

**Application Ref:** 12/01812/FUL

**Proposal:** Construction of 14 x two-bedroom apartments with associated car parking and amenity space

**Site:** Former Petrol Filling Station , Oundle Road , Orton Longueville, PE2 7DF

**Applicant:** Mr John Dadge  
Abbeygate Developments Ltd

**Agent:** Mr J S Dadge  
Barker Storey Matthews

**Referred by:** Head of Planning Transport and Engineering

**Reason:** Previous Case History

**Site visit:** Several visits have taken place

**Case officer:** Ms L Lewis

**Telephone No.** 01733 454412

**E-Mail:** louise.lewis@peterborough.gov.uk

**Recommendation:** REFUSE

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

The site comprises two separate planning units. At the front is a former petrol filling station, which has been used over recent years for various authorised and unauthorised uses such as car sales. The frontage of this is about 44m, and it extends rearwards (south-east) by about 24m. This part of the site is hard surfaced, with the former petrol station building and canopy still in place. The pumps have been removed. There is an access to the east of the frontage and a separate egress to the west.

To the east of this plot is an overgrown access about 4m wide, leading to a driveway, which leads to a residential site that has been unoccupied for many years. The house is no longer there, and the site is returning to a natural state. There are several trees on the site subject to a Tree Preservation Order (TPO), including 2 Copper Beeches on the central part of the combined site. Residential development is present on three sides of the rear part of the site.

The combined site is about 46m wide along Oundle Road, narrowing unevenly to 20m at the rear, and about 68m deep.

To the west of the site is St Botolph Lane. This is a private road but is a right of way for cyclists and pedestrians. The Lane is a cul de sac for cars with a path at the end giving pedestrians and cyclists access to a residential area and small local centre.

No 486 Oundle Road is a detached house to the east of the site. The house is set about 17m back from the road, and 1-3m from the shared boundary. The house has been extended and altered such that there are bedroom and living room windows on the side elevation looking towards the application site. This property runs along most of the eastern boundary to the application site, apart from 5m at the end, which is the end of the garden to No 4 Gordon Way.

Beyond the rear boundary of the application site is the garden of 33 Latham Avenue; the house itself is about 16m from the boundary.

The western boundary of the application site is staggered. The first 25m or so is to St Botolph Lane, the remainder is set in behind an electricity substation, some garages, and a dwelling which face onto St Botolph Lane. The dwelling is No 1, and the rear boundary of this runs along the side boundary of the application site for about 24m. At its closest point, the house No 1 is about 3m from the application site.

This proposal is for redevelopment of the combined site, with a new access, three/two-storey block of 14 flats, side access, and parking and garden to the rear.

The new access would be two-car width, and separated from No 486 Oundle Road by a landscaped area about 7m wide. The block of flats would be about 14m from this boundary. The block would be set 5-7m back from the front boundary. The driveway would run between the block and the boundary to No 486, leading to the rear of the site where 21 parking spaces would be set out, surrounded by landscaped gardens. Significant levels of new planting are proposed.

## **2 Planning History**

05/02039/FUL	Erection of six two-bedroom dwellings and 12 two-bedroom apartments	WDN	25.04.2006
06/00232/FUL	Change of use from petrol filling station to car sales and erection of metal boundary fence - retrospective	WDN	21.04.2006
06/00756/FUL	Change of use from petrol filling station to car sales, erection of metal railing boundary fence - retrospective	PER	20.09.2006
06/01083/FUL	Erection of five two-bedroomed dwellings and 12 two bedroom apartments	REF	20.09.2006
07/01336/FUL	Continued use as car sales	REF	04.10.2007
07/01490/FUL	Five two-bedroom town houses and 12 two-bedroom apartments	REF	04.12.2007
08/00454/FUL	Continued temporary use for car sales	REF	24.06.2008
10/01042/FUL	Temporary change of use from petrol filling station to car sales	REF	11.10.2010
10/01270/FUL	Demolition of former petrol filling station and erection of 8 pump petrol station and single storey A1 (convenience goods) retail unit with ancillary car parking provision for 15 vehicles with alterations of existing pedestrian crossover	REF	05.11.2010
11/00105/FUL	Demolition of former petrol station and erection of an 8 pump petrol station and single storey A1 (convenience goods) retail unit with ancillary car parking provision for 15 vehicles (including 1 disabled car parking bay), alterations to existing pedestrian crossover	REF	22.03.2011
11/00463/FUL	Change of use from petrol filling	REF	25.05.2011

### **3 Planning Policy**

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

#### **National Planning Policy Framework (2012)**

##### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

##### **Section 11 - Natural and Local Environment**

Should be enhanced through the protection and enhancement of valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. New and existing development should not contribute to or be put at unacceptable risk by unacceptable levels of soil, air, water or noise pollution and land instability.

