

Application Ref: 12/01352/FUL

Proposal: Extension to existing building and internal re-organisation to create new Burger King take-away restaurant, including modifications to external elevations. Increased parking including 2 no. disabled parking spaces, removal of existing car wash, petrol pump and section of canopy linking forecourt to sales building and relocation of air/water and vacuum unit.

Site: Horsey Way Service Station, Whittlesey Road, Stanground, Peterborough
Applicant: Applegreen - Petrogas Group Ltd
Agent: Turnkey Design Partnership Ltd

Referred by: Councillor Harper
Reason: Insufficient parking, highway implications, impact on amenity, litter, antisocial behaviour and proximity to secondary school
Site visit: 16.10.12

Case officer: Mrs J MacLennan
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Recommendation: **GRANT** subject to relevant conditions

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

The site is located at an existing petrol filling station on the northern side of Whittlesey Road (A605) and on the junction with Coneygree Road to the east. The surrounding character comprises the Fenman Public House to the east, two storey flatted development to the north, a detached residential dwelling to the west and a playing field on the opposite side of Whittlesey Road to the south. The site is bounded to the north and west by a 1.8m fence and mature conifer hedge to the west and mature trees to the north. The site contains a petrol forecourt area to the eastern side with 5 pumps and to the western side, a retail shop selling a range of convenience goods. Directly along the northern boundary is a car wash facility. 9 car parking spaces for customers and staff are provided at the front of the shop. The site is accessed from Coneygree Road and Whittlesey Road. There are a number of mature trees to the northern and eastern boundary and soft landscaping to the Whittlesey Road frontage.

Proposal

The application seeks planning consent for alterations to the existing shop to create a Burger King take-away/restaurant and shop facility. The works would include a small extension 8m x 4m x 2.8m (height) to the northern side of the building to provide toilets. The extension would have a flat roof. There would be some elevational changes to the existing building, including re-location of the entrance, new fascia, insertion of a serving window and removal, in part, of the forecourt canopy. 22 no car parking spaces would be provided, including 2 no disabled parking bays. A car wash facility along the northern boundary would be removed and one petrol pump would also be removed.

The proposal would reconfigure the internal layout of the existing shop to provide both a small restaurant and takeaway and to continue to provide the shop facility. A new refuse compound would be created with attached secure staff cycle store. The proposal would provide 9 no. full time staff and 14 no part time staff. The petrol filling station would operate 24 hours a day Monday to Sunday, as existing. The opening hours for the Burger King takeaway/restaurant would be 9.00

am to 11.00 pm Monday to Saturday and 9.00 am to 10.00 pm on Sundays.

2 Planning History

Reference	Proposal	Decision	Date
12/01015/FUL	Extension to existing building to create new Burger King take-away restaurant, including modifications to external elevations, increased parking including 2no disabled parking spaces, removal of existing car wash, petrol pump and section of canopy linking forecourt to sales building and relocation of air/water and vacuum unit	Application Withdrawn	17/08/2012

3 Planning Policy

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

National Planning Policy Framework (NPPF)

Section 1 - Economic Growth

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

Peterborough Core Strategy DPD (2011)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

PP11 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport in accordance with the standard set in Appendix A is made.

PP10 - The Transport Implications of Development

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

PP02 - Impacts of New Development

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

Peterborough Local Plan (First Replacement) (2005)

LNE09 - Landscaping Implications of Development Proposals

Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

R7 - Food and Drink (A3) Outlets

Permission will be granted subject to there being no unacceptable levels of traffic or impact on local amenity. Within the central retail area, permission will be subject to demonstration of need and a sequential test.

T10 - Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

T11 - Motorists with Mobility Difficulties

Provision of 1 space or 4% whichever is the greatest.

4 Consultations/Representations

Landscape Officer – The tree survey submitted in support of this application has been carried out in accordance with BS5837:2012 and the suggested categories are agreed. The revised layout shows a footway within the root protection area of the tree ref. T1. The applicant will need to submit 'no dig' construction details in order that the health of this tree would not be compromised. No objections to the proposal; the applicant has demonstrated that the proposed layout is achievable whilst retaining those trees that are worthy.

Doran Pollution Team – The proposed equipment provides a satisfactory level of extraction indicated as being required in the Department for Environment, Food and Rural Affairs document Control of Odour and Noise from Commercial Kitchen Exhaust Systems, Department for Environment, Food and Rural Affairs (DEFRA),(2005). In this instance, the indicated level of control from the abatement system matches that required from the risk assessment process.

Police Architectural Liaison Officer - No objections, recommendations, or further observations.

