

**Application Ref:** 21/01898/OUT

**Proposal:** Outline planning application for the erection of a building comprising up to 112 apartments, ground floor Class E(a) retail or E(b) restaurant units, and associated cycle parking (layout and scale only, all other matters reserved)

**Site:** The Solstice, Northminster, Peterborough, PE1 1YN

**Applicant:** Glenrowan Homes Ltd

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

**Reason:** Application is of wider concern

**Site visit:** 23.06.2022

**Case officer:** Mr James Croucher

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**Recommendation:** **GRANT** subject to relevant conditions and securing of Section 106 legal agreement

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

**Site Description**

The application site comprises the recently-demolished former Solstice Nightclub on the corner of Northminster and Brook Street, which is currently enclosed with temporary hoardings.

Located within the City Centre and the identified City Core Policy Area, this part of the City Centre is currently undergoing significant change. To the north is Northminster House, a 4 storey purpose-built office block, with the Brook Street public car park and Stanley 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 further public car parking beyond. To the west is the site of the Northminster redevelopment, a largely cleared site which formerly housed a multi-storey car park and a covered market. A former office building to the north-west at Bayard Place is currently being converted into apartments, including the addition of further upper storeys.

The application site is not within any Conservation Area but is within close proximity of both the Park and City Centre Conservation Areas (50 and 118 metres respectively). Situated 290 metres to the south-west is the Grade I listed Peterborough Cathedral.

**Proposal**

The applicant seeks outline planning permission for a mixed-use building comprising up to 112 apartments and ground floor Class E(a) retail or E(b) restaurant units. Maximum proposed building heights are set out on a *Parameters Plan* which shows a “tower” element of up to 29.1m in height and two lower “wings” each not exceeding 9.15m in height. Layout (insofar as the site layout but not internal layout) and scale are for determination at this time, with all other matters (access, appearance and landscaping) reserved by the applicant for future consideration.

In support of the application, plans have been submitted which propose the scale and site layout of development, including a parameter plan giving maximum proposed building heights.

When read together, the parameter plan and proposed site layout plan illustrate a U-shaped building with a maximum footprint of 69m x 32m. The taller element would have a maximum footprint of 32m x 30m and stand at no more than 29.1m in height. The lower elements would stand at no more than 9.15m in height and would have a footprint of 52m x 28m. The proposed heights are the maximum proposed dimensions with which any future reserved matters application would have to comply, although the applicant seeks to fix the footprint at this stage.

Importantly, external appearance and the internal layout of the development are reserved for later consideration, albeit the disposition of uses on the application drawings confirms that 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 proposed residential accommodation would be situated on the upper floors with indicative layouts showing one possible way in which that accommodation could be configured.

Access is not for consideration at this time albeit the applicant does not propose any car parking onsite. 76 cycle parking spaces are proposed, with the location and layout of these again shown on an illustrative basis.

Illustrative elevation drawings and computer-generated images have been submitted which show one possible way in which a building of the maximum dimensions proposed might be designed externally. Those drawings are indicative and, whilst they give a flavour of the architect's thinking, are not for determination at this outline stage.

## **Background**

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.

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 a 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, that the previous refusal reasons had been overcome. A legal agreement was secured for affordable housing and off-site public open space provision.

Whilst the pre-commencement conditions pursuant to the 2005 permission have not been discharged, 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 2005 permission has been implemented.

## 2 Planning History

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/00554/OUT	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)	Permitted	04/10/2021
20/01431/PRIOR	Demolition of nightclub	Permitted	22/02/2021
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 (July 2021)**

Section 4: Decision-making  
 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 16: 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.

### **Peterborough City Council – City Centre Conservation Area Appraisal (2017)**

#### **4 Consultations/Representations**

It should be noted that, during the course of the application, the applicant submitted a revised parameters plan which reduced the maximum proposed height of the northern wing from 26.25m to 9.15m. Consequently, the only difference in massing now proposed compared to the extant outline permission approved last year is the height and width of the “tower” element on the corner of Northminster and Brook Street, which as per the revised proposed parameters plan is proposed at a maximum height of 29.1m compared to an approved maximum height of 23.7m.

