

Application Ref: 20/00554/OUT

Proposal: Outline planning application for the demolition of existing nightclub and erection of a seven storey and three storey block comprising 56 apartments, ground floor Class E(a) retail or E(b) restaurant units, accommodation for up to 77 students and associated car parking (layout, access and scale only, all other matters reserved)

Site: The Solstice, Northminster, Peterborough, PE1 1YN
Applicant: MPB Structures Ltd

Referred by: **Head of Development and Construction**

Reason: Application is of wider concern

Site visit: 02.02.21

Case officer: Mr M A Thomson

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Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site comprises two parts: the Solstice Nightclub which is situated on the corner of Northminster and Brook Street; and an area of land to the north-east which is currently used as an outdoor entertainment area associated with the Solstice Nightclub, which fronts Brook Street.

The application site is situated within the City Centre, and the identified City Core Policy Area. To the north is Northminster House, a 4 storey purpose-built office block, and pay and display car park, with Stanley Recreation Ground (Park) beyond. To the east is another surface car park with a laser games arena, car repair garage and restaurant beyond. On the opposite side of Brook Street are a number of leisure uses, including an adult entertainment venue, nightclub, restaurant and a former bowling alley, with an NCP car park beyond. To the west is the City's Market and former market car park, which has since been demolished, with Bayard Place beyond.

The application site is situated outside of any designated Conservation Areas, but is within close proximity to both the Park and City Centre Conservation Areas (50 and 118 metres respectively). Situated 290 metres to the south-west is the Grade I Cathedral Church of St Peter, St Paul and St Andrew (Peterborough Cathedral).

Proposal

The Applicant seeks outline planning permission for the demolition of existing nightclub and erection of a seven storey and three storey block comprising 56 apartments, ground floor Class E(a) retail or E(b) restaurant units, accommodation for up to 77 students and associated car parking. Layout (insofar as the site layout but not internal layout), access and scale are proposed in detail, with all other matters (appearance and landscaping) reserved.

In support of the application, plans have been submitted which illustrate the scale and site layout of development, as well as forming a vehicle access from Brook Street serving an underground car park providing 36x car and 90x cycle parking spaces.

The above ground works would comprise an L-shaped building with a maximum footprint of 69m x 32m. The taller seven storey element would have a maximum footprint of 32m x 27m and stand at

no more than 23.8m in height. The lower, three storey element would stand at no more than 8.7m in height and would have a footprint of 52m x 28m.

Whilst appearance and the internal layout of the development are to be reserved for later consideration, the ground floor would be occupied by Class E (a) & E (b) retail and restaurant uses addressing Northminster and the corner with Brook Street. The residential and student accommodation would be situated on the upper floors.

Indicative floor plans have accompanied the application, but these have only been submitted to demonstrate that the number of residential/student units can be acceptably accommodated.

Pre-Amble

In 2005 there were two planning applications submitted to the Local Planning Authority for residential development on land immediately adjacent to the Solstice Nightclub, which was to be retained.

The first application (05/00409/FUL) was for 'Erection of two blocks of apartments (50 in total)' comprised two 6x storey blocks, however this application was refused on grounds of impact to views of the Grade 1 Cathedral from Stanley Recreation Ground to the north. The application was also refused on grounds of forming a dead street frontage, as it would have been left over to car parking, and there was no provision for affordable housing or public open space.

Later in 2005 a revised application was received (05/02003/FUL) for the 'erection of a seven, and a three storey block of 41 apartments in total, with B1 office use on ground floor, car parking and landscaping'. The proposed blocks were sited on the same footprint as the earlier 2005 scheme, however the main change was that the eastern block was reduced from 6x storeys to 3x storeys, the western block was increased from 6x storey to 7x storey, and the office element created an active frontage at street level.

Further to reviewing the Committee Minutes, this application was recommended for approval by Officers to Members, and the Planning and Environmental Protection Committee resolved to approve the application in line with Officer recommendation subject to relevant conditions, as it was considered, despite the continued objection from English Heritage and the Friends of the Stanley Recreation Ground in respect of the negative impact the development would have on the Cathedral views, the view was taken that the amended heights and front elevational treatment to Brook Street had overcome the previous two reasons for refusal, in that the development would now not detract unacceptably from the Cathedral views or setting, and that the design of the Brook Street frontage was suitably redesigned to provide an active attractive frontage. A legal agreement was secured for affordable housing and off-site public open space provision.

Further to reviewing the planning history, the pre-commencement conditions which formed part of the 2005 permission have not been discharged, however it is understood that works had been commenced and the Section 106 legal monies had been paid to the Council. As such it is the position of the Applicant that the permission has been implemented.

2 Planning History

Reference	Proposal	Decision	Date
20/01431/PRIOR	Demolition of nightclub	Pending Consideration	
18/01903/FUL	Change of use from vacant car park area to external customer viewing area for sporting events, boxing and wrestling events, street festivals/food market and live amplified music events, and car park area at other times	Permitted	14/01/2019
16/00743/FUL	Change of use from vacant car park area to external customer viewing area for sporting events and car park area at other times	Permitted	30/09/2016
14/01458/FUL	Replacement of existing timber hoarding to boundary with brick wall - Resubmission	Permitted	07/10/2014
14/00420/FUL	Extend existing rear patio, demolish existing wall and rebuild new wall to enclose extended patio	Permitted	05/06/2014
13/01685/FUL	Replacement of existing timber hoardings to boundary with brick wall	Withdrawn by Applicant	13/01/2014
13/01362/NONMAT	Non-material amendment of planning permission 13/00383/FUL - Construction of first floor patio area	Determined	01/10/2013
13/00383/FUL	Construction of first floor patio area	Permitted	13/05/2013
12/00233/FUL	Construction of single storey rear extension (WC extension), installation of external serving area with sloping roof, double and single doors for access and creation of a beer garden. Installation of new boundary fence to side and rear and side gate (for emergency use only onto Brook St)	Permitted	30/03/2012
05/02003/FUL	Erection of a seven, and a three storey block of 41 apartments in total, with B1 office use on ground floor, car parking and landscaping	Permitted	31/08/2007
05/00409/FUL	Erection of two blocks of apartments (50 in total)	Refused	28/06/2005
97/P0098	Timber cladding and rendering (retrospective) in accordance with drawing numbers 1947/15A, 1947/18A and 1947/20A	Permitted	04/04/1997
P0366/77	Erection of social club including stewards accommodation	Permitted	13/06/1977

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990
Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990

National Planning Policy Framework (February 2019)

Section 5: Delivering a sufficient supply of homes
Section 7: Ensuring the vitality of town centres
Section 11: Making effective use of land
Section 12: Achieving well designed places
Section 15: Conserving and enhancing the historic environment

Peterborough Local Plan 2016 to 2036 (2019)

LP02 - The Settle Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

LP04 - Strategic Strategy for the Location of Employment, Skills and University Development

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions.

LP4e) Proposals which directly assist in the creation of a university campus will be supported.

