

PLANNING & ENVIRONMENTAL PROTECTION
COMMITTEE

TUESDAY 8 JANUARY 2013 AT 1.30PM

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**UPDATE REPORT &
ADDITIONAL INFORMATION**

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PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.

The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.

1. Objectors.
2. Applicant or agent or supporters.

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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 8 JANUARY 2013 AT 1.30PM
LIST OF PERSONS WISHING TO SPEAK

Agenda Item No.	Page No	Application	Name	Objector/Applicant/Agent/Supporters/Parish Council/Town Council/Neighbourhood Representatives
5.1	9	12/01556/FUL – RATHBONES OF PETERBOROUGH, MIDLAND ROAD, WEST TOWN, PETERBOROUGH	Mr Chris Wickham (Westleigh Developments Limited) Mr Mel Baker (Longhurst) Mr Robert Woolston (RG+P)	Applicant Applicant Agent
5.2	33	12/01694/R3FUL – QUEENS DRIVE INFANT SCHOOL, QUEENS DRIVE WEST, PETERBOROUGH, PE1 2UU	Councillor John Peach Councillor Pam Kreling Councillor John Shearman Dr Reed (Local Resident)	Ward Councillor Ward Councillor Ward Councillor Objector
5.3	47	12/01725/FUL – THOMAS DEACON ACADEMY, QUEENS GARDENS, PETERBOROUGH, PE1 2UW	Councillor John Peach Councillor Pam Kreling Councillor John Shearman	Ward Councillor Ward Councillor Ward Councillor
5.4	71	12/01430/R3FUL – HELTWATE SCHOOL, HELTWATE, BRETTON, PETERBOROUGH	Ms Anita Fellowes Mr Rowan Wilson Mr Alistair Osborn Ms Debbie Heasman (Acting Headteacher)	Objector Objector Objector Applicant

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BRIEFING UPDATE

P & EP Committee 8 January 2013

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
4.	12/01430/R3FUL	Heltwate School, Heltwate, Bretton Peterborough , Installation of security fence and gates.

No Further Comments

1.	12/01556/FUL	Rathbones Of Peterborough, Midland Road, West Town, Peterborough , Demolition of existing buildings and construction of 90 new dwellings (comprising 62 x 2 bed, 26 x 3 bed, 2 x 4 bed) including new access, car parking and public open space.
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1. The agent has advised that the mix of 2 and 3 bed houses is incorrectly referred to in the description of development. To confirm 56 two bed properties and 32 three bed properties are proposed. The plans correctly show the dwelling mix.

2. With regards to C2 two updated drawings have been received and replace the revisions referred to in the report. The following drawings are for approved:

- 7249/071A Plots 70-75
- 7249/073A Plots 58-63

3. Notwithstanding the comments under point 7 below the applicant has confirmed that the fence to the railway can be a standard close boarded fence rather than an acoustic fence. It is therefore recommended that C8 be amended to remove reference to an acoustic fence adjacent to the railway.

4. With regards to conditions 9 (surface water drainage) and 10 (foul water drainage) the applicant has requested that the timing of the submission be altered to allow the demolition of the existing buildings to take place before details are required. This is considered by Officers to be a reasonable request. Conditions 9 and 10 would therefore state 'Prior to the commencement of any development other than demolition.....'

5. With regards to conditions 9 (the submission of a timetable for the laying out of the public open space), 19 (works to Midland Road) and 20 (ramped access) the applicant has requested that the timing of these submissions be altered to allow the demolition of the existing buildings and ground works to take place before details are required. This is considered by Officers to be a reasonable request. These conditions would, therefore, state 'No development other than demolition and ground works shall take place until.....'

6. With regards to condition 21 (Construction Management Plan) the applicant has asked that this condition be amended to remove reference to 'wheel cleaning facilities capable to cleaning the underside of the chassis and wheels of all vehicles entering and leaving the site' in order to allow greater flexibility in respect of how this matter is dealt with. This has been discussed with the Local Highway Authority which has raised no objection in light of experience with the applicant on another site. It is, therefore, recommended that this element of condition 21 be amended to require details of wheel cleaning/road cleaning equipment.

7. A copy of a letter sent to all members of the Committee has been received from HOW Planning on behalf of BP Oils. This confirms their objection to the development on the basis that insufficient mitigation is proposed for the two uses to co-exist together. The letter requests that C8 (Noise Attenuation Measures) is redrafted to require the submission and approval of a scheme of mitigation measures in conjunction with BP Oils. Without this BP Oils request that the application is either deferred or refused. The letter does not set out what additional mitigation measures BP Oils would be seeking.