Environment Agency - No comments

Transport and Engineering Services - The parking provision shown on the initial site plan was insufficient. The Local Highway Authority's (LHA) concerns were that the number of vehicle trips that the takeaway would generate particularly at the pm rush hour. Due to the absence of parking restrictions and insufficient on site parking the LHA are were concerned that there would be overspill onto the adjacent highway. However, an amended site layout plan has been provided which demonstrates that 22 no. car parking space could be accommodated within the site. This accords with the maximum parking standards and emerging PP11 of the Planning Policies DPD. The LHA raise no objections subject to conditions.

Councillor C Harper Objects - reasons are: lack of parking, odour, increase in antisocial behaviour, noise, traffic obstruction and health implications for local children as the site is on a main route to a school

Local Residents/Interested Parties

81 representations have been received; 79 objections and 2 in support. The main reasons for objection are as follows:

- Increase in litter/food rubbish
- Food waste would result in vermin/rodents

- Would increase existing problems with rubbish, etc from the existing mini market/Tesco store
- Children would discard litter on the way back to school as they do at the Parade on Lawson Avenue and Central Square
- Greater volume of wind blown refuse
- The use would have a profound effect on the amenity of local residents
- Noise from people sitting in parking spaces and running engines/loud music
- Cars would be parked under our window
- Noise from the increased number of people arriving and leaving noisily
- Constant car doors slamming
- Lights from cars
- The use would lead to an increase in antisocial behaviour
- People would loiter outside
- My street is used as a short cut to the petrol station and damage has been caused to my property this would be made worse by the change of use
- Vehicles will be parking in the residential areas and across our driveways
- There are many elderly people in the area who would be annoyed by foul language and extra noise
- Our road is used as a route to the petrol station and we already have rubbish thrown in our garden
- This is the wrong location for the use
- Cardea site is most appropriate
- Where are the Laurel trees between site and 13 Haddon Close
- Trees would have to be felled
- The junction will not be able to cope with extra traffic
- Residents fought hard for by-pass now traffic will return
- What does a Burger King outlet in Belham South London have to do with Stanground
- Cooking smells day and night
- Not enough parking
- Traffic entering from two directions off Whittesey Rd
- Where will the delivery vehicles park
- We have just been given a weight restriction for lorries using the main Whittlesey Road
- There are enough fast food outlets in the city
- It would attract the congregation of youths
- Not healthy for children
- Would impact on the safety of school children
- Increasing amount of obesity in children and the siting of a fast food outlet on a route to and from Stanground Academy would be irresponsible
- Many local authorities in the UK have introduced planning rules preventing the siting of a fast food outlet anywhere near a children's play area or school
- Conflict with local schools healthy eating policies
- The use would de-value our property
- Intensification of use
- Burger King is not in keeping with a residential area

The reasons for support are:

- The site already supports an existing commercial operation and the petrol station is a useful amenity
- Other commercial operations nearby also offer food
- It would safeguard employment
- This would be a major re-generated asset for this neighbourhood
- Whittlesey Road is a main route and has capacity for traffic likely to be generated by the use
- There is extraction equipment at the public house; no one complains about this

5 Assessment of the planning issues

a) Background

Petrogas, trading as Applegreen, own and operate around 100 petrol filling stations and motorway service areas across Ireland and the UK. The Applegreen success story is based on 'low fuel prices always' and providing award winning quality food offers in an upmarket open plan single building format.

Horseway Service Station was purchased in 2008. At the time the site operated as a busy petrol filling station under the BP brand, the Spar convenience store and car wash. The site benefited from a strong residential catchment area but also from commuter and through traffic along Whittlesey Road. There have been two subsequent and substantial changes in trading that have impacted on the viability of the site. The Tesco Express located 200m west along Whittlesey Road has had a negative impact on the shop revenue at Horseway and the Morrison supermarket with petrol filling station opened in 2011 which is highly visible and easily accessible from the Stanground By-pass.

Furthermore, with the continuing rise in hand car wash outlets in the Peterborough area sustaining a profitable wash facility with the high maintenance and utility costs is increasingly more difficult and the removal of this facility will not have a material impact on the overall site profitability.

Petrogas are an established experienced Burger King franchisee and will operate the restaurant facility within the same management structure as the overall petrol filling station and convenience store business. The petrol filling station would be rebranded to the Applegreen.

