

Application Ref: 14/02171/FUL

Proposal: Demolition of existing buildings and erection of a new convenience food store (Class A1), three detached residential properties, car parking, landscaping and associated works

Site: 490 Oundle Road, Orton Longueville, Peterborough, PE2 7DF

Applicant: Tillbridge Developments LLP/Optima (Cambridge) Limited/Mark Philip Basford/John Edmund Paylor

Agent: Miss Jennifer Hill, Nathaniel Lichfield & Partners

Referred by: **Councillors North and Seaton**

Reason: Harm to neighbour amenity, overdevelopment and various traffic issues

Site visit: 29.12.2014

Case officer: Miss Louise Lovegrove
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Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

The application site comprises two separate planning units: to the front a former petrol filling station and to the rear a former residential site.

The former petrol filling station has been used over recent years for various authorised and unauthorised uses such as car sales. The frontage of this is approximately 44 metres, and it extends rearwards (south-east) by approximately 24 metres. There is an existing hard surface, with the former petrol station building and canopy still in place albeit the pumps have been removed. In terms of vehicular access, there are two separate dropped kerbs onto Oundle Road.

To the east of the former filling station is an area approximately 4 metres in width. This is part of the former residential site that has been unoccupied for many years - the dwellinghouse has long been demolished and the site is overgrown. Within this site there are a number of protected trees and the site is surrounded by residential dwellings to both sides and the rear. It is unclear from the present site conditions as to where the vehicular access to the site is taken from.

Overall, the combined site is approximately 46 metres in width along Oundle Road, narrowing unevenly to 20 metres at its rear-most extent. The depth of the site extends to roughly 68 metres.

The surrounding area is predominantly residential in character. The western boundary is staggered and the first 25 metres is bound by St Botolph Lane. This Lane is a cul-de-sac private road for vehicles with a right of way for pedestrians and cyclists onto a footway at the end leading to the wider residential area beyond and a small local centre. The remainder of the western boundary is set in behind an electricity substation, some garages, and a dwelling which all face onto St Botolph Lane. The dwelling is No.1 St Botolph Lane, and the rear boundary of this runs along the side boundary of the application site for about 24 metres.

To the east of the site, is No.486 Oundle Road (also known as No.488). This property comprises a large detached residential dwellinghouse which is set back approximately 16 metres from the back

edge of the highway. This property runs along most of the eastern boundary to the application site, apart from 5 metres at the rear-most extend which is formed by the garden to No.4 Gordon Way.

The rear boundary of the application site is formed by the garden to No.33 Latham Avenue with the neighbouring dwellinghouse situated approximately 16 metres from the boundary.

Proposal

The application seeks planning permission for the demolition of the existing former petrol filling station building and canopy on the site and the construction of a new foodstore (Use Class A1 (retail)), three detached residential dwellings, access/turning, car parking and associated landscaping.

It should be noted that there is a long planning history on the site and this will be discussed in more detail in Section 5 of this report below.

This proposal is a revised scheme following a dismissed appeal in May 2014.

2 Planning History

Reference	Proposal	Decision	Date
14/00345/FUL	Demolition of existing buildings and erection of a new foodstore (Class A1), four detached residential properties, car parking, landscaping and associated works. A new vehicular access will be created off Oundle Road to service the convenience store	Refused	27/05/2014
13/00374/FUL	Change of use to hand car-wash facility	Refused	08/05/2013
12/01812/FUL	Construction of 14 x two-bedroom apartments with associated car parking and amenity space	Withdrawn	14/02/2013
11/00463/FUL	Change of use from petrol filling station to hand car wash facility	Refused	25/05/2011
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	Refused	22/03/2011
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	Refused	05/11/2010
07/01490/FUL	Five two-bedroom town houses and 12 two-bedroom apartments	Refused	04/12/2007
07/01336/FUL	Continued use as car sales	Refused	03/10/2007
06/01083/FUL	Erection of five two-bedroomed dwellings and 12 two bedroom apartments	Refused	20/09/2006
06/00756/FUL	Change of use from petrol filling station to car sales, erection of metal railing boundary fence - retrospective	Permitted	19/09/2006

06/00232/FUL	Change of use from petrol filling station to car sales and erection of metal boundary fence - retrospective	Withdrawn	21/04/2006
05/02039/FUL	Erection of six two-bedroom dwellings and 12 two-bedroom apartments	Withdrawn	25/04/2006

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions

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

National Planning Policy Framework (2012)

Section 2 - Retail Development Outside Town Centres

A sequential test should be applied to applications (except in relation to applications for small scale rural offices or other development). Proposals which fail the sequential test or would have an adverse impact should be refused.

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

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.

Section 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

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.

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.

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.

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

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)

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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

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.

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

PP11A - (a) Shop Frontages (including signage)

Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

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.

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.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

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**PCC Transport & Engineering Services (07.01.15)**

No objections – The Applicants have sought to address the earlier reasons for refusal and appeal dismissal. The level of parking proposed for the retail unit is only 1 space short and this is accepted. The swept-path analysis demonstrates that an 11 metre long vehicle can turn within the site and exit in a forward gear, albeit not to the right. In order to discourage service vehicles parking along the highway, appropriate marking and regulation orders will be required. There are a

number of off-site highways works that will require approval. Given that the Applicants are anticipating significant pedestrian traffic, a safe crossing point shall be required over Oundle Road. These matters could all be dealt with by condition.

PCC Tree Officer (07.01.15 and 17.02.15)

No objections – Broadly in agreement with the submitted arboricultural reports however further information is required in respect of tree protection measures. This could be secured through a suitably-worded condition.

PCC Pollution Team (20.02.15)

No objections – Request a number of conditions relating to contamination assessment and remediation. In addition, it is recommended that prior to granting permission, it is demonstrated that the plant can be mitigated so as to not result in unacceptable noise disturbance. This could however be dealt with by way of a condition.

PCC Archaeological Officer (05.01.15)

No objections – The site is located within an area of known archaeological interest, therefore it is recommended that a scheme of evaluation through trial trenching is secured by condition.

