

07/01807/FUL: CONSTRUCTION OF RETIREMENT COMPLEX COMPRISING 260 APARTMENTS WITH ASSOCIATED COMMUNAL FACILITIES, CAR PARKING, AMENITY SPACE, LANDSCAPING AND ACCESS AT SOUTH PART OF FORMER HERWARD COMMUNITY COLLEGE, REEVES WAY, EASTFIELD, PETERBOROUGH

VALID: 30 NOVEMBER 2007

APPLICANT: EXTRACARE CHARITABLE TRUST

AGENT: NICOL THOMAS LTD

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: PART OF THE WIDER REDVELOPMENT OF THE FORMER SCHOOL SITE

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/ Ecological impacts
- Archaeology
- 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, 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

Relevant policies are listed below with the key policies highlighted.

#### **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 and Wheelchair Housing
R4	Retail development outside centres
T1	Transport Implications of new development
T3	Accessibility to development- Pedestrians and those with Mobility Difficulties
T5	Accessibility to development-Cyclists

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
LT9	Development of Leisure Facilities
DA1	Townscape and Urban Design
DA2	The affect of development on the amenities and character of an area
DA7	Development of the built environment for full accessibility
DA11	Design for security
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.

H1	Regional Housing Provision -2021
H3	Affordable Housing
ENV7	Quality of the built environment

**Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

**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 relevant guidance in the Housing Strategy, and Biodiversity Strategy.

### **3 DESCRIPTION OF PROPOSAL**

Planning permission is sought for the construction of a retirement complex comprising 260 one and two bedroom apartments, with associated communal facilities, car parking, amenity space, and landscaping.

The proposed building would be a mixture of three and four storeys elements (9m and 12m to eaves respectively). The development would include an affordable housing element (in the form of rented/shared equity) with the remaining apartments available for owner occupation. Communal facilities are proposed in the form of a 'village centre' and would comprise a village hall, small convenience shop, hairdresser, gym, restaurant, café, bar, library etc. Whilst these facilities would predominantly be for residents, ExtraCare would also operates a 'Friends' scheme under which people aged 55 and over, and living within the surrounding community (1 mile radius), can access these facilities.

Access to the development is proposed from the recently approved extension to Park Lane (planning application 07/01683/R4FUL refers) which will also serve the refurbished St John Fisher & St Thomas More Schools.

170 car parking spaces are proposed, within three car parks. Provision is also made for motorcycle and cycle parking. The proposed amenity spaces include a bowling green, winter garden, and galleria, together with external landscaping, including a nature area.

The application site is some 3 hectares (7.4 acres) in extent and comprises the southern part of the former Hereward Community College site. The northern part of the former school site is the subject of a separate outline planning application (reference 07/01769/R4OUT) for up to 230 residential units. It is proposed that all the units on the northern part of the site would be available as market housing with the affordable housing need being met via the development subject of this application (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. Beyond this is Car Dyke and the Frank Perkins Parkway.

To the north, and north 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 west is an area of public open space beyond which there are more residential properties.

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:-

App. No.	Description	Date	Decision
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	1.6.2007	PER
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 reference 07/0022/FUL	26.3.2008	PER
07/01769/R4OUT	Residential development comprising up to 230 units with associated access road, car parking, amenity space and landscaping	Current application	

The planning history for the former Hereward Community College site also includes a number of applications for extensions and fencing etc. The 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 undertaken; the first in respect of the original submission and the second following the receipt of amended information.

### INTERNAL

**Head of Transport and Engineering** – Has not raised any objections to the principle of development subject to the imposition of conditions and informatives, including the provision of a travel plan.

**Environmental Health (Pollution Section)**- A noise condition is required to protect residents from noise from the A1139 Frank Perkins Parkway. The finding of the Environmental Investigation Report are accepted.

**Planning Policy Manager**- The site could make a positive contribution toward housing numbers subject to it being determined that the development would meet the affordable housing needs of the local population. Good design will be required to ensure that the density of the proposed development can be accepted. The loss of open space will need to be adequately compensated given the deficiency in the ward.

**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. Further archaeological investigation will also be required and should be secured via a planning condition.