#### **Peterborough Civic Society**

Thank you for informing The Civic Society of revised plans for this proposed development. While the number of apartments has been reduced from 124 to 112 by a small reduction in the footprint of the tower block to the north, the tower remains two storeys higher and the footprint of the tower extends several metres beyond that of the previously approved scheme (20/00554/OUT). All the concerns expressed in our previous comment (submitted 18 January 2022) remain and The Civic Society objects to the revised proposals. In summary:

1. There is insufficient regard to its impact on views of the Cathedral by reason of the height and massing of the proposed uninspiring block. The significantly increased height and footprint of the tower block compared with the eight-storey building approved last year (20/00554/OUT) result in greater impact on cathedral views. In addition, the site is closer to Stanley Recreation Ground than the market site so the impact on cathedral views is magnified relative to the impact of the 10-storey development approved for the market site. The overall consequence of this revised scheme is that the impact on cathedral views will be greater than with the scheme approved last year.
2. The combination of development hard against the back edge of the footpath and the excessive height and footprint will create a harsh transition on Northminster Road between the application building and the Northminster House office block and therefore amount to overdevelopment. The depressingly functional angular block structure exacerbates the negative impact.
3. The total lack of car parking for this development combined with under-provision in other developments in the City centre is likely to generate excessive demand for public parking and undermine the commercial viability of other businesses in this part of the City Centre.
4. The revised application follows the precedent of the 10-storey Northminster development approved for the adjacent market site. Notably in the recent Reserved Matters application for the

Northminster development (22/00710/REM) the height and footprint of the two tower blocks are reduced, thereby increasing the relative impact of the development proposed for the Solstice site.

It is a major concern that developers will be encouraged to use the precedent as an argument for 10-storey developments on multiple sites in the area leading to bland uniformity and further erosion of the already damaged views of the cathedral.

In conclusion, the Civic Society is strongly opposed to the current revised scheme as it will result in greater harm to cathedral views and to the Northminster area than the 8-storey scheme previously approved.

## **Historic England**

### *First Round*

Object - We were consulted on the previous application for this site in 2020 when the proposals were for demolition of the nightclub and erection of an eight -storey block fronting onto Northminster and a three-storey block fronting onto Brook Street. We recommended that scheme be refused as in our view the scale and massing of the blocks would cause a high level of harm to views of the Grade I listed Peterborough Cathedral from Stanley Recreation Ground and detract from the setting of the City Centre and Park Conservation Areas. The scheme was subsequently approved. The revised proposals, for an even greater quantum of development within the setting of the Cathedral, would not only cause a high level of harm to views of the Cathedral and nearby conservation areas, but the level of that overall harm would be exacerbated due to the detailed design of the scheme; including the scale and massing of the 10-storey block, its monolithic appearance, the lack of articulation of the elevations and the change of materials from the approved scheme. Historic England remain of the view that the site of The Solstice nightclub could be redeveloped without causing harm to the historic environment and recommend that this revised application be refused.

### *Second Round*

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

## **PCC Conservation Officer**

Objects:

- Poor design, articulation and treatment for a large and prominent building. Substantial regression from original design.
- Unacceptable bulk to north-west elevation seen when entering Northminster from Broadway.
- Height should peter out from the city core, especially where there is a large area of flat public open space directly to the north.
- The height on the very edge of the city core has a detrimental impact on the setting and prominence of the Cathedral, which is the city's prime heritage asset of the highest order.

Recommends reverting back to initially approved scale and massing, which was only on balance deemed to be acceptable owing to a poor historic permission that remained extant. The negative impact of this current proposal goes much beyond the impacts of the previous permission.

## **Urban Design Officer**

I continue to have concerns regarding this application in terms of scale, massing and the lack of detailed design, particularly when viewed from the north east. However, the revised scheme is now closer to the footprint and massing of the approved application and the proposed additional height relates favorably to the emerging scheme to the west of the site.