Cambridgeshire Fire & Rescue Service

No comments received

PCC Wildlife Officer (06.01.15)

No objections – Pleased to note that the application has been accompanied by an Ecological Survey Report and Reptile Survey Report. The surveys indicate that whilst no reptiles are present, there are trees which have potential for bat roosting and evidence of foxes within the site. Request conditions which require pre-development surveys to ensure no harm results to these species. In addition, given that a number of trees/vegetation will be lost which could be used by nesting birds and foraging bats, request the provision of bat and bird boxes to ensure no net loss in biodiversity.

PCC Conservation Officer (30.12.14)

No objections – The proposed development would not harm the setting or special interest of the nearby Grade II Listed Building of No.3 St Botolph Lane.

PCC Rights of Way Officer (07.01.15)

No objections – Request that the footpath along St Botolph Lane remains clear and unobstructed during the period of construction.

PCC S106 Planning Obligations Officer (23.12.14)

The proposed retail unit falls below the size threshold for a POIS contribution and following the revised guidance from Central Government relating to developments of 10 dwellings or fewer and less than 1000sqm of floorspace, no POIS is sought for the dwellings.

PCC Building Control Manager

No comments received.

PCC Waste Management

No comments received.

PCC Environmental Health (Food) (23.12.14)

All food businesses are required to be registered with the Local Authority.

Orton Longueville Parish Council

No comments received.

Nene Valley Nature Improvement Area (NIA)

No comments received.

Ramblers (Central Office)

No comments received.

Peterborough Local Access Forum

No comments received.

Environment Agency (13.01.15)

No objections – Request that comments relating to 14/00345/FUL are taken into consideration. Those earlier comments requested conditions relating to contamination assessment, remediation of contamination and the presence of any unsuspected contamination.

Local Residents/Interested Parties

Initial consultations: 39

Total number of responses: 12

Total number of objections: 12

Total number in support: 0

12 objections have been received from local residents on the following grounds:

Parking, access and highway implications

- The recent installation of a Tesco store at 140 Oundle Road serves to show just how the traffic and pedestrians are affected by its presence. This morning (28th January 2015), at 07:50 there were 3 lorries unloading, 2 of which filled the entire car park and 1 parked on Oundle Road causing congestion. Parents and children were having to run the gauntlet between these vehicles at the start of the school run. This is a brief snapshot of the chaos that a small store brings to a busy road and shows the dangers that the current proposal could instigate.
- The proposal is inadequate in terms of parking/loading/turning of vehicles associated with customers and deliveries. Inadequate parking on-site would lead to parking on Oundle Road or on the verges/pavements, this would be the same for delivery vehicles. This would block the pedestrian footpath and views when exiting St Botolph Lane.
- The generation of traffic and congestion will greatly increase in a section of road that frequently comes to a standstill at 08:00 and 17:00 hours on a weekday and during heavy works on nearby roads when users instead opt to use Oundle Road instead of the parkways.
- A large number of children walk past the site on their way to/from school. Any increase in traffic entering/exiting the site will increase the danger of their commute.
- Houses 1 and 2 would have one parking space in the garage and another in front. This is poor design and unacceptable because if the car in the garage wants to leave first then the car in front has to be moved. To avoid this problem, the houses need to have an additional parking space somewhere near to the house but not in front of the garage.
- The proposal has separate the access between the houses and the convenience store. As a result, the convenience store access is adjacent to St Botolph Lane which means that the traffic to/from the 15 houses in the lane and the numerous pedestrians/cyclists who use the right of way are in danger of colliding with the traffic associated with the convenience store.
- The mouth to St Botolph Lane is narrow with poor visibility. In addition, the traffic along Oundle Road has increased. Although it is a 30mph area, there are incidences of speeding cars. There would be unacceptable risks if the proposal went ahead, particularly at busy times. The west gates to the site have been unused for many years on account of safety problems associated with their use. The Developers claim that only one slight accident has occurred outside the site in the past 5 years but this is because during that time, the site has hardly been used.
- If a convenience store is to be built, a crossing with lights will be needed to avoid casualties among school children.
- Cannot understand the swept path analysis for lorries submitted - it would appear that they are only expected to travel to/from a westerly direction. We do not believe that there will never be a circumstance in which lorries do not wish to leave in an easterly direction. There is no

solution to this and therefore it is unsatisfactory. It would seem that the manoeuvres necessary to turn eastwards would considerably increase the hazards at the approach to the site/St Botolph Lane.

- The two mini roundabouts at the Parkway junction are not ideal for 10+ metre lorries yet this appears to be the route that the Developers have in mind.
- There is nothing to prevent vehicles from the site over-running the mouth to St Botolph Lane, nor users from the Lane crossing the new site entrance. If this layout were to be constructed, St Botolph Lane would need a shared boundary of no more than 1 metre in height, extending 8 metres back from the highway to enhance visibility.
- Concerned regarding staff parking for the retail development. Will there be staff cars causing obstruction of the adjoining roads as there is no on-site staff parking?
- The submitted information is incorrect as it refers to a bus layby opposite the site that is no longer there. This reduces the width of the road opposite the site.
- If the footway is blocked school children will have to walk in the road to get around delivery vehicles/cars which would be dangerous.
- The submitted swept path analysis shows that it would be a difficult manoeuvre for delivery vehicles and the driver would be entirely reliant on there being no obstructions within the car park or at the front of the store. It is clear that when the service vehicle is delivering, it would be unsafe for pedestrians to use the store access.
- An alternative parking spot would be Gordon Way but this would cause traffic congestion along a narrow road and destroy the grass verges.
- There is a housing development opposite the site. People crossing over to use the shop could endanger themselves and be a hazard to drivers.

Principle of development

- The erection of a foodstore will be damaging to the area and cause a number of negative effects.
- The submitted information mentions the proximity of the site to other convenience stores in an effort to show that the area is lacking in services. However, it fails to mention the nearby Budgens store on Sugar Way or the Post Office and takeaways on Oakleigh Drive.
- The majority of local residents are affluent middle-aged persons with vehicles. As such, they have no need for a 'conveniently located store'.
- If the Oakleigh Drive shop was forced to close then the community would lose their Post Office.
- Constructing another shop in the area will dilute the trade to existing shops. With smaller income, it will affect their viability so that they become less attractive or close down. That will not benefit the community.

