

07/01769/R4OUT: RESIDENTIAL DEVELOPMENT COMPRISING UP TO 230 RESIDENTIAL UNITS WITH ASSOCIATED ACCESS ROAD, CAR PARKING, AMENITY SPACE AND LANDSCAPING ON THE NORTHERN PART OF THE FORMER HERWOOD COMMUNITY COLLEGE SITE, REEVES WAY, PETERBOROUGH

VALID: 14 NOVEMBER 2007

APPLICANT: PETERBOROUGH CITY COUNCIL

AGENT: VINCENT AND GORBING

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: CITY COUNCIL APPLICATION

DEPARTURE: NO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- The Principle of Development, including Affordable Housing
- Impact upon Sporting and Recreational Facilities/Creation of Open Space
- Highway Impacts
- Design, Layout and Amenity
- Landscaping impacts
- Ecological Impacts
- Archaeological Impacts
- S106 Planning obligation

The Head of Planning Services recommends that the application is APPROVED subject to a scheme of mitigation measures to compensate for the loss of playing field, a scheme of off-site highway works in respect of the Reeves Way/Eastfield Road junction, conditions and the prior completion of a Planning Obligation.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

The Peterborough Local Plan (First Replacement)

Notation	Within the Urban Boundary of Peterborough
H7	Housing on Unallocated Sites
H15	Residential Density
H16	Residential Design and Amenity
H20	Accommodation to meet Housing Needs
H21	Affordable Housing
H23	Lifetime Homes
T1	Transport Implications of new development
T3	Accessibility to development- Pedestrians and those with Mobility Difficulties
T5	Accessibility to development-Cyclists
T7	Public Transport Accessibility to development

T8	Connections to the existing highway network
T9	Cycle Parking requirements
T10	Car and Motorcycle parking requirements
T11	Motorists with mobility difficulties
LT1	Open Space in New Residential Development
LT2	Off-site Contributions Towards the Provision of Open Space for New Residential Development
LT3	Loss of open space
DA1	Townscape and Urban Design
DA2	The affect of development on the amenities and character of an area
DA11	Design for security
LNE9	Landscaping Implications of Development Proposals
LNE10	Details of Landscaping Schemes
LNE19	Protection of Species
CBE2	Other Areas of Archaeological Potential or Importance
U1	Water supply, Sewage Disposal and surface water drainage
IMP1	Securing Satisfactory Development

Relevant Regional Guidance is found in:

The East of England Regional Plan (RSS) May 2008.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

Central Government Guidance, relevant to this application, is found in:-

Planning Policy Statement (PPS) 1 (2005) 'Delivering Sustainable Development';

PPS 3 (2006) 'Housing';

Planning Policy Guidance (PPG) Note 13 (2001) 'Transport';

PPS23 (2004) 'Planning and Pollution Control';

PPG 24 (1994) 'Noise';

PPS 25 (2006) 'Flood Risk'.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

There is no relevant guidance in the City Centre Framework or Village Design Statements.

3 DESCRIPTION OF PROPOSAL

Outline planning permission is sought for residential development comprising up to 230 dwellings with an associated access road, car parking, amenity space and landscaping. All matters have been reserved for detailed consideration at a later stage.

Access to the site is indicated via the former Community College access road off Reeves Way.

The amended indicative layout indicates that the proposed number of housing units could be achieved via a mix of three/four bedroom properties in the form of 2 to 3 storey houses and one/two bedroom flats in blocks between three and four storeys in height

The application site is some 4.64 hectares in extent and comprises the northern part of the former school site. The southern part of the former school site, some 3 hectares in extent, is the subject of a separate full planning application (reference 07/01807/FUL) by Extra Care Charitable Trust for construction of a retirement complex comprising 260 apartments with associated communal facilities, car parking, amenity space, landscaping and access.

It is proposed that all the units on the northern part of the former school site would be available as market housing with the affordable need being met via the proposed development by Extra Care Charitable Trust (Please see further assessment under section 7a below).

4 DESCRIPTION OF SITE AND SURROUNDINGS

The former Hereward Community College site is located in Eastfield. The existing school buildings, currently occupied by St John Fisher School whilst its site is redeveloped, are a mix of single and two storey structures. To the rear (east) of the school buildings are the school playing fields including an all weather pitch. The eastern boundary of the site is marked by tree and hedge planting. Car Dyke and the Frank Perkins Parkway are beyond this.

To the north, north west and west of the site are two storey residential properties most of which back onto the school site. They are separated from it by a variety of fence types.

To the south of the former Hereward Community College site are the St John Fisher and St Thomas Moore Schools.