**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.

**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.

## **EXTERNAL**

**Senior Architectural Liaison Officer –** The parking areas and ground floor flats areas should be secured to minimise the opportunities for crime. Conditions requiring the submission and approval of the fencing, lighting and CCTV should be imposed.

**Sport England -** Holding objection, pending the submission of further information in respect of the proposed mitigation measures to compensate for the loss of the playing field (please see section 7b below).

**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 –** There is inadequate capacity within the existing surface water system to accept the flows generated by this development. There is sufficient capacity within the foul sewer in the Frank Perkins Parkway to serve this development.

**Peterborough Local Access Forum –** Has requested the provision of a raised pedestrian platform crossing at the main vehicle entrance/exit points.

**Natural England-** Has not raised any objection to the proposal. Biodiversity enhancement measures are required to be secured as part of the scheme.

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

**East of England Regional Assembly –** No comment.

## **NEIGHBOURS**

Two public consultations have been carried out in respect of this application.

4 letters of representation were received in relation to the initial round of consultation.

3 of these letters raised concern about the following matter:

- a landscape corridor with a pedestrian/cycle path along the western side of Car Dyke should be provided to open up this valuable archaeological site and to create a sustainable access route and improve connectivity

1 letter expressed support for use as a retirement complex, but not family housing as this would result in traffic congestion.

2 letters of representation have been received in response to the second consultation in respect of amended plans.

1 letter expressed support for the proposal.

1 letter raised concern about the following matter;-

- No access to the site should be taken from Viney Close. This should remain closed off.

## **COUNCILLORS**

No comments received.

### **7 REASONING**

#### **a) The Principle of Development, including Affordable Housing**

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 relates 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.

It is noted that the density of proposed development is higher than the 50 dwellings per hectare recommended in policy H15. However, this policy and the more up to date Regional Spatial Strategy (policy ENV7) and PPS3 require new development to achieve the highest possible densities, commensurate with the surrounding character.

The density of the proposed development is similar to the applicant's other existing retirement villages e.g. at Milton Keynes, and the number of units proposed are those necessary to support the associated community facilities e.g. bar, restaurant, shop etc. Whilst the density would be higher than that of the neighbouring housing area, with a good design and layout, it is considered that this density could be achieved without significant adverse impact on the character of the surrounding area. As such, the density of development is considered to be acceptable in principle (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 provision for the adjacent northern site redevelopment (planning application 07/01769/R4OUT refers) and the requirement for this development, are both provided on this site.

150 affordable units are proposed (out of the total of 260 units on the site). 50 of these would be available for rent and 100 as shared ownership. This would be offered on the basis of 50% or 75% ownership, with rent payable on the outstanding share. The tenure mix has been agreed with the City Council's Housing Department and the affordable apartments would be 'pepper-potted' throughout the development.

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 aggregate affordable housing provision of 30% across both sites. The East of England 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.

The above proposal has been discussed with the City Council's Strategic Planning and Enabling Manager who has not raised any objections.

#### *Mix of Housing Types*

Policy H20 of the Local Plan (First Replacement) seeks to secure a range of house types in developments. Whilst the development would not strictly accord with this policy as it proposes only one and two bedroom apartments, the provision would meet the needs of the future occupiers, who will be either single people or couples with no dependant children. Larger properties will also be provided on the former Hereward Community College site as a whole via the redevelopment of the northern area should planning permission be granted. In view of these circumstances, the proposed housing mix is considered appropriate.

The development would exceed the minimum standards of wheelchair housing (policy H23 refers), as all the apartments are to be designed so that they are wheelchair accessible. All routes and corridors would be wide enough for wheelchairs, and lifts are provided to give easy access to all floors.

#### *Village Centre*

Small scale retail and leisure facilities are proposed as part of the village centre of this development e.g. a small shop (34 sq m), hairdresser (23 sq m), gym (78 sqm). Whilst these facilities would be located outside of a designated retail or leisure area, in view of their small size and limitation of use to residents and visitors, their provision is considered to be acceptable.

#### **b) Impact upon Sporting and Recreational Facilities/Creation of Open Space**

##### *Loss of Playing Field*

This application 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 a deficiency of open space.