##### **Section 11 - Contamination**

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

#### **Peterborough Core Strategy DPD (2011)**

##### **CS02 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

##### **CS08 - Meeting Housing Needs**

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

##### **CS10 - Environment Capital**

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

##### **CS12 - Infrastructure**

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

##### **CS13 - Development Contributions to Infrastructure Provision**

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

##### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment

Capital aspirations and development which would improve the quality of environments for residents.

#### **CS16 - Urban Design and the Public Realm**

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

#### **CS21 - Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

### **Peterborough Planning Policies DPD (2012)**

#### **PP01 - Presumption in Favour of Sustainable Development**

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

#### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

#### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, 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.

#### **PP04 - Amenity Provision in New Residential Development**

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

#### **PP12 - The Transport Implications of Development**

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

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

#### **PP14 - Open Space Standards**

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

#### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

#### **PP20 - 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**

### **Landscape Officer** (14.12.12). Objection.

The development proposed would require the removal of two Copper Beech trees included in the TPO. There is no arboricultural reason for the trees to be removed.

The trees can be seen from both sides of Oundle Road. Although they are not a major focal point, it is considered that they form part of the landscape along that part of the road and their loss would be detrimental to the visual amenity value.

### **Peterborough Local Access Forum**

No comments received

### **Rights of Way Officer** (12.12.12). No objection.

### **The Open Spaces Society**

No comments received

### **Ramblers (Central Office)**

No comments received

### **Environment Agency** (14.12.12)

No objection.

The Land Contamination Assessment states that the existing underground tanks (formerly used for storing petrol) will be left in situ. However that was based on the site continuing to be used as a filling station, and the EA considers that these tanks should be removed if the site is to be developed for housing. Conditions are therefore recommended requiring that the site is remediated including removal of the tanks. If the LPA is not minded to impose conditions, the EA would object.

### **Archaeological Officer** (10.12.12). No objection.

The site falls within an area of archaeological interest. Roman, Anglo-Saxon, and medieval settlement remains have been recorded in the vicinity. Suitable archaeological mitigation should be obtained through the application of a planning condition to secure a watching brief on groundworks.

### **Building Control Surveyor**

No comments received

### **Education And Children's Dept**

No comments received

### **Pollution Team** (20.12.12)

No objection subject to conditions. The contamination work carried out was based on the underground tanks being retained and the site being used for a shop and petrol filling station. Residential use is more sensitive and further work is required. Conditions recommended.

### **Transport and Engineering Services** (01.02.13). Objection.

These comments are based on the revised layout plan.

The level of on-site parking has increased, however it does not meet the minimum standard set out in Policy PP13 of the adopted Planning Policies DPD. The covered cycle parking does not provide the two spaces per unit required. As there is still an under-provision of parking within the site, the LHA recommends refusal of the application.

Conditions have been recommended in the event of an approval.

### **Senior Recreation Officer**

No comments received

**Police Architectural Liaison Officer** (05.12.12). No objection.

There are several crime prevention features that could be incorporated into the development.

**Travel Choice** (06.12.12). No objection.

Household Information Packs should be required as part of the S106.

### **Waste Management**

No comments received

**Strategic Housing** (07.12.12). No objection.

This development does not meet the trigger for affordable housing.

### **Childcare Market Facilitation Manager**

No comments received

**Wildlife Officer** (18.12.12). Objection.

The Ecological Appraisal recommends that surveys for reptiles are carried out, but this does not appear to have been done. The presence or otherwise of a protected species should be established before planning permission is granted to ensure that all material considerations are taken into account. There is evidence of foxes within the site. A planning condition should be used to ensure that foxes are suitably protected from groundworks. There are trees on site with bat roosting potential, and a pre-works survey should be required by condition to ensure that any roosting bats are protected.