5 PLANNING HISTORY

The following applications are of relevance:-

Application Number	Description	Date	Decision
07/01807/FUL	Construction of retirement complex comprising 260 apartments with associated communal facilities, car parking, amenity space, landscaping and access On the southern part of the former Hereward Community College site, Reeves, Way.		Current planning application.
07/01683/R4FUL	Construction of a new section of highway as an extension to Park Lane to provide a new vehicular and pedestrian access to St John Fisher and St Thomas More Schools. Alterations within school grounds to facilitate new access including alterations to pedestrian and vehicular routes, parking layout and landscaping. Erection of 14 metre high wind turbine. Construction of hard surfaced play areas including floodlit all weather pitch (amendments to previously approved scheme.	25.03.2008	Conditional approval

07/00221/FUL	Part demolition, alteration and refurbishment of existing school buildings; construction of new school buildings (including community use); revised playing pitch provision including new floodlit all-weather pitch (including community use), erection of two 14 metre high wind turbines, temporary sporting provision and temporary classroom buildings and new vehicular circulation road and associated car parking at St John Fisher RC School. Revised playing pitch provision and parking provision at Thomas More RC School. Temporary construction access off Park Lane through area of existing open space At St John Fisher and St Thomas More Schools, Park Lane.	31.05.2007	Conditional approval
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The planning history for the former Hereward Community College site also includes a number of applications for extensions, mobile classrooms and fences etc. These applications are not considered to be relevant to the determination of the current application and are, therefore, not listed.

6 CONSULTATIONS/REPRESENTATIONS

Two periods of consultation have been carried out in relation to this application; the first on receipt of the original application, the second on receipt of amended plans.

INTERNAL

Head of Transport and Engineering – Has not raised any objection to the principle of residential development on this site. Additional information is, however, required to demonstrate how the impact of the additional traffic upon the Reeves Way/Eastfield Road junction would be mitigated. The detailed layout would need to be designed to slow vehicle speeds. A residential travel plan will also be required.

Environmental Engineering Manager (Drainage)- Has not raised any objections to the scheme subject to a condition requiring the submission and approval of a detailed surface water drainage scheme.

Environmental Health (Pollution Section)- The findings of the Environmental Investigation Report and Acoustic Report are accepted subject to the imposition of conditions.

Planning Policy Manager- A high quality design will be required to justify the number of units proposed within a good quality living environment. The loss of open space will need to be adequately compensated given the deficiency in the ward.

Strategic and Planning Enabling Manager- No objections.

Sports Services Manager- No objection, subject to the implementation of the mitigation measures to compensate for the loss of the playing field.

Recreation Services- No objections, subject to contributions being made toward open space.

Historic Environment Officer (Archaeology) – An archaeological buffer zone (to be kept free from development) is required along the eastern edge of the site in order to protect the archaeological remains associated with Car Dyke. The proposed drainage scheme will need to be sensitively designed to minimise disturbance to these archaeological remains. Further archaeological investigation will also be required and should be secured via a planning condition.

EXTERNAL

Senior Police Architectural Liaison Officer (Cambridgeshire Constabulary)– Has identified a number of detailed design issues, particularly in respect of the size/security of parking courts, which will need to be addressed at the reserved matters stage. Reference should be made to ‘Secured by Design’ principles.

Sport England- Holding objection to the proposed development pending the submission of further information on the proposed mitigation measures (please see section 7b below).

Local Access Forum - There is little evidence that the hierarchy of transport users (as set out in the Local Transport Plan) which places pedestrians and cyclists at the top has been taken into account when preparing the supporting documentation for this application. Car borne users are always dealt with first, and little consideration is given to pedestrians and cyclists.

Environment Agency – Has not raised any objections to the proposal subject to the submission of a detailed surface water drainage scheme, which should be secured via a condition.

Anglian Water – Has advised that it may be feasible to connect to the existing surface water sewer which crosses the northern part of the site. Capacity is available in the foul sewerage system under the Frank Perkins Parkway.

Natural England- Has not raised any objection to the scheme, subject to a condition requiring that measures to promote biodiversity be incorporated into the detailed design.

Cambridgeshire Fire and Rescue Service- Adequate provision for fire hydrants should be made via a planning obligation or planning condition.

Peterborough Civic Society – Believe open space should be located adjacent to the Parkway to act as a buffer zone between the Parkway and the proposed residential development.

East of England Regional Assembly- No comments.

Government Office for the East of England (Go-East)- No comments.

NEIGHBOURS

2 periods of public consultation have been carried out; the first on receipt of the original plans and the second on receipt of amended indicative layout reducing the proposed number of dwellings from 250 to 230.