LP06 - The City Centre - Overarching Strategy

Promotes the enhancement of the city centre. Major new retail, culture and leisure developments will be encouraged. It is promoted as a location for new residential development and as a location for employment development including mixed use. Improvements to the public realm will be promoted and the historic environment protected.

LP07 - Health and Wellbeing

Development should promote, support and enhance the health and wellbeing of the community. Proposals for new health facilities should relate well to public transport services, walking/cycling routes and be accessible to all sectors of the community.

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP12 - Retail and Other Town Centre Uses

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP18 - Shop Frontages, Security Shutters and Canopies

LP18 a) Shop Frontages (including signage)- Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

LP18 b) External Shutters- Permission will only be granted where there is demonstrable need in terms of crime; the property is not listed or within a conservation area; the shutter is designed to a high standard and is perforated.

LP18 c) Canopies- Will only be acceptable on the ground floor of a shop, café, restaurant or public house and only if it can be installed without detracting from the character of the building or surrounding area.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no

suitable alternatives, overriding public interest and subject to appropriate compensation. National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

LP37 - Urban Area Allocation

Identifies sites within the Urban Area that are allocated primarily for residential use.

LP46 - City Core Policy Area

Part a General- Within the City Core the council will seek development of the highest quality which strengthens the area including the retail, leisure, tourism and civic focus. New development must improve the townscape and public realm, protect Cathedral views, preserve or enhance heritage assets, protect and enhance existing retail. Additional car parking will only be supported in exceptional circumstances.

Part B: North Westgate Opportunity Area

Planning permission will be granted for comprehensive mixed-use development including retail, employment, housing, office and leisure. The design, layout and access arrangements must enhance the transition between the residential area to the north and the city centre.

Individual proposals which would prejudice the comprehensive development of this area will not be permitted.

Part C: Northminster Opportunity Area

Development should deliver a range of uses that provide high quality office development and approximately 150 dwellings, including student accommodation. Development should protect and enhance the historic environment, particularly the Cathedral Precincts and Peterscourt.

4 Consultations/Representations

N.B. It should be noted that the Applicant has submitted additional heritage impact information (an addendum to the Heritage Impact Assessment) and made a small revision to the height

parameters of the scheme through the removal of a stairwell/lift overrun to the three storey element. In addition, the description of development has been amended to include access as a secured matter (previously reserved) albeit the access positioning has not altered from the first plans submitted. Public consultation on these additional/revised details remains ongoing at the time of preparing this report.

Peterborough Civic Society

First Round

Object - Prematurity. Within Policy LP47 a site specific requirement is set for development in Northminster. It states that the dwellings sought are 'To be delivered in accordance with a development brief or SPD for the area'. No such development brief or SPD has been produced for the area. The Society agrees that such a document is essential. It would provide a context for the development of this site, addressing essential issues such as the protection of historic assets and views to them (especially to the Cathedral), setting the relationship to other nearby major redevelopment sites, framing the creation of a coherent street scene, safeguarding residents' living conditions, maintaining/enhancing pedestrian links, and creating a positive relationship with adjacent open space. The proposal is therefore premature in the absence of an agreed Development Brief or SPD for Northminster.

Excessive building height. Policy LP47 states that 'new development must, where appropriate: protect important views of the Cathedral'. Clearly the application site is in a direct line of sight between northern and western parts of the public park known as Stanley Recreation Ground and the Cathedral. These views, both from grassed areas and footpaths are undoubtedly 'important' and deserve thorough examination. Neither the Heritage Impact Statement nor the Design and Access Statement addresses these views using summer and winter pictures from park viewpoints setting the proposal and the Cathedral together in photo-montages. It nonetheless appears that the proposed scheme will block views of upper parts of the Cathedral, and interrupt the view of its majestically long east-west profile silhouetted against the sky. As such it is unacceptable.

We note that Paras 3.6 and 3.18 of the Heritage Impact Assessment say that views towards the Cathedral from the recreation ground are considered further within the Design and Access Statement. In fact no such discussion takes place in the statement. Very clearly a set of photomontages is needed in order to identify the extent of the impact on the Cathedral both in summer and winter and assist in determining an acceptable building height. Without them the application should be refused.

Seven storeys are proposed, but clearly an outline permission would expect to refer to parameter heights. The submitted Parameters Plan refers to a maximum roof height of 33.6m, or an average storey height (floor to floor) of 4.8m. Since a typical residential storey height would be around 3.0m-3.5m, the proposal is grossly excessive.

Comments relating to the second consultation are awaited and any additional comments submitted will be included within the Update Report.

Historic England

First Round

Object - Historic England considers that the site of the Solstice nightclub could be redeveloped without causing harm to the historic environment. However, the scale and massing of the current proposals would cause a high level of harm to views of the Grade I listed Peterborough Cathedral and detract from the setting of the City Centre and Park Conservation Areas. We therefore recommend that the application be refused in its current form.

Comments relating to the second consultation are awaited and any additional comments submitted will be included within the Update Report.

PCC Conservation Officer

Second Round

Object - The applicant has provided further assessment in terms of the impact of the scheme on views of the Cathedral from Stanley Rec. This recent assessment essentially provided visual analysis comparing the impact of the previously approved scheme (2005) in relation to the current scheme on the aforementioned views. The visuals of the viewpoints for the proposed new development only act to reaffirm the concerns that this development will largely obliterate and, at best, substantially fragment the appreciation of the existing Cathedral views from Stanley Rec.

However, when assessing comparative impacts on Cathedral views between the previously approved scheme and that of the current scheme, the visuals taken from mutually agreed vantage points throughout Stanley Rec showed comparatively little difference or additional impact over the earlier approved scheme.

Owing to the scarcity of prominent views of the Cathedral from the north of the city, this development would largely obscure any meaningful appreciation of the city's foremost historic asset from the north. Allowing the best north view of the Cathedral to be largely obscured from a public vantage point, would also set a precedent going forward, as other sites within the Northminster area come forward for redevelopment in the future.

As such, although I object to the current development owing to its significant impact on identified important cathedral views, I cannot state that it is any worse than the earlier scheme, for which I have been asked to compare it against.

From a heritage consideration, the development would have an adverse impact on the setting and significance of a Grade I listed building, as well as the City Centre and the Park Conservation Areas.

PCC Peterborough Highways Services

No objection - The Local Highway Authority acknowledges that the application site is within the city centre and city core and is therefore in a very sustainable location, a short walk from a wide range of services and facilities including the bus and train stations, and is on and close to various bus services. The site is also located a short distance from the proposed site for the Peterborough University, meaning a short walk or cycle ride.

Conditions are sought with respect to the provision of cycle and vehicle parking, access details, a car parking management plan, a demolition and construction management plan, lighting and a pre-condition highway survey.

A number of stand informatives are also sought, which include the requirement for amended traffic regulation orders and works adjacent to the highway.

PCC Pollution Team

No objection – The Pollution Control team have reviewed the proposal and sought conditions with respect to the submission of a noise assessment, which will take into consideration the night-time economy, mechanical plant, deliveries and collections, operation of the local market, as well as the proposed ground floor uses.

Conditions are also sought with respect to the consideration of internal layout, demolition and construction, uncovering unsuspected contamination and external lighting.

