

SUPPLEMENTARY REPORT

Application Ref: 21/01002/OUT

Proposal: Outline application for the construction of a business park of up to a maximum floorspace of 15,263sqm, comprising offices (Use Class E), industrial uses (Use Class B2) and storage and distribution uses (Use Class B8), with details of access secured and all other matters reserved

Site: Land At Horsey Bridge, Whittlesey Road, Stanground, Peterborough

Applicant: Barnack Estates UK Ltd

Agent: Ms Kate Wood
Eddisons Barker Storey Matthews

Site visit: 29.07.2021

Case officer: James Croucher

Telephone No. 07920 160079

E-Mail: James.Croucher@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions and a Section 106 agreement to secure footway/cycleway provision and improvements

Appendices: 1. P&EP Committee Report, 21.03.23
2. Counsel’s opinion (Exempt Information, not for publication)

1 Introduction

This application was considered by the Planning & Environmental Protection Committee on 21st March. The report to that Committee is appended and sets out details of the proposed development, consultation responses, relevant planning policies and Officers’ assessment of the material considerations.

At the 21st March Committee members resolved to refuse outline planning permission for two reasons:

R1: The applicant has failed to demonstrate that there is insufficient land within the city centre, elsewhere in the urban area (within General Employment Areas and Business Parks) or within urban extensions that is suitable for the proposed development leading to inappropriate development within the countryside, contrary to Policy LP2 and LP4 of the Adopted Peterborough Local Plan (2019).

R2: The applicant has failed to demonstrate that the visual and landscape impact of the proposed development would not cause harm to the Peterborough Fens landscape character area including to its special character, local distinctiveness, features of historical importance, and important views and vistas, contrary to Policy LP27 of the Adopted Peterborough Local Plan (2019).

Determination was then suspended after the application was called in to the Appeals and Planning Review Committee. The call-in request was withdrawn on 22nd May.

The application is being brought back before the Planning and Environmental Protection Committee for two reasons, which comprise new information/evidence/material considerations to inform the decision-making of the Committee on this item:

1. To provide Committee with additional clarification on the interpretation of Local Plan Policy LP4 on “Other Employment Proposals”; and
2. To advise Committee on the robustness of the reasons for refusal put forward when the application was considered, given the Counsel advice that has since been sought and received and in light of a realistic appeal to the Planning Inspectorate by the applicant

2 Technical Updates

Local Highway Authority

The A605 is used a diversion route when the North Bank is closed due to occasional flooding. During the past financial year, North Bank was closed twice due to flooding (once in November 2022 and again in March 2023) for 5 days on each occasion. The Local Highway Authority continues to have no objection to the proposed development subject to conditions and a Section 106 agreement.

Historic England

Historic England has agreed that its archaeology-related concerns can be mitigated by a range of conditions, though its comments in respect of the setting of the Scheduled Ancient Monument remain.

PCC Archaeologist

Has agreed that concerns can be mitigated by a range of conditions.

Tree Officer

Having initially objected on landscape grounds, is now satisfied that concerns can be addressed through robust conditions in respect of a revised masterplan and additional information at reserved matters stage. Continues to advise that the site will not be able to accommodate the full quantum of development shown on the Illustrative Masterplan once the various arboricultural and landscape constraints are taken into account.

Neighbours

5 further responses have been received from members of the public, objecting on highway grounds (specifically raising concerns over existing and worsened traffic congestion), impact on wildlife, and loss of open land. Comments are made in respect of tree screening, cycle links, archaeology, flood risk assessment, junction design, and a perception that corporately the Council wishes to see this development proceed.

Applicant

Soil tests and an agronomist’s assessment instructed by the applicant have confirmed the site is Grade 3b – moderate quality agricultural land. Best Most Versatile agricultural land comprises Grade 1-3a land.

A June 2023 update to the Employment Land Availability Report has been submitted, setting out that the final plot at Gateway Peterborough is now under construction; that a hybrid application at the Greyhound Stadium has now been submitted; and that no new vacant land has become available in any of the General Employment Areas.