Two letters of public representation were received in respect of the original consultation. These raised the following issues:-

- The layout should be designed to prevent undue overlooking of neighbouring properties;
- Consideration should be given to the creation of a footpath/ cycle route adjacent to the eastern boundary of the site.

No letters of representation have been received in respect of the second period of consultation.

COUNCILLORS

No presentations received.

a) **Principle of Development**

This application is in outline and seeks to establish the principle of residential development comprising up to 230 units. All detailed matters relating to access, the design of the buildings, their scale, layout and landscaping will be considered in the application for reserved matters, should planning permission be granted.

The site is not allocated for housing within the Local Plan (First Replacement). As such the proposal must be assessed in the context of policy H7 (Housing Development on Unallocated Sites) and other specific policies.

Policy H7 uses two sets of criteria on which to assess the proposal. The first relate to the allocation/location of the site, the second to the impact of the development in order to ensure that efficient use is made of the land, any loss of open space is acceptable and the layout would afford the future occupiers a high standard of amenity.

In this instance, the site is not allocated for any other purpose, neither is it within a defined Employment Area. The site is located within a residential area close to a range of existing facilities/ services and to public transport connections. As such the proposal is considered to comply with the first set of criteria set out in policy H7.

Policies H7 and H15 require that efficient use is made of land and seek net densities of between 30 and 50 per hectare. This proposal would result in a net density of some 50 dwellings per hectare. Whilst the proposed density would be higher than that in the surrounding residential area, it would be within the range set out in the Local Plan, and it is not considered that a scheme of this nature would, in principle, be incompatible with the character of the area. The detailed scheme will, however, need to be well designed to ensure that it affords the future occupiers and neighbouring residents an acceptable standard of amenity/ good quality living environment (Please see further comments under section 7d below).

The proposal would, however, result in the loss of open space (Please see assessment under Section 7b below).

Affordable Housing

It is proposed that the affordable housing requirement arising from this development would be met via the redevelopment of the southern part of the former Hereward Community College site (planning application 07/01807/FUL refers).

Of the 260 one and two bedroom retirement apartments proposed by Extra Care Charitable Trust 50 of these would be available for rent and 100 for shared equity purchase. This tenure mix has been agreed with the City Council's Housing Department and these apartments would be 'pepper potted' throughout the complex.

The City Council's Housing Market Assessment (2008) looked at housing need within Peterborough. It concluded that there is low demand for more traditional types of elderly person's accommodation such as sheltered housing. The development being proposed by Extra Care offers an innovative approach to elderly person's housing provision. It would offer the opportunity for independent living (each apartment would have its own front door), with a range of social and physical activities in the village centre, but within an environment which can respond to changing health needs of its occupants i.e. each flat can be physically adapted and additional levels of nursing care made available if required.

The Housing Market Assessment also found that more than half of all older person households live in three and four bedroom properties. This means that there are a number of the existing properties within the social rented sector currently under-occupied. As such, in addition to meeting the needs of elderly persons, the proposed development by Extra Care could result in many larger houses within the social rented sector being freed up for use by younger families. This would help address the wider affordable housing need within the city.

The approach set out above would result in an affordable housing provision of 30% across the three sites. Should the housing numbers on either part of the Hereward site change, thereby potentially resulting in an overall affordable housing provision below 30%, then it is proposed that the shortfall would be met on the northern part of the site via the planning obligation.

The East of England Regional Plan (RSS) was published in May 2008. This requires Local Authorities to set appropriate targets for affordable housing. There is an expectation that some 35% of new housing (across the region as a whole) should be affordable. The new Core Strategy, which is currently being prepared, will take forward the expectations set out in the RSS and set a revised requirement for affordable housing provision. This revised provision will be sought on all new development coming forward. However, as this application was submitted prior to the publication of the RSS, it would be unreasonable to ask the applicant to comply with a different policy requirement part way through the planning process. As such an overall provision of 30% affordable housing is, in this instance, accepted.

Mix of Housing Types

Policy H20 of the Local Plan (First Replacement) seeks to secure a range of house types in developments. The exact mix of dwellings will be determined at the reserved matters stage. In considering the capacity of the site, however, the applicant has proposed a range of house types from one and two bedroom flats to three/four bedroom family housing.

In accordance with policy H23 a percentage of life time homes (10%) will be sought on the site at the detailed design stage. It is considered that this provision can be secured via the associated planning obligation or by a condition on any planning permission.

Loss of Playing Field/ Creation of Open Space

Loss of Playing Field

The redevelopment of the Hereward Community College site would result in the loss of some 3 hectares of playing field in an area where the Planning Policy Manager has advised that there is deficiency of open space (the 2006 Open Space Strategy refers).