This is a revised application following withdrawal of the initial application (ref. 12/01015/FUL) due to officer concerns that the application had failed to demonstrate adequate parking provision, efficiency of extraction/odour filtration equipment and assessment of trees in close proximity to the site.

b) The Principle of Development

The proposed restaurant/takeaway use is a commercial customer orientated operation which would ideally be located within a local centre where there is little potential for impact on residential properties and where it would improve the variety of offer and increase the viability and vitality of the centre. The site is located outside of a local centre and therefore the application will need to demonstrate that the use would not result in levels of traffic that would cause an impact on the highway and would not be detrimental to the amenity of occupiers of neighbouring properties and these planning issues will be considered within this report.

For such uses outside of a local centre the proposal should demonstrate that there is a need for the development and that a sequential approach to site selection has been undertaken and that there are no suitable sites available higher in the search sequence. The site is already occupied as a retail unit with a relatively small floorspace. The application has been supported with a planning statement putting forward the reasoning behind the proposal due to the decline in sales for the existing unit for both petrol and retail given the changing circumstances within the trading area and the need to diversify in order to ensure the continuing viability of the site and securing existing jobs. It is therefore considered that given the existing use of the site and the modest scale of the development the use would not put at risk the retail strategy for the city and to insist on a sequential approach to site selection would be unreasonable. The proposal therefore does not offend policy R7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Moreover, the National Planning Policy Framework (NPPF) has at its heart a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. Building a strong, competitive economy is one of the Government's key objectives and para. 19 of the NPPF states 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant

weight should be placed on the need to support economic growth through the planning system'. The proposal would utilise an existing site which has an existing commercial character and which provides a service to a local catchment area. The proposal would retain the existing petrol station and shop as well as expanding into a small takeaway/restaurant. The proposal would also create new jobs.

c) Impact on neighbouring amenity

There have been a significant number of objections to the proposal particularly relating to amenity issues resulting from the restaurant/takeaway use. The key planning issues relating to the proposal are the impact of odour and noise. The applicant has submitted a noise impact assessment and odour abatement measures and these documents have been assessed by the pollution control officer.

In respect of both noise and odour control the proposal is assessed against the guidance provided by the Department of the Environment, Food and Rural Affairs (DEFRA) in the document 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems, (DEFRA, 2005). The objective of the guide is that for new premises, or premises covered by planning conditions restricting the impact of odour, the system shall be designed to prevent harm to the amenity.

To achieve the objectives of the guide, the odour control system shall include an adequate level of odour control and stack dispersion. The overall performance of the odour abatement system represents a balance of these two factors. The guidance considers dispersion characteristics, proximity of receptors, size of kitchen, and cooking type in order to risk assess odour from commercial kitchen exhaust systems. Using these criteria, it is possible to judge the impact risk associated with the premises, and consequently the odour control requirements for the system. A risk assessment as required by the DEFRA guidelines relating to odours from kitchen exhausts has been submitted with the application. It states that extraction units would be located on the pitched roof above the kitchen area. It is acknowledged that the risk assessment identifies that there is a high level of odour risk resulting from the use which could be mitigated by a high level of odour control.

The pollution control officer's view is, in this instance, the indicated level of control from the abatement system matches that required from the risk assessment process and provides a satisfactory level of extraction as indicated as being required in the DEFRA document.

A noise assessment to address likely noise pollution emitted by the air conditioning units and the extraction equipment has been submitted in support of the application. The assessment was carried out using the methodology described in BS 4142. In order to establish the baseline conditions a baseline noise survey was carried out at a location representative of the closest noise sensitive receptors to the site on Coneygree Road and Haddon Close. The survey was carried out over a 24 hour period and the background noise level was calculated for the period of operation of the site. The assessment was carried out against the average background noise level and the lowest background noise level for the period. In all cases the complaint likelihood value was below the level of marginal significance. The difference in the rating levels and hence, complaint likelihood values between the existing and proposed schemes is within +/- 1dB. On this basis it is unlikely that the scheme will result in an increase in the number of complaints arising from the existing scheme. The conclusions of the noise assessment are acceptable to the pollution control officer subject to a compliance condition that the rating level of noise emitted from the site should not exceed 50 dB LAeq, 1 hour. The noise levels should be determined at the nearest noise sensitive premises. The proposal would therefore not give rise to impact on neighbouring amenity resulting from noise and accords with policy CS16 of the Adopted Peterborough Core Strategy DPD 2011 and policy R7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Concern has been raised regarding the noise and disturbance from cars parked adjacent to the northern boundary, in particular, from engines running, loud music, slamming doors and the general increase in activity to the site. The site however, already has the potential for these issues. At one time it was a busy petrol station and a car wash operated close to the northern

boundary. It is not considered that the use would significantly intensify the level of activity within the site. All the above issues could equally occur under the current use.