Conditions are recommended relating to nesting birds, landscaping, and bird/bat boxes.

### **Parish Council**

No comments received

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

Initial consultations: 36

Total number of responses: 6

Total number of objections: 5

Total number in support: 1

Neighbours have made the following comments against the application:

- Support the comments of the Landscape Officer
- The mature trees are of value to the wider area and should be retained especially the protected trees
- Proposal will change the face of the area
- The property's size is a concern as the site is currently green and open
- Building is out of scale and overbearing
- A two-storey building asset further back would be better
- Wildlife that uses the area will be negatively affected
- Added vehicles will cause a further nuisance to residents and a danger to school children
- Additional congestion on Oundle Road
- Poor visibility at entrance to St Botolph Lane
- Overflow parking might affect St Botolph Lane, which is private
- Number of parking spaces is inadequate
- There should be two parking spaces per flat and visitor spaces
- Nearby properties are flooding due to increased water table – intended development might increase flooding risk (to 2 Gordon Way)
- How will waste water be disposed of
- The junction of Gordon Way and Oundle Road floods after heavy rain

- After heavy rain the site is left with water lying on the road and path
- The existing site fence encroaches on to St Botolph Lane.

One neighbour has commented in favour of the application.

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

### **Site History**

In 2006 an application for five houses at the rear of the site and 12 flats at the front of the site was refused on the grounds of overdevelopment, impact on the character of the area, lack of green space and lack of parking. Several protected trees were proposed for removal, but two of the Copper Beeches were to be retained. This refusal was appealed, and the Planning Inspector dismissed the appeal on the grounds of impact on the privacy of residents at 486 Oundle Road. The appearance of the block of flats, which was a two-and-a-half storey Georgian-influenced design, did not form a reason for refusal.

In 2007 a similar proposal for broadly the same development was refused. The houses to the rear of the site were slightly differently positioned, and the reasons for refusal related to impact on 486 Oundle Road and 1 St Botolph Lane and the lack of a S106 agreement. One of the Copper Beeches was to be retained. The Planning Inspector dismissed the appeal on the grounds of impact on these neighbours and also supported the refusal on lack of a S106 agreement.

### **486/488 Oundle Road**

There has been some confusion regarding the address of the derelict residential plot, and the immediate neighbour. According to the Council's records the derelict residential plot is No 488 Oundle Road, and the house to the east is 486 Oundle Road. This fits with the existing pattern of development, where there are three plots between No 484 and No 492, which should be 486 (existing house), and 488 and 490 (demolished house and petrol station). However the occupant of the house which should be 486 regards his dwelling as 488, and letters addressed to 486 have been returned marked "no such address". Appeal decisions have referred to 488 being the neighbour dwelling, but the current application plans label this property 486.

For consistency, the occupied residential plot to the immediate side of the application site will be referred to as 486 Oundle Road.

### **Principle of development**

The site is within the urban area, in a residential area, with services and facilities within reach. The principle of residential development has been accepted at previous applications and appeals, and is still acceptable under the current policy regime.

### **Amenity of future residents**

Policy PP4 requires that new residential development should ensure adequate internal space; adequate daylight and natural sunlight; privacy and noise attenuation; well designed and located amenity space commensurate with the nature of the intended use, and well designed and located bin storage/collection areas.

Internal space – there is currently no local standard against which to judge this. None of the flats is large, but neither are they unacceptably cramped.

Day and sun light – three of the flats are north-west facing and single aspect. This is less than ideal, as residents will have no sunlight for several months of the year. Six of the flats have deep living rooms, with integral kitchens at the internal end of the room. This is likely to make parts of the rooms quite dark.

Privacy – this is considered to be adequate as the ground floor flats are set back from the street/paths by at least 4.5m, and there are no direct overlooking opportunities to/from nearby dwellings.

Noise attenuation – this will be secured by compliance with the relevant Building Regulations.

