

AB

PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE

23 FEBRUARY 2021 AT 1:30PM

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UPDATE REPORT & ADDITIONAL INFORMATION

PETERBOROUGH CITY COUNCIL

PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS

Procedural Notes

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

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

MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.

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

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

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 23 FEBRUARY 2021 AT 1:30 PM

LIST OF PERSONS WISHING TO SPEAK

Agenda Item	Application	Name	Ward Councillor / Parish Councillor / Objector / Applicant
5.1	20/00554/OUT - The Solstice Northminster Peterborough PE1 1YN.	Cllr Wayne Fitzgerald Richard Astle/Simon Machen	Supporter Applicant
5.2	20/01642/HHFUL - 24 Melford Close Longthorpe Peterborough PE3 9NG		

BRIEFING UPDATE

P & EP Committee 23 February 2021

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	20/00554/OUT	The Solstice Northminster Peterborough PE1 1YN , 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)

Amended recommendation

Following publication of the Committee Report, and upon receipt of comments from Peterborough Civic Society (set out below), Officers have been made aware that the description of development may be considered to be ambiguous in regards to the height of the development proposed.

Whilst the application seeks outline consent and only maximum height parameters are sought, the indicative drawings submitted demonstrate 8 storeys of development (ground floor plus seven storeys) whilst the description refers to 7 storeys. Furthermore, in the latest revision to the description of development (which was subject to the last round of public consultation), the key words of 'up to' were omitted in relation to the 56no. apartments.

It is important to note that the scheme which has been subject to public consultation has remained consistent in its proposed maximum heights, and the proposal which has been assessed by Officers and is put forward to Members has not and will not alter. Accordingly, on this basis it is considered that the conclusions drawn within the Committee Report are sound.

However, to ensure that correct procedure is followed and to resolve the ambiguity, Officers propose to undertake a further round of public consultation in regards to an updated/clarified description of development as follows:

Outline planning application for the demolition of existing nightclub and erection of a building comprising up to 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)

In light of this, the recommendation presented within the Committee Report has altered as follows:

The Executive Director of Place and Economy recommends that Outline Planning Permission is GRANTED subject to the signing a Section 106 legal agreement, the conditions set out in the Committee Report (and updated within the Briefing Update Report) and subject to receipt of no new material considerations having been raised by objectors following further consultation on the revised description of development.

In such an event that Members are in agreement to this recommendation, Officers would prepare a further Delegated Report which would be subject to authorisation by the Chair of Committee.

Revised condition

Given the ambiguity set out above, Officers propose to amend proposed condition C5 to remove reference to any drawings which have indicative floor/sections shown. Therefore, condition C5 is amended as follows:

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)

- PL07 Revision A03 (Parameters Plan) with the exception of the area indicated as 'staircase' which shall be to a height of no more than 18,250 AOD

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

In addition, the Applicant has challenged proposed condition C20 which seeks to restrict the Class E uses that could be within the development. Class E was introduced last year and seeks to provide a more flexible approach to 'main town centre' uses. The reason for imposing this condition is that Class E covers a broad range of uses including: shops; food and drink outlets/restaurants/cafes; financial/professional services; indoor sports; medical or health services; day nurseries; and offices.

Some of these uses are not considered to be compatible within the same building as residential apartments, including indoor sports (which can include gyms) and children's day nurseries. Therefore, it is considered necessary to restrict these uses. It does not specifically preclude them ever from being within the site, but would require a new planning application with more thorough noise assessment. However, the other Class E uses are considered appropriate. Therefore, it is proposed for C20 to be amended as follows:

C20 The ground floor Class E units hereby permitted shall be occupied for uses within Class E(a), (b), (c), (e) and (g) 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 amenities of future occupants from uses which may give rise to unacceptable levels of noise/general disturbance, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

Public Open Space

As set out within the Committee Report, discussions have been ongoing between Officers, the Applicant and the Council's Public Open Space Officer with regards to the amount of financial contribution that should be paid towards off-site public open space enhancements.

It has been agreed that the Applicant will pay £25,000 in contributions, to be spent on Stanley Recreation Ground and/or the Burton Street allotments, without any additional maintenance cost. This would still ensure that the development make adequate contribution towards the open space demands that it will generate, and enables the Council sufficient flexibility to spend the monies as necessary.

Status of demolition

Further to publication of the Committee Report, the associated prior approval application (20/01431/PRIOR) for the demolition of the existing building has been determined such that prior approval has been granted.

Additional consultee comments

Further to undertaking a revised period of public consultation, which ended 16th February 2021, the following responses have been received.

Historic England

We were consulted in 2005 on proposals for redevelopment of the site comprising retention of The Solstice and the erection of a seven-storey building and a three-storey building; angled in an attempt to mitigate the harm caused to views of the Cathedral from Stanley Recreation Ground. We recommended refusal stating that the proposals would be detrimental to the views of the Cathedral, and that insufficient information had been provided to allow the impact on the Park Conservation Area to be judged. That scheme was approved.

We stated in our advice letter of 9 June 2020 that it is imperative that when any potential redevelopment proposals for The Solstice site are considered, the impact that the scale and massing of the newbuild would have on views of the Cathedral and the setting of the conservation areas are taken into account from the outset

Having considered the HIA Addendum document and the minor amendment to the parameters for the three storey element of the proposals, Historic England maintain our previous objections to redevelopment of this prominent, corner site with buildings of the scale and massing proposed.

In line with our previous advice, we consider a more appropriate approach to the redevelopment of the site would be to determine, from the outset, the maximum height which would leave the Cathedral views uninterrupted, and the setting of the conservation areas unimpaired.