Policy LT3 of the Local Plan (First Replacement) advises that planning permission should not be granted for development that would result in a loss of open space, unless adequate provision is made, whether in open space or recreational facilities or both, equivalent to that lost.

The applicant is proposing a scheme of mitigation measures to compensate for the loss of the playing field via an investment in new sporting facilities at St John Fisher School as part of its redevelopment/refurbishment (planning application 07/0221/FUL refers). This investment is to include the provision of new tennis courts, an all weather pitch and a contribution towards the building of the new sports hall. A community use agreement will also be entered into to ensure that these new facilities are available to the general public. These measures would be secured via the associated planning obligation.

Sport England is, in this instance, a statutory consultee because the proposed development will result in the loss of a playing field. It has considered the proposed mitigation measures and asked for the submission of further information/ clarification. Sport England is currently considering this information and its further comments will be tabled to members in the update report. Until Sport England's final comments are received, it has put forward a holding objection.

If on the receipt of further information Sport England advises that it has no objections to the proposal then it is considered that the mitigation measures will be sufficient to satisfy the requirements policy LT3. If, however, Sport England maintains its objection then the application will need to be referred to the Secretary of State under the Town and Country (Playing Fields) (England) Direction 1998. This could result in the application being called in by the Secretary of State for her own determination.

Open Space Provision

The proposal would result in the need for some 2 hectares of open space. In view of the overall size of the site (approximately 4.64 hectares), and the opportunity to deliver a well designed scheme with a higher density it is accepted that the whole range of open space provision could not reasonably be delivered on site.

The precise amount of on site open space would be determined at the reserved matters stage if planning permission is granted. The indicative layout submitted with the application indicates some 0.47 hectares of open space being accommodated on the site. It demonstrates that this area could be well located within the development and provide a useable space for play/recreation.

In view of the above, the proposed approach to open space provision (i.e. meeting the requirement via a combination of on and off site provision) is considered to be acceptable.

b) Highway Impacts

General

The Head of Transport and Engineering has not raised any objection to the principle of residential development on this site. The Transport Assessment submitted with the application concludes that the indicative site access (the former Community College access from Reeves Way) has sufficient capacity to accommodate the amount of development proposed. It has, however, indicated a capacity issue with the Reeves Way/Eastfield Road junction. Additional information in respect of the capacity of this junction and a design solution to address this matter has been requested from the applicant. The current situation is reflected in the recommendation to members (please see section 9 below) and any change to this position will be tabled to members in the update report.

The comment from the Local Access Forum that the supporting documentation takes little account of the hierarchy of transport users (as set out in the Local Transport Plan) is noted. It is considered, however, that the site is connected to the public transport network and that there are opportunities for walking/cycling. The needs of pedestrians and cyclists will also be given further consideration at the reserved matters stage. In view of this, it is not considered that the application could be resisted on this basis.

Public representations have been received which refer to the creation of a landscaped corridor with a pedestrian / cycle path along the boundary of the site with Car Dyke. Whilst these comments are noted, the creation of such a connection is not considered to be an essential element of the redevelopment of this site and may also raise safety concerns from the Police Architectural Liaison Officer. As such, it is not considered that the application could be resisted on this basis.

Travel Plan

The Head of Transport and Engineering has advised that in view of the number of units proposed a residential travel plan should be secured. It is considered that this matter can be reasonably addressed via the associated planning obligation (please see section 7h below).

Layout

The Head of Transport and Engineering has made a number of comments regarding the internal layout of the site. It is acknowledged, however, that at this stage any layout drawings are indicative only for the purpose of establishing the capacity of the site. As such, it is considered that these matters can be resolved at the reserved matters stage.

c) Design Layout and Amenity

Given that this application is in outline only with all matters reserved, information submitted in respect of the form, layout, scale and design of the development is indicative, and intended only to demonstrate that the number of units proposed can be satisfactorily accommodated on the site.

Concerns were expressed that the indicative layout for 250 dwellings originally submitted with the planning application did not adequately demonstrate the number of units proposed could be satisfactorily accommodated on the site within a high quality environment or without adverse impact upon the street scene.

Following negotiation, the number of units proposed on the site has been reduced and an updated illustrative layout submitted for consideration. On the basis of the information which has been provided by the applicant in respect of dwelling sizes and footprints it is accepted that the site could accommodate up to 230 units via a range of houses/flats between 2 and 4 storeys in height with a car parking provision which accords with the maximum standards set out in the Local Plan i.e. a maximum of one space per one and two bedrooled dwellings and two spaces for three and four bedrooled properties.

The detailed layout which comes forward at the reserved matters stage will need to be carefully designed to ensure that it affords the potential future occupiers of the site an adequate standard of amenity in terms of considerations such as daylight and privacy. It will also need to provide adequate cycle storage and bin storage, particularly for any apartments. A high quality landscaping scheme and mix of surfaces will be required to create different character areas within the development. Reference should also be made to the advice of the Police Architectural Liaison Officer.

In addition, the massing of the new dwellings in relation to the existing properties adjoining the site will require careful consideration in order to sure that there is no overbearing impact or unacceptable adverse impact upon their amenity in terms of overlooking/loss of daylight.

Noise

A Noise Assessment has been submitted as part of this application. This concludes that the primary noise source affecting the site is that of road noise from the adjacent Frank Perkins Parkway. The majority of the site has been determined to fall within noise exposure categories A and B (under which noise should be taken into consideration when granting planning permission). A small strip adjacent to the parkway falls within noise exposure category C (where planning permission should not normally be granted). The indicative layout which has been submitted with the application demonstrates that the amount of development proposed could be accommodated on the site without any of the dwellings being located within this strip. The findings of the noise assessment are accepted by the City Council's Environmental Health (Pollution) Section. A condition requiring the submission and approval of measures to protect the proposed development from noise from the Frank Perkins Parkway is recommended on any planning permission.

d) Landscaping Impacts

Given the previous use of the site there are no trees within it; rather planting is located adjacent to the northern and eastern boundaries. This peripheral planting forms part of the character of the area and an important 'green' element. As such, it is a constraint which the detailed layout should respond to.

It will be down the skill of the developer's designer at the reserved matters stage to minimise the potential impact of the development on the peripheral trees and to design within these constraints. If the detailed layout which comes forward for consideration results in the removal of any trees around the edge of the site then this loss will have to be justified and assessed within the context of all overall design issues raised by the development, commensurate to getting an acceptable form of development on the site.

New landscaping must also be an integral part of the detailed design proposals for the site, and a high quality scheme is expected.

e) Ecology

Given the previous use of the site, it is considered to be of limited value to wildlife. The Ecological Scoping Report originally submitted as part of this application did not identify the presence of any protected species on the site although it did recommend that follow up reptile and bat surveys be carried out. The findings of these surveys have also been submitted as part of the application. Neither bats nor reptiles were found to be present on the site.

A draft Biodiversity Plan has also been submitted with the application. This identifies on and off site measures which could be incorporated into the detailed design in order to enhance the biodiversity of the site. A condition requiring the incorporation of these measures into the hard/soft landscaping of the site is recommended on any planning permission.

Natural England and the City Council's Wildlife Officer have not raised any objections to the proposal.

f) **Archaeology**

The application site lies within an area of archaeological importance. The course of Car Dyke Roman canal runs along the eastern boundary of the site. Remains associated with Car Dyke (bank material, pre-bank land surfaces and features) survive within the proposed development area. Features associated with prehistoric and Roman settlement and enclosure are likely to survive within the previously undeveloped playing field portion of the site.

In order to ensure the preservation of the remains associated with Car Dyke, the City Council's Historic Environment Officer has advised that an archaeological buffer, to be kept free of development, is required. The indicative layout which has been submitted for consideration details the archaeological buffer zone. This layout is currently being reviewed by the Historic Environment Officer and any comments received in respect of it will be tabled to members in the update report.

The Historic Environment Officer has accepted the principle of new outfalls into/across Car Dyke in order to drain the site (please see section 7g below). He has advised, however, that the number of new outfalls should be minimised and if feasible located to the north of the site where the archaeological remains are less sensitive.

The Historic Environment Officer has also advised that further archaeological investigation and recording will be required across the site. This should be secured via a planning condition on any planning permission.

g) **Miscellaneous**

Drainage/Flood Risk

The Environment Agency has not raised any objections to the application, subject to the submission of a detailed surface water drainage strategy. This is to ensure that flood risk is adequately mitigated for the lifetime of the development.

Anglian Water has advised that surface water run off from the site could potentially be accommodated within an existing surface water sewer at the north of the site. If this is subsequently found to have insufficient capacity a new outfall would be required. There is insufficient capacity within the existing foul sewer on Reeves Way to accommodate the proposed development. Foul drainage should, therefore, be discharged to the trunk foul sewer under the Frank Perkins Parkway.

A drainage strategy for the site has been submitted in support of the application. This is currently being reviewed by Anglian Water, the City Council's Environmental Engineering Manager and the Historic Environment Officer. Any comments received in respect of this will be tabled to members in the update report. Notwithstanding this, conditions requiring the submission and approval of a drainage scheme are recommended on any planning permission.