For clarification the Acoustic Assessment recommended that the dwellings at plots 10-20 which have bedroom windows facing or a significant view of BP Oils be fitted with upgraded 4/14/6.4 glazing together with trickle vents. The report also recommends a 2.1metre heavy timber fence along the boundary of the site with GB Oils.

The Council's Pollution Control Team has reviewed the revised Acoustic Assessment and commented that the proposed mitigation measures provide additional protection to that afforded to existing properties in the locality. The Section has no record of any complaint associated with the existing use of the GP Oils site.

Notwithstanding this, the Team has commented that it cannot be said that there would be no reasonable complaint from residents in the future regarding activities at GB Oils. (given the character of the noise rather than the overall level). Since there is no prescriptive right to cause a nuisance in this instance, and since there is no defence to state that the complainant came to the nuisance, there is the potential for successful nuisance claims.

However this would need considering in the context of the situation. In this instance the number of vehicle movements stated do not appear excessive. It would also appear reasonable given the number of movements involved to reasonably reschedule those movements that take place during unsociable hours should a nuisance exist.

The alternative to that situation would be that the existing operations may effectively sterilise development in the locality, which may be considered unreasonable given the degree of operations conducted at GB Oils.

As set out in the main report whilst it is accepted that BP Oils are not the ideal neighbour there are a number of benefits of bringing forward the redevelopment of this site which is within the Station Quarter Opportunity Area. As such the relationship between the sites and mitigation measures proposed are, in the specific circumstances of this development, considered to be reasonable.

8. Following further negotiation the following reduced S106 contributions have been reduced:-

- POIS £160 210
- Public Open Space £50 000
- Monitoring Fee £4 290

2.	12/01694/R3FUL	<p>Queens Drive Infant School, Queens Drive West, Peterborough, PE1 2UU, New single storey classroom extension to front of school, new single storey toilet extension to side of school, demolition of house at no.6 Queens Drive West, associated landscaping works; soft and hard landscaping to front, side and rear of school, removal of trees as per Arboricultural Assessment recommendation, reconfiguration of external doors and windows, creation of additional parking and associated access.</p>
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1 An additional representation has been received from a neighbouring property which was not covered in the committee report. The matters raised in this letter and the case officer's response are set out below:

1. We are concerned about the impact of the increased traffic, exacerbating an already chaotic traffic situation and see nothing in the proposal that seeks to mitigate the potential serious risks resulting from even more traffic here. It may be that reducing the speed limits (to 20 miles per hour) in the Park Road, Dogsthorpe Road and Queens Drive would reduce the consequences of the accidents that are likely with increased traffic.

Case Officer response: It is acknowledged that the extension and increase in pupils would have an additional impact on existing traffic levels but this would only be for two short periods Monday to Friday. Reducing the speed limit on the surrounding roads would not resolve the current or future issues as it is numbers of vehicles which causes congestion not the speed which they are travelling.

2. The School Travel Plan appears inadequate. Are concerned with the poor performance to date, there is little reflection on why performance is so low and a lack of commitment by individuals involved. A number of other (presumably key) individuals have not signed up to the plan. While parents were surveyed, it is the parents' behaviour that will need to change in order to deliver the targets – so what's their commitment to deliver the targets?

There is a lack of clarity over the proposed targets for the three year period. The targets could usefully be clarified, for example, does the target for Objective 2 (more pupils walking to school) mean that there would be an increase in 10% (over 3 years) compared to the *current number* or does it mean that the percentage walkers would be 76% of pupils in three years time. The difference between these is significant. For the 10% increase in the number of walkers, we read this as an extra 15 pupils would walk to school by year three (not very impressive). Whereas for the latter, we read it that 221 pupils would walk to school (i.e. 76% of the total new number of pupils, which is 291). We would suggest that this needs addressing for the plan to be at all credible. We would also be keen to appreciate how the delivery of these targets can be binding on the school? Perhaps permission for the numbers of pupils can be a temporary arrangement that is subject to achievement of the targets, and number of pupils reduced in future years should the targets not be reached.

Case Officer response: The detailed Travel Plan will be secured by condition. Before this condition is discharged the Travel Choice Team will need to agree to the targets and objectives as well as the Local Highways Authority. The targets in the current travel plan have not been agreed and it is envisaged that the existing document would be subject to considerable change.

There is a requirement under the Planning Act for the school and relevant individuals to comply with the condition as failure to do so would be in breach of the planning consent and enforcement action could be taken.