As a result, in my view it would be more challenging to sustain the previous design objection.

The revised plans show a reduction in the footprint of the building, this has in turn reduced the massing of the proposed building, particularly when viewed from the north-east of the site and



looking south down Northminster. This reduces the bulky appearance of the proposed development. However, there is still an increase in scale to the approved scheme both in terms of height and footprint which is inconsistent with the existing scale of the buildings to the east of the site on the periphery of the City Centre.

Ideally the height of the building wouldn't increase from the approved application. But I accept that an increased height would relate to the emerging Northminster development on the former car park and market site. However, the Solstice development shouldn't seek to increase the scale above the height proposed here and would ideally be noticeable lower in order to act as an interface between taller development to the west and the lower rise edge of centre development to the east of the site.

The illustrative elevations are currently only indicative making an objective assessment of the design difficult as the elevations need improving to be considered acceptable. They should assist in breaking up the massing of the building. I would expect them to be designed with a stronger articulation and rhythm and a human scaled lower section, a clear middle and set back top to the building.

### **PCC Archaeological Officer**

No objection - Cartographic evidence shows that the subject site was developed by the early part of the 20<sup>th</sup> 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 Peterborough Highways Services**

No objection – The LHA acknowledge 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.

Loading bay and taxi rank relocation details will need to be submitted as part of the access arrangements required for the reserved matters application. Cycle parking to be completed and made available for use prior to first occupation.

### **PCC Pollution Team**

No objection – Recommend conditions requiring the submission of a Noise Assessment which must take into consideration the night-time economy, mechanical plant, deliveries and collections, 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 112 dwellings. The total number of dwellings we require would be 34.

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 24 affordable rented homes and 10 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).

On all development proposals of 50 dwellings or more, 5% of homes should meet Building Regulations Part M4(3)(2)(a). In this instance that would equate to 6 dwellings. We would like to see some of the wheelchair housing delivered as affordable rented tenure to help with meeting identified needs for wheelchair housing from applicants on the housing register.

### **Lead Local Flood Authority**

No objection - Following an initial holding objection that sought consideration of the surface water flood risk for the site within the Drainage Strategy document, consideration of the applicant's subsequent submission confirmed that surface water from the proposed brownfield development can be managed using a green roof, rain gardens and geo-cellular storage crates, restricting surface water discharge to 14 l/s before discharge to the Anglian water surface water sewer. The LLFA is supportive of the use of the green roof, rain gardens and geocellular storage crates, as in addition to reducing the existing runoff rate of surface water leaving the site it also provides source control and water quality treatment. Recommends a detailed surface water drainage strategy is conditioned.

### **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.

### **Health and Safety Executive (in respect of fire safety)**

Comments - Recommends that:

- A Fire Statement is required by condition for submission at reserved matters stage. Advises that should the area of a floor exceed 900sqm then two firefighting shafts should be provided each equipped with a firefighting stair, rising fire main and firefighting lift.
- Single-direction travel distance for firefighters within common corridors should not exceed 30m between the furthest flat entrance door and the firefighting stair door.
- The plan drawing of the third to eight floors shows flat windows could potentially be in close proximity, and at right angles to the windows of other flats. This proximity and angle may allow fire or smoke to exit a flat window and enter an adjacent flat window and will need to be considered/resolved at reserved matters stage.
- All components of external walls of relevant buildings must now meet a minimum 'class A2-s1, d0' fire performance classification which may affect the selection of external facing materials.