A detailed LVIA Addendum & Rebuttal Report has been submitted, setting out the applicant’s case that, whilst any development will give rise to change in the landscape of the area and the views of

receptors; the visual and landscape effects would be localised. The report asserts that a sensitively considered and designed layout, strategic landscape infrastructure, retaining an area of undeveloped land for archaeological interest, along with new internal development planting, will help to visually integrate the development into the surrounding landscape.

Legislation

For clarification, the Ancient Monuments and Archaeological Areas Act 1979 (as amended) referenced in the 21st March Committee Report is directly relevant only to the adjacent Scheduled Ancient Monument itself.

3 Policy Interpretation

In their assessment in the 21st March Committee Report, Officers applied Local Plan Policy LP2 as having greater weight than Policy LP4. This was because Policy LP2 gives strategic direction on the location and scale of all new development based on a clearly-defined settlement hierarchy, specifying that only a limited range and type of developments will be acceptable outside the Peterborough Urban Area or the village envelopes. The application site is outside the Peterborough Urban Area boundary and is not amongst the list of allowable exceptions specifically cited within Policy LP2 or within the cross-referenced list at Policy LP11. For this reason the proposed development was considered by Officers to be a departure from the Local Plan, albeit justified in the planning balance for the reasons set out in the appended report and therefore an acceptable departure.

However, both Policy LP2 *and* Policy LP4 are identified at Appendix B of the Local Plan as being strategic policies, meaning that neither has supremacy and both must be read in conjunction, as part of a holistic application of the Local Plan's policies.

The courts have made clear that the *interpretation* of planning policy is a matter of law, whereas the *application* of policy to the facts of any particular proposed development is a matter of judgement for the decision-maker. Accordingly, Officers have sought Counsel's opinion on the apparent conflict between Policy LP2 and LP4, and have received legal advice on how Policy LP4 in particular should be interpreted.

In interpreting Policy LP4, and in particular developments proposals which may fall under the sub-heading "Other Employment Proposals", Counsel has noted that:

- (i) The Local Plan is permissive and, indeed, supportive of employment development which meets local needs;
- (ii) Policy LP1 sets out that the Council will take a positive approach to development proposals;
- (iii) Policy LP2 confirms that the City of Peterborough sits at the top of the settlement hierarchy, and in the absence of any other market towns is patently the most sustainable part of the Council's area for development, in general terms;
- (iv) The proposed development would be outside the development boundary contrary to LP2, but LP4 specifically contemplates development that may lie outside "the built up area of the existing settlement".
- (v) There is no suggestion the size of the proposal is not "commensurate with the scale and character of" the City.

Counsel has advised that, in the case where a need for additional employment land outwith the allocated sites or built up area is clearly demonstrated, the provisions in the "Other Employment Proposals" section of Policy LP4 support such development providing that they would not cause "significant" planning harms of the type identified. Significant harm plainly connotes more than material harm, and acknowledges that certain types of harm, for instance visual amenity and/or landscape harm, are likely to arise as a consequence of using land outside the urban area. That is

why the threshold is put at “significant”. If those significant harms do not arise, not only is the policy permissive of such development, it is positively supportive of it.

It is therefore the case that an alternative policy interpretation to that set out in the 21st March Committee Report should be applied.

Giving greater weight to the settlement hierarchy in Policy LP2, as Officers did in the 21st March Committee Report, leads to the conclusion that the application is a departure from the Local Plan, whereas the subsequent legal clarification of the “Other Employment Proposals” criteria in Policy LP4 does not necessarily generate the same result. The former approach (as previously advised) requires the decision-maker to weigh all material considerations in the planning balance to determine whether a departure is justified, whereas the latter approach (which is now advised in light of Counsel’s advice) requires the decision-maker to assess whether the specific “Other Employment Proposals” criteria have all been demonstrably met, and therefore accords with Policy LP4.

In practical terms, it is the same broad range of material considerations that are applicable in both instances, and both instances require the exercise of planning judgement. The difference is that applications being considered under Policy LP4 “Other Employments Proposals” can be seen to accord with the Development Plan even when they are outside the settlement boundary, subject to a judgement which includes whether they cause any “significant” adverse impacts to character and appearance, neighbouring amenity, the local highway network, and the viability of delivering any allocated employment site.