The issue of litter/rubbish and potential for rodents is also a concern. This however, is a management issue and is covered by other legislation. Objectors have noted that there is already some degree of litter emanating from this site and indeed other commercial sites nearby. There is no reason to suggest that the proposal would result in litter being a significant issue.

There is also concern that the use would result in people congregating around the site. Again it is likely that this happens to some degree under the current use.

d) Highway implications

The Highways Section had concerns with the scheme under the initial submission. Whilst they were not concerned regarding the capacity of the junction at Whittlesey Road/Coneygree Road, they were concerned that as there are no parking restrictions on the roads in close vicinity to the site, if there was not sufficient car parking within the site, cars would park at unsafe locations. A Transport Statement has been submitted in support of the application and trip rates for a comparison site in Balham, west London have been provided. However, the Highways Section was not convinced that this was a comparable site. The site would to some degree generate trips from further afield. For example, as there are very few fast food outlets in the Whittlesey area people would stop off at the Burger King to collect food on their way home. Also consideration was given to the new residential development at Cardea. The site layout drawing no. T3470_005-E submitted initially with the application indicated the provision of 15 car parking spaces within the site. Highways considered that this was insufficient and recommended refusal due to highway safety issues. However, if the car parking could be reconfigured to accommodate more on site parking, Highways stated they would reconsider the recommendation for refusal. The revised drawing no. T3470_005-G shows 22 no parking spaces which accords with the maximum parking standards and the emerging policy PP11 of the Planning Policy DPD. Highways therefore raises no highway objections to the proposal subject to the appending of conditions requiring the retention of parking and turning and details of temporary facilities to be submitted for approval. The proposal would not result in any adverse highway implications and accords with policy CS14 of the Adopted Peterborough Core Strategy DPD, policy T10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and policy PP11 of the emerging Planning Policy DPD.

e) Health

Objectors have raised concern over the site's location on a route taken by school children, particularly those attending the Stanground Academy on Peterborough Road. Objectors have cited a judicial review case in respect of a decision taken by Tower Hamlets LBC to grant planning permission for a change of use to a premise from a grocery store to a hot food takeaway in a residential area. The High Court determined that Tower Hamlets LBC had acted unlawfully in granting permission for the change of use to a takeaway, as they had failed to take into account the proximity of a secondary school; which was within the immediate vicinity of the proposal. The school had implemented a healthy eating policy; this was deemed to be a social objective. The High Court stated that such a social objective should have been considered as a material planning consideration and therefore taken into account during the decision making process weighing against other material planning considerations and policies before determining the application.

Planning legislation requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The planning officer concedes that health is a material consideration in this circumstance. However, each case has to be judged on its own merits weighing up the facts of that individual case and balancing all material planning considerations. In this instance, the site is located on a school route however, is located approximately 1 km from the Stanground Academy. The premises would not be open until 9.00 am each day and the distance from the school is such that it is unlikely that children would have time to visit the premises during their lunchtime. Unlike the Tower Hamlets case the site is not in the immediate vicinity of the secondary school.

f) Design and Visual Amenity

The proposal would make use of the existing building other than changes to the entrance and minor changes to the façade the building would remain as existing. The small extension to the northern site of the building would be modest and the proportions would harmonise with the existing building. Due to the position of the extension it would not be directly visible from any vantage point outside the site.

The landscaping along the eastern boundaries which adds positively to the visual amenity of the site would be retained. Landscaping implications will be discussed later within this report.

Access to the site remains as existing. Disabled parking is provided, a dropped kerb with tactile paving would be provided along the full length of these two bays. Within the building there is full accessibility to all areas including new customer toilet comprising ambulant, ambulant-disabled and disabled WC.

The proposal would make use of an existing commercial building, retaining the existing character and appearance of the site, providing full accessibility and sustainable development in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

g) Landscaped implications

An Arboricultural Impact Assessment has been undertaken by RPS in August 2012 and a report has been submitted in support of this application. The assessment was undertaken in accordance with BS5837 'Trees in Relation to Design, Demolition and Construction Recommendations' 2012. The aspect of the development most likely to impact upon existing trees is the extension of the service station to provide toilet facilities. 10 no. trees along the northern boundary would need to be removed to accommodate the extension (Trees referenced as T7-T16 on the Tree Constraints Plan). These trees are not directly visible from outside the site and it is likely they cause considerable loss of light to the flats to the rear. In addition due to the poor condition of T17 a Weeping Willow located to the north west of the site has internal decay and will no doubt go into gradual decline during the next decade it is recommended that this tree is also removed.