Neighbour amenity

- There will be an increase in noise and disturbance from the use of the site as a foodstore.
- Noise and disturbance will result to residents from the shop and associated customer/staff/delivery vehicles using the car park.
- The sole service entrance to the retail unit would be very close to No.488 Oundle Road. The noise resulting from delivery vehicle manoeuvres would cause an unacceptable disturbance, contrary to Policy PP3.
- The proximity of the bin store of the retail unit means that there would be an unacceptable increase in the level of noise pollution and that this noise is likely to occur at times of the day when there is a reasonable expectation of peace and quiet (particularly in the early morning or late at night).
- The design and orientation of the residential layout is such that Plot 3 will adversely impact on the privacy and amenity of No.488 Oundle Road with views into the garden and first floor.
- The submitted plans do not show the extension built on our property (No.33 Latham Avenue) which brings our property closer to the site boundary. The proposal would be set only 20 metres from our ground floor bedroom and only 5-6 metres from our garden boundary meaning we will be overlooked by Plot 3.

Design and appearance

- The surrounding area is residential and the proposed design does not fit in with surrounding buildings. The submitted illustration for the foodstore does not represent the surrounding townscape.
- The junction for the food store should be away from the entrance to St Botolph Lane as it will cause a lot of traffic. Existing residents already struggle to get on to the main road.

Trees and landscaping

- Regretted that two TPO trees (Copper Beeches) are to be felled. These trees can clearly be seen from Oundle Road and have an important role in uniting the Beeches with other trees to the east. Their removal would leave a large gap in the tree line. The Red Horse Chestnut, standing to the west corner of the site (next to St Botolph Lane) makes a very positive landscape statement, echoing the powerful statement made by the Copper Beech at the eastern end. This effect would be substantially undermined by the proposed replacement which is of far less visual weight.
- It is to be hoped that more Silver Birch trees will be planted across the site to replace the trees removed. This would maintain the theme of the existing planting.

Contamination

- It appears that the fuel tanks from the petrol station will be left in the ground. This is unsatisfactory because they could eventually disintegrate and cause ground collapse above.

Other matters / comments

- At the Appeal hearing relating to 14/00345/FUL, which was rejected, I (Councillor Allen) stated that the best solution would be to have two large houses with double garages on the site. This comment still applies.
- Boundary dispute regarding encroachment over the public highway.
- No objections to the building of three detached residential properties however will always strongly object to the building of a new convenience store.
- The shop will cause considerable litter. As St Botolph Lane is private, any rubbish dropped or blown into the road will need to be picked up by residents which is unacceptable.
- Surprised at how little the design and layout of the current proposal has altered following the findings of the inspector under application reference 14/00345/FUL.
- No small general store can survive these days without selling alcohol. There are 2 recreation areas for children nearby and it is understood that the City Council has a policy for not placing such outlets near play areas.

Councillor N North - This proposal is a matter of concern within the ward and I would like to see it sent to Committee if Officer's are minded to approve. The reasons given to me by local people relate to overbearing, overdevelopment and various traffic issues.

Councillor D Seaton - I would want this application referred to Planning Committee if it progresses.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking, access and highway safety
- Neighbour amenity
- Landscape implications
- Impact upon heritage assets
- Contamination
- Ecology
- Amenity provision for future occupants
- Environment Capital contribution
- Developer contributions

a) Background and history of the site

The detailed planning history for the site is set out in Section 2 above however in summary, there have been a considerable number of planning applications refused for either residential and/or retail development on the site. The main reasons for refusal related to: impact upon or loss of protected trees; overdevelopment; impact upon neighbour amenity; contamination; and highway safety. The most recent of these refusals relates to a proposal for the construction of a retail foodstore to the front of the site and four detached dwellings to the rear (application reference 14/00345/FUL). This application was refused under delegated powers for the following reasons:

- R1 Insufficient parking provision to meet the needs of customers and staff associated with the proposed retail unit which would result in unsafe parking along the public highway, to the detriment of highway safety.*
- R2 Failure to demonstrate (by way of swept path analysis) that a delivery vehicle can adequately enter, turn, unload and exit the site without being to the detriment of highway safety.*
- R3 Unacceptable levels of overlooking to the neighbouring dwellings of No.486/488 Oundle Road and No.1 St Botolph Lane to the harm of occupants' amenity.*
- R4 Unacceptable level of amenity for future occupants of the proposed units by virtue of overlooking and lack of privacy.*
- R5 Poor design of the side elevation of the proposed retail unit which would be harmful to the character and appearance of the streetscene.*
- R6 Loss of protected trees within the site which would harm the visual amenity of the streetscene.*
- R7 Failure to provide an ecology survey of the site to determine the impact of the proposal upon wildlife and biodiversity.*
- R8 Failure to provide a financial contribution towards the infrastructure demands generated by the development.*

This decision was subsequently appealed and a local hearing was held. The Inspector dismissed the appeal, upholding several of the reasons for refusal (a copy of the appeal decision is attached to this report at Appendix A). The current application has been submitted with amendments to overcome the reasons for refusal given by the Inspector. A more detailed assessment is set out below.

b) Principle of development

As detailed in Section 1 above, part of the site was formerly a petrol filling station and, whilst it has not been used as such for a number of years, no permanent planning permissions have been granted to alter the lawful use of the site as such. Therefore, there would be no reasonable planning grounds upon which to resist the site re-opening as a petrol filling station. Accordingly, it is accepted that the front portion of the application site has a commercial use and character. On this basis, it is not considered necessary to strictly apply the policies relating to out-of-town retail development, or to require the submission of a sequential test in this respect. Furthermore, given that the proposed floor area of the foodstore falls below the 2,500 sqm threshold set out in adopted local and national policy, there is no requirement for a retail impact assessment to be undertaken. Accordingly, it is considered that the principle of a similar small-scale retail development on the front portion of the site would be appropriate and in keeping with its existing character/use.

Several of the objections received from local residents have raised concerns regarding the need for further convenience retail development, and the impact that a further foodstore would

have upon the viability of other nearby local shops. Within the surrounding area there are two areas which presently provide small convenience-based units - the identified Local Centre at Oakleigh Drive (approximately 600 metres to the rear of the site, accessed via the footway/cycleway along St Botolph Lane) and the Budgens store at Sugar Way (approximately 875 metres to the north-east along Oundle Road). The matter of need is not a material planning consideration in this case, nor is the impact upon nearby units in terms of competition.