The officer assessment of each of the criteria of policy LP4 is summarised as follows:

- The submitted employment land reviews clearly demonstrate that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement.
- A development of up to 15,236 sqm covering a site area of 6.3 hectares is commensurate with the scale and character of the Peterborough city urban area.
- There would be no significant adverse impact on the character and appearance of the area as evidenced by the submitted LVIA and supplementary LVIA. The distance between the site and neighbouring properties together with proposed landscaping would ensure there would be no significant adverse impact on the amenity of nearby residents.
- There would be no significant adverse impacts on the local highway network as borne out by the results of the Transport Assessment. There are no objections from the Local Highway Authority.
- The remaining undeveloped allocated employment sites are at Oxney Road and Red Brick Farm. There have been no objections from the owners of these sites. The quantum of development proposed would not have a significant adverse impact on the viability of these allocations.
- The proposed footway/cycleway, bus stop and travel plan would ensure the proposals maximise opportunities for modal shift away from the private car.

Officers continue to consider that the applicant has robustly demonstrated that insufficient employment land remains to last the remainder of the Local Plan period, and that the proposed development would not generate any “significant” adverse impacts under the criteria of Policy LP4.

4 Visual and Landscape Impact

In light of Counsel’s clarification on the interpretation of Policy LP4, the landscape considerations at Policy LP27 must be considered with the test of “significant” adverse impact in mind.

Almost every part of Peterborough outside the Principal Urban Area falls within one of six Landscape Character Areas (further divided into 18 sub-areas) as identified in a Landscape

Character Assessment undertaken in 2007. The purpose of that document is to provide guidance on the character and local distinctiveness of the landscape within these areas, and to assess the landscape in terms of its sensitivity to change and ability to accept development. There are no designated or protected landscapes within Peterborough that have been recognised for their special landscape quality or value, as would be the case within a National Park or an Area of Outstanding Natural Beauty; rather, the Landscape Character Assessments are intended to be used in the determination of planning applications to ensure the diverse character of the area's landscape is respected, maintained and, where possible, enhanced.

The application site is within the Peterborough Fens character area, and within that sub-area (d) Horsey Toll, described as "an area of slightly elevated landform to the south of the fens". The document evaluates this sub-area as being of moderate strength of character and in moderate condition, with low overall ecological sensitivity and moderate cultural sensitivity. Although noting that the openness of the area would mean that new development would be significant outside the sub-area's notional boundaries, it also concludes that the character of Horsey Toll needs to be improved in order to ensure a more attractive and robust edge to the expanding City of Peterborough.

Assessment of landscape and visual impact is a matter of judgement, with Committee members being required to come to their own conclusion as to whether the visual impact of the proposed development is acceptable, could be mitigated to render it acceptable, or would carry some degree of harm which needs to be considered. Counsel has confirmed that the test at Policy LP4 ("Other Employment Proposals") is whether there would be "significant adverse impact on the character and appearance of the area" for a proposal to be unacceptable, whereas Policy LP27 takes a more criteria-based approach which confirms that planning permission will be granted if the proposed development would:

- a. recognise and, where possible, enhance the character and special qualities of the local landscape through appropriate design and management;
- b. reflect and enhance local distinctiveness and diversity;
- c. identify, maintain and, where possible, enhance any natural or man-made features of significant landscape, historical, cultural, wildlife and geological importance. Where a proposal may result in significant harm, it may be permitted in exceptional circumstances, if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated;
- d. safeguard and enhance important views and vistas, including sky lines in to, out of and within the development layout;
- e. protect the landscape settings and separate identities of settlements; and
- f. provide appropriate landscape mitigation proportionate in scale and design, and/or suitable off-site enhancements.

Having raised initial concerns with the Illustrative Masterplan, the Council's Tree Officer is now satisfied these can be dealt with through robust conditions requiring not only the submission of a revised masterplan, but also additional information at reserved matters stage. This would address initial concerns in respect of the insufficient levels of screening that the indicative landscape planting illustrates, in particular from the A605. A specific list of landscape mitigation requirements is therefore recommended to be conditioned which will inherently inform changes to the Illustrative Masterplan at reserved matters stage to ensure the development is appropriately screened. This can be achieved without compromising the water levels within the site subject to the submission of an acceptable technical solution which will be controlled by conditions C13 and C15.