PCC Strategic Housing

No objection - In accordance with our housing needs policy, we would expect a contribution of 30% on this site of 56 dwellings. The total number of dwellings we require would be 17.

The current tenure split we would expect to see delivered for affordable housing in Peterborough is 70% affordable rented tenure and 30% intermediate tenure. This would equate to the delivery of 12 affordable rented homes and 5 intermediate tenure in this instance. In terms of intermediate tenures, the provision of shared ownership tenure remains the council's priority for meeting the

need for affordable home ownership products in Peterborough. This is because of its capacity to cater for a wider range of household incomes by varying the initial share required to enable access to home ownership.

In accordance with Policy LP8 of the Peterborough Local Plan, all dwellings should meet Building Regulations Part M4(2), unless they are exceptional design reasons for not being able to do so. Policy LP8 states that all new rented tenure affordable housing will be required to be built to meet minimum National Space Standards (as defined by Building Regulations).

Lead Local Drainage Authority

No objection - Subject to a condition being appended securing details of design, implementation, maintenance and management of the sustainable drainage scheme submitted.

Anglian Water

No objection - There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that an informative be attached should permission be granted.

The foul drainage from this development is in the catchment of Peterborough (Flag Fen) Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows via a gravity connection to the public foul sewer.

We request a drainage strategy covering the issue(s) to be agreed. There has been no surface water drainage strategy submitted in support of this application. In order to make an accurate network capacity assessment, we require the submission of a strategy outlining the proposed connection point and discharge rate. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Police Architectural Liaison Officer (PALO)

No objections - We would wish to be included in any consultations regarding this proposed development. We have also notified colleagues in the counter terrorism team so that they are aware of the proposal. This is a large redevelopment scheme in a busy city centre so we are keen to ensure the safety of residents, visitors and businesses.

PCC Archaeological Officer

No objection - Cartographic evidence shows that the subject site was developed by the early part of the 20th century. Former and more recent development and associated groundwork are likely to have caused widespread truncation of potential buried remains associated with the post-medieval development of the city.

On the basis of the available evidence, the proposal is deemed to have negligible implications for potential buried remains. Therefore, a programme of archaeological work is not justified.

PCC Senior Recreation Officer

No objection – A total offsite contribution, which would go towards open space improvements at Stanley Recreation ground and Burton Street allotments, of £37,899.13 + 5 years Maintenance costs is required.

Waste Management

Comments – There are a number of reasons why going through the commercial bin store to get to the domestic bins would be sub-optimal, and we agree it would be better to have an external door from the domestic bin store that would lead out to the access road at the side of the building. This would also mean the collection vehicle would be off Northminster and collections would be much easier from that side street.

Civil Aviation Authority

No comments received

Local Residents/Interested Parties

Initial consultations: 36

Total number of responses: 15

Total number of objections: 0

Total number in support: 12

First Round

15x letters of support have been received raising the following comments:

- This is a fantastic idea, the whole area at Northminster is run down and desperately needs modernisation;
- This plan would spark some energy into central Peterborough;
- New Accommodation in this area is desperately needed;
- The proposal would be great for access to the city centre, shops, bars and restaurants;
- This is a great scheme, the area has gone downhill in the last 5 years;
- I need new accommodation close to the City Centre;
- Students and likeminded people will bring life into this part of the City;
- A great social impact will be achieved by more investment in the City, we should back initiatives which seek to make a difference in the heart of the City Centre;
- The prospect of quality flats and shops is welcomed;
- Stanley Recreation Ground is only across the road, therefore residents would have access to green space and it would get more use;
- Investment such as this would deter criminal activity in area;
- Cathedral views remain totally unobstructed according to the scheme;
- It is hoped that the City Centre would be inundated with fresh faces, young professionals, students and visitors;
- Further to the demolition of the multi-storey car park and uncertainty around the future of the market the area is beginning to feel abandoned;
- We need people to live in the centre and support local businesses; and
- The scheme includes shops and a cafe/bar, which will continue the Solstice legacy in the City.

A letter of comments has also been received raising no objections to the proposal.

Second Round

7x letters of objection have been received to date raising the following concerns:

- The Solstice contributes to the Cities nightlife, its loss will negatively affect the Cities vitality;
- The scheme would result in a loss of jobs, through Solstice closing;
- The Solstice would be a great place for Students;
- The retention of the nightclub should come down to a public vote rather than the higher ups; and
- We have enough flats in the City.

Any additional comments relating to the second consultation will be included within the Update Report.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Heritage considerations
- Design and layout
- Access, parking and highway implications

- Neighbour amenity
- Future occupier amenity
- Contamination
- Drainage
- Archaeology
- Infrastructure contributions

a) The Principle of Development

Loss of the current venue

Turning first to the loss of the existing drinking establishment/nightclub/music venue, there are no local or national planning policies which require the retention of such uses within the City Centre. Furthermore, the demolition of the building falls within the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), only requiring the prior approval of the Local Planning Authority as to the method of demolition and land restoration. Such an application for the demolition of the application site is pending consideration with the LPA presently and is due to be determined in the coming weeks.

Whilst the Government introduced changes to these permitted development rights at the end of 2020, removing this right for music venues to be demolished, this planning application and the pending prior approval application for the demolition of the site were submitted before the changes came into effect and are therefore not bound by them. Accordingly, the demolition of the building does not require the express benefit of planning permission from the LPA and cannot be challenged through this application.

Notwithstanding this, as part of this proposal, two retail/restaurant units would be provided which would create an otherwise active street frontage within the City Centre, and go towards the vitality and viability of the City's night-time economy. As noted within letters of representation, there are a number of pubs and nightclubs that operate within the City Centre, some of which have become vacant in recent years and could re-open should market forces dictate.

Development proposals

The application site is situated within the identified City Core Policy Area and Northminster Opportunity Area, set out within Policy LP47.5 of the Local Plan. The Opportunity area should '...deliver a range of uses that provide high quality office development, approximately 150 dwellings and possibly student accommodation. Development in this area should protect and enhance any historic assets, including in particular the Cathedral Precincts and Peterscourt'.

LP47 also states that within the City Core, there should be, amongst other matters, an overall net increase in dwellings, which include the provision of student accommodation, mixed use development with active street frontage, and development which encourages trips into the City Centre.

The Peterborough Civic Society have objected to the proposal, amongst other matters, as they consider that the proposal is premature and not in accordance with the requirements of the policy covering the site allocation. It is noted that Policy LP47.5 states that the opportunity area is to be delivered in accordance with a development brief or Supplementary Planning Document, and this is the basis of the Society's prematurity position. At the time of writing this report, neither a development brief nor SPD has been prepared.

It is agreed that in an ideal world, a development brief or SPD would have been secured for the Northminster site. However the current proposal has come forward prior to this, and must be determined. Officers are of the view that notwithstanding the lack of comprehensive development brief/SPD, the proposal accords with Policy LP47 and the vision for the City Centre in all other respects, and would not prejudice the ability to develop the wider area including the former Northminster car park site.