### **Police Architectural Liaison Officer (PALO)**

Supports the proposal - Crime and incident records for this location and surrounding streets over a 12 month period are such that this is considered to be an area of medium risk to the vulnerability to crime. Recommends that:

- Bin store - access control from external doors LPS 1175 SR2 security doors with residential access control, be fitted with self-closers along with internal thumb turns for easy egress to ensure people cannot get trapped inside. (Refuse collection service to be provided with fob access to empty)
- Cycle – the DAS refers to double stacking cycle storage and whilst we understand the need for this type of racking it is not something we recommend as there are no tested products on the market. Whilst we have not recommended these two tier stands in the past if these are to be considered products security tested to sold secure bronze should be sought where possible. – If there are to be external cycle stands for retail my recommendation would be Sheffield stands (LPS 1175 SR 1/2) concreted 300mm into the ground. And overlooked by CCTV with appropriate lighting and signage. Access to the cycle store from the bin store and also from the internal corridors should be LPS 1175 SR2 security doors with residential access control only.
- Apartment Blocks - Access control/Compartmentalisation - access to the blocks should be restricted to residents and include an audio/visual visitor entry system allowing residents to have a two-way conversation with callers and to see them prior to allowing access. With the number of flats in these blocks via a single communal entrance. Whilst we understand the need for this particular development's ethos around free movement and access for the residents, consideration should be given to restrict access to their own floors and visitors access to relevant floors, this should include lifts and stair cores. Peterborough City does have issues with county lines, human trafficking and cuckooing, access control and compartmentalisation would be recommended do help to reduce and or mitigate these issues.
- Post boxes – confirmation required at reserved matters stage as to whether all the blocks of flats would have post boxes fitted inside the lobby areas. If external boxes to be fitted they should be fitted to TS009 standards
- Internal security – confirmation required as to the nature of any reception area and the measures proposed to be implemented (e.g. Concierge service)
- CCTV – covering the entrance points – audio visual to all apartments
- Lighting – requests consultation on the proposed lighting and lux plan once available, which should be designed to meet BS 5489-1:2020 standards. For the safety of people and their property footpaths should be lit by columns to BS5489:1 2020. Bollard lighting and decorative lighting are only appropriate for wayfinding and should not be used as a primary lighting source for any areas, where they are also prone to damage. There should be dusk to dawn bulkhead LED lights above all entrances of ground floor apartments
- Private vehicle parking - recommends a clause in contracts and rental agreements restricting car ownership, otherwise this could lead to (illegal) on street parking and associated disputes and anti-social behaviour

#### **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 £57,715 + 5 years Maintenance costs is required.

#### **NHS**

Seeks a financial contribution of £42,185 towards the creation of additional ambulance services to support the population arising from the proposed development. Would welcome the inclusion of a sedum roof and usage of communal and private terrace (for residents' amenity) as these can support physical and mental health and wellbeing and help develop community cohesion.

#### **Civil Aviation Authority**

No comments received

#### **Local Residents/Interested Parties**

Initial consultations: 73

Total number of responses: 10

Total number of objections: 1

Total number in support: 9

### *First Round*

9x letters of support have been received raising the following comments:

- More housing is needed in the City Centre
- Would be ideal for young professionals
- This and other Northminster schemes are a huge catalyst for change
- City Centre needs a boost such as this
- Investment in the City Centre is essential
- High quality design
- Will create new jobs, both directly and indirectly
- Impact on cathedral views has been sensitively avoided
- More natural surveillance of Stanley Park is welcome
- Sustainability of the location

1x letter of objection has been received concerned about:

- Bland design
- Absence of onsite car parking

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Heritage considerations
- Design and layout
- Access, parking and highway implications
- Fire risk
- Neighbour amenity
- Future occupier amenity
- Contamination
- Drainage
- Archaeology
- Infrastructure contributions

### **a) The Principle of Development**

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 mixed use development with active street frontage, and development which encourages trips into the City Centre. Whilst the proposed quantum of development at this outline stage is a *maximum* of 112 dwellings, the actual number of flats that the site can ultimately deliver will be governed by the acceptability of detailed design proposals at reserved matters stage, set within the maximum building height and massing which the current outline application seeks to fix.

Nonetheless, the proposed development would introduce a meaningfully quantum of additional residential accommodation into the City Centre, as well as ground floor retail and restaurant uses, which would provide for an active ground floor frontage.