Amenity space – only two of the flats have any functional private outdoor space. The garden would probably not be much used for sitting out, and it is not designed for other normal garden uses such as drying laundry or children's play. None of the flats would have balconies or terraces, but two of the south-facing ground-floor flats would have small gardens which would be semi-private. It would be possible to redesign the shared garden to include an area with seating, which would benefit from afternoon/early evening sunlight, and the applicant may wish to include this in the detailed landscaping scheme which would be required by condition should consent be granted. The development allows for plenty of space around the building, and all residents will have an outlook which includes trees/greenery either in the garden or in the general area.

Bin storage – this is shown as Taylor bins in a dedicated store set about 8m from the nearest part of the building. This is considered to be reasonably related to the flats, and details of the store would be required by condition.

The Police Architectural Liaison Officer has made several suggestions that would improve the security of the site, but commented that overall there is no objection. No conditions are considered necessary, but the applicant will be provided with a copy of the comments in case they wish to consider incorporating any of the suggested features.

Although there are several aspects of residential amenity in which the development could be improved, it is considered that the development is acceptable overall and will provide a reasonable living environment.

### **Amenity of neighbours**

The closest neighbour to the site is No 486 Oundle Road. The side of the dwelling is about 1-3m from the boundary, and this elevation includes both bedroom and living room windows. The proposed refuse bin store to serve the flats would be about 2m from the boundary, about 4-5m from the downstairs living room window at No 486. This is considered to be a poor relationship, due to the likelihood of noise and, in particular, odours, arising from the refuse bin store. There is a substantial brick wall on the boundary, which would offer some protection to the ground floor rooms, however it should be borne in mind that the recent uses of the site, and re-use of the site as a petrol filling station should this option be pursued, would be likely to have an impact on residents of this house. It should also be noted that the location of the bin store is constrained by the need to avoid root protection areas for retained trees. Taking these considerations into account, the location of the bin store is acceptable.

The bedroom windows to the side and rear of No 486, and the rear windows of No 1 St Botolph Lane, would have views over the proposed parking area. Occupants would be likely to hear car doors opening and closing, and would hear car movements. However this is likely to be predominantly at peak times, and the brick wall to No 486, and double fence to No 1, will act to some extent as a noise barrier. It is not considered that this would be an unacceptable level of disturbance.

The windows on the proposed block of flats face mostly front and rear, with some secondary windows on the side elevations. These windows are, on the east side, about 18m from the side of No 486 at a 45 degree angle, which would not be likely to generate significant overlooking, and on the west side are about 13m from the side of No 492 Oundle Road. There are side windows on the east side of No 492 which could best be protected by a condition requiring that the first floor side windows to the flats are obscure glazed. These windows are a secondary window to a bedroom, a kitchen window, and a side living room window. Although the obscurity of the side windows to kitchen and living room would restrict resident's outlook, they would still be better off in terms of light and ventilation than residents of the single aspect flats which would have no side windows at all.

### **Parking**

The revised plan shows 24 cycle parking spaces, which is below the level required by the adopted parking standard. This standard requires 28 spaces. There is room within the site for the required level of cycle parking, so this, and the design/appearance of the cycle store, can be agreed by condition. Adequate visitor cycle parking, to the front of the secure fence, is shown.



Twenty-three car parking spaces are proposed; the adopted parking standard requires 30 spaces. The Local Highway Authority has objected to the proposal on the grounds of inadequate parking, and some of the residents of St Botolph Lane have raised concerns about overspill parking on their private road. Parking on Oundle Road is restricted in this area (double yellow lines) and the nearest side street is St Botolph Lane, where residents of the proposed development might be tempted to park, but would have no right to do so.

The applicant has put forward five arguments to justify the underprovision of car parking

The applicant has explained that the provision is in accordance with the standard that was set out in the 2005 Local Plan. The parking standard in that document was formally replaced by the new standard in December 2012, but it has been known for several years that the residential parking standard in the earlier document was too low. The applicant was advised before submitting the application that the parking provision would be a concern, but the comments of the Local Highway Authority were not sought at that stage as the applicant chose not to go through a full pre-application consultation process.

The applicant has commented that "...occupiers ... are anticipated to be downsizers and retired coupled with one car per dwelling." However the applicant has indicated a reluctance to accept a condition requiring that occupation is restricted to, for example, over-55s, as this, in the applicant's view, would be difficult to administer, monitor and enforce. Officers do not share this view; such a restriction on occupation is frequently secured by condition or S106 agreement. Without such a restriction in place this cannot be used as justification for a below-standard level of parking provision. The flats are all shown with two double bedrooms and would be suitable for couples, sharers, and small families.