Considered against the criteria in Policy LP27, subject to the recommended conditions the proposed development would:

- a. recognise the special qualities of the local landscape through appropriate design and management, through the approval of a revised masterplan at reserved matters stage including additional tree planting and other landscape screening;
- b. reflect local distinctiveness and diversity, through the provision of additional native tree planting to be secured at reserved matters stage;
- c. identify and maintain both natural and man-made features of significant landscape, historical, cultural, wildlife and geological importance, including mitigating any harm to historical features through the conditions identified and explored within section (d) of this report;
- d. safeguard important views and vistas, most notably by protecting an existing view corridor to the cathedral;
- e. protect the landscape settings and separate identities of settlements by virtue of landscape buffer planting and retaining an open gap between the proposed development and Kings Delph to the east; and
- f. provide appropriate landscape mitigation proportionate in scale and design, to be secured via the various conditions which are recommended.

Consequently, subject to the recommended conditions and appropriate design and consideration at reserved matters stage, the proposed development is considered capable of complying with Policies LP27 and LP29 of the Adopted Peterborough Local Plan (2019).

5 **The Planning Balance**

Having received Counsel's advice on the interpretation of Policy LP4, Officers now consider that the proposed development does not constitute a departure from the Development Plan and in principle is a permissible form of development under Policy LP4 "Other Employment Proposals".

It remains the case that the policies which are most important for determining the application, in particular, those governing the allocation of employment land, are out-of-date (LP44 to LP46). Officers are satisfied that the applicant has demonstrated that this is the case. Consequently, both Policy LP4 and paragraph 11 of the National Planning Policy Framework point to planning permission being granted.

Policy LP4:

There would not be "significant" adverse impacts to character and appearance, neighbouring amenity, the local highway network, and the viability of delivering any allocated employment site

National Planning Policy Framework:

Paragraph 11(d) states that where the policies which are most important for determining the application are out-of-date, the local planning authority should grant permission unless:

- i. the application of policies in the National Planning Policy Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

In respect of national policy test 11d(i), whilst there would be an effect on designated heritage assets and other heritage assets of archaeological interest, subject to the recommended conditions those effects would not provide a clear reason for the application to be refused.

In respect of national policy test 11d(ii), it is necessary to weight the benefits and adverse impacts in the planning balance, refusing planning permission only if the adverse impacts "significantly and demonstrably" outweigh the benefits.

It is also necessary, in light of Historic England's comments in respect of the "less than substantial" harm to the setting of the Scheduled Monument to the south, to apply National Planning Policy

Framework paragraph 202 and to weigh that “less than substantial” heritage harm against the public benefits of the proposed development.

The main benefits of the proposed development are economic ones, which National Planning Policy Framework paragraph 81 directs the decision-maker to give "significant weight". These include job creation, the provision of additional land for employment development in light of an identified but unexpected shortfall, construction expenditure, a significant forecast quantum of Gross Added Value to the local economy, and additional tax receipts. Improved footway/cycleway connections are a benefit of more limited weight.

Officers continue to conclude that the 'less than substantial' harm to the setting of the Scheduled Monument would be outweighed by the identified public benefits of the proposal.

Subject to the recommended conditions, the completion of a Section 106 agreement to secure highway-related improvements, and careful consideration of matters of detail at reserved matters stage, the adverse impacts of the proposals, as identified within the report, are considered to be capable of mitigation (both individually and cumulatively) such that adverse impacts would not "significantly and demonstrably" outweigh the benefits. The proposed development would comply with the policies of the development plan taken as a whole.

6 Robustness of the previously-adopted refusal reasons

Members are requested to carefully considered Counsel's advice included as Exempt Information at Appendix 2 of this report.

7 Summary

In light of Counsel's policy interpretation advice, Officers now consider that (i) the application accords with Local Plan Policy LP4; and as before that (ii) the planning balance points to planning permission being granted in the face of the employment policies in the Local Plan being out-of-date.

Officers therefore advise that Outline Planning Permission is **GRANTED** subject to the completion of a Section 106 agreement and the following updated conditions:

- C 1 Approval of details of the means of access, layout, appearance, landscaping and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before the development of any Phase approved pursuant to the Phasing Plan required by condition 3 of this permission 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 and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 2 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of seven 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: 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 and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

- C 3 Prior to the submission of any application for reserved matters, a Phasing Plan shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Phasing Plan.