Contamination

A Phase 1 Environmental Assessment has been submitted with the application. This concludes that the likelihood of contamination is low. The conclusions of the report are accepted but it is recommended that a condition be imposed upon any planning permission requiring the reporting of any unsuspected contamination which may be identified during the construction period.

Construction Management

It is recommended that a condition be imposed on any grant of permission, requiring the submission and implementation of a Construction Management Plan. The objective of this plan is to minimise the impact upon residential amenity during the construction period and also to ensure that there is no adverse impact upon highway safety. It should, therefore, address matters such as the hours of operation and deliveries to the site, the control of construction noise, the provision of car parking for contractors and the provision of wheel wash facilities.

h) **S106 Planning Obligation**

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

Government Circular 05/2005 – 'Planning Obligations' describes the principles underlying their use. It says that the use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold.

It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

The Council's final requirements must accord with both national and local policy and comply with the 5 tests set out in DETR Circular 05/2005 (i.e. i) necessary; ii) relevant to planning; iii) directly related to the proposed development; (in the Tesco/Whitney case the House of Lords held that the planning obligation must at least have minimal connection with development) iv) fairly and reasonably related in scale and kind to the proposed development; and, v) reasonable in all other respects.

In this case, as a direct result of the development there would be additional demand on services and upon the highway network. As such, the proposal triggers a requirement for contributions in respect of:-

- Life Time Homes (if not addressed via a condition)- Section 7a refers;
- Fall back position in respect of affordable housing- Section 7a refers;
- Off site Highway Works (if not addressed via conditions)- Section 7c refers;
- Education;
- Primary Care;
- Bereavement;
- Waste Management;
- Open Space including mitigation measures for the loss of playing field- Section 7b refers;
- Travel Plan/Packs and associated works- Section 7c refers;
- Police;
- S106 Monitoring Fee.

These requirements accord with both national and local policy and in your officer's opinion comply with the 5 tests set out in DETR Circular 5/2005 and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development

8 CONCLUSIONS

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

- a) The proposal would result in a loss of open space in a ward where there is a deficiency. Mitigation measures are, however, proposed. Subject to these being accepted by Sport England the proposal is considered to be acceptable in the context of policies LT3 and H7 of the Peterborough Local Plan (First Replacement)
- b) The open space needs arising from the development can be addressed via a mixed on/off site provision in accordance with policies LT1 and LT2 of the Peterborough Local Plan (First Replacement).
- c) Subject to a scheme of off site highway works in respect of the Reeves Way/Eastfield Road junction it is not considered that the proposal would have any significant adverse impact upon highway safety or convenience. There is also potential within the development to provide for the needs of pedestrians and cyclists. The proposal therefore accords with policies T1, T7, T8, and T10 of the Peterborough Local Plan (First Replacement).
- c) The development can be accommodated within the site without any significant adverse impact upon the amenities of the neighbouring properties and therefore accords with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
- d) The detailed layout can be designed around the existing trees on the edge of the site in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- e) The impact of the proposed development upon the ecology of the site is considered to be acceptable. It, therefore, accords with policy LNE19 of the Peterborough Local Plan (First Replacement).
- f) The impact of the proposed development upon archaeological remains can be addressed through the creation of a buffer zone to Car Dyke and additional archaeological investigation. The proposal therefore accords with policy CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- g) The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services be authorised to grant planning permission subject to:-

- a) A scheme of mitigation measures to compensate for the loss of playing field being agreed with Sport England;
- b) A scheme of off site highway works to increase the capacity of the Reeves Way/Eastfield Road junction;
- c) The prior completion of a Planning Obligation under the provision of Section 106 of the Town and Country Planning Act 1990 in respect of life time homes (if not addressed via a condition), a fall back position for the delivery of affordable housing, off site highway works (if not addressed via conditions), education, primary care, off site highway works, bereavement, waste management, open space including improvement to the former school playing fields, travel plan and associated works, police and S106 monitoring fee;
- d) The following conditions, incorporating any necessary additions or modifications including those that may arise during negotiations on the proposed planning obligation;

- C1 Approval of the details of the layout, scale and appearance of the buildings; the means of access thereto and the landscaping of the site (hereinafter called the reserved matters) shall be obtained from the Local Planning Authority before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**
Reason: To ensure that the Local Planning Authority is satisfied with the reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C2 Plans and particulars of the reserved matters referred to in condition 01 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.**
Reason: To ensure that Peterborough City Council is satisfied with the approved reserved matters, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- C4 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority details of access to the site, the layout of the site including highways and buildings, highway construction and drainage, surfacing materials, signing/lining and street lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**
Reason: In the interests of highway safety and to ensure that the new highways are adequately constructed, drained and lighted, in accordance with Policies T1 and T4 of the Peterborough Local Plan (First Replacement).