The proposed development would introduce a mix of residential and student accommodation, including affordable housing, into the City Centre, as well as ground floor retail and restaurant uses, which would ensure an active corner frontage. Whilst no office space is proposed, Officers are aware of the current climate in this regard and the significant level of office to residential conversion that is taking place within the City Centre owing to the lack of demand for such accommodation. It is considered that the proposal would deliver a range of uses and encourage trips into the City Centre.

Taking the above into account, the application site is situated within the City Core of the Urban Area, and the proposal would go towards meeting the housing needs of Peterborough. It would provide accommodation for the new University, and would enhance the vitality and viability of this part of the City Centre. As such the principle of development would accord with Policies LP2, LP3, LP4, LP6, LP8, LP15 and LP47 of the Peterborough Local Plan (2019) and Paragraph 85 of the NPPF (2019).

b) Heritage Considerations

As scale and layout of the site have been committed as part of this outline planning application, design, layout and heritage considerations can be considered.

Whilst the site is not located within a designated Conservation Area, it is sited in close proximity to a number of important heritage assets, which include the Park Conservation Area, the City Centre Conservation Area, the Grade I listed Peterborough Cathedral, Grade II listed Peterscourt, and a handful of locally listed buildings. Additionally, and most importantly to this development, are views of the Cathedral from a number of vantage points to the north of the site from Stanley Recreation Ground.

Accordingly, the provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) are engaged. Section 66 requires that when considering whether to grant any planning permission for development which affects a listed building or its setting, the Council has a legal duty to have special regard to the desirability of preserving the listed building, or its setting, or any of its features, of special architectural or historic interest. Section 72 requires that, in deciding whether to grant planning permission for development in a conservation area, the Council has a legal duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

Planning authorities must place "considerable importance and weight" on these issues. This is further reinforced through local and national planning policies which attach great weight to the need to conserve heritage assets (whether designated or not).

It is noted that Historic England, a statutory consultee, have objected to the proposal as originally submitted, advising that whilst the application site could be redeveloped without causing harm to the historic environment, by reason of scale and massing, the scheme as submitted would unacceptably detract from views of the Grade I Cathedral and setting of the City Centre and Park Conservation Areas. Historic England considers that the blocks would be overly dominant in both short and long streetscape views, causing a high level of harm to the significance of the Grade I listed Cathedral as a result of their impact on its setting, on the setting of the City Centre and Park Conservation Areas and the setting of listed and locally buildings in the vicinity.

The Applicant has submitted an addendum to the Heritage Impact Assessment (HIA), which assesses the impact on views of the Grade I listed Cathedral from Stanley Recreation Ground. This addendum essentially provides visual analysis comparing the impact of a previously approved scheme (2005) in relation to the current scheme. In addition, a stairwell/lift shaft overrun to the three storey element has been deleted. As detailed above, consultation on this remains ongoing.

Whilst comments are awaited from Historic England as to the revised/additional information that has been submitted, the main aspects of the proposal remain. As such, Officers do not believe that Historic England's position will change, and have made their assessment the proposal on the

basis that Historic England will maintain their objection. Nonetheless, Historic England's further comments, and any additional Officer assessment, shall be provided in the Briefing Update Report.

In addition, the Council's Conservation Officer has objected to the proposal. Their objection relates to the same matters as Historic England, and those of the Civic Society.

The Council's Conservation Officer advises that Stanley Rec, being a wide open space, benefits from dynamic views of the north roofscape of the Cathedral. A dynamic view allows for the evolution of a view within the same context whilst retaining an equivalent significance. The view of the Cathedral under consideration in this application can be appreciated to greater and lesser extent as one traverses the public open space. Stanley Rec, which is in itself an historic area of open space, is also sited within the Park Conservation Area. It is benefitted by views of the Cathedral by way of providing a highly significant and historic landmark feature within its backdrop. It also aids wayfinding legibility towards the City Core.

The Conservation Officer notes that the visuals of the viewpoints contained within the HIA Addendum, only act to reaffirm the concerns that this development would largely obliterate and, at best, substantially fragment the appreciation of the existing Cathedral views from Stanley Rec. There are also concerns that by allowing the best north view of the Cathedral to be largely obscured from a public vantage point, would also set a precedent going forward, as other sites within the Northminster area come forward for redevelopment in the future

It is therefore accepted that, owing to the scarcity of prominent views of the Cathedral from the north of the city, this development would largely obscure any meaningful appreciation of the city's foremost historic asset from the north and harm would result.

Planning history and heritage impacts

In August 2007, under application reference 05/02003/FUL, planning permission was granted on part of the application site for the construction of a seven and a three storey block of 41 apartment, with office use at ground floor level, and associated car parking and landscaping. This planning permission was implemented however it was never built out and completed. In the intervening years, other permissions have been granted on the site such that this permission cannot now, in the view of Officers, be implemented without the need for a further planning application. It should be noted however that the Applicant and their legal representative disputes this position.

Notwithstanding whether this permission could now be built out without the need for a further permission, the decision is, in itself, a material planning consideration in respect of this current application particularly in regard to the matter of heritage impact.

Officers consider that that the acceptance of the impact resulting from the previous scheme upon the setting of designated heritage assets within the City Centre is material to the assessment of the current proposal. Whilst adopted planning policy has changed in the intervening years, through the introduction of the NPPF and the Council's own Local Plan, the thrust of heritage policy has not fundamentally altered, notably in relation to the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990. Further, there has been no substantial or material change to the context of the application site or the setting of the Cathedral and Conservation Areas, including that of the view to these heritage assets from the north of the City (Stanley Rec).

Accordingly, Officers consider that the baseline for assessing the impact of the proposal upon the setting of these designated heritage assets should be in the context of planning permission reference 05/02003/FUL. That is to say, assessment needs to be given as to whether the current proposal results in a greater degree of harm than that earlier permission.

The submitted HIA and HIA Addendum by the Applicant therefore focuses upon the comparison between this previously consented scheme and the current proposed development. In particular, the view of the Cathedral and City Centre from the north within Stanley Rec. The viewpoints chosen for analysis were informed by the Council's Conservation Officer.

The viewpoint analysis set out within the HIA Addendum demonstrates that the previously permitted scheme harmed, and resulted in the loss of, some of the dynamic view of the Cathedral from Stanley Rec. It further demonstrates that the proposed scheme would not worsen this impact. This view is shared by the Council's Conservation Officer who has advised that 'The visuals taken from mutually agreed vantage points throughout Stanley Rec showed comparatively little difference or additional impact over the earlier approved scheme'.

In light of this, whilst it is accepted and acknowledged that the proposal would result in harm to the setting of a number of valued heritage assets within the City Centre, including the City's foremost historic building, such harm resulted from a previously consented and implemented development. Officers consider that this is a material planning consideration, and that there are no material grounds, including those of policy, on which a differing conclusion (i.e. to approve) could be reached in respect of this current proposal given that no additional harm would arise.

Current Policy Assessment

In accordance with Paragraph 193 of the NPPF (2019), 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.