The Phasing Plan shall include (but not be limited to):

- a. Existing features, including topography and those trees and shrubs to be retained;
- b. The extent of road to be constructed to adoptable standard;
- c. SUDS provision;
- d. Foul and surface water drainage;
- e. Structural landscaping;
- f. The order in which plots will be released;
- g. Zones to be kept clear from development in order to safeguard a view corridor from the A605 towards Peterborough Cathedral; h) Fire hydrant provision;
- a. Details of haul routes, routing and parking for construction traffic;
- b. Means of temporary and permanent access to the existing commercial uses to the north of the site;
- c. Provision of a footway/cycleway connecting through the site to and from the A605.

Reason: To secure the comprehensive and co-ordinated development of each part of the site, and to clearly identify the outline consent pursuant to which each part of the site will be developed in accordance with the policy standards required by the development plan and any other material considerations.

- C 4 Details submitted pursuant to condition C1 shall be restricted as follows:

- No building shall exceed a height of 10.5m from slab level to eaves and no building shall exceed a height of 13.2m to its highest point.
- The total cumulative quantum of floorspace shall not exceed 15,263sqm GIA

Reason: In order to ensure that development is restricted to that which has been applied for, and in order to ensure the availability of premises for small-to-medium enterprises in accordance with the development need justifying the development.

- C 5 No individual premises on the approved development shall exceed 2,000sqm and no individual occupier shall occupy more than 2,000sqm in total on the development.

Reason: In order to ensure the availability of premises for small-to-medium enterprises in accordance with the development need justifying the development.

- C 6 Prior to the submission of any reserved matters applications the applicant shall submit a Design Code for the written approval of the Local Planning Authority. The Design Code shall include but not be limited to:

- facing materials palette
- fenestration options
- shutters to vehicular openings
- security shutters
- roof form

- signage zones
- refuse storage

Reserved matters subsequently submitted pursuant to condition C1 shall comply in full with the approved Design Code.

Reason: In order to ensure the creation of high-quality buildings and place in accordance with paragraph 126 of the National Planning Policy Framework (2021) and Policy LP16 of the Adopted Peterborough Local Plan (2019).

- C 7 The rating level of noise emitted from the site shall not exceed 45 dB LAeq, 1 hour between 07:00 and 23:00 Monday to Friday and 35dB dB LAeq, 15 minutes at any other time. The noise levels shall be determined at the nearest noise sensitive premises using measurements and assessment made in accordance with BS:4142:2014.

Reason: In order to avoid any significant noise nuisance from the development to nearby sensitive premises.

- C 8 Reversing alarms fitted to vehicles that are used regularly at premises shall be of a non tonal (white noise) design.

Reason: In order to safeguard the amenity of nearby residential occupiers.

- C 9 There shall be no deliveries, heavy goods vehicle movements, use of fork-lift trucks or use of any other vehicles fitted with reversing alarms operating on the site other than between the hours of 07:00 and 23:00.

Reason: In order to safeguard the amenity of nearby residential occupiers.

- C10 No external lighting shall be erected until a Lighting Strategy for all lighting across the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- a. identify those areas/features on site that are particularly sensitive for, protected habitats breeding birds, bats and badgers that are likely to cause disturbance; and
- b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species and/or habitats.
- c. demonstrate that the use of lighting the development, and used at individual premises, does not exceed the obtrusive light limits specified for environmental zone E3 in the Institution of Lighting Professionals document "Guidance Notes for the Reduction of Obtrusive Light: Guidance Note 01:20 ".
- d. demonstrate how lighting of private roads, driveways or parking areas shall be arranged so that no danger or inconvenience is caused to users of the adjoining existing or proposed public highway.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances may any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In order to protect the amenity of local residents, in the interests of highway safety, and to safeguarded ecology in accordance with Policies LP13, LP17, and LP28 of the Adopted Peterborough Local Plan (2019).

- C11 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, a Method Statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment, in accordance with Policy LP31 of the Adopted Peterborough Local Plan (2019).