- C5** Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:
- a noise management plan including a scheme for the monitoring of construction noise;
 - a scheme for the control of dust arising from building and site works;
 - a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
 - a scheme of working hours for construction and other site works;
 - a scheme for construction access from the Parkway including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site.;
 - a scheme for parking of contractors vehicles;
 - a scheme for access and deliveries including hours.
- The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: In the interests of highway safety and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).
- C6** Notwithstanding the submitted information, prior to the first submission of reserved matters unless otherwise agreed in writing with the Local Planning Authority, a scheme of surface water drainage including any new outfalls into Car Dyke, shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be based on the sustainable drainage principles and an assessment of the hydrological/ hydrogeological context of the development. The scheme shall thereafter be implemented in accordance with the approved details before the first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure the site is properly drained and to minimise flood risk in accordance with policy U1 of the Peterborough Local Plan (First Replacement).
- C7** Notwithstanding the submitted information, prior to the first submission of reserved matters unless otherwise agreed in writing with the Local Planning Authority, a scheme of foul drainage including any connections across Car Dyke shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details before the first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure that the site is adequately drained in accordance with policy U1 of the Adopted Peterborough Local Plan (First Replacement).
- C8** Notwithstanding the submitted information, before the first submission of reserved matters details of a zone of archaeological exclusion (to protect the archaeological remains associated with Car Dyke) shall be submitted to and approved in writing the Local Planning Authority. This submission shall be based on drawing number D114490/AR/304 and include details of any drainage connections (including the upgrade of any existing sewers private or adopted) into or across the Car Dyke. The development should thereafter proceed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
- Reason: To ensure that archaeological remains associated with Car Dyke are protected in accordance policy CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- C9** No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.

Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and policy CBE2 of the Peterborough Local Plan (First Replacement).

- C10** **If contamination not previously identified, is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the affected area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved. The development shall thereafter take place in accordance with the approved details.**

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).

- C11** **Unless otherwise agreed in writing with the Local Planning Authority, no development or other operations shall commence on site until;**

(a) a scheme (herein after called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the construction period, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

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

- C12** **No site clearance or works to vegetation (defined as trees, scrub and hedgerows) within the site shall be carried out between the 1 March and 31 August inclusive in any year, unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.**

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement).

- C13** **No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any hard surfacing within the Root Protection Areas of retained trees has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long-term retention of the trees.**

No development or other operations shall take place except in complete accordance with the approved Construction Specification/ Method Statement.

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

C14 Prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority, details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-

- i) a landscape management plan including long term design objectives, management responsibilities and maintenance schedule for any areas not within private gardens;**
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;**
- iii) measures to promote biodiversity in accordance with the Outline Biodiversity Strategy dated December 2007;**
- iv) all means of enclosure;**
- v) all hard surfacing materials;**
- vi) any minor structures including waste/recycling facilities;**
- vii) details of cycle parking provision, including the type of stands;**

The hard landscaping work shall be undertaken in accordance with the approved details prior to the occupation of each dwelling and the soft landscaping works in accordance with the approved proposals and implementation plan , unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a good quality development in the interests of visual and residential amenity in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C15 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policies DA2, DA11, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C16 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, details of the following shall be submitted to and approved in writing by the Local Planning Authority:-

- 1) Details of gates to any communal parking areas;**
- 2) Lighting to areas which will not be adopted by the City Council including any communal parking areas or private drives.**

The development shall thereafter be carried out in accordance with the approved detailed unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of community safety in accordance with policy DA11 of the Peterborough Local Plan (First Replacement).

C17 Prior to the commencement of any development unless otherwise agreed in writing with the Local Planning Authority, details of existing and proposed site levels, including finished floor levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of residential and visual amenity and to provide for the long term retention of retained trees, in accordance with policies DA1, DA2, LNE9, and LNE10 of the Peterborough Local Plan (First Replacement).

- C18** The "approach" to the principal entrance to the dwellings, being the entrance that would be used by visitors arriving by car, shall be level (no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to avoid the need for a stepped approach and to meet the needs of access for all in accordance with Policy H20 of the Peterborough Local Plan (First Replacement).
- C19** Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of general amenity and fire safety, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- C20** Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, a scheme for protecting the proposed residential properties from traffic noise from the Frank Perkins Parkway shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme before the first occupation of any property, unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of residential amenity in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) and Planning Policy Guidance Note 24 (Noise).