Further, paragraph 194 of the NPPF (2019) advises that 'any harm to, or loss of, the significance of a designated heritage asset (from ... development within its setting), should require clear and convincing justification. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional, and assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

As set out by Historic England and the Council's Conservation Officer, the proposed development would impact on the setting of a Grade I Listed Building, 2no. designated Conservation Areas and other listed and locally listed buildings within the City Centre through inappropriate development within their setting. The degree of harm is considered, in NPPF terminology, to be less than substantial harm. Therefore, paragraph 196 of the NPPF (2019) applies, whereby the harm to heritage assets must be weighed against any public benefit.

There are a number of benefits that form part of this proposal. Whilst the Solstice Nightclub has closed, and has been put forward for demolition, this proposal would bring forward and redevelop an otherwise empty and vacant site within the City Centre. It would provide 56x open market dwellings, 17x of which would be affordable dwellings, as well as 77x student units. At ground floor, retail and restaurant units are proposed, which would form an active frontage on the corner of Northminster and Brook Street, in an area of the City Centre where active frontages and natural surveillance are lacking.

Whilst details of appearance are a reserved matter, based on layout and scale, and the indicative drawings submitted, the proposed development would provide a striking feature that would enhance the character and appearance of the immediate streetscene. Further, this scheme is considered to be a betterment to the development previously approved in 2007, in terms of overall design and fenestration.

Therefore, when assessing the development against paragraph 196 of the NPPF (2019), whilst Historic England and the Council's Conservation Officer have advised that the impact to heritage assets would be of a considerable magnitude, and this is afforded significant weight in the balancing exercise, Officers are of the view that the public benefits do outweigh the failure to satisfy the test set out in the NPPF, and the development can be justified in this instance.

Taking all of the above into account, subject to securing details of appearance, levels and external

materials by way of planning conditions, the proposed development would have a justifiable impact on the setting of the Grade I listed Cathedral, and the Park and City Centre Conservation Areas, and other nearby listed and locally listed buildings. The proposal therefore accords with Policy LP19 of the Peterborough Local Plan (2019) and Paragraph 196 of the NPPF (2019).

c) Design and Layout

The site lies at the junction of Brook Street and Northminster and within an area of mixed character. There are some sites within the surrounding locality that appear somewhat rundown, and generally this part of the City Centre requires regeneration and improvement.

The proposal seeks to provide an L-shaped building that would address both streetscenes, creating activity at this prominent corner. The taller seven storey element would front to Northminster, whilst the three storey element would extend along Brook Street. Whilst appearance is reserved at this time, the Applicant has provided indicative visuals as to how the development could appear and this would create a striking development within the area. It would begin the regeneration of this part of the City Centre, and act as an anchor from which future redevelopments could take their cue.

Whilst there are not many examples of such tall buildings within the City Centre, the massing is considered to be appropriate. The proposal would not appear unduly dominant or obtrusive within the locality, and would respect the overall form and appearance of the area. Further, a building of such height has previously been accepted by the Local Planning Authority (05/02003/FUL). It is noted that the Civic Society have expressed concern as to the height parameters proposed, being taller than seven storeys, however the heights referred to are not from ground level. The height parameters proposed are considered to be in line with those of seven and three storeys.

Officers acknowledge that a building to the maximum height proposed, and of the scale proposed, would need to be designed to the highest standards, with appropriate and high quality external materials. These are matters reserved for later consideration and will be fully considered at that time.

On this basis, it is considered that the proposal would not result in undue harm to the character, appearance and visual amenity of the surrounding area and would, to some degree, improve it by beginning the regeneration of this part of the City Centre. The proposal is therefore in accordance with Policies LP16 and LP47 of the Peterborough Local Plan (2019).

d) Access, Parking and Highway Implications

As access and layout have been committed as part of this outline planning application, the matter of access to the proposed car parking can be considered.

The Local Highway Authority (LHA) has raised no objections to the proposal, noting that as the development is proposed to be within the City Core, it is therefore situated within a sustainable location.

The proposed vehicle access onto Brook Street is considered to be acceptable in terms of its broad position. However, a bellmouth access is shown on the submitted plans whilst a simple dropped kerb crossing is all that is required (as this maintains pedestrian priority along the footway). Revisions to this, and vehicle to pedestrian visibility splays would be secured, measuring 2m x 2m from and along the back of the public highway, to each side of the proposed access and the vehicular access must have a gradient of no steeper than 1:50 for a distance of 10m from the back edge of the public highway. These matters can be secured by planning condition.

The indicative plans submitted identify a total of 36 on-site parking spaces could be provided within the basement area, which is contrary to Policy LP13 which seeks to prevent additional car parking being created within the City Core. However, given that part of the application site has a historic use as a surface car park, the provision of car parking is accepted in this instance.

With respect to cycle parking, this is proposed within the basement area as shown on the indicative floor plans. Therefore, this would form part of a later reserved matters application relating to the appearance and internal layout of the development. Notwithstanding this, the LHA has encouraged the number of cycle parking for students be increased to 77 cycle parking spaces (1 for each student) and this is considered appropriate. A total of 60 cycle parking spaces are proposed to serve the 57 apartments, which is acceptable in this instance. A cycle parking scheme is to be secured by condition as part of the future reserved matters application.

The LHA has advised that various Traffic Regulation Order (TRO) amendments would be required and must be carried out prior to first occupation of both the commercial units and the residential units. The works include the removal of the taxi rank on Northminster, removal of controlled parking on Brook Street to accommodate the new vehicular access and the addition of a loading bay to service the commercial units proposed. This would be secured as part of the Section 278 process, separate to the planning process, however an informative shall be appended for the avoidance of any doubt.

The Local Highway Authority has highlighted that the proposed basement car parking area would require excavation close/adjacent to the public highway, and the introduction of both temporary and permanent works to support the highway during both construction and the permanent structure would be required. Again, these matters would be subject to requirements under the Highways Act and therefore planning should not seek to duplicate this. An informative shall be appended for the avoidance of any doubt. Notwithstanding this, owing to the dense nature of the built form of the area and the potential significant highway implications during the period of construction, a condition is proposed seeking a construction management plan.

Separate to the planning process, the LHA has advised a structural submission in the form of an Approval in Principle (AIP) application together with temporary traffic management (TTM) including details of the working space, required within the public highway, would be sought. This would be resolved separate to the planning process, and an informative shall be appended for the avoidance of doubt.

The Local Highway Authority has, within their comments, sought to establish whether any of the existing bus stops or passenger transport services within the immediate locality are required to be improved. However, further to consultation with the Council's Passenger Transport Team, there are no improvements required within the immediate locality.

Waste collection - The proposed development has illustrated two refuse collection areas for residents and students respectively albeit these are only indicative. The Council's Waste team have responded advising it would be preferable to have two separate access points for residential and commercial waste, however the detailed design would come forward as part of a reserved matters application.

Subject to conditions being appended as set out above, the proposal would not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

e) Neighbour Amenity

As scale and layout has been committed as part of this outline planning application, neighbouring amenity can be considered.