Policy LT3 of the Local Plan (First Replacement) advises that planning permission should not be granted for development that would result in the 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 07/00221/FUL refers). This investment is to include a new all weather pitch, tennis courts and a financial contribution towards the construction of a new sports hall. A community 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 would 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 of 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*

Under Policy LT1 of the Local Plan the creation of this number of units would usually result in the need for some 1.6 ha of open space. However, as this development is for a specific section of the population, it is not considered appropriate to apply the Local Plan standards. A range of open space/landscaping areas are proposed on site including a bowling green, winter garden, and galleria which it is considered will be sufficient to meet the open space needs arising from the development.

## **c) Highway Impacts**

### *General*

The Head of Transport and Engineering has not raised any objections to the proposal in principle. The Transportation Assessment submitted with the application concludes that the traffic flows arising from the redevelopment of the site can be accommodated within the surrounding highway network.

The Local Access Forum has indicated that a raised platform should be provided at the entrance/exit to the site. This has been discussed with the Head of Transport and Engineering who has advised that this would not be acceptable.

Representations received request the provision of a landscaped cycleway/footpath along the boundary of the site with Car Dyke. Whilst this is noted, it is not considered to be an essential part of the redevelopment of the 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.

### *Parking*

170 car parking spaces are proposed (a ratio of 0.65 spaces per flat). The applicant has advised that this parking level would be consistent with the other retirement villages which it operates (indeed the parking provision would be higher than several of its other sites at which the parking ratio is 0.5 spaces per apartment). Whilst this provision would be below the maximum standard set out in the Local Plan (260), given the nature of development it is accepted that rates of car ownership are likely to be low. Staffing levels are also relatively low. Staff would work in shifts and the applicant has advised that the maximum number staff present at any one time would not exceed 14. Furthermore, the inclusion of communal facilities would reduce the need to travel and the development would also be the subject of a travel plan. On this basis, the proposed parking provision is considered to be acceptable. No objections have been raised by the Head of Transport and Engineering.

The number of disabled spaces is considered to accord with the current British Standard. Should the need for additional disabled parking be identified, the parking layout could be adapted. The proposed motorcycle parking provision is also in accordance with Local Plan standards.

The applicant proposes provision for up to 20 cycle spaces. Although this provision would be below the standard specified within the Local Plan, it is considered to be acceptable given the nature of the development. The provision could also be reviewed in the future and additional cycle parking provided if appropriate.

Minor alterations to the parking layout have been requested by the Head of Transport and Engineering and revised plans are awaited. If these are not received in advance of the application being reported to members additional conditions maybe recommended via the update report.

### *Travel Plan*

The Head of Transport and Engineering has requested that a Travel Plan should be a requirement of the development, in order to reduce the number of car borne journeys to the site. This will be secured via the associated planning obligation.



#### **d) Design, Layout and Amenity**

##### *Building Design*

Concerns were initially expressed regarding the building design, particularly in respect of the principle elevation and the roofline. Following negotiations amended plans were submitted for consideration. The principal entrance has been repositioned, so that it would be visible from the access road improving the building's legibility and the resulting streetscene. The massing of the building has also been broken up through alterations to the roof design and changes in the proposed materials. These are now more varied with greater contrasts. In addition, the element adjacent to the Parkway has been redesigned to increase the separation distance with it. As a result of these alterations, the proposed building design is now considered to be acceptable.

##### *Amenity Impacts*

Part of the proposed development would be located to the rear of existing properties on Reeves Way (Nos 56 -62). Following negotiations the separation distance with these properties has been increased to 35m in accordance with the Peterborough Residential Design Guide. In addition, the applicant has advised that the floor level of the building would be approximately ½ storey lower than neighbouring properties. In addition to the design alterations referred to above, this will further reducing the overall massing of the building.

It is not considered that the building would have any significant adverse impact upon daylight to the neighbouring properties. Information submitted with the application indicates that there could be some loss of morning sunshine during December. It is not considered that this impact would be so severe as to warrant the refusal of the application.

In order to reduce the potential for overlooking, balconies initially proposed on the apartments adjacent to nearest neighbouring properties on Reeves Way have been deleted from the scheme.

The detailed layout of the northern site (application reference 07/01769/R4OUT) should outline planning permission be granted, will need to be designed in response to this development. The indicative layout which has been submitted for consideration with that application indicates how this could be done. As such it is not considered that this application would prejudice an acceptable development on the northern part of the former Hereward Community College site.

##### *Security*

The Police Architectural Liaison Officer supports the general design of the building, the proposed internal access control measures together with the associated CCTV proposals. In order to protect the development from the potential for car crime and opportunities for theft from ground floor units the Police Architectural Liaison Officer advised that the parking areas should be secured. The applicant has not implemented measures such as barrier control on its other sites as this is against Extra Care's ethos of open communities, neither have they proved necessary. In view of this it is recommended that the scheme be implemented as designed. Should it subsequently become apparent that such measures are required the applicant could accommodate them without substantial redesign of the parking areas.

#### **e) Landscaping/Ecology impacts**

##### *Landscaping*

Given the previous use of the site there are no substantial trees within the application area, rather planting is located along the eastern boundary. The development allows for the retention of this planting which forms an important visual buffer with the adjoining parkway.

A good quality landscaping scheme will be required to soften the built form, break up the parking areas and to enhance the visual appearance of the development. A landscaping scheme has been submitted with the application. This is acceptable in principle, subject to some amendments which it is considered could be reasonably secured by way of a condition on any planning permission.

### *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 including the retention of the college's former nature area. 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 drainage proposals which have been put forward (please see section 7g below) would utilise an existing connection to the Car Dyke and would not, therefore, have any significant adverse impact upon the archaeology remains.

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 it may be feasible to drain part of the development into an existing surface water sewer on Park Lane, subject to flow rates being agreed. The applicant proposes that the remaining surface water drain into Car Dyke and the foul sewerage to the trunk sewer under the Frank Perkins Parkway, via existing private sewers which run through the adjacent St John Fisher/ St Thomas More School sites. The Diocese has indicated that it would, in principle, be agreeable to this. Anglian Water has advised that it would consider adoption of these sewers subject to them being brought up to an acceptable standard. Conditions requiring the submission and approval of detailed schemes of foul and surface water 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.

### f) **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:-

- Affordable Housing- Section 7a refers;
- Mitigation measures for the loss of playing field- Section 7b refers;
- Waste management;
- Travel Plan (including provision of travel packs) and associated works- Section 7c refers;
- Police;
- Bereavement;
- Primary care;
- 'Friends' scheme;
- 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 development would not have any significant adverse impact upon highway safety or convenience and the layout provides 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 unacceptable 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 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).
- e) Existing boundary planting will be retained and a detailed landscaping scheme will be submitted. As such, the proposal accords with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- f) The protection of any archaeological remains associated with the Car Dyke can be secured by planning condition. This is acceptable in accordance with policy CBE2 of the 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) The prior completion of a Planning Obligation under the provision of Section 106 of the Town and Country Planning Act 1990 in respect of the delivery mechanism for affordable housing, life time homes (if not addressed via a condition), primary care, bereavement, waste management, travel plan and associated works, police, the 'friends' scheme and S106 monitoring fee;
- c) The following conditions, incorporating any necessary additions or modifications including those that may arise during negotiations on the proposed planning obligation;

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

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

**C2 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, details of all materials to be used in the external surfaces of the development hereby approved 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: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, a surface water drainage scheme based on the submitted information (e.g. part connection to the Diocese system and part connection to Park Lane), 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 apartment, 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).

**C4 Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, a scheme of foul drainage based on the submitted information (e.g. connection to the Diocese system) 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 apartment, 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 Peterborough Local Plan (First Replacement).

- C5 Prior to the commencement of development, the archaeological exclusion/buffer zone (to protect the archaeological remains associated with Car Dyke) shown on plan B4443/PL/01G shall be fully implemented. No development shall thereafter take place within this area, unless otherwise agreed in writing with the Local Planning Authority, and it shall be fully protected during construction works. This area shall thereafter be maintained in perpetuity.**

Reason: To ensure that archaeological remains associated with Car Dyke are protected in accordance policy CBE2 of the Peterborough Local Plan (First Replacement).

- C6 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).

- C7 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, a scheme for the provisions of fire hydrants should be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full before the development is occupied, unless otherwise agreed in writing with the Local Planning Authority.**

Reason for decision: In the interests of the health and safety of occupiers of the site and in the vicinity and in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

- C8 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).