It is recommended that facilitation tree pruning/crown lift works are undertaken to trees along the north eastern boundary (trees referenced as T3-T6 on the Tree Constraints Plan) as works to construct new block work may be required beneath the canopy spread of these trees. The pruning works required are not likely to introduce large wounds into the crowns of the trees and they will not significantly alter the visual appearance or values of the trees as a landscape feature.

It is concluded that the removal of trees is unfortunate but will reduce their impact on neighbouring properties with regards to shading. Additional tree planting within the site would mitigate against this loss. The trees for removal are set well within the site and add little to the visual amenity from views outside the site. Conditions would be appended to any grant of permission to ensure that works are undertaken in accordance with the recommendations of the Arboricultural Survey. The proposed works could be undertaken without detriment to the trees and landscaping to the eastern and southern perimeter of the site and hence the proposal would not impact on the visual amenity provided by the landscaping features within the site hence the proposal accords with policy LNE9 of the Adopted Peterborough Local Plan (First Replacement) 2005.

The neighbouring property has identified that the Laurel trees within their boundary which abuts the western boundary to the site are not shown on the drawing. This is noted, however, these trees would be unaffected by the development.

h) Other issues issued raised by objectors

- My street is used as a short cut to the petrol station and damage has been caused to my property this would be made worse by the change of use/we already have rubbish thrown in our garden. Response – The planning system cannot determine the routes taken to the petrol station either for the existing use or the proposed use

- The use would de-value our property. Response – This is not a material planning consideration

6 Conclusions

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

- The proposal would utilise a site that has an existing commercial, customer orientated character and the additional takeaway/restaurant would not be materially different from the existing use;
- The development is modest in scale and the use would not put at risk the retail strategy for the city;
- The proposal has demonstrated that a suitable high efficiency extraction unit could be installed to avoid impact on neighbouring residential amenity;
- The site can accommodate appropriate numbers of car parking spaces to avoid any adverse impact on the adjacent highway; and
- The proposal would not result in the loss of trees or landscaping to the site which add positively to the visual amenity of the area.

Hence the proposal accords with policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD 2011, policies LNE9, R7 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005 and the NPPF.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions:

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

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

- C 2 No development shall take place until details the finishing materials to be used in the external elevations of the extension and elevational changes to the existing building and fascia panels have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C 3 Prior to the occupation of development the spaces shown on drawing no T3470-005-G shall be laid out for vehicles to park and turn clear of the public highway and those areas shall not thereafter be used for any other purpose than the parking and turning of vehicles.

Reason: In the interests of Highway safety and in accordance with policy CS14 of the Peterborough Core Strategy DPD and Policy T10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 4 Prior to commencement of development details of the temporary facilities that shall be provided clear of the public highway for materials storage and for the parking/turning of all vehicles visiting the site during the period of construction shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety and in accordance with policy CS14 of the Adopted Peterborough Core Strategy DPD.

- C 5 The rating level of noise emitted from the site should not exceed 50 dB LAeq, 1 hour at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:1997.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD and Policy R7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 6 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby properties. Details of the nature and location of such filtration equipment should be submitted to and agreed in writing by the Local Planning Authority. Details shall be implemented in accordance with the approved details before the use of the premises for cooking commences and retained and operated at all times when cooking takes place.

Reason: In order to safeguard the amenities of adjoining occupiers and in accordance with Policy CS16 of the Adopted Peterborough Core Strategy DPD and Policy R7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 7 The takeaway/restaurant use hereby permitted shall not be open to members of the public outside the hours of 9.00 am to 11.00 pm Monday to Saturday and 9.00 am to 10.00 pm Sunday and Bank Holidays.

Reason: In order to protect the amenity of the adjoining occupiers and in accordance with Policy CS16 of the Adopted Peterborough Core Strategy DPD 2011 and Policy R7 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C 8 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005.

- C 9 Notwithstanding the details submitted in the Arboricultural Assessment and supporting Tree Constraints/Tree Protection Plan a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

The scheme shall include the following details:

- A no-dig construction method for the footway adjacent tree referenced as T1 on the Tree Protection Plan (drg. no. JMK7533_Figure 2)
- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- Replacement tree planting

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005 and policy CS21 of the adopted Peterborough Core Strategy DPD.

- C10 No construction/demolition/excavation works or removal of trees/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

- C11 Prior to the takeaway/restaurant being brought into use cycle parking to accommodate six no. cycles shall be installed on site. That area shall thereafter be retained for the purpose of cycle parking in connection with the approved use in perpetuity.

Reason: In the interest of highway safety, and to encourage travel by sustainable modes in accordance with Policy T9 of the Peterborough Local Plan (First Replacement) 2005.

Copy to Councillor Harper C

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