Historic England maintain our objection to the application on heritage grounds.

We consider the application does not meet the requirements of the NPPF, in particular paragraphs 193, 195 and 196. 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.

We therefore continue to urge your authority to refuse the application in its current form.

Officer response: The revised comments from Historic England do not alter from their previous position which has been fully considered within the main Committee Report.

Peterborough Civic Society

The Society stands by its original objections to this application in all respects except the wording of Para. 2.3, which should be replaced by the following: 2.3 Seven storeys are referred to in the description of the proposal, whilst 8 are illustrated.

The description of the proposal should be amended from 7 storeys to 8 storeys. Clearly, in this instance the overriding determinant of roof height can be assumed to be the parameter figure of 23.1m above ground level, sufficient for the 8 storeys illustrated. We consider this height grossly excessive for the sightlines to the cathedral.

We note that further detail illustrating the degree of obstruction of view of the Cathedral from Stanley Recreation ground is submitted. However these only illustrate the proposal in relation to the 2007 approval of application 05/02003/FUL. They do not show the proposal in relation to current views. As such the impact is severely understated and the details submitted are misleading on this critical issue. It should also be noted in comparison to the 2005 Application that the current proposal is approx. 2m higher.

Turning to the officer's report, we consider that the weight given to the 2007 Permission is excessive for the following reasons:

- a) The applicant claims that the 2007 Permission has been 'implemented' (i.e. a start made) and this appears to be fully accepted in the officer's report. Yet there is no information as to the nature of the works said to have constituted 'implementation' and whether or not the 'start' is a material commencement and thus of sufficient significance to carry weight.
- b) The fact that Pre-Commencement planning conditions had not been complied with at the time the alledged start was made must also call into doubt its validity in law.
- c) Furthermore, the existence of subsequent planning permissions 'such that this (2007) permission cannot now, in the view of officers be implemented without the need for a further planning application' (page 29 of the officer's report) further undermines the validity of comparing the impact of the proposal against the 2007 permission rather than the current situation.

d) We note that notwithstanding the tenuous nature of the ‘implementation’ argument there is no evidence that an independent opinion from a Planning Barrister was sought on this matter before Officers, in effect, fully accepted the Applicant’s argument. In the absence of an independent legal opinion to the contrary we consider that the 2007 permission has lapsed and that the current application should be considered on its own merits.

We urge that the City Council gives substantial weight to the very strongly expressed views of Historic England in opposing this application.

We request that the application be refused as contrary to Policy LP19 of the current Local Plan which states at a) ‘a presumption against development that would unacceptably detract from important views of Peterborough Cathedral by virtue of its height, location, bulk or design.’

Historic England might also consider referring the Application to the MHCLG for a decision given the strength of their objection to the proposal.

Officer response: *The matter of the description of development has been discussed above.*

It is noted that the Civic Society’s main concern relates to the impact of the proposal upon the setting of the Cathedral and views to it from the north of the City, principally Stanley Recreation Ground. They are particularly concerned with regards to the weight that has been attached to planning permission reference 05/02003/FUL and the question as to whether or not this permission was lawfully commenced and whether or not it can now be built out without the benefit of a further/new planning permission.

The crux of Officers assessment does not rest with whether this permission was lawfully implemented or whether it could now be built out without a new planning permission. Indeed, Officers have not wholly agreed with the Applicant on this last matter as the Council’s Planning Lawyer disagrees with the Applicant. Instead, Officers assessment is based upon the view that the granting of the permission alone, and the difference between reaching the conclusion that the previous scheme was acceptable and present day, is of key note in considering the current proposal. In short, if the impact was found acceptable in respect of 05/02003/FUL, what is materially different now to reach a different conclusion?

From the main report: ‘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).’

Officers have attributed significant weight to the harm that would arise from the proposal upon the setting of designated heritage assets, however concluded that other material considerations (i.e. the previous permission) weigh in favour of the proposal such that a refusal could not be sustained.

Additional public representations

4no. additional letters of **objection** have been received raising the following concerns:

- At seven stories high, should not be higher than the Cathedral;
- 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; and
- It is a shame to lose the nightclub just at the City is developing, it is a popular location and more students will be living in the City.

Officer note: All of the above have been dealt with within the main report.

8no. letters of **support** have been received:

- The City centre desperately needs new investment; it looks neglected and there has been very little new development except for Fletton Quays, on the other side of the river. This would kick start wider regeneration;

- It would bring much needed, high quality apartments;
- The scheme includes a shop and café/bar, which could continue the Solstice legacy in the City;
- The scheme looks fantastic, and it would improve Stanley Recreation Ground;
- Northminster needs a new life;
- More people living in the area means more surveillance;
- This would be very beneficial and exciting for the area;
- Would love this, maybe add a Dunelm too;
- Good proposal. One of the reasons I opted to go to University elsewhere was the lack of a university experience in this City;
- Great idea, beneficial for the community; and
- The development would bring construction jobs to the City.

Additional Applicant Comments

A letter has been received from Athene Communications on behalf of the Applicant which has been circulated to all members of the Planning Committee.

A copy of this letter is attached at Appendix 1.

2.	20/01642/HHFUL	24 Melford Close Longthorpe Peterborough PE3 9NG , Single storey front and side extensions, first floor side extension and single storey rear extension
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An email was received on 15 February from Councillor Jones raising a question regarding the information about construction working hours in paragraph 5f as Sunday was included, but not Saturday. This is an error within the report which should read:

The applicant will be reminded that normal and reasonable working hours for building sites are considered to be 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays.