will help inform future decisions and potentially reduce costs.
- 1.4 This report is presented under the terms of the Council's constitution Part 3 Section 2 – Regulatory Committee Functions, paragraph 2.6.2.6.
- 1.5 This report covers the period from 1 July 2021 to 30 September 2021 and a list of all appeal decisions received can be found at Appendix 1.
- 1.6 For the purposes of 'lesson learning', these update reports will normally cover a selected number of cases in detail whereby the Local Planning Authority (LPA) has lost its case. Attention will be paid to the difference in assessment of the selected schemes between the LPA and Planning Inspector. In this instance, owing to the limited number of appeal decisions, no case study is included.

2. TIMESCALE.

Is this a Major Policy Item/Statutory Plan?	NO	If Yes, date for relevant Cabinet Meeting	N/A
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3. MAIN BODY OF REPORT

- 3.1 In the period of 1 July to 30 September 2021, a total of 3 appeal decisions were issued. This number is lower than the corresponding periods in 2018, 2019 and 2020, whereby 5, 14 and 7 appeal decisions were received respectively. However, the Planning Inspectorate have altered the way in which they process and 'start' appeals, such that it can be a significant number of weeks/months between receipt of appeal decisions.
- 3.2 Of the planning application decisions appealed during this quarter, all related to the refusal of planning permission and all resulted from Officer delegated decisions. This is not unusual given the relatively low number of applications which are referred for determination by Members.
- 3.3 Of the 3 decisions received, 2 cases were dismissed by the Planning Inspector appointed by the Secretary of State for Communities and Local Government (67%) and 1 was allowed (33%). None of the decisions were subject to an award of costs either for, or against, the Council.
- 3.4 This represents a similar level of performance when compared to previous quarters during the preceding 2 year period, as shown in the following table, thereby identifying a consistent quality of decision-making.

	Appeals decided	Appeals Allowed	% Allowed
Oct - Dec 2019	6	3	33 %
Jan - Mar 2020	6	3	33 %
Apr - Jun 2020	3	1	33 %
Jul - Sep 2020	7	1	14 %
Oct - Dec 2020	6	2	33 %
Jan - Mar 2021	8	1	13 %
Apr - Jun 2020	3	1	33 %
TOTAL	39	12	31 %

- 3.5 With regards to the measure against with the Government assesses appeal performance, this is calculated based upon the number of appeals lost (allowed against the Authority's decision) as a percentage of the total number of decisions made by the authority. The Government has set the target at no more than 10% across a rolling 2 year period.
- 3.6 The table provided at Appendix 2 sets out the performance of the Council against the Government target between October 2019 and September 2021 (inclusive). As can be seen, the Council is performing far below the threshold set by Government and as such, this does not pose any concerns in terms of the quality of planning decisions being issued.

4. IMPLICATIONS

- 4.1 **Legal Implications** – There are no legal implications relating to this report on performance, although the planning/appeal processes themselves must have due regard to legal considerations and requirements.
- 4.2 **Financial Implications** – This report itself does not have any financial implications

- 4.3 **Human Rights Act** – This report itself has no human rights implications but the planning/appeals processes have due regard to human rights issues.
- 4.4 **Equality & Diversity** – This report itself has no Equality and Diversity Implications, although the planning/appeals processes have due regard to such considerations.

5. **APPENDICES**

1. Table of appeal decisions made July to September 2021 (inclusive)
2. Percentage of appeals allowed compared to total decisions issued October 2019 - September 2021 (inclusive)

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Appendix 1 – Appeals Performance from 01.07.2021 to 30.09.2021