3. Drainage - The drainage plans suggest that there is no provision for drainage on site, i.e. no sustainable drainage and that the new surface water drains appear to be directed into the foul sewer. We are worried that this additional strain on the local sewers will test this infrastructure beyond its limits in both capacity and associated odour. It is fair to say that current demands on the sewers are already a concern to Anglian Water, and local water bills will have to rise to accommodate any subsequent mitigation. Nor does the drainage plan suggest any grey water recycling. While this area may not be in the relevant flood zones (for river flooding), Peterborough's recent Preliminary Flood Risk Assessment did highlight surface water flooding (at a 1 in 200 rainfall event) in the vicinity of the school. We appreciate that the revised national surface water flood map is not yet available, nor could we find any further information on how Peterborough's progressing the development of its Local Flood Risk Management Strategy (required under the Flood and Water Management Act). Nonetheless, mindful of good practice, sustainable development and the potential implications of a changing climate (and more rainfall), we would suggest that:

- Any surface water drainage is not directed into the foul sewer: otherwise this could potentially increase the risk of flooding for residential properties as drainage capacity is exceeded.
- The development incorporates grey water recycling – at least for the new services (and if possible, retrofitted). This could be a valuable educational resource as well as common sense and economically beneficial.
- The implications of site drainage are considered fully and the potential for incorporating sustainable drainage be fully explored for the new development as well as in compensation for the existing development.
- Peterborough City Council explore this sustainable water management as a good practice approach, and a demonstration project (as an “Environmental City”)

Case Officer response: Condition 10 requires that surface water be disposed of by way of a soak away unless percolation tests prove this to be inappropriate. In such an event alternative means of surface water disposal shall be submitted to and approved in writing by the Local Planning Authority.

With regards to the incorporation of grey water recycling, whilst this is considered to be desirable there is no policy which requires it. It cannot, therefore, be insisted upon.

4. Encroachment on existing habitat area - The school currently has a delightful habitat area and we are concerned that this area is gradually being squeezed by the proposed development. The proposed cycle parking area should be relocated away from this habitat area. A further concern would be the additional impact on this habitat area that would result from cycle parking for an additional 30 cycles (as included in the condition from the highways authority). It's important to recognise the value of the network of habitats for species (including protected bats and amphibians) within the urban environment and prevent their degradation. As local residents we

can assure you that, while the Habitat survey did not find evidence of bats within trees on-site, we regularly observe bats around the oak tree and the wider area. The bats will be drawn to the myriad species that live in the natural area at the rear of the school. The reduction in the number of trees will impact upon the habitat of these bats and the many species of wild birds who also live in and around the school. The school grounds are an integral part of the biodiversity network in Park Ward, and we would be extremely concerned about any threat to this network.

Case Officer response: This is a very compact site and there is limited space within the site. It would not be appropriate to locate the cycle parking to the site frontage as the limited landscaping area should be retained for the overall benefit of the street scene. In addition, the scheme has extended the play area for the reception children and it would not be appropriate to then reduce the playground area to accommodate cycle parking. Therefore, whilst regrettable, the reduction in habitat areas is necessary in order to meet the demand for additional school places/

5. Net loss of trees - We are disappointed about the net loss of trees resulting from the proposed development and we would suggest that replanting is incorporated into the proposals to ensure the quality of the environment is not degraded and there is no net loss of trees. As neighbours to the proposed development we confirm the presence of bats, reptiles (including frogs and newts within our pond and also possibly neighbouring ponds. We are very concerned about the detrimental impact on the local ecology of removing the substantial trees.

Case Officer response: Conditions have been appended to the decision requiring replacement tree planting to include native species and the incorporation of bird and bat boxes.

The proposed tree loss includes a relatively substantial tree at the back of the existing school that not only reduces the noise impact and visual intrusion of adjacent properties, it also potentially serves as a barrier to smells from the Dogsthorpe Road fish and chip shop. The inclusion of the school's prominent ventilation system (a couple of years ago, without planning permission or consultation to the best of our knowledge) resulted in significant cooking smells in our property and we are concerned that the smells will only get worse with more pupils and less tree canopy acting as a barrier. We would also ask for the current vents to be coloured (or clad in a brick facade) to be less prominent and turned to direct smells away from our property. We do not relish even more cooking smells that will result from the increase in pupil numbers.

Case Officer response: The ventilation system does not form part of this application however, an informative would be appended to the decision notice to advise the applicant that a complaint has been received and will be investigated by the pollution control team.