- C9 a) No development or other operations shall commence on site until 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 development hereby approved, 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 amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

**C10 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 first occupation of the development and the soft landscaping works in accordance with the approved 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).

**C11 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: To ensure that the successful establishment of the landscaping scheme, in accordance with Policy 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 Prior to the commencement of development, or within other such period as may be agreed in writing with the Local Planning Authority, external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. These shall be erected prior to the first occupation of the development, unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained to the satisfaction of the Local Planning Authority.**

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

- C14 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for protecting the proposed dwellings from noise from the A1139 Frank Perkins Parkway should be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved scheme before the first occupation of any apartment, 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).

- C15 Notwithstanding the submitted information and prior to the commencement of the development, unless otherwise agreed in writing by 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) A phasing scheme and schedule of the proposed works;**
  - (b) Provisions to control construction noise and vibration emanating from the site;**
  - (c) A scheme for the control of dust arising from building works and site works;**
  - (d) A scheme of chassis and wheel cleaning for construction vehicles and cleaning of affected public highways;**
  - (e) A scheme of working hours for construction and other site works**
  - (f) A scheme for construction access; including details of haul routes to and across the site and associated health and safety protection measures and details of measures to ensure that all construction vehicles can enter the site immediately upon arrival; and**
  - (g) The site compound (including site huts) and parking for contractors and other employee vehicles.**

**The development shall be carried out in accordance with the approved construction management 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).

- C16 The "approach" to the principal entrance to the development, that being the entrance that would be used by visitors arriving by car, and to the ground floor apartments 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).

- C17 Notwithstanding the submitted information, 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 and levels of the surrounding ground area, 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 building shall not be occupied, unless otherwise agreed in writing with the Local Planning Authority, until the areas for the parking, turning, loading and unloading of vehicles have been drained, surfaced and layout in accordance with the approved site plan, reference B4443/PL/01G. These areas shall thereafter be retained and not used for any purpose other than the parking, turning, loading and unloading of vehicles in connection with the use of the building, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of highway safety, in accordance with policies T1, T10 and T11 of the Peterborough Local Plan (First Replacement).

- C19 The building shall not be occupied, unless otherwise agreed in writing with the Local Planning Authority, until the vehicular accesses and a means of access for pedestrians/cyclists has been constructed in accordance with the approved site plan, reference B4443/PL/01G.**  
Reason: In the interests of highway safety in accordance with policy T1, T3 and T5 of the A Peterborough Local Plan (First Replacement).
- C20 Notwithstanding the submitted information, before the new accesses are brought into use unless otherwise agreed in writing with the Local Planning Authority visibility splays shall be provided on both sides of the accesses and shall be kept free from obstruction over a height of 600mm within an area of 2m x 2m measured from and along respectively the highway boundary.**  
Reason: In the interests of highway safety in accordance with policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C21 Notwithstanding the submitted information if gates are subsequently provided to the vehicular accesses they should be set back 6 metres from the edge of the carriage unless otherwise agreed in writing with the Local Planning Authority.**  
Reason: In the interests of highway safety in accordance with policies T1 and T8 of the Peterborough Local Plan (First Replacement).
- C22 The underground bins for the collection of recyclable material hereby approved shall be installed in accordance with the approved site plan, reference B4443/PL/01G prior to the first occupation of any apartment unless otherwise agreed in writing with the Local Planning Authority. These bins shall thereafter be retained for the collection of recyclable material unless otherwise agreed in writing with the Local Planning Authority.**  
Reason: In order to ensure that adequate facilities are available on site for the collection of recyclable material in accordance with policy DA2 of the Adopted Peterborough Local Plan (First Replacement).

## **Informatives**

1. Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk). Part 'M' relating to disabled requirements is applicable. Development is affected by a public sewer.
2. With regard to condition 4 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. With regard to condition 13 (lighting) the applicant is advised low energy dawn to dusk lights should be installed in any communal parking areas.
5. 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](mailto:highwayssection@peterborough.gov.uk).
6. 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](mailto: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.

- .7. (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 licensed 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.  
Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.
8. With regard to condition 15, 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.
9. 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.

10. 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 Todd, Goldspink, Collins