- C12 Notwithstanding the indicative site layout indicated on Illustrative Masterplan reference AP0201 Revision U, the landscaping details submitted pursuant to condition 1 shall include but not be limited to:

- a. Tree and shrub planting to form a landscape buffer along the western site boundary adjacent to the River Nene (Old Course)
- b. Tree and shrub planting to form a landscape buffer along the northern site boundary adjacent to the Kings Dyke
- c. Tree and shrub planting to form a continuous landscape buffer alongside the A605 at both Whittlesey Road and Toll Road
- d. Tree and shrub planting to form a landscape buffer on "blue land" alongside the A605 which allows screening of the development from adjacent residential properties at 1 and 2 Toll Cottage and Tollbar Cottage
- e. Tree and shrub planting to form a landscape buffer along the north-western boundary of the "blue land" labelled "Archaeological Preservation Area" which may in part be placed within the car parking areas of a revised site layout
- f. Tree and shrub planting within the development including street tree planting and tree planting within all car parking areas
- g. A Landscape Management Plan including long term design objective and management/maintenance responsibilities
- h. Planting Plans including trees, species, numbers, size, densities, showing suitable soil volumes, tree pit details, including root barriers/deflectors, means of support and details of means of watering to provide suitable/appropriate irrigation rates
- i. An implementation programme for each phase of the development
- j. Hard surface materials
- k. Boundary treatments

All landscaping works shall be undertaken in accordance with the measures approved within the Water Table Minimum Level Preservation Scheme as required by condition 15 of this approval. The development shall thereafter be carried out in accordance with the approved hard landscaping details prior to first occupation/ use of the element to which it relates. In the case of soft landscaping this shall be implemented in the first available planting season following the first occupation or use of the element to which it relates. The soft landscaping shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan.

If within a period of five years from the date of planting of any tree or shrub or any tree/shrub planted in replacement of it, is removed, uprooted, destroyed or dies or becomes otherwise defective another tree or shrub of the same species and size as that originally planted shall be planted in the same location and in the next available planting season unless an alternative arrangement is agreed in writing by the Local Planning Authority.

Reason: In order to mitigate the impact of the development on the landscape and the minimise its effect on nearby residential properties in accordance with Policies LP16, LP27 and LP29 of the Adopted Peterborough Local Plan (2019).

- C13 The landscaping reserved matters details to be submitted pursuant to condition 1 shall specifically include details of root protection, root containment and irrigation in respect of new tree and hedgerow planting along the entire southern boundary adjacent to the A605.

All landscaping works shall be undertaken in accordance with the measures approved within the Water Table Minimum Level Preservation Scheme as required by condition 15 of this approval.

The development shall thereafter be carried out in accordance with the approved hard landscaping details prior to first occupation/ use of the element to which it relates. In the case of soft landscaping this shall be implemented in the first available planting season following the first occupation or use of the element to which it relates. The soft landscaping shall thereafter be managed and maintained in accordance with the approved Landscape Management Plan.

If within a period of five years from the date of planting of any tree or shrub or any tree/shrub planted in replacement of it, is removed, uprooted, destroyed or dies or becomes otherwise defective another tree or shrub of the same species and size as that originally planted shall be planted in the same location and in the next available planting season unless an alternative arrangement is agreed in writing by the Local Planning Authority.”

Reason: In order to protect and safeguard the amenities of the area whilst balancing the need to safeguard archaeological heritage assets, in accordance with Policies LP16, LP19 and LP29 of the adopted Peterborough Local Plan (2019) and Chapters 15 and 16 of the National Planning Policy Framework (2021).

- C14 Any landscaping abutting the River Nene (Old Course) along the north-western site boundary (as shown indicatively on drawing number AP0201 Revision U) which is removed in association with or as a result of works to the gas main shall be replaced in the first available planting season following the completion of works to the gas main with a species and size of planting equivalent to that which was removed.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the adopted Peterborough Local Plan (2019) and Chapter 15 of the National Planning Policy Framework (2021).