Application reference	Address	Proposal	Officer Recommendation	Committee Decision / Date	Reasons for Refusal	Appeal Procedure	Appeal Decision / Date	Costs Decision	Inspector's Reasons
20/00605/FUL	Ivy Cottage Guntons Road Newborough Peterborough PE6 7RU	Three-bed detached dwelling with double garage	Refusal	N/A	<ol style="list-style-type: none"> 1. Site lies outside settlement boundary and is open countryside. Proposal would represent an unwarranted and unjustified intrusion into the open countryside- contrary to LP2, LP4 and LP11. 2. Submitted Flood Risk Assessment insufficient as fails to demonstrate that the sequential and exceptions tests are passed – contrary to LP32 and paras 158-161 of NPPF. 	Written Representations	Dismissed 31.08.2021	N/A	<ul style="list-style-type: none"> - The site is set apart from the village of Newborough and has a closer relationship to the open countryside than to nearby ribbon of housing. - Development would introduce a dwelling onto undeveloped land, thereby urbanising the site and encroaching into the countryside. Resultant effect would greatly reduce the rural character and appearance of the area. - Development would not provide a suitable location for housing, contrary to LP2 and LP11. - Flood Risk Assessment states that a search did not identify any land that is being currently marketed within Newborough and allocated sites in Newborough are also in Flood Zone 3. - Therefore proposed development would not have an adverse effect on flooding.
20/00775/FUL	Cobnut Cottage 45 Peterborough Road Castor Peterborough PE5 7AX	Construction of four-bed detached dwelling with integral garage	Refusal	N/A	<ol style="list-style-type: none"> 1. Proposal would adversely impact the health and amenity value of mature trees on site, including trees protected by Tree Preservation Orders – contrary to LP29. 2. Owing to significant shading and sap drip from trees on the site, unacceptable level of amenity for future occupiers would be provided - contrary to LP17. 3. No Unilateral Undertaking secured which is necessary to cease an existing use and prevent undue highway impacts - contrary to LP13. 	Written Representations	Dismissed 19.07.2021	N/A	<ul style="list-style-type: none"> - 2no. parking spaces proposed within the root protection areas of protected trees. No demonstration of need to construct the parking spaces within the RPAs of the trees and method statement does not overcome concerns. - Trees would be likely to cast shade on the garden and several rooms of the dwelling for a significant proportion of the year. Would consequently be likely to cause rooms to become unduly gloomy and during summer, would harm enjoyment of the garden. - Honeydew/sap deposit from the trees to surfaces would increase the likelihood of occupier concerns. - Effects are likely to result in future requests to prune / remove the trees which are likely to be difficult to resist irrespective of TPO status. - Access serving the site is substandard and would not enable two vehicles to pass one another, with limited opportunities for turning/waiting on the drive. - The additional waiting and reversing manoeuvres on Peterborough Road would give rise would cause harm to highway

Appendix 1 – Appeals Performance from 01.07.2021 to 30.09.2021

									safety which would not be addressed through ceasing the bed and breakfast use.
20/01408/FUL	The Bungalow Buntings Lane Stanground Peterborough PE7 3BS	Proposed one and a half storey dwelling	Refusal	N/A	1. Proposal would result in unacceptably overbearing impact to the garden area of the adjacent dwelling, harming occupant amenity – contrary to LP17.	Written Representations	Allowed 19.07.2021	N/A	<ul style="list-style-type: none"> - Whilst the dwelling would lie close to that boundary and there would be some loss of outlook from the garden of the neighbour, it would generally be subservient within views and result in a satisfactory outlook. - Although the dwelling would fill the outlook from a further side of the garden, the two remaining sides would have a generally natural outlook of mature trees and vegetation. This would adequately compensate for the more restricted outlook to the other sides of the garden.

Appendix 2 – Appeals Quarterly Monitoring from October 2019 to September 2021 (inclusive)

		Oct - Dec 2019	Jan - Mar 2020	Apr - Jun 2020	Jul - Sep 2020	Oct - Dec 2020	Jan - Mar 2021	Apr - Jun 2021	Jul - Sep 2021	Period TOTAL
M A J O R	Total decisions	13	8	5	5	14	11	13	9	78
	Allowed appeals	0	0	0	0	0	0	0	0	0
	Percentage	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0 %	0.00 %

N O N - M A J O R	Total decisions	196	178	193	208	198	231	229	231	1,664
	Allowed appeals	2	3	1	1	2	1	1	1	12
	Percentage	1.02 %	1.69 %	0.52 %	0.48 %	1.01 %	0.43 %	0.44 %	0.43 %	0.72 %

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