With regards to residential development to the rear-most portion of the site, this is already established through the residential dwelling that was previously in situ (albeit no longer standing). The application site is located within a predominantly residential area, with residential dwellings surrounding it. It is well-served by existing services, facilities and public transport and as such, it is considered that it is one of the most preferable locations for infill residential development. On this basis, the principle of residential development on the site is accepted.

In light of the above, it is considered that the principle of a mixed use development on the site comprising a small-scale convenience foodstore and three residential dwellings is acceptable in accordance with Policies CS2 and CS15 of the Peterborough Core Strategy DPD (2011).

c) Design and impact upon the character and appearance of the surrounding area

Retail unit

As set out above, one of the reasons for refusal of application reference 14/00345/FUL related to the design of the proposed retail unit and its impact upon the streetscene along Oundle Road. However, the Inspector in determining the associated appeal did not agree with this reason for refusal, stating that given the degree of setback of the unit from the street, the obscuring effect of the front wall and the vegetation at No.488 Oundle Road, along with the scope to require some variation in the side wall's detailing through materials to be secured by condition, the design of the store would not harm the character and appearance of the streetscene. In addition, the Inspector concluded that the form and design of the unit as a whole would not be out of keeping subject to appropriate landscaping and boundary treatments.

The current proposal for the store design is almost identical to that scheme which was considered under application reference 14/00345/FUL. It is noted that a number of objectors have raised concerns with regards to the overall design of the unit and its failure to respect the character of the streetscene. However, given the Inspector's conclusions, the matter of design has been tested and so this element of the proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Residential dwellings

The proposed residential dwellings would be situated to the rear of the site, and would not be readily visible from the public realm. Notwithstanding this, it was raised by the Inspector as part of the recent appeal decision, that the internal layout and design represented a cramped form of development which would detract from the character and appearance of the surrounding area. The current proposal has been revised by reducing the number of residential dwellings proposed from four to three. This has resulted in a more spacious form of development, with increased areas for parking and turning. It is therefore considered that the revised layout has addressed the concerns in this respect.

With regards to the design of the dwellings, it is considered that this would be appropriate within the context of the site. Whilst the proposed dwellings would not be identical to nearby houses, there is no requirement for new infill development to pastiche historic style. It is considered more appropriate for the modern infill dwellings to appear as such, whilst respecting the massing and general form of the locality. The proposal would accord with this

approach, mirroring the materials and form of nearby dwellings. As such, the proposed residential dwellings would not appear incongruous or at odds within the locality and this element of the proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

d) Parking, access and highway safety

The existing site presently has two vehicular access points, one at each end of the frontage. Historically, these have been used as a separate 'in and out' arrangement associated with the petrol filling station however this was an informal arrangement and not secured through any restrictive planning conditions. Accordingly, these two accesses could have been used by two-way traffic.

The application proposal seeks two separate vehicular accesses onto Oundle Road - one to serve the three residential dwellings and one to serve the car parking/delivery area for the foodstore. In light of the existing site arrangement, the principle of having two separate accesses onto Oundle Road is not unacceptable however due consideration must be given to the highway safety implications of a more intensive use.

Retail unit

The objections received from local residents are set out in detail above. It should be noted that in determining the previous appeal (relating to 14/00345/FUL), the Inspector raised concerns in relation to: the introduction of a third access along Oundle Road owing to confusion, congestion and danger for all users; insufficient manoeuvring space within the customer car park and visibility for visiting vehicles; and the unloading of delivery vehicles to the front of the site.

It is proposed for the car parking (both staff and customers) along with parking, turning and unloading for delivery vehicles to use a shared access to the north-western corner of the site. This access would measure 8.2 metres in width and be situated 5.8 metres from the existing access to St Botolph Lane.

Whilst all of the above concerns are noted, the present scheme has been amended and it should be noted that the Local Highway Authority (LHA) has raised no objections to the proposal, subject to the imposition of a number of conditions.

Turning first to the use of the site by delivery vehicles, the Applicant has submitted swept path analysis diagrams to demonstrate the turning availability within the site for delivery vehicles. The submitted diagrams demonstrate that a 10.5 metre delivery vehicle can enter the site, turn and unload clear of the public highway (to the front of the foodstore). Furthermore, the vehicle could then manoeuvre and exit the site in a forward gear, with clear visibility of oncoming pedestrians and vehicles. However, the diagrams do highlight that such a vehicle would not be able to complete a manoeuvre to safely turn right out of the site (in an eastwards direction along Oundle Road) and accordingly, it is considered necessary to impose a condition which prevents this manoeuvre. Additionally, a larger delivery vehicle would not be able to perform the requisite turning and it is also considered necessary to impose a further condition ensuring that no delivery vehicles larger than 10.5 metres in length can visit the site.

With regards to concerns in relation to delivery vehicles parking along Oundle Road for convenience, the LHA has requested a condition to require appropriate markings and regulation orders to prevent loading/unloading along the frontage of the site. It is considered that such a condition would be necessary to discourage any parking along the highway as this would pose an unacceptable danger to highway safety.

Similarly, it is noted that significant concern has been expressed with regards to exacerbation of the present congestion along Oundle Road at peak times (morning and evening) including

conflict with residents wishing to exit St Botolph Lane and school children having to cross the proposed car park access. These concerns are all noted and it is therefore considered appropriate and necessary to impose conditions which both restrict the large delivery vehicles from delivering to the site between the hours of 08:00-10:00 hours and 14:30-18:30 hours and to no more than 9 deliveries per week

With regards to the parking arrangement for customers and staff, the scheme has been revised from the earlier refusal to increase the amount of turning space and number of parking spaces. Based upon the floorspace of the proposed store (302 sqm), the LHA has confirmed that the proposed 11 parking spaces and associated turning area are sufficient to meet the needs of both staff and customers despite being 1 space below adopted parking standards (which are maximums). The previous scheme provided only 8 usable parking spaces however the Inspector did not consider that this was insufficient. Whilst local residents are concerned about insufficient on-site parking and subsequent increased potential for dangerous on-street parking, it is considered that Officer's would be unable to sustain a reason for refusal on this basis given that the scheme accords with the City Council's parking standards.

In terms of conflict with users exiting St Botolph Lane, residents' concerns are noted. However, the access would be set a sufficient distance away and the proposal is not considered likely to generate considerably more traffic than the lawful use of the site as a petrol filling station.