The applicant has pointed out that there are bus services along Oundle Road, as well as nearby cycle routes. The bus services comprise a service on the No 24 (approximately half-hourly during the day, no service between 8pm and 7am or on Sundays) and a once-a-week service on the No 26. This level of provision is not considered likely to remove the need for residents to have a car.

The applicant has referred to cycle routes. Oundle Road is an advisory route, which has cycle lanes for much of its length, and there is an official cycle route along the river path into the city centre. This route can be isolated and dark. Some occupants might choose to use these routes, but the cycling options are not sufficient to justify an under-provision of parking especially as people might choose to have a car for journeys in the evening or winter.

The applicant has said that accommodating more parking on the site would compromise the quality of the scheme in other ways, particularly open space and amenity. This is true, and the provision of 23 spaces is considered to be the limit of what can be satisfactorily accommodated. This level of parking would be suitable for ten or eleven flats.

For these reasons, it is considered that the proposal is unacceptable on the grounds of insufficient car parking.

### **Highway Safety**

The Local Highway Authority requested some changes to the initial layout, as the site access should be formed as a dropped kerb, and not a bellmouth, in order to maintain pedestrian priority along the footway. This is shown on the revised plan. The existing egress from the site will have to be closed up, and the highway/kerb made good. These matters can be secured by condition.

Neighbours have raised concerns about the impact of the development on pedestrians and cyclists using Oundle Road, with particular reference to vehicle movements and school children walking to Nene Park Academy and Botolph Primary School. The use of a dropped kerb instead of a bellmouth will give pedestrians priority, and there will be adequate visibility splays. This will be an improvement on the current situation.

## **Design and Streetscene**

The building would be large for the area, with a footprint of 29m along Oundle Road and 14m deep. This means that the roof, in order to appear of a suitable scale from the street, would have a large flat area in the centre, incorporating a lantern above the stairwell.

The design of the block incorporates attractive Arts and Crafts features such as are commonly seen on similar blocks from the early 20<sup>th</sup> Century. There are one full height and two ground floor bays, the fenestration is well balanced, and there is a suitably prominent front entrance.

It is the massing of the block that has raised concerns with neighbours. It would be about 11m high, taller than the nearby two-storey houses, and taller also than the nearest existing flats at Botolph Green, which are two-storey. The building would be slightly larger than the building proposed in 2006/2007, when Planning Inspectors concluded that the building was acceptable. It is however a much more attractive building, and fits in better with the 20<sup>th</sup> century development along this section of Oundle Road. It is also better placed on the site, with a more consistent set back from the highway.

The development will without doubt change the streetscene considerably, but in a localised fashion, as the road is heavily treed and for much of the year the site will be screened in long views by mature trees. Given the space around the site, it is considered that the development, in terms of massing and impact on the streetscene, and design of the building, is acceptable.

## **Trees and Ecology**

As part of the development two Copper Beech trees are proposed for removal. The trees, being subject to a TPO, should have been taken account of as a constraint during the design process.

These trees are about 15m high, and form a prominent feature in the street scene when viewed from Oundle Road and St Botolph Lane. The applicant has submitted an Arboricultural Assessment which states that one of the trees, despite being categorised as C2 in 2009, could be "...fairly graded as B2". (B2 - of moderate value, offering at least 20 years contribution, distinct landscape feature as a group; C2 - low quality and value, at least 10 years contribution, trees of low or temporary landscape value). These trees were added to the TPO in 2004 and although the condition of trees can change over 8-9 years, the current tree survey does not identify any sound arboricultural reason for the felling of either tree. It is likely that if one tree was removed (the C2), the other, the B2, could adapt and survive.

The tree in question is one of only two trees on the site that has a life expectancy of over 20 years. All the other trees are likely to have shorter lives. The Copper Beech is a large species that will contribute a size and scale that cannot easily be replicated by replacement planting in the short term.