The extant outline planning permission on this site approved less than 12 months ago (20/00554/OUT) is a significant material consideration in the determination of the current outline application. The footprint of the both schemes is similar (albeit, as the Civic Society points out, the corner tower element is now slightly larger and of a slightly different configuration) but notably, the

extant approved scheme was for up to 56 apartments and 77 student units, whereas student units are no longer included and instead up to 112 apartments are proposed. The applicant explains that the University's operating model has evolved since the previous outline planning permission was approved, meaning that they no longer have an interest in taking the envisaged student accommodation.

Taking all of the above into account, this is an appropriate mix of uses for a disused but sustainably located City Centre site, 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 both the scale and layout (footprint) of the proposed development are for determination at this outline stage, an assessment of heritage considerations can be made.

Whilst the site is not itself located within a Conservation Area, it falls within the setting of a number of designated heritage assets including include the Park Conservation Area, the City Centre Conservation Area, the Grade I listed Peterborough Cathedral, Grade II listed Peterscourt, and a number of locally-listed buildings. Given the proposed height scale and massing, the proposed development would intervene in a number of vantage points of the Cathedral – most notably from Stanley Park to the north of the site.

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, has consistently objected the development of a tall building in this location. They have restated their view 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.

In response to these concerns, and pursuant to Officers' advice, the applicant has subsequently submitted revised plans which omit 12 of the apartments originally shown on the indicative floorplans. The effect of this reduction is to reduce the maximum height of the northern wing of the building from 26.25m to 9.15m, essentially bringing this wing back to the same height and massing that was approved in outline last year. That decision is, in itself, a material planning consideration in respect of this current application particularly in regard to the matter of heritage impact.

The only height difference now proposed compared to the approved scheme is therefore the tower element on the corner of Northminster and Brook Street, which the applicant now proposes to be a maximum of 29.1m compared to 23.7m maximum as previously approved. It is relevant that when the previous outline planning permission was approved (October 2021) it was prior to outline

planning permission being granted (May 2022) for the redevelopment of the Northminster car park/market site for a building of up to 33.3m in height.

The applicant notes that, within this evolving local context, their proposed maximum building height of 29.1m would be no taller than the approved parameters of the Northminster scheme. The footprint of this tallest element would be the same as that previously approved and consequently given the applicant's fall-back position of an extant permission with approved maximum height and massing, the question is whether the proposed two additional storeys would have a demonstrable additional harmful impact on the setting of the Grade I listed Cathedral 290m away, and on the setting of other designated and undesignated heritage assets; and if so, the magnitude of any such impact.

Also relevant is that the shape and footprint of the tallest proposed element has changed slightly since the previous outline approval. The tower element is still appropriately proposed at the Northminster end of the site, and it is not considered that the modest proposed alteration to the tower's footprint compared to the extant outline permission would cause any significant additional impact.

Whilst comments are awaited from Historic England (who did not object to the height bulk or massing of the Northminster scheme) in respect of the amended parameter plan, the fact remains that the tallest element of the proposed development would be two storeys taller than that which the Council previously approved despite a Historic England objection. 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, will 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.

Your Officers' view however is that there would be comparatively little difference or additional impact over the earlier approved scheme, particularly in the context of the approved height and scale parameters of the Northminster redevelopment and the views towards the cathedral which would remain available from Stanley Park. The applicant has submitted wireframe drawings showing the maximum proposed building dimensions when view from a number of viewpoints, including from within Stanley Park. A comparison of these wireframes against the same wireframe viewpoints submitted in support of the extant outline permission confirms that the same extent of the Cathedral would remain visible as with the approved outline scheme, and that the increased height/amended footprint of the tower element would not significantly alter this. Notably, the applicant's removal of 12 of the apartments originally proposed in the current application by reducing the proposed northern wing from 26.25m to 9.15m has essentially restored the views of the Cathedral from Stanley Park that would have been lost with the initial proposed massing.