Finally, it is noted that a number of residents have requested that if the scheme were to be approved, a pedestrian crossing be provided on Oundle Road to ensure safe crossing of residents walking to the foodstore. Whilst no formalised signalled pedestrian crossing has found to be required (and the Appeal Inspector did not identify the need for such a crossing), LHA have requested a simple dropped-crossing arrangement with appropriate tactile paving.

On this basis, it is considered that the retail element of the proposal would provide adequate on-site parking and turning, and would not result in any unacceptable impact to the safety of the adjacent public highway. This element of the proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Residential dwellings

The proposed residential units would be accessed from a shared driveway (for both vehicles and pedestrians) measuring 5.5 metres in width situated to the north-eastern corner of the site. It is proposed for this access to be private and gated. The LHA has advised that this access width is acceptable as it will allow two vehicles to safely pass with sufficient space for pedestrians. This access will also require adequate vehicle-to-vehicle visibility splays which can readily be secured by condition to ensure that users have clear sight of oncoming pedestrians.

Within the site, the proposal would provide two parking spaces per dwelling along with 2 visitors parking bays. This level of parking provision meets with adopted parking standards and the earlier refused scheme which the Inspector did not consider unacceptable. As such, the residential units would not generate additional demand for on-street parking within the locality. Furthermore, the current scheme has been revised from the previous (14/00345/FUL) to increase the level of hardstanding for turning/manoeuvring. This would ensure that all vehicles can enter the site, turn and exit in a forward gear.

On the basis of the above, the proposed residential units would be provided with adequate access and parking, and would not result in any unacceptable impact to highway safety. This element of the proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

e) Neighbour amenity

As set out in paragraph (a) above, the previous scheme on the site (reference 14/00345/FUL) was refused at appeal owing to the unacceptable relationship between the proposed dwellings and existing neighbouring dwellings. The current scheme has been amended to address these concerns, set out below.

No.488(486) Oundle Road

Unit 1 would be sited in closest proximity to the shared boundary with No.488(486) Oundle Road, with the front elevation being 16.6 metres away from the rear primary habitable windows of the neighbouring dwelling. This Unit would have no primary habitable windows within the front elevation at first floor, instead there would be only windows to the bathroom, ensuite and dressing room. Accordingly, and subject to a condition which requires these windows to be obscurely glazed and non-opening below a height of 1.7 metres from floor level, there would be no opportunity for overlooking or loss of privacy.

The front elevation of Units 2 and 3 would be sited 19.6 and 20.4 metres respectively from the rear elevation of the No.488/486 Oundle Road and would have primary habitable windows at first floor. It is considered that this level of separation would be adequate so as to prevent an unacceptable level of overlooking to neighbouring occupants.

It is noted that the occupant of this property has raised concerns with regards to noise/general disturbance resulting from the position of the access road and bin collection point. These concerns are noted however in determining the earlier appeal, the Inspector concluded that there was adequate separation and, subject to an appropriate boundary treatment, no undue impact would result.

No.1 St Botolph Lane

Unit 2 would be sited in closest proximity to the shared boundary with No.1 St Botolph Lane, with the rear elevation being 13 metres away from the rear and side primary habitable windows of the neighbouring dwelling. This Unit would have no primary habitable windows within the rear of side elevations at first floor, instead there would be only windows to the bathroom, ensuite, dressing room and landing. Accordingly, and subject to a condition which requires these windows to be obscurely glazed and non-opening below a height of 1.7 metres from floor level, there would be no opportunity for overlooking or loss of privacy. There would be primary habitable windows to bedrooms within the rear roof slope of the Unit however these would be situated more than 1.7 metres above floor level and accordingly, opportunity for direct views out would be severely limited.

With regards to the flat roof rear element of Unit 2 proposed, Officers are concerned about potential future use of this area as a terrace which would result in an unacceptable potential for overlooking. This could be resolved through the removal of permitted development rights for the dwelling to ensure that any fenestration changes are subject to a planning application, thus preventing the installation of doors for access.

No.33 Latham Avenue

Unit 3 would be sited approximately 7.5 metres from the shared boundary with No.33 Latham Avenue and would have primary habitable windows within the facing rear elevation. The separation distance to the rear primary habitable windows of this neighbouring dwelling would stand at approximately 20 metres and this is therefore considered sufficient so as to prevent any undue levels of overlooking or loss of privacy. Whilst it is noted that there would be potential for overlooking of the rear garden area of this neighbouring dwelling, the immediately private outdoor space close to the property would be set a sufficient distance away so as to still be enjoyed. Therefore it is felt that on balance, no unacceptable level of harm would result.

Noise and general disturbance

With regards to noise and general disturbance associated with the proposed retail unit, it is considered that during daytime hours, the proposal is sited a sufficient distance from neighbouring residential properties so as to not result in any unacceptable impact to amenity. However, during those times within which residents would generally expect to experience a quiet level of amenity, noise from delivery vehicles reversing and customers parking / manoeuvring could create an unacceptable disturbance. Therefore it is considered both reasonable and necessary to impose conditions which prevent deliveries and operation of the store between the hours of 22:30 and 07:00 hours.

On the basis of the above, it is considered that the revised scheme has addressed earlier concerns and reasons for refusal, and would not result in any unacceptable level of harm to the amenities of neighbouring occupants. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

f) Landscape implications

Within the application site there are two groups of trees which are protected by way of Tree Preservation Orders (TPO). The previous scheme on the site was refused as it was proposed to remove a number of these protected trees without robust and sufficient justification which would have an unacceptable impact upon the visual amenity of the streetscene (an important part of which is formed by the visible tree canopies). The current scheme seeks to retain these protected trees in the main. However, two TPO trees are proposed for removal (Silver Birch trees shown as T4 and T5). These trees have been classed as at the end of their lives and dying. The City Council's Tree Officer has agreed with this assessment and raised no objections to their loss.

In terms of works to and surrounding the TPO trees, T1-3 would be subject to a crown lift to the south-western side by 3 metres and T8 and T9 would be subject to a canopy lift of 5 metres to the north-west and 2 metres on all other sides. These works are necessary to facilitate the development. The Tree Officer has raised no objections to this work, nor the encroachment of the bin store and plant area upon the root protection areas. A condition has been requested to ensure that the trees are protected in accordance with best practice and this is considered necessary to protect the key landscape features.