6. Temporary works - The planning application did not include details of the construction works but we welcome further consultation on security of the school, hours of work and so on.

Case Officer response: Condition 7 requires details of a Construction Management Plan to be submitted for approval by the Local Planning Authority. It is considered reasonable to add security measures, timing of works and management of dust to the list of details required.

2. It is recommended that C7 in the report to be replaced with the following amended wording in order to ensure that the Construction Management Plan is sufficiently comprehensive. :

- C7 Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include (but not exclusively):

- Details of a parking/turning and loading/unloading area for contractors and delivery vehicles
- Details of vehicle washing facilities capable of clearing the wheels and underside of the chassis
- Location of compounds and storage areas
- Haul routes to/from the site
- The proposed security arrangements for the site during the construction
- Timing of works during the week and at weekends
- Dust suppression

- Details of remedial measures to be taken if complaints arise during the construction period.

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

Reason: In the interests of neighbouring amenity and the safety of all highway users in accordance with policies PP3 and PP12 of the Adopted Peterborough Planning Policies DPD.

3. It is recommended that C10 in the report be replaced with the following:-

C10 Foul water shall be disposed of to the adopted foul sewer and surface water shall be disposed by way of soak away. Design details of the proposed drainage systems shall be submitted to and approved in writing by the Local Planning Authority. The details shall include specifications of any drainage elements. Should percolation tests prove it to be inappropriate for surface water to be disposed of by way of a soak away details of an alternative means of surface water disposal shall be provided along with confirmation of approval from Anglian Water to discharge surface water into their drainage systems. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To reduce the impact of flooding on the proposed development and future occupants in accordance with policy CS22 of the Adopted Peterborough Core Strategy DPD.

4. It is recommended that the following conditions be added in order to deal with any bats which may be discovered during the construction works and to protect birds during the breeding season.

C11 In the highly unlikely event bats are found during the work, work should stop and further advice sort from an experienced, licensed bat ecologist.

Reason: To protect features of nature conservation importance and in accordance with policy CS21 of the Adopted Peterborough Core Strategy DPD.

C12 No demolition works or site clearance works, including tree, hedge and bush removal shall be carried out on site between the 1st March and 31st August inclusive in any year, unless the features to be disturbed have been surveyed by an appropriately qualified ecologist and found to be free from the presence of breeding birds. The works or vegetation removal shall not commence until a survey report has been submitted to and approved in writing by the local planning authority. If nesting birds are found to be present the works or vegetation removal shall not commence until the end of the bird-nesting season.

Reason: To protect features of nature conservation importance and in accordance with policy CS21 of the Adopted Peterborough Core Strategy DPD.

3.	12/01725/FUL	Thomas Deacon Academy, Queens Gardens, Peterborough, PE1 2UW , Construction of two storey Junior Academy, single storey exam hall and extension to existing construction centre and associated works
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1. An additional representation has been received by a neighbouring property raising the following issue:

I, Nargas Zabeda and my husband Tariq Mahmood residents of 27 Queens Gardens and owner of the property next door number 29 are pleased with the plans going ahead with the Junior Academy as we believe it is essential for the upcoming generations to have a great education.

Recently, a couple of students from Thomas Deacon Academy have been misbehaving as they have been walking along the proposed walkway of the Junior Academy and making rude comments to myself. Due to this walkway being the only access to the new school, we both as residents of Queens Gardens would appreciate if the fencing which is currently in place going along the driveway of our property and the current tennis courts which are being used by Thomas Deacon had an opaque material used as a backing. As well as this we would greatly appreciate if the new bike shelter for the new school also had this material allowing us to maintain our privacy. Currently, the steel wired fencing is not good enough for

when the new building is built due to during the autumn season the leaves fall which will definitely have an impact on our privacy.

We strongly believe this would be beneficial to us as we believe that this would enable us to maintain our privacy. As well as this with the Thomas Deacon Academy, even though we have had problems in the past these were still able to be overcome as students would use the walkway on rare occasions such as exams. However, with the new Junior Academy, this walkway will be used on a daily basis therefore more likely to cause inconvenience.

Case Officer response: A condition regarding boundary treatment has been appended to the decision notice and the shared boundary with the neighbouring property would be assessed during the discharge of this condition.

2. Further comments have been received from the Pollution Control Team raising concerns about the proximity of the MUGA to the neighbouring properties abutting the site and the potential for complaints from these properties regarding noise when the MUGA is in use.