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 would not be substantially greater than that which the Council found acceptable in the planning balance when approving broadly similar outline parameters in 2021. 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 could be reached in respect of this current proposal given that no material additional harm would arise.

#### 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.

The proposed development has a number of benefits that need to be taken into account. The scheme would redevelop an otherwise empty and vacant site within the City Centre. It would provide a meaningful quantum of new dwellings to the City Centre in accordance with the Local Plan’s spatial strategy. 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.

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 quantum of harm to the setting of designated and undesignated heritage assets, and that 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 a perimeter block building that would address both streetscenes, creating activity at this prominent corner. The taller ten storey element would front Northminster, whilst (as previously approved) lower three storey elements would extend along both Brook Street and the site’s northern elevation fronting the footpath link between Northminster and Stanley Park.

Whilst there are not many examples of tall buildings in the City Centre, the increased massing compared to the extant outline permission 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, particular in the emerging context of the Northminster redevelopment.

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. Whilst these are matters reserved for later consideration and will be fully considered at that time, the illustrative elevations submitted with the application show a lower quality façade than those previously submitted. The Urban Design Officer has raised significant concerns at the effect on character and appearance of this “watering down” of the previous scheme’s facing materials and architectural design quality. The current illustrative elevations lack local distinctiveness and

would fail to deliver a local landmark befitting of a building of the scale and height that it proposed. Consequently, whilst the height and massing is in itself considered acceptable, at reserved matters stage the applicant would be expected to provide an elevational and façade design of significantly higher quality than that shown on the illustrative supporting materials.

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 continuing 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**

Whilst access has been reserved by the applicant for future consideration, layout (albeit not internal floorplans) is for consideration at this time.

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 where no onsite car parking is necessary.

With respect to cycle parking, this is proposed on the ground floor 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. 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 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 would need to be appended for the avoidance of any doubt.

The location and size of refuse/recycling facilities, including their collection arrangements, can appropriately be dealt with at reserved matters stage.

Subject to conditions being imposed 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) Fire safety**

Following the Grenfell Tower fire in June 2017 the Government commissioned an independent review of Building Regulations and fire safety led by Dame Judith Hackitt. The report highlighted the need to transform the fire and building safety regime and recommended that “some minimum requirements around fire safety will need to be addressed when local planning authorities are determining planning applications and will require input from those with the relevant expertise.”

Consequently, the Government now requires:

- (i) Applicants to submit a fire statement setting out fire safety considerations specific to the development with a relevant application for planning permission for development which involves one or more relevant buildings, and
- (ii) That the Health and Safety Executive is consulted as a statutory consultee for relevant planning applications

“Relevant buildings” are those which include two or more dwellings and are 18m or more in height, a definition within which the proposed development falls.

Fire Statements are intended to support the consideration of information on fire safety matters as they relate to land use planning matters (e.g. site layout, water supplies for firefighting purposes and access for fire appliances). It is the intention that the information provided within a fire



statement is focussed and concise, specific and relevant to the development, and proportionate to the scale, type and complexity of the proposal. A Fire Statement will evidence that thinking on fire safety matters, as they relate to planning, has been incorporated into the planning application.

The applicant's Fire Statement has been assessed by the Health & Safety Executive, who whilst raising no objections in principle have made a number of specific recommendations which will need to be incorporated into the detailed internal layout design at reserved matters stage. These recommendations include maximum internal distances from firefighting stairs; the number/location of firefighting stairs, firefighting lifts and rising mains; and proximity of windows to each other. The applicant is aware of these recommendations and has confirmed that it would be possible to address them all reserved matters stage.

A condition is recommended accordingly.

#### **f) 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 10x 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 the previous outline permission, and Officers have no reason to reach an alternative conclusion given that the building continues to be occupied as offices. 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. To the south are further leisure uses, which are not served by any facing openings. As such the relationship to these neighbouring uses is acceptable.

The extant outline planning permission for the Northminster redevelopment is currently subject to its own reserved matters application (reference 22/00710/REM). The highway intervening between the two sites 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, and 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. Operating hours should be controlled at this point by condition.