- C15 Prior to the submission of any reserved matters applications the applicant shall:
- a. Submit a Water Table Minimum Level Preservation Scheme for the written approval of the Local Planning Authority which demonstrates that the individual and combined effects of foundations, other below-ground works, impermeable areas and landscape planting, along with any water table mitigation measures, shall not result in the water table within the site or the adjacent "blue land" labelled "Archaeological Preservation Area" on the Illustrative Masterplan (drawing number AP0201 Revision U) falling below 1.90m AOD at any time. Reserved matters applications shall therefore accord with the Water Table Minimum Level Preservation Scheme and development shall be implemented in accordance with the approved Scheme. Any mitigation measures identified in the approved Scheme shall be implemented in full and retained for the lifetime of the development.
 - b. Only in the event that the applicant is unable to secure the Local Planning Authority's written approval for a Water Table Minimum Level Preservation Scheme then a Written Scheme of Investigation ("WSI") in respect of the Late Iron Age and Later Bronze Age post alignments shown at Figure 4 of the Archaeological Evaluation Report (Cambridge Archaeology Unit, University of Cambridge, June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall fulfill the requirements specified in a Brief issued by Peterborough City Council Archaeological Services. The WSI shall detail

the programme of archaeological work and include a statement of significance, research objectives, the programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, with timetables and any phased of work. It will also detail the programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of archival materials. Thereafter, for the land that is included within the WSI, the development shall not take place except in complete accordance with the approved WSI, which shall be implemented in full prior to the commencement of any development.

Reason: To preserve archaeology in-situ or, where this is not possible to achieve, to mitigate the impact of the development on the historic environment and to ensure investigation, recording, reporting and presentation of the Late Iron Age and Later Bronze Age posts affected by the scheme, in accordance with Policy LP19 of the adopted Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021). This is a pre-commencement condition as measures to safeguard the minimum level of the water table to ensure preservation in-situ of archaeological assets must inform reserved matters designs or, if this is not possible, the works set out in the WSI must be submitted, approved and undertaken before any development works take place.

- C16 Prior to the submission of any reserved matters applications a Written Scheme of Investigation ("WSI") in respect of the alignment and extent of the Bronze Age ditch and rampart shown in part at Figures 2 and 4 of the Archaeological Evaluation Report (Cambridge Archaeological Unit, University of Cambridge, June 2022) shall be submitted to and approved in writing by the Local Planning Authority.

The WSI shall fulfil the requirements specified in a Brief issued by Peterborough City Council Archaeological Services. The WSI shall detail the programme of archaeological work and include a statement of significance, research objectives, the programme and methodology of site investigation and recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, with timetables and any phased of work. It will also detail the programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of archival materials. Thereafter, for the land that is included within the WSI, the development shall not take place except in complete accordance with the approved WSI, which shall be implemented in full prior to the commencement of any development.

Reason: To preserve archaeology in-situ and to ensure the investigation, recording, reporting and presentation of the ditch and rampart archaeological heritage assets affected by the scheme, in accordance with Policy LP19 of the adopted Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021). This is a precommencement condition as the works set out in the WSI must be submitted, approved and undertaken in order to inform the subsequent reserved matters application(s) in respect of internal means of access, siting and landscaping.

- C17 In respect of those parts of the site not included within conditions 15 and 16 above, no development shall commence until an archaeological mitigation strategy, including a Written Scheme of Investigation ("WSI"), has been submitted to and approved in writing by the Local Planning Authority. The WSI shall fulfil the requirements specified in a Brief issued by Peterborough City Council Archaeology Services. Thereafter, for the land that is included within the WSI, no development shall take place except in complete accordance with the approved WSI, which shall be implemented in full.

The WSI shall detail the programme of archaeological work and include a statement of significance, research objectives, the programme and methodology of site investigation and

recording, and the nomination of a competent person(s) or organisation to undertake the agreed works, with timetables and any phasing of work. It will also detail the programme for post-investigation assessment and subsequent analysis, publication and dissemination, and deposition of archival materials.

This condition may be discharged in stages but shall not be fully discharged until the whole mitigation strategy set out in the WSI has been fulfilled to the satisfaction of the Local Planning Authority. Stages for discharge may be as follows:

1. Submission and approval of the WSI
2. Completion of the agreed fieldwork and post investigation assessment, as applicable
3. Reporting/publication
4. Archiving

Should significant remains be encountered in the course of the fieldwork, the Local Planning Authority shall be immediately informed and the applicant shall ensure that any such exposed remains are undisturbed until their significance can be determined and consideration of their reburial/retention in situ or other mitigation is addressed.