Case Officer response: The site is currently available for community use and therefore there is already the potential for noise from the site. It is acknowledged that the MUGA would increase the level of activity within the site outside school hours. Conditions have been appended to the decision requiring details of a Community Use Agreement, Hours of Use for the external planning fields, Boundary Treatment and Lighting and it is considered that these details would enable further consideration of neighbouring amenity as well as appropriate mitigation for any unacceptable noise levels.

3. It is recommended that C24 in the report be replaced with the following updated condition:-

C24 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatments and gates to be erected. This shall include any associated acoustic fencing to the boundary with Park Crescent, neighbouring properties adjacent to the MUGA and the pedestrian access route to the development. The boundary treatments shall be completed before building or extension to which they relate is brought into use or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenities of neighbouring residents, visual amenity and crime prevention, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2012) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).C25



architecture
 clerk of works/building warranties/
 expert witness



project management
 purchaser's agent/employer's agent



quantity surveyor
 fund monitoring surveyor



sustainable design
 code for sustainable homes/BREEAM/
 building for life/EPCs/SAPs/HQIs



cdm co-ordinator



master planning
 landscape design



planning consultant



party wall surveyor



07 January 2013

Our Ref: RAW/JR/SP/7249/C

Vicky Hurrell
 Principal Development Management Officer
 Peterborough City Council
 Stuart House East Wing
 St John's Street
 Peterborough
 PE1 5DD

Dear Vicky

RE: MIDLAND ROAD, PETERBOROUGH 12/01556/FUL

We respond to the letter from HOW Planning dated 4th January in respect of condition 8 Noise mitigation measures relating to the GB Oils site.

rg+p have been in discussions with Peterborough City Council relating to this site since 11th August 2011, and the process has involved extensive formal Pre Application advice prior to the submission of the planning application which was validated on 19th October 2012. The relationship of housing adjacent to the GB oils site was not raised by Peterborough City Council as a potential issue prohibiting development during the Pre Application period. The only reference to noise mitigation was with regard to the railway lines to the east of the site, which was duly done and the formed part of the full planning application. The report provided a set of mitigation measures and a building specification of standard glazing and acoustic trickle ventilation to those properties adjacent to the railway.

The potential issue with the site's relationship to the GB Oils depot was raised by HOW Planning in their objection to Peterborough City Council dated 14th November 2012. The objection related specifically to the possible impact of existing lighting and noise generated from the GB Oils Depot. Noise and Lighting reports were commissioned which included on-site monitoring to establish the likely effects on the proposed dwellings. We note there has been no reference to the lighting report in HOW Planning's latest correspondence.

The Acute Acoustic's noise report dated 19th December 2012, noted that there were minimal vehicle movements and that levels of noise from the GB oils site was at least 10dB lower than the existing ambient noise level. Currently there are no mitigation measures on the site boundary, just a metal palisade fence. The conclusions of the report have recommended a 2.1m high acoustic fence of rating 10dB together with a specification for acoustic glazing and acoustic trickle vents for plots 10-20. On the basis that there were no issues with the ambient noise levels, we have nonetheless undertaken to provide mitigation to ensure there are no issues for the future occupants.

Plots 10 to 20 offer a mixture of Market Rent and Shared Ownership properties. This gives the added security of the Affordable Housing Provider as landlord. They will be able to ensure that the acoustic fence and the dwelling specific measures of the dwellings themselves are maintained to ensure they provide the required attenuation.

We understand that the Environmental Health Officer, Lynden Leadbeater, in his email to the Planning Officer dated 21st December (which was following receipt of the noise report) confirms that there have been no complaints from the existing dwellings on Midland Road to the Environmental Health Department relating to either the traffic movements or noise generated from within the GB Oils site. In the existing urban location, being next to a mainline railway and a principle railway station, it has already been proved by the noise report that the noise levels on the site do not prohibit development, and that the noise and traffic generation from the GB Oils site is not excessive.

Condition 8 of the proposed conditions also ensures that the proposed mitigation measures be provided to the satisfaction of the local authority. We see no reason for this condition to be altered or enhanced as the proposed mitigation is already in excess of that confirmed to be required by the technical report findings. We would also resist the inclusion of wording to the effect that GB Oils have to be consulted on the mitigation proposals. This site is being developed on behalf of L and H Homes, which is part of the Longhurst Group, and a Registered Social Landlord. It is in our client's best interests to ensure that the residents are provided with quality living standards, and it is for that very reason that the additional mitigation measures are being proposed.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'RWoolston', written over a horizontal line.

Robert Woolston BSc DipArch(Com) DipArch Prac(Com) RIBA ACArch
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rwoolston@rg-p.co.uk