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).

#### **g) Future Occupier Amenity**

The detailed internal layout of the application site is reserved for later consideration. Whilst indicative floorplans have been submitted at this stage, they are illustrative only and have been submitted to demonstrate that the number of units proposed can be accommodated within the parameters of the building. Living conditions for future occupiers in terms of daylight/sunlight, apartment stacking considerations, extract from the commercial premises and so forth can all be appropriately considered and assessed at reserved matters stage.

The Council's Pollution Control Officer has raised no objections to the proposal but has advised that the proposed apartments might be impacted by noise from multiple sources including but not limited to: traffic; the night-time economy; mechanical plant; deliveries and collections. As such, a noise assessment should be required by planning condition, which would establish the noise

climate for the area and whether attenuation would be necessary to ensure an acceptable noise level within the units. This is an acceptable and appropriate way to ensure any necessary mitigation and was adopted in the previous outline permission on this site.

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 Park and would place greater demand on this public open space. Accordingly, a financial contribution towards enhancements of Stanley Park and the Burton Street allotments is sought as part of a legal agreement, and discussed in further detail below.

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).

#### **h) 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).

#### **i) 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 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.

#### **j) 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).

## **k) Infrastructure Contributions**

### Affordable housing

The previous outline planning permission included a Section 106 obligation to provide a policy-compliant 30% affordable housing provision of 17x affordable dwellings, with 70% of these being affordable rented tenure and the balance shared ownership.

The current application does not propose any affordable housing, either onsite or by way of a commuted sum for offsite provision. To justify this significant departure from the requirements of Local Plan Policy LP8 the applicant has submitted a Viability Assessment, which has been assessed by the Council's Section 106 Obligations Officer. The Section 106 Officer accepts that the scheme cannot viably provide any affordable housing based on current build costs and the current forecast Gross Development Value of the scheme.

The Government's *Planning Practice Guidance* advises that plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.

Where contributions are reduced below the requirements set out in policies to provide flexibility in the early stages of a development, there should be a clear agreement of how policy compliance can be achieved over time. As the potential risk to developers is already accounted for in the assumptions for developer return in viability assessment, realisation of risk does not in itself necessitate further viability assessment or trigger a review mechanism. Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project.

Whilst there is no specific provision at Local Plan Policy LP8 for viability reviews, neither does the policy preclude them. In this instance, the proposed development is considered to cause harm to heritage assets (including the setting of the Grade I listed cathedral) which must be weighed against the scheme's public benefits. Affordable housing is a significant public benefit that as currently proposed the development may or may not deliver. If the Council is minded to accept harm to heritage assets then it is reasonable to seek that public benefits are maximised, which in this instance would include a post-completion viability review. If the actual figures in terms of build cost and Gross Development Value ultimately differ from the applicant's assumptions, meaning that the development could viably provide some subsidy for affordable housing, then a post-completion viability review would allow the Council to secure a commuted sum for offsite affordable housing.

### Housing standards

In addition to affordable housing, Policy LP8 requires that all new residential dwellings meet with Part M4(2) of the Building Regulations; this is 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 would be required so that the reserved matters submission demonstrates 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 public open spaces to the site are Stanley Park and the Burton Street allotments.

The Council's Open Space Officer has advised that Stanley Park requires significant investment to it is infrastructure, and in line with Policy LP21 has sought an off-site public open space contribution of £57,715 (+ 5 years maintenance costs) which would go *towards Open Space, Natural Green Space and Children's play* improvements within Stanley Park (£53,538) and Burton Street Allotments (£4,177).

Further to clarification from the Councils Section 106 Officer, in 2013/2014 the Council released funds of £18,467, secured and paid pursuant to 05/02003/FUL. These monies went towards infrastructure improvements at Stanley Park and were calculated on the basis of 44x dwellings and office space. Importantly, this permission was never built out or completed, and therefore the financial contribution was spent without the development placing any demand on the City's infrastructure. Whilst the red line for that previous development was slightly different to that which is currently before the Council, the previous Public Open Space contribution should reasonably be discounted against this scheme. In light of this, the contributions set out above have been reduced by the £18,467 previously paid.