Informatives

1. The applicant is reminded that the Local Planning Authority has determined the application on the basis of the information available to it. This does not imply that the site is free from contamination. Responsibility for the safe development of the site rests with the applicant.
2. With regard to condition 6 in respect of surface water drainage, the Environment Agency has advised that the following information should be submitted for consideration:-
 - Pre-development calculations to establish and agreed using the Institute Of Hydrology, Report124 method, (sites less than 200 hectares should use IOH124 method for a 50 hectare site and scale down to the correct site size).
 - Post Development calculations using the same method. These need to be presented for the 1 year, 30 year, 100 year, and 100 year plus allowance for climate change. The maximum volume and peak flow rate will need to be identified in the worst case storm event, including seasons and the duration of the event. The developer should refer to the Environment Agency / Defra document W5-074 "Preliminary Rainfall Runoff Management for Developments" (Revision D) for guidance. Please note that it must be proved that surface water runoff is not increased post development.
 - An assessment of the overland route water would take, in the event of a surface water system failure, and any flood risks that would arise. It should also state how this will be managed to ensure that it does not increase the risk of flooding off site.
 - Written confirmation from Anglian Water Services Limited confirming the rate that they are willing to take the surface water from the site.
 - Full details of any attenuation methods used. The site should be able to attenuate up to and including the 100 year event plus an allowance for climate change, and the developer should use SUDS methods wherever possible for managing flood risk. Relevant documents for SUDS include the Interim Code Of Practice for SUDS and CIRIA publication C697 (The SUDS Manual). Details of all elements of the proposed drainage systems should be included together with clear details of the ownership and responsibility of maintenance of all drainage elements for the lifetime of the development. If appropriate, details of adoption of any drainage elements of the drainage system should also be included.

For more detailed advice in respect of the management of surface water drainage, the applicant is advised to contact Chris Hayes on 01522 785 527.

3. The applicant is also advised to make early contact with Anglian Water's Developer Services in order to discuss drainage proposals for the site. Please contact Rosie Tillman on 01480 323 808 and quote reference number 03095/SP44(003).
4. The applicant is advised to make early contact with the City Council's Historic Environment Officer in order to discuss the archaeological constraints of the site. In particular, the applicant's attention is drawn to the need for drainage proposals to be designed to minimise the amount of disturbance to the archaeological remains. Please contact Ben Robinson on 01733 343 329 for further information.
5. With regard to condition 16 (lighting to private area) the applicant is advised low energy down to dusk lights should be installed in any communal parking areas.
6. The applicant is advised to contact with the Development Team (Tel 01733 453 453) in the City Council's Transport and Engineering Section to discuss the highway requirements of the detailed layout including carriageway widths, location and width of footways, vehicle to vehicle and vehicle to pedestrian visibility splays, the requirement for turning areas etc prior to the submission of a reserved matters application.
7. As the development will result in the creation of new streets, dwellings and/or premises, by development or sub-division, the Council needs to allocate street names and/or property numbers before development begins, please contact the Technical Support Team Manager, Highway Infrastructure Group on 01733 453461 for details of the procedure or email highwayssection@peterborough.gov.uk.
8. Highways Act 1980 - Section 184, Sub-sections (3)(4)(9)
This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works MUST be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Contact is to be made with the Transport & Engineering - Development Team on 01733 453474 or email HighwaysDevelopmentTeam@peterborough.gov.uk who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

9. (NR&SWA 1991)
The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Co-Ordinator on 01733 453578.
10. The attention of the applicant is drawn to the need to make a formal application to the Council under Section 278 of the Highways Act 1980 if it is the intention to do any works within the existing highway. Prior to the commencement of the highway works, adequate time must be allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from the Transport & Engineering - Development Team on 01733 453421.

11. The attention of the applicant is drawn to the need to make a formal application to the council for an agreement under Section 38 of the Highways Act 1980 if it is the intention that any of the highways proposed as part of this development are to be adopted. Prior to the commencement of the construction of these highways, adequate time must be allowed in the development programme for technical vetting, approval of temporary traffic management, booking of road space for any off-site highway and service works and the completion of the Section 38 Agreement.

Application forms for Section 38 agreements are available from the Transport & Engineering - Development Team on 01733 453421.

12. With regard to condition 5, the applicant's attention is drawn to the need for the wheel cleansing equipment shall be capable of cleaning the wheels, underside of chassis of the vehicles. The road between the cleaning equipment and the public highway shall be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.
13. Highways Act 1980 - Section 148, Sub-Section C
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
14. Highways Act 1980 - Section 149
If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

Copy to Councillors Collins, Goldspink, Todd