The two Copper Beech trees are among several trees on the site which, together, form a part of the landscape character of the area. They offer visual amenity, contrast in terms of colour and texture against other tree species, and act to draw the eye into the depth of the site. As well as these trees it is proposed to remove, in order to facilitate development, several small trees such as apple trees at the rear of the site, and a total of 8 trees across the centre of the site. These vary in height from 4m to 14m, and are mostly category C2. Although some of these are included in the TPO, they were viewed by the Landscape Officer at the time of an earlier application, and their loss in order to facilitate development was accepted.

The applicant has pointed out that views of the trees from Oundle Road would be blocked by the building. It is clear however that views from St Botolph Lane, a public right of way, would remain.

Officers have concluded that the loss of the trees should be resisted, which means that the application would have to be refused. The applicant has stated that the development would not be financially viable if the trees had to be retained as this would reduce the scale of the development,

and will be submitting a viability assessment. This will be assessed, and comments will be included in the update report.

A further issue is that the recommended surveys, for reptiles and bats, have not been carried out. These should have been carried out in advance of the application, and as the matter was first raised early in 2011 there has been plenty of time for this work to be done. The Wildlife Officer has advised that the submitted reptile mitigation, while acceptable in itself, is not detailed enough and is not based on any survey information.

Reptile surveys have to be carried out in spring or early summer. This site is not considered to be particularly sensitive in terms of wildlife and there is a low probability of reptiles being present. Given the timing of this application, it is considered that a survey, and any further, more detailed, mitigation that might be necessary, can be secured by Condition. There would be space within the landscaped area for some reptile mitigation to be provided if necessary. The alternative is to delay issuing a decision until after surveys have been carried out and mitigation, if necessary, agreed.

In order to protect bats, foxes and nesting birds, conditions would be appropriate requiring that surveys are carried out for bats and foxes prior to felling of trees or groundworks, in order that protection can be secured if any are found, and trees/scrub should not be cleared during the bird nesting season unless an ecologist has confirmed that there are no nesting birds present.

Bird and bat boxes should be provided as part of the development and can be required by condition.

### **Contamination**

As the site was formerly a petrol filling station, there were large tanks underground which have not been removed. This application does not propose their removal, and supports this with a Contamination Report which examines the potential for pollution. The report was written for a different proposal (a replacement petrol station and shop) and so does not properly examine the potential impact on people living on the site. Further information will have to be provided, and the appropriate level of mitigation established. The Environment Agency have asked for conditions regarding this, and it is considered that the reporting and mitigation can be secured by condition.

### **Drainage**

A neighbour in Gordon Way has commented that the site contributes to flooding on his property. No 2 Gordon Way is separated from the application site by another garden, most of the application site is unsurfaced, and the application site slopes down towards Oundle Road, so it is difficult to see how the site could contribute to flooding two gardens away.

Comments have also been made about standing water on the site and in the immediate locality. The applicant has stated that foul and surface water will be disposed of to the main sewer. This would have to be agreed with Anglian Water. No Sustainable Drainage has been proposed, which would normally be expected on a newly developed site and which is sought by Policy CS22. The applicant has not provided any information as to why a Sustainable Drainage system could not be used, but it should be noted that the part of the site to be built on is already hard-surfaced. Much of the site will remain as permeable landscaping, and the parking area and paths can be constructed of a permeable material. This can be agreed under a condition.

### **Section 106 Contribution**

The contribution required under the Planning Obligations Implementation Scheme would be £56,000. The provision of Household Travel Information Packs would also be secured. The applicant has offered a contribution, but has stated that viability of the development overall will affect the sum that can be offered. A viability appraisal is expected. This will be assessed and reported in the Update Report.

### **Sustainability**

The applicant has stated that the development aim to provide high levels of thermal efficiency and

sustainability, but no detailed information has been provided. In the absence of this detail, a standard condition should be imposed requiring that the development achieves a 10% improvement over the Building Regulations Target Emissions Rate.

The applicant has also said that areas of the rear garden can be dedicated to vegetable production and composting, but in the absence of either a dedicated management team or one or more eager residents this would be difficult to secure. The landscaping scheme to be required under condition could secure planting of native and wildlife-friendly species, to support local biodiversity.

### **Boundary fence**

A neighbour has commented that the existing boundary fence encroaches onto St Botolph Lane. As far as can be ascertained from the proposed site layout and the copy of the title plan that has also been provided, the proposed boundary is correctly placed. The proposed site plan also includes a visibility splay at the corner of St Botolph Lane, which will improve Highway safety.

## **6 Conclusions**

### **Reasons for refusal**

The proposal will result in the loss of two Protected Copper Beech trees. The trees form part of the landscape along this stretch of Oundle Road, and offer a valuable contribution to the overall visual amenity of the area.

The proposed development would not provide adequate facilities within the curtilage of the site for the parking of motor vehicles and is therefore contrary to Policy PP13 of the adopted Peterborough Planning Policies DPD.

If Members are minded to refuse the application, then the absence of a S106 agreement will also have to form a reason for refusal.

### **The proposal is acceptable in these respects:**

The principle of residential development is acceptable in this location, and the development would contribute to meeting local housing targets in accordance with Policy CS8 of the Core Strategy  
Suitable levels of amenity for future residents would be provided in accordance with Policy PP4 of the Planning Policies DPD

There would be no unacceptable impact on neighbours, in accordance with Policy CS16 of the Core Strategy and Policy PP3 of the Planning Policies DPD

Adequate cycle parking would be provided as required by Policy PP13 of the Planning Policies DPD

Highway safety would be improved with the closure of one vehicular access and the change of the other to give pedestrian priority, in accordance with Policy PP12 of the Planning Policies DPD

The design of the building is appropriate to the site and would be attractive addition to the streetscene, in accordance with Policy CS16 of the Core Strategy and Policy PP2 of the Planning Policies DPD

Suitable mitigation could be achieved for any impact on wildlife, in accordance with Policy PP16 of the Planning Policies DPD

The contamination on the site could be suitably remediated to remove the risk of impact on human and environmental health, as required by Policy PP20 of the Planning Policies DPD

The site could be suitably drained, the development would not contribute to flood risk, and would contribute to the City Council's Environment Capital Agenda as required by Policies CS10 and CS22 of the Core Strategy.

## **7 Recommendation**

The case officer recommends that planning permission is **refused**.

However, should Members conclude that the loss of the Protected tree, and the underprovision of car parking, are acceptable and feel minded to resolve to grant approval subject to the completion of a S106 agreement, the following conditions would be appropriate:

**C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

**C2 Development shall be carried out in accordance with the following drawings and documents:**

**Proposed site layout plan AK0001\_P13**

**Proposed floor plans AK0005\_B**

**Proposed elevations AK0006\_B**

**Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement Reference 2274.AIA.Rev.A.OundleRd.Abbeygate and associated plans.**

Reason: In the interests of proper planning and in accordance with Policy CS16 of the adopted Peterborough Core Strategy 2012.

**C3 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the Local Planning Authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.**

Reason: 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 CS17 of the adopted Peterborough Core Strategy DPD and the National Planning Policy Framework, particularly paragraphs 128 and 141.

**C4 Prior to commencement of the development detailed contoured plans with existing and proposed spot heights and cross sections shall be submitted to and approved in writing by the Local Planning Authority. These shall show the existing footway levels and the levels of adjacent dwellings and existing boundary treatments, the proposed building, access, ramps, bin store, and levels of the parking and amenity area. The development shall not be carried out other than in strict accordance with the levels shown on the approved drawing(s).**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, and to ensure that the building is appropriately placed in the streetscene, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD.

**C5 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:**

**a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.**

**b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle**

**and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.**

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. No development shall be carried out except in accordance with the approved details.**

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

**C6 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.**

**This must be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR11'. No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.**

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

**C7 On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.**

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

**C8 No development shall take place until details of the following materials 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.**

**Walling and roofing materials including masonry, render, roof tiles, material for flat roof, bargeboards and fascias**

**Cills and lintels**

**Windows and doors**

**Roof lantern.**

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD 2011 and to ensure appropriate disposal of surface water in accordance with Policy CS22 of the adopted Peterborough Core Strategy DPD 2011.

**C9 Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include:**

**A scheme of vehicle cleansing to prevent mud and debris being carried on to the Highway**

**A scheme of working hours**

**Measures to ensure that all construction and delivery vehicles can enter the site immediately on arrival**

**A plan showing adequate space within the site for construction traffic to park and turn**

**A scheme of noise and dust control to prevent unacceptable impact on neighbours.**

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

Reason: In the interests of Highway safety and neighbour amenity, in accordance with Policies CS14 and CS16 of the adopted Peterborough Core Strategy DPD 2011.

**C10** 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 Policy PP16 of the adopted Peterborough Planning Policies DPD 2012.

**C11** Prior to any development taking place surveys shall be carried out to establish the presence or otherwise of reptiles and bats on the site. The results of the survey, and appropriate mitigation based on the survey and the strategy set out in the approved Ecological Appraisal (January 2011, ECO2457.EcoApp.vf), shall be submitted to the Local Planning Authority for approval in writing. The mitigation strategy shall be implemented prior to any development, including site clearance.

Reason: To ensure the survival and protection of important species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policy CS21 of the adopted Peterborough Core Strategy 2011.

**C12** Prior to any groundworks being carried out, a survey shall be made to establish the presence or otherwise of foxes or other large mammals. If any are present on site then suitable measures shall be taken to either protect the young until they have left the nest, or to prevent animals from returning during development.

Reason: To ensure the survival and protection of important species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policy CS21 of the adopted Peterborough Core Strategy 2011.

**C13** No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless a survey undertaken immediately prior to development demonstrates that the site is clear of nesting birds.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the adopted Peterborough Core Strategy 2011.

**C14** Prior to the development being occupied, a store for refuse bins, and a hard-surfaced collection point, shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure suitable provision for the storage, collection and sorting of waste, in accordance with Policy PP4 of the adopted Peterborough Planning Policies DPD.

**C15 Prior to the development being occupied, a secure, covered store for the parking of 28 cycles, and suitable parking for visitor cycles, shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policies PPP12 and PP13 of the adopted Peterborough Planning Policies DPD 2012.

**C16 Prior to the development being occupied, lighting to the shared areas including the entrances and the refuse bin store shall be installed in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.**

Reason: In the interests of the amenity of residents, and to ensure that lighting does not cause a danger to users of the Highway, in accordance with Policies PP4 and PP12 of the adopted Peterborough Planning Policies DPD 2012.

**C17 Prior to occupation of unit 14, the side (south-west) facing windows shall be obscure glazed and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD 2012.

**C18 Prior to the first occupation of the building a scheme for the landscaping of the site including boundary treatments shall be implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved prior to the first occupation of the building, with the exception of the planting which shall be installed no later than the first planting season following the occupation of any building.**

The scheme shall include the following details:

**Proposed finished ground and building slab levels**

**Planting plans including retained trees, species, numbers, size and density of planting**

**Bird and Bat boxes**

**Boundary treatments to the front of the site and the boundary to St Botolph Lane**

**Details and siting of gates**

**Any changes to existing boundary treatments**

**Surfacing of vehicular driveways and pedestrian paths**

**Permeable or porous surfacing to parking area, with details of the marking out of spaces and allocation to individual units**

**Hard landscaping features such as seating, retaining walls.**

Reason: In the interests of the visual appearance of the development, the enhancement of biodiversity, the provision of adequate parking and the amenity of residents in accordance with Policies CS16 and CS21 of the adopted Peterborough Core Strategy 2011, and Policies PP4, PP13 and PP16 of the adopted Peterborough Planning Policies DPD 2012.

**C19 Unless alternative features of sustainability are incorporated into the development, in accordance with details to be submitted to and agreed in writing by the Local Planning Authority, the development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.**

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

**C19 Prior to first occupation of the development the off-site Highway works shall be satisfactorily completed as follows:**

**Removal of the existing western access to Oundle Road and reinstatement of double height kerbing**

**Construction of new vehicular access as shown on drawing AK0001\_P13, and reinstatement of redundant areas of the access as footway with double height kerbing**



**Any associated road markings.**

Reason: In the interests of Highway safety in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD 2011.

**Associated informative:**

With regard to Condition 19, "satisfactory completion" can be demonstrated by compliance with the requirements of the Local Highway Authority, and completion of the necessary Highways Act agreements.

Copy to Councillors Scott OBE S M, Seaton D A, North N V

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