Whilst this sum would be a useful contribution towards offsite open space improvements, it would not be sufficient to make any meaningful contribution towards offsite affordable housing. Consequently, Officers recommend securing the open space contributions now and deferring the final consideration of any offsite affordable housing contribution to the viability review stage.

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).

### Health service contributions

The comments submitted by the NHS are noted but are matters for the Community Infrastructure Levy, rather than being appropriately secured through a site-specific Section 106 agreement.

## **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, retail and restaurant uses. 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 86 of the NPPF (2021);
- 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 199 and 202 of the NPPF (2021);
- 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 119 of the NPPF (2021);

- There are no Highway safety concerns and cycle parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2021);
- 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 167 and 183 of the NPPF (2021); and
- The development would be subject to a viability review requirement which has the potential to secure a financial contribution towards offsite affordable housing, and off-site public open space enhancements towards Stanley Park and Burton Street Allotments, and would therefore accord with Policies LP8 and LP21 of the Peterborough Local Plan (2019) and Paragraph 34 of the NPPF (2021).

## **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, access, 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 internal building layout, access, 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)
- PL07 PL01 (Parameters Plan)
- ZZ-DR-A-90200 PL02 (Illustrative Site Plan)

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 Paragraph 183 of the NPPF (2021) 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 cycle parking layout to serve the development.

The cycle parking shall be provided in accordance with the approved details prior to first occupation of the accommodation/unit to which it relates. It shall thereafter be retained solely for the parking of cycles in connection with the 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 Prior to first occupation of any residential unit 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; access control to communal areas including cycle stores and bin stores; 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 and thereafter retained and maintained as such in perpetuity.

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

- C11 No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall be based upon the principles within the agreed Drainage Strategy prepared by Stirling Maynard Consulting Engineers (ref: P20055-SMCE-ZZ-XX-RP-D-0001) dated March 2022 and shall also include:

- a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
- b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- c) Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
- d) Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
- e) Site Investigation and test results to confirm infiltration rates;
- f) A timetable for implementation;
- g) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- h) Demonstration that the surface water drainage of the site is in accordance with DEFRA non-statutory technical standards for sustainable drainage systems;
- i) Full details of the maintenance/adoption of the surface water drainage system;
- j) Permissions to connect to a receiving watercourse or sewer;
- k) Measures taken to prevent pollution of the receiving groundwater and/or surface water

The development shall thereafter be carried out and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and to ensure that there is no increased flood risk on or off site resulting from the proposed development and to ensure that the principles of sustainable drainage can be incorporated into the development, noting that initial preparatory and/or construction works may compromise the ability to mitigate harmful impacts.

- C12 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).

- C13 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. 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 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).

- C14 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 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).

- C15 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).

- C16 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).

- C17 The plans and particulars to be submitted under condition C1 above shall:  
i) Demonstrate that all residential units meet with Building Regulations Part M4(2); and



- ii) 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).

- C18 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).

- C19 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).

- C20 The plans and particulars to be submitted under condition C1 above shall include a Fire Statement. The Fire Statement shall include but not be limited to:

- i) the principles, concepts and approach relating to fire safety that have been applied to each building in the development
- ii) the internal layout
- iii) emergency vehicle access and water supplies for firefighting purposes
- iv) what, if any, consultation has been undertaken on issues relating to the fire safety of the development; and what account has been taken of this
- v) how any policies relating to fire safety in relevant local documents have been taken into account.

The measures contained with the approved Fire Statement shall be implemented in full prior to first occupation of any residential unit, and retained and maintained as such in perpetuity.

Reason: In the interest of protecting the safety of future occupiers, in accordance with Policy LP16 of the Peterborough Local Plan (2019) and the provisions of the Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2021

Copy to Councillors – Amjad Iqbal, Mohammed Jamil, Alison Jones

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