To the immediate north of the application site is Northminster House, a four storey office block situated on a north-east/south-west axis with glazing serving all floors. Taking into consideration the juxtaposition of this neighbour and implementing the 45 degree vertical and horizontal rule, the proposed 7x storey building would result in a loss of light to these office windows at a certain time of the day. However, a similar relationship was previously found to be acceptable in 2007, and Officers have no reason to reach an alternative conclusion given the building has continued to be occupied as an office use since. As such, this relationship is accepted in this instance.

Situated to the east is a surface car park, where there are no pending or extant consents for redevelopment with a leisure use beyond, and to the south are further leisure uses, of which there are no facing openings. As such the relationship to these neighbouring uses are accepted in this instance.

Situated to the west is the former market car park, which Officers understand is currently being used as a surface car park, however notably there are no planning permissions, either pending or determined for any redevelopment. Therefore the proposed development would have an appropriate relationship to this parcel of land. It is not considered that it would prejudice the redevelopment, as the highway intervening is of such a width that an appropriate separation distance could be achieved window-to-window.

The proposed ground floor retail units would add to the night-time economy, however given the neighbouring land uses, it is not considered the operational use of these units would result in adverse levels of noise or disruption to neighbouring occupiers. These premises would require a license from the Council's licencing team to operate, which could control the hours of use etc.

It is noted that the scheme proposes refuse collection from Northminster, and the retail units proposed would in themselves generate a servicing requirement. However it is not considered the servicing of the development would give rise to unacceptable or harmful issues of noise or disturbance to neighbouring land uses.

As such it is not considered that the proposed development, by reason of scale or layout, or the associated operational use and servicing of the development, would result in an unacceptably adverse impact on the amenity of neighbouring occupiers, and the development would accord with Policy LP17 of the Peterborough Local Plan (2019).

f) Future Occupier Amenity

The detailed internal layout of the application site is reserved for later consideration. Whilst detailed floor plans have been submitted as part of this application, these are indicative only and have been submitted to demonstrate that the number of units proposed can be accommodated within the parameters of the building.

The Council's Pollution Control Officer has raised no objections to the proposal, however has advised that this is a city centre location and within the vicinity of businesses, community facilities and other activities. Therefore, the proposed residential and student units could be impacted by noise from multiple sources including but not limited to: traffic; the night-time economy; mechanical plant; deliveries and collections; and operations of the nearby local market (which include early hours). As such, a noise assessment is sought to be secured by planning condition, which would establish the noise climate for the area and whether attenuation would be required to ensure an acceptable noise level within the units. Given the known noise climate of the area it is considered an acceptable scheme could be secured in this instance, and is therefore appropriate to condition this detail.

By virtue of the constraints of the site, the proposal would not provide any on-site public open space, and this is not unusual for city centre developments. However, the application site is situated within close proximity to both the City Centre as well as Stanley Recreation ground, and would place greater demand on this Public Open Space. Accordingly, a financial contribution towards enhancements of Stanley Rec and the Burton Street allotments are sought as part of a legal agreement, and discussed in further detail below.

Officers are conscious that this scheme proposes ground floor retail and restaurant uses, which could impact the amenity of future occupiers above by way of hours of operation and alternative uses within Class E. As such, a condition shall be appended securing their use as only those which are applied for, as well as maximum hours of operation.

Subject to conditions being appended securing a noise survey and noise mitigation scheme, as

well as an off-site contribution towards public open space and use class/hours of use restrictions for the retail and restaurant use(s), the proposal would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

g) Contamination

The Council's Pollution Control Officer has raised no objections to the proposal on the basis of contaminated land. The Pollution Control Officer has advised that the use of the application site prior to the current building is unknown. Historical maps indicate that the area had a number of buildings and possibly working yards each with pump stations and the proposal for the site means that there would likely be extensive groundworks. Given that the current premises is likely to have been built on made ground, and given the unknowns of the site history and proposed extensive groundworks, a condition is sought to be attached which would deal with uncovering unsuspected contaminated land. Subject to this condition the development would make provision to protect the amenity of future occupiers, in accordance with Policies LP17 and LP33 of the Peterborough Local Plan (2019), and Paragraphs 178-180 of the NPPF (2019).

h) Drainage

The application has been accompanied by an indicative surface water drainage strategy, which highlights that the site is relatively flat, however it is 100% impermeable. As such, infiltration is unfortunately not viable due to the effect water could have on foundations. Landscaping features, such as a green/sedum roof, could be utilised to contain some surface water flows and provide some source control. The drainage scheme has been designed to follow the existing surface water disposal into Anglian Water's network with an agreed maximum discharge rate of 14l/s, and would provide attenuation for the 100 year event including 40% for climate change.

A sewer map obtained from Anglian Water (Appendix B) shows that there is a surface water sewer and a foul sewer that flows under the line of Brook Street in a southerly direction; it is assumed that the existing site is connected to the sewer(s) under Brook Street.

The Lead Local Flood Authority have raised no objections to the proposal, subject to a condition being appended securing a detailed surface water drainage scheme which would include details of maintenance. Subject to this condition the development would make provision for surface water drainage and would not constitute an off-site flood risk, and would accord with Policy LP32 of the Peterborough Local Plan (2019).

In addition to flood risk, Policy LP32 places a duty on new developments to secure efficient use of water and meet the Optional Technical Standard of 110 litres of water usage per person per day. A compliance condition shall be imposed to require the development to meet with this requirement.

i) Archaeology

The Council's Archaeologist has raised no objections to the proposal, advising evidence shows that the subject site was developed by the early part of the 20th century. Former and more recent development and associated groundwork are likely to have caused widespread truncation of potential buried remains associated with the post-medieval development of the city. On the basis of the available evidence, the proposal is deemed to have negligible implications for potential buried remains. Therefore, a programme of archaeological work is not justified. As such the development proposed is not considered to have an unacceptable adverse impact on buried remains, and would accord with Policy LP19 of the Peterborough Local Plan (2019).

j) Infrastructure Contributions

Affordable housing

Based on 56x open market dwellings the Applicant has committed to provide 17x affordable dwellings, which accords with Policy LP8 and the requirement to provide 30% affordable dwellings. 70% of the units would be affordable rented tenure and 30% intermediate tenure (shared ownership). This would equate to the delivery of 12 affordable rented homes and 5 intermediate tenure in this instance. This would accord with the requirements set out by the Council's Strategic

Housing Officer. In accordance with LP8, any new affordable rented homes shall be required to meet national space standards and this shall be secured by condition.

The Peterborough Local Plan does not have a specific policy on student accommodation in regard to affordable housing provision, and nor is there established case law on this matter. However, further to reviewing the position adopted by other Local Authorities in England and taking a pragmatic view, it is not considered that student accommodation constitutes dwellings in the traditional meaning and therefore it is not a requirement for those student units proposed to be counted towards the affordable housing requirement. To ensure that these units do not, in the future, become typical residential units without the necessary affordable housing being secured, the Applicant has agreed that a legal agreement shall set out that the 77x student accommodation units would remain as such in perpetuity, should planning permission be permitted. In the event of a market change which meant the proposed student accommodation was not forthcoming, triggers would be put in place as part of the legal agreement to require the 77 student units, either in part or whole, to be captured by Policy LP8 and the 30% affordable housing requirement.