Within the wider site, a number of other trees are proposed to be removed (shown on the submitted plans as T6, 7, 10, 11, 12, 13, G1 and G3). Whilst some of these trees are acknowledged to be good specimens, it is considered that their contribution to the overall amenity of the locality is limited and that the key landscape features are those trees which are subject to formal protection. Accordingly, the loss of these trees is considered acceptable.

To the front of the site, it is noted that concern has been raised from objectors regarding the loss of the Red Horse Chestnut to the north-western corner. This is a category C tree and acknowledged to be of poor structural form. Accordingly, whilst it is an attractive feature of the frontage it is not considered that the proposal for its removal and replacement with an alternative tree would result in unacceptable harm to the streetscene.

On the basis of the above, the proposal would protect those trees of key value to the visual amenity of the locality and as such, is in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

g) Impact upon heritage assets

To the south-west of the application site is the Grade II Listed Building of No.3 St Botolph Lane. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990, the Local Planning Authority must pay special regard and afford great weight to the need to preserve or enhance the features for which it has been designated.

By virtue of the layout of the proposed residential scheme (which would be sited closest to the Listed Building), it is considered that although the development would be visible within the setting of the heritage asset (in particular Units 1 and 2), it would not unduly impact upon the value of the setting as the Listed Building would still most strongly be associated with the grain of development along St Botolph Lane. Accordingly, the City Council's Conservation Officer has advised that from a heritage consideration, the proposal would not harm the setting and special interest of the heritage asset.

With regards to undiscovered buried assets, the City Council's Archaeologist has advised that the site falls within an area of known interest for Roman, Anglo-Saxon and medieval periods and remains have been recorded in the vicinity. As such, there is the potential for undiscovered assets to be contained within the site and thorough evaluation by trial trenching should be secured by condition.

On the basis of the above, the proposal would not result in any unacceptable impact to heritage assets and the proposal is therefore in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 128 and 131 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

h) Contamination

Given that the application site was previously used as a petrol filling station, and that the underground petrol tanks have not yet been removed, it is likely that contamination will be present within the site. To ensure that no harm to human health or ecology results, both the City Council's Pollution Control Officer and the Environment Agency have requested a number of conditions requiring detailed contamination investigation and the submission and implementation of remedial measures. Subject to the imposition of these conditions, the proposal is in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

i) Ecology

The application has been accompanied by an Ecological Survey Report and Reptile Survey Report which have been accepted by the City Council's Wildlife Officer. Whilst there are no reptiles present within the site, and no direct evidence of bats was found, several of the mature trees do have potential for bat roosting. In light of the proposed works/felling of the trees, the Wildlife Officer has requested that prior to any tree works, a precautionary inspection is carried out by a suitably qualified ecologist. Similarly, evidence of foxes has been found within the site, including tunnels beneath two collapsed sheds. Given that foxes are protected by legislation from being crushed, suffocated etc., the Wildlife Officer requires that suitable measures are employed prior to construction to ensure that there are no large mammals within the earth. Both of these species are protected by virtue of alternative legislation and it is not for the planning system to replicate this. Therefore, it is most appropriate to advise the Developer of their duties through a suitably-worded informative.

Furthermore, given that the proposal would result in the loss of a number of trees which are used for bird nesting and bat foraging, a range of nesting boxes have been requested by the Wildlife Officer to ensure that there is no overall loss in biodiversity on the site.

On the basis of the above, the proposal would not result in any unacceptable impact to ecology or biodiversity within the site and is therefore in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

j) Amenity provision for future occupants

Much of the assessment relating to the amenity provision for future occupants is discussed in paragraph (e) above, given that the potential for overlooking/loss of privacy is a reciprocal arrangement.

In terms of the dwellinghouses themselves, all are considered to provide an adequate amount of internal floorspace, with good natural daylight and an acceptable area of private outdoor amenity space. Furthermore, the car parking associated with each dwelling is conveniently located for occupants.

The Inspector in determining the appeal relating to application 14/00345/FUL, raised concerns with regards to the amenity provision for Unit 1 in terms of: loss of privacy to primary habitable windows given the location of the visitor parking spaces (which were immediately to the front of the plot); noise and disturbance from the plant area of the retail foodstore; and an unduly overbearing impact resulting from the blank rear elevation to the foodstore which would extend along the entire shared northern boundary.

With regards to the visitors' parking spaces, the current scheme has revised their location so that they would be set away and to the side of the primary habitable windows to Unit 1. Further, the plant area has been repositioned to be further away from the dwellinghouse and its primary habitable rooms. Whilst it is still situated immediately adjacent to the rear garden area and no technical noise information has been provided, the City Council's Pollution Control Officer has advised that a suitable noise limit could be imposed (no more than 30dB) to ensure that no unacceptable noise disturbance resulted.

Finally, with regards to the overbearing impact of the retail store, this would still be evident under the current proposal (notwithstanding the changes to the scheme) and would have some detrimental impact to the amenities of future occupants. However, Officers consider that on balance, this harm is not of sufficient weight to sustain a reason for refusal.

With regards to other amenity considerations, it should be noted that bedrooms within the second floors of Units 1 and 2 would solely be served by roof lights which are set more than 1.7 metres above floor level. This would therefore restrict any outlook from the windows and offers a lesser level of amenity than traditional window arrangements. However, it is not considered that this outlook would be so detrimental as to render the bedrooms unacceptable places in which to live.

Accordingly, on the basis of the above it is considered that the proposal would on balance, provide an acceptable level of amenity for future occupants and is therefore in accordance with Policy PP4 Planning Policies DPD (2012).

k) Environment Capital contribution

In accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011), all new development must make a contribution towards the City Council's aspiration of becoming the Environment Capital of the United Kingdom. Officers have an established condition to ensure that this is dealt with which can be applied in this instance.

l) Developer contributions

The Government recently published revised guidance in respect of tariff-style planning obligations for developments of 10 dwellings or fewer and which have a maximum combined gross floor space of no more than 1000 square metres. The proposed residential dwellings meet these requirements and on this basis, the Local Planning Authority will not be seeking any site-specific contributions for this element of the proposal.

Further, the proposed floor area of the retail foodstore falls below the threshold set out in the Peterborough Planning Obligations Implementation Scheme SPD (2010). Therefore, there is

no requirement for a financial contribution in respect of this part of the scheme.

m) Other matters

In response to those objections raised by objectors not dealt with in the preceding assessment:

Boundary dispute – This is not a material planning consideration.

Sale of alcohol close to play areas – This concern is noted however this will be a matter for any subsequent licensing application.

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:

- there is an established commercial use on the site and therefore the development of a small-scale retail unit is considered acceptable in principle, in accordance with Policy CS15 of the Peterborough Core Strategy DPD (2011);
- given the location of the application site within a predominantly residential area which is well-served by existing services and facilities, the principle of residential development is acceptable, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011);
- the design of the proposal would not result in any unacceptable impact upon the character, appearance or visual amenity of the streetscene and surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- adequate and safe parking, access and turning can be provided to/within the site so as to not result in any unacceptable impact upon the safety of the public highway and highway users, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the revised proposal would, on balance, not result in any unacceptable level of harm to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- the proposal would retain trees which are of key landscape value to the visual amenity of the locality, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable impact to heritage assets, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 128 and 131 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- contamination present within the site will be adequately addressed so as to not pose a risk to human health, in accordance with paragraph 121 of the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable impact to ecology or biodiversity within the site, in accordance with paragraph 118 of the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012);
- on balance, the proposed dwellings would provide an acceptable level of amenity for future occupants, in accordance with Policy PP4 Planning Policies DPD (2012); and
- there is no requirement for a financial contribution towards infrastructure demands generated by the development, in accordance with the National Online Planning Guidance and the Peterborough Planning Obligations Implementation Scheme SPD (2010).

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED**

subject to the following conditions:

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

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

- C 2 The development hereby permitted shall be carried out in accordance with the following drawings and documents:

- Existing Floor Layout 08 90 01 D00 - 01.02.2015
- See notes 016 B A01 - 10.12.2014
- See notes 016 C A01 - 10.12.2014
- Existing Site Layout OR080002 D03 - 01.03.2014
- See notes 787-01 - 01.02.2010
- Location Plan OR080001 D05 - 01.03.2014
- Site Proposals Plan RE 080004 D04 - 01.07.2014
- Proposed Floor Layout OR080001 D04 - 01.03.2014
- See notes 016 A A01 - 10.12.2014
- Tree Survey OR080005 D03 - 01.07.2014
- Proposed Floor Layout U2 080001 D06 - 01.03.2014
- Proposed Floor Layout U3 080001 D05 - 01.03.2014
- Proposed Floor Layout U1 080001 D05 - 01.03.2014
- Proposed Elevations RE 087001 D03 - 01.07.2014
- Proposed Site Layout OR 080003 D09 - 01.03.2014
- Section Drawings OR 088001 D03 - 01.07.2014
- Roof Plan RE 082001 D05 - 01.07.2014
- Proposed Elevations RE 087002 D03 - 01.07.2014
- Proposed Floor Layout RE 080001 D06 - 01.03.2014

Reason: For the avoidance of doubt.

- C 3 No development other than groundworks and foundations shall take place until details of the following materials (including samples) have been submitted to and approved in writing by the Local Planning Authority:

- Walling and roofing, including timber cladding and render (samples);
- Windows and doors (details); and
- Rainwater goods.

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 Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 4 No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- a) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating

sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.

- b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be carried out as approved and prior to the commencement of development.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, in accordance with paragraphs 109 and 121 of the National Planning Policy

Framework (2011), EU Water Framework Directive, the Anglian River Basin Management Plan, Environment Agency Groundwater Protection (GP3:2013) position statements A5 and J5 to J7 inclusive and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 5 Prior to first occupation of any part of the development hereby permitted, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure if any remediation is required with regard to land contamination, that it is done in accordance with an approved method statement and a verification report is produced to ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, in accordance with paragraphs 109 and 121 of the National Planning Policy Framework (2011), EU Water Framework Directive, the Anglian River Basin Management Plan, Environment Agency Groundwater Protection (GP3:2013) position statements A5 and J5 to J7 inclusive and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 6 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with paragraphs 120 and 121 of the National Planning Policy Framework and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 7 No development shall take place until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full, including any

post development requirements e.g. archiving and submission of final reports, and prior to the commencement of development.

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 paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

C 8 No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include (but not be limited to):

- Haulage routes for all delivery vehicles
- Hours of demolition and construction, including a restriction that no delivery vehicles shall enter/exit the site between 07:45 and 09:00 hours and 14:30 to 17:00 hours
- Parking arrangements for all vehicles visiting the site
- Materials storage and unloading areas
- Welfare compound
- Protective site fencing
- Measures to prevent the emission of dust from the site
- Wheel wash facility

Demolition and development shall be carried out in accordance with the approved details and all vehicles exiting the site shall pass through the wheel wash facility before entering the public highway.

Reason: In the interests of highway safety and protecting the amenities of neighbouring occupants, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

C 9 The retail unit hereby permitted shall not be brought into use until the areas shown for the access, parking and turning/manoeuvring of customer, staff and delivery vehicles on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan' have been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, those areas shall be retained for the purposes of parking and turning/manoeuvring of vehicles in connection with the use of the retail unit in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

C10 The retail unit hereby permitted shall not be served by any delivery vehicle larger than a 10.5 metre long rigid-wheel based heavy goods vehicle.

Reason: As there is insufficient space within the site to accommodate a larger vehicle and in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C11 The retail unit hereby permitted shall be served by no more than 9 deliveries per week made by a vehicle larger than Class B1 (Light Goods Vehicle) and those deliveries shall not take place between 22:00 to 07:00 hours; 08:00 to 10:00 hours; and 14:30 to 18:30 hours.

Reason: In the interests of highway safety and protecting the amenities of neighbouring occupants, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C12 The retail unit hereby permitted shall not be brought into use until signage for 'no right turn' manoeuvres out of the site has been installed in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, any delivery vehicle larger than Class B1 (Light Goods Vehicle) serving the retail unit hereby permitted, shall only exit from the site onto the public highway in a westerly direction and shall not perform a 'right turn' manoeuvre in exiting the site.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C13 Notwithstanding the details shown on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan', the retail unit hereby permitted shall not be brought into use until three cycle parking stands have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, those stands shall be maintained for the purpose of cycle parking in connection with the use of the retail unit in perpetuity.

Reason: In order to encourage more sustainable methods of travel to/from the site, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C14 Notwithstanding the details show on the submitted drawings, the retail unit hereby permitted shall not be brought into use until the following off-site works within the public highway have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority:

- A pedestrian crossing facility within the vicinity of the site across Oundle Road, including appropriate signage, lighting and road markings;
- Signing and lining along Oundle Road to prevent delivery vehicles loading/unloading; and
- Revised access arrangements to the retail unit in accordance with the principles shown on drawing number URB RE [08] 00 01 Revision D06 'Retail Unit Ground Floor Plan As Proposed'.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C15 Notwithstanding the details shown on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan' and prior to first occupation of any dwellinghouse hereby permitted, a revised drawing to show the vehicular and pedestrian access serving the residential dwellinghouses to a minimum width of 5.5 metres for a distance of 10 metres from the back edge of the public highway shall be submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved revised drawing and prior to first occupation of any dwellinghouse.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C16 Prior to first occupation of the dwellinghouse to which they relate, the parking and turning areas shown on drawing numbers URB OR [08] 00 03 Revision D09 'Proposed Site Plan', URB U1 [08] 00 01 Revision D05 'Unit 1 Plans and Elevations As Proposed', URB U2 [08] 00 01 Revision D06 'Unit 2 Plans and Elevations As Proposed' and URB U3 [08] 00 01 Revision D05 'Unit 3 Plans and Elevations As Proposed' shall be provided in accordance with the approved details. Thereafter, those areas shall only be used for the purposes of parking and turning in connection with the dwellinghouse to which they relate in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

C17 No dwelling hereby permitted shall be occupied until the refuse collection point shown on drawing number URB OR [08] 00 03 Revision D09 'Proposed Site Plan' has been provided. Thereafter, that area shall be retained solely for the purpose of refuse collection associated with the residential dwellinghouses in perpetuity.

Reason: In the interests of highway safety and to provide an acceptable level of amenity for future occupants, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP4 and PP12 of the Peterborough Planning Policies DPD (2012).

C18 Notwithstanding the submitted drawings and prior to the commencement of development, a scheme for the hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. 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 for all communal and public areas (excluding private gardens);
- Boundary treatments, enclosures and gates;
- Hard surfacing materials;
- External lighting;
- Refuse bin(s) to serve the retail foodstore; and
- Bollards or other means of vehicular access prevention.

Development shall be carried out in accordance with the submitted details and at the following times:

- Hard landscaping (boundary treatments, hard surfacing, external lighting, refuse bins and bollards etc.) shall be provided prior to first occupation of the unit or dwellinghouse to which it relates; and
- Soft landscaping shall be carried out no later than the first planting season following the occupation of the unit or dwellinghouse to which it relates.

Reason: In the interests of the visual appearance of the development and to mitigate the loss of trees within the site, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

C19 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C20 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses or positioning of site huts) until a finalised Tree Protection Plan and an addendum to the submitted Arboricultural Method Statement (produced by Lincolnshire Tree Services reference 140129-02) has been submitted to and agreed in writing by the Local Planning Authority. The addendum shall include greater detail of all control/protection measures relating to potential root protection area infringements of retained trees during the demolition, construction and landscaping phases of the development.

The scheme shall be implemented as approved and prior to the commencement of any works within the site.

Reason: In order to protect trees of key amenity value, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C21 Prior to the commencement of development, a scheme which specifies the provisions to be made for the control of noise emanating from the retail foodstore site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include physical and/or administrative measures to ensure that the level of noise emitted from the site does not exceed 30dB LAeq, 15 minutes when measured from the nearest noise sensitive receptors (Nos.486/488 and 492 Oundle Road and Unit 1 of the scheme hereby permitted).

In the event of any reasonable noise complaint being received by the Local Planning Authority, the Developer (or their Successors in Title) shall be required to undertake a noise assessment in accordance with BS 4142:2014 to demonstrate compliance with the above noise limit and submit the results to the Local Planning Authority within 21 days. If a breach of the limit is found, further mitigation measures shall be submitted to and approved in writing by the Local Planning Authority within 2 months of the initial complaint being made.

Reason: In order to protect the amenities of neighbouring and future occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP4 of the Peterborough Planning Policies DPD (2012).

- C22 Surface water run-off resulting from the development hereby permitted shall be disposed of by way of soakaways. In the event that percolation tests indicate that this method would be unsuitable, the development shall be constructed in accordance with an alternative scheme for dealing with surface water run-off which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that surface water run-off is adequately dealt with, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C23 Prior to the commencement of development, a scheme (including a timetable for installation) for the provision of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved and in accordance with the timetable submitted.

Reason: To ensure that there is no loss of biodiversity within the site resulting from the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

C24 Before the residential dwellinghouses shown on the submitted drawings as Units 1 and 2 hereby permitted are first occupied, the proposed first floor windows to the eastern (front) elevation of Unit 1 and western (rear) elevations of Unit 2 shall be obscure glazed to a minimum of Level 3 obscurity, 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. Thereafter, those windows shall be retained as such in perpetuity.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C25 Notwithstanding the provisions of Part 1 Classes A, B and C of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows shall be inserted into the eastern (front) and western (rear) elevations/roofslopes of the residential dwellinghouses shown on the submitted drawings as Units 1 and 2 hereby permitted other than those expressly authorised by any future planning permission.

Reason: In order protect the amenity of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C26 Notwithstanding the provisions of Part 1 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extensions or detached outbuilding/enclosures shall be constructed to/within the curtilage of any of the residential dwellinghouses hereby permitted other than as those expressly authorised by any future planning permission.

Reason: In order to protect the amenities of neighbouring occupants and to prevent overdevelopment, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

C27 Notwithstanding the provisions of Part 2 Classes A and E of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure shall be constructed within the site other than as those expressly authorised by any future planning permission.

Reason: In the interests of the amenity of the area and highway safety, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012).

C28 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 Peterborough Core Strategy DPD (2011).

C29 Prior to first use of the vehicular access for both the residential and retail use, vehicle-to-pedestrian visibility splays measuring 2 metres x 2 metres (measured from and along the back edge of the public highway) shall be provided to both sides of each of the two accesses. Thereafter, those splays shall be kept clear of any obstruction above a height of 600mm in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors: S Scott OBE, D Seaton, N North