Housing standards

In addition to securing affordable housing, Policy LP8 requires that all new residential dwellings meet with Part M4(2) of the Building Regulations (often referred to as lifetime homes as this seeks to ensure that residential units are capable of being adapted to meet resident needs throughout their lifetime). The detailed internal layout of the development is reserved for later consideration, and therefore a condition shall be applied requiring any later reserved matters submission demonstrate compliance with this.

In addition, LP8 requires that all new residential developments of 50 units or more, secure 5% as meeting Building Regulations Part M4(3)(2)(a) (often referred to as wheelchair homes). For this scheme, that would equate to 3no. units. Again, this is to be secured as a condition requiring any later reserved matters submission demonstrate compliance.

Public Open Space

As the proposal would not provide on-site open space, and would place additional demand upon existing open space (POS), Policy LP21 of the Local Plan requires that an off-site financial contribution be made. The nearest POS to the site is Stanley Recreation Ground and the Burton Street allotments.

The Council's Open Space Officer has advised that Stanley Recreation Ground requires significant investment to its infrastructure, and in line with Policy LP21 has sought an off-site public open space contribution of £37,899.13 (+ 5 years maintenance costs) which would go towards Open Space, Natural Green Space and Children's play improvements within Stanley Recreation Ground (£35,821.11) and Burton Street Allotments (£2,078.02).

Further to clarification from the Councils Section 106 Officer, in 2013/2014 the Council released funds of £18,467.74, secured and paid as part of 05/02003/FUL. These monies went towards infrastructure improvements at Stanley Rec and was based on 44x residential dwellings and office space. Importantly, this permission was never built out or completed, and therefore the financial contribution was spent without the development placing the demand on the City's infrastructure. Whilst the redline for that previous development was slightly different to what is currently before the LPA now, that Public Open Space (POS) contribution which the Council has spent should reasonably be discounted against this scheme. In light of the situation, Officers, including the Council's Planning Obligations Officer, are of the view that this current scheme should only be required to contribute £37,899.13 less £18,467.74, which equates to a total of £19,431.39. The Applicant has agreed to this contribution.

With regards to the 5 year maintenance cost, this matter is still subject to discussion between Officers and the Applicant, and an update will be provided to Members.

The Public Transport Team have been consulted on the application, and are not seeking any

contributions towards public transport enhancements in this instance.

Subject to securing these matters by way of a S106 legal agreement, the development would accord with Policies LP8 and LP21 of the Peterborough Local Plan (2019).

k) Other Matters

The following matters have been raised within letters of representation, but not addressed elsewhere within this report:

The scheme would result in a loss of jobs, through Solstice closing;

Officer Response:- As noted above, there is no provision for the retention of the existing nightclub, however jobs would be created as part of the proposed retail/restaurant units, as well as indirect jobs associated with the construction and on-going maintenance and servicing of the proposed uses. Notwithstanding this, the demolition of the existing premises does not require the express benefit of planning permission and therefore this cannot be considered as part of this application

The retention of the nightclub should come down to a public vote rather than the higher ups

Officer Response:- The application has been advertised in accordance with the Council's Statement of Community Involvement and the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Due to the size and scale of development proposed, the application has been reported to the Planning and Environmental Planning Committee for final determination. Notwithstanding this, the demolition of the existing premises does not require the express benefit of planning permission and therefore this cannot be considered as part of this application.

We have enough flats in the City

Officer Response:- Policy LP3, LP6 and LP47 of the Peterborough Local Plan (2019) seeks to promote 'substantial new residential development' within the City Centre. Furthermore, the site is allocated for redevelopment, including residential units, and therefore the principle of residential accommodation on the site is acceptable.

6 Conclusions

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

- The application site is situated within the City Core, would provide a mix of residential, student accommodation, retail and restaurant uses as well as affordable housing. As such the proposed development would introduce a mix of residential development into the City Core, and go towards enhancing the vitality and viability of the City Centre. The principle of residential development would accord with Policies LP2, LP3, LP4, LP6, LP8, LP15 and LP47 of the Peterborough Local Plan (2019) and Paragraph 85 of the NPPF (2019);
- The proposed scale and layout of development would not harm the significance of the Grade I listed Cathedral building or the City or Park Conservation Areas above and beyond development which has previously been granted permission on the site, it would not have a harmful impact on buried archaeology, and would not harm the character or appearance of the immediate area. As such, the proposal would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraph 196 of the NPPF (2019);
- The proposed scale and layout of development would not have an unacceptable harmful impact to neighbouring amenity, and would provide satisfactory amenity for future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and Paragraph 180 of the NPPF (2019);
- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019);
- The development would make provision for surface water drainage and uncovering unsuspected contamination, and would accord with Policies LP32 and LP33 of the Peterborough Local Plan,

and Paragraphs 178-180 of the NPPF (2019); and

- The development would secure 17x affordable dwellings, a fall back in the event that the student accommodation becomes available on the open market, and off-site public open space enhancements towards Stanley Recreation ground and Burton Street Allotments, and would therefore accord with Policies LP8 and LP21 of the Peterborough Local Plan (2019).

7 Recommendation

The Executive Director of Place and Economy recommends that Outline Planning Permission is **GRANTED** subject to signing a Section 106 legal agreement and the following conditions:

- C 1 Approval of details of the internal building layout, appearance and landscaping (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance and landscaping shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

- C 3 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: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 4 The development hereby permitted shall be begun either before the expiration of five 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).

- C 5 The plans and particulars to be submitted under Condition 1 above shall accord with the site layout and building height parameters shown on the following drawings:

- (00)200 A (Location Plan)
- SOLH-NOR-T1-(00)400 A03 (Illustrative Site Plan)
- PL04 A05 (Proposed GA Elevations)
- PL05 A05 (Proposed GA Section AA and BB 1 of 2)
- PL06 A05 (Proposed GA Section CC and DD 2 of 2)

Reason: For the avoidance of doubt and to ensure the development accords with the reasoning and justification for granting permission.

- C 6 No development other than groundworks and foundations shall take place unless and until details of the proposed external materials to be used for the development have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number.

The development shall not be carried out except in accordance with the approved materials.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 7 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178-180 of the NPPF (2019) and Policy LP33 of the Peterborough Local Plan (2019).

- C 8 No development shall commence on site unless and until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include (but not exclusively the following):-

- Hours of working and deliveries;
- Haulage routes to/from the site up to the point whereby vehicles join the City's parkway system;
- Parking, turning and loading/unloading areas for all construction/contractors vehicles;
- Details of any road closures/lane restrictions;
- Site compounds/storage areas;
- Temporary access points;
- Temporary traffic management measures;
- All temporary and permanent works to support the adjacent public highway;
- Wheel cleansing facility details; and
- Dust and noise control measures

The construction works shall thereafter only take place in strict accordance with the approved Construction Management Plan.

Reason: In the interests of the amenity of the area and highway safety in accordance with Policy LP13 and LP16 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

- C 9 The plans and particulars to be submitted under Condition 1 above shall include a car and cycle parking layout to serve the development comprising of:

- Not more than 36no. car parking spaces;
- 77no. cycle parking spaces for use associated with the student accommodation; and
- 60no. cycle parking spaces for use associated with the residential units.

The car and cycle parking shall be provided in accordance with the approved details prior to first occupation of the accommodation/unit to which they relate, including demarcation/numbering of spaces. It shall thereafter be retained solely for the parking of vehicles and cycles in connection with the student accommodation/residential units hereby permitted in perpetuity.

Reason: To ensure the development is provided with satisfactory parking and to encourage more sustainable methods of travel to/from the site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C10 Notwithstanding the details shown on the approved drawings, the plans and particulars to be submitted under Condition 1 above shall include details of a revised vehicular access from Brook Street, in the broad position shown on drawing number SOLH-NOR-T1-(00)400 A03 (Illustrative Site Plan). The revised access shall be of a simple dropped crossing design, to a width of xx metres, and with provision of vehicle-to-pedestrian visibility splays measuring 2 metres x 2 metres (measured from and along the back edge of the public highway) to either side.

The vehicular access shall be constructed in accordance with the approved plans and particulars, and prior to first occupation of any residential unit, student accommodation or commercial unit hereby permitted.

The vehicle-to-pedestrian visibility splays shall be maintained thereafter free from any obstruction above a height of 600mm from ground level in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C11 The gradient of the vehicular access shall not exceed 1:50 for a distance of 10 metres from the back edge of the existing public highway.

Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C12 Prior to the first occupation of any part of the development hereby permitted, a Car Parking Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The parking on site shall thereafter be managed in accordance with the approved Car Parking Management Plan in perpetuity.

Reason: In order to ensure that sufficient car parking and turning remains available on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C13 Prior to first use of the new vehicular access hereby permitted, any existing access points into the site from the public highway shall be permanently closed to vehicular traffic in accordance with details first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the development does not constitute a highway safety hazard, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

C14 Prior to first occupation of any residential unit or student accommodation hereby permitted, a community safety and crime reduction strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall include (but not limited to): audio access control system(s) to serve the residential units/student accommodation; access control to the basement parking area; lighting to the basement parking area; and any closed circuit television (CCTV) provision within the development.

The approved community safety and crime reduction strategy shall be implemented in full prior to first occupation of any residential unit/student accommodation and thereafter retained and maintained as such in perpetuity.

Reason: In the interest of protecting the amenity of future occupiers from crime and anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

C15 The development hereby permitted shall not be begun unless and until details of the design, implementation, maintenance and management of the sustainable drainage scheme, in accordance with the submitted Drainage Strategy (Rev. P01 dated 30/06/2020 (P20055-SMCE-ZZXX-RP-D-0001)) have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include, but are not limited to:

- a) Information as to the design storm period and intensity, discharge rates and attenuation volumes (both pre- and post-development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- b) Confirmation of source control and how run-off is collected from all hardstanding;
- c) Flood water exceedance routes, both on and off site;
- d) Construction details of all drainage assets, which includes cross sections of the proposed green roof; and
- e) Management and maintenance schedules for the lifetime of the development and details of the parties responsible for said maintenance; and
- f) Demonstration that the details meet the government's national standards.

Thereafter, the development shall be implemented in accordance with the approved details, and thereafter retained, managed and maintained in perpetuity.

Reason: In the interest of ensuring the development is served by a suitable surface water drainage scheme, and preventing surface water run-off, in accordance with Policy LP32 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be agreed before development commences on site.

C16 No development other than groundworks or foundations shall take place unless and until provision has been made for fire hydrants in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In order to ensure that sufficient resources are available for firefighting in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

C17 No development shall take place above slab level unless and until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted noise assessment shall include (but not limited to) an assessment of the immediate daytime and night-time noise climate, traffic, the night-time economy, nearby mechanical plant, deliveries and collections, and operation of the nearby local market. The noise assessment shall also include details of any necessary mitigation.

Any approved noise mitigation measures shall be implemented in full prior to first occupation of each residential unit/student accommodation to which it relates, and retained and maintained as such in perpetuity.

Reason: In the interest of protecting the amenity of future occupiers, in accordance with Policy LP17 of the Peterborough Local Plan (2019) and Paragraph 180 of the NPPF (2019).

C18 The plans and particulars to be submitted under condition C1 above shall include a scheme for the storage and collection of refuse to serve the residential units, student accommodation and commercial units. The approved scheme shall be implemented in full prior to first occupation/use of the unit/accommodation to which it relates and thereafter retained and maintained as such in perpetuity.

Reason: To ensure that refuse from the development is adequately stored and collected in the interests of residential amenity and highway safety, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

- C19 Notwithstanding the provisions of Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the residential units hereby permitted shall be dwellinghouses within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of meeting the needs of small-scale houses in multiple occupation in terms of cycle or bin provision, in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019).

- C20 The ground floor retail and restaurant units hereby permitted shall be occupied for uses within Class E(a) and Class E(B) only, and for no other purpose including any other use within Class E of Part A of Schedule 2 of the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In order to protect the vitality and viability of the City Centre, and because the infrastructure and cycle parking requirements of the development have been based upon the development comprising residential units only and not small-scale houses in multiple occupation, in accordance with the Policies LP6, LP13 and LP47 of the Peterborough Local Plan (2019).

- C21 The student accommodation units hereby permitted shall be occupied for the purposes of student accommodation only, and for no other purpose Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any statutory instrument revoking and re-enacting that Order with or without modification). Any communal areas associated with the student accommodation shall be provided prior to the first occupation of the first student unit, and thereafter retained and maintained as such in perpetuity.

Reason: In order to protect the vitality and viability of the City Centre, and to ensure the amenity of future occupiers, in accordance with the Policies LP6, LP17 and LP47 of the Peterborough Local Plan (2019).

- C22 The plans and particular to be submitted under condition C1 above shall:

- i) Identify and illustrate the location and layout of 17no. affordable housing units to be provided;
- ii) Demonstrate that all affordable units proposed for affordable rented tenure meet minimum national space standards (as defined by the Building Regulations);
- iii) Demonstrate that all residential units meet with Building Regulations Part M4(2); and
- iv) Identify and illustrate the location and layout of 3no. housing units which meet Building Regulations Part M4(3)(2)(a).

Reason: For the avoidance of doubt and to ensure that the development meets with the requirements of Policy LP8 of the Peterborough Local Plan (2019).

C23 The development hereby permitted shall be constructed to ensure that each residential unit achieves water usage of no more than 110 litres per person per day.

Reason: In order to reduce the impact of the development upon the water environment, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

C24 Prior to first use the Class E(a) and E(b) units hereby permitted, a scheme for the hours of use/operation of those units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, those units shall operate/open in accordance with the approved scheme in perpetuity.

Reason: In order to protect the amenities of neighbouring occupants, in accordance with Policy LP17 of the Local Plan (2019).

Copies to: Cllr Hussain, Cllr Iqbal and Cllr Jamil