Reason: To preserve archaeology in-situ and to ensure the investigation, recording, reporting and presentation of archaeological heritage assets affected by the scheme, in accordance with Policy LP19 of the adopted Peterborough Local Plan (2019) and Chapter 16 of the National Planning Policy Framework (2021). This is a pre-commencement condition as the works set out in the WSI must be submitted, approved and undertaken before any development works take place.

- C18 Development shall be undertaken in accordance with the Sustainability Strategy dated 14 February 2023.

Reason: In accordance with sustainability objectives set out at Policy LP31 of the Adopted Peterborough Local Plan (2019).

- C19 No works except demolition shall takes place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

The appropriate level of treatment for all runoff leaving the site, in line with the Simple Index Approach in chapter 26 of the CIRIA SuDS Manual C753.

- Detailed engineering drawings of each component of the drainage scheme.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.
- An Implementation Programme sequencing the elements of and order within which the entirety of the approved strategy will be implemented

The scheme shall subsequently be implemented in accordance with the approved details.

Reasons:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- To ensure the effective operation of SuDS features over the lifetime of the development. - To provide mitigation of any environmental harm which may be caused to the local water environment
- Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.
- In order to accord with Policy LP32 of the Adopted Peterborough Local Plan (2019).

C20 No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reasons:

- The National Planning Policy Framework paragraphs 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.
- Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. - To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.
- Construction may also lead to polluted water being allowed to leave the site. Methods for preventing or mitigating this should be proposed.
- In order to accord with Policy LP32 of the Adopted Peterborough Local Plan (2019).

C21 Prior to the occupation of any part of the development a Drainage Maintenance Strategy detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Thereafter the surface water drainage provision within the site shall be maintained in perpetuity in accordance with the approved Drainage Maintenance Strategy. An annual Maintenance Log demonstrating compliance with the approved Drainage Maintenance Strategy must be kept and must be made available to the Local Planning Authority upon request.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk, in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019). Failure to provide the above required information prior to occupation may result in the installation of a system that is not properly maintained and may increase flood risk or pollution hazard from the site.

C22 Prior to the construction above damp proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason To prevent environmental and amenity problems arising from flooding.

C23 The development shall only be carried out in accordance with all of the recommendations for mitigation and compensation set out in the following documents:

- o Preliminary Ecological Appraisal (James Blake Associates, September 2021)
- o Landscaping and Ecological Management Plan (James Blake Associates, March 2021)
- o Landscape Master Plan (James Blake Associates, March 2021)

These documents detail the methods for maintaining the conservation status of Ecological Constraints and must be complied with at all times.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

C24 No development shall take place (including any ground works or site clearance) until a method statement for the resurvey of Badgers has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a. purpose and objectives for the proposed works;
- b. detailed design(s), survey requirements and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c. extent and location of proposed works shown on appropriate scale maps and plans;
- e. persons responsible for implementing the works;
- f. initial aftercare and long-term maintenance, as applicable;
- g. disposal of any wastes arising from works, as applicable.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

C25 No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Summary of potentially damaging activities.
- b. Identification of "biodiversity protection zones".
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on possible nesting birds, reptiles and Great Crested Newts that may use the habitat (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
- d. The location and timing of sensitive works to avoid harm to biodiversity features.
- e. The times during construction when specialist ecologists need to be present on site to oversee works.
- f. Responsible persons and lines of communication.

- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h. Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

- C26 No building or construction work or any kind shall take place within 30 metres of any part of the site containing material evidence of Barn Owl occupation unless survey-based evidence has been provided to the Local Planning Authority that no birds are nesting at the identified feature within 3 days of work commencing.

Reason: In order to safeguard ecological interests, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

- C27 Prior to the first occupation of any part of the development a Full Fibre Broadband Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall demonstrate how each of the premises is to be provided with a Full Fibre Broadband connection of not less than one gigabit (1,000 megabits) per second. The approved Full Fibre Broadband Scheme shall be implemented prior to the first occupation of each premises.

Reason: To ensure adequate telecommunications infrastructure is provided in accordance with Policy LP14 of the Adopted Peterborough Local Plan (2019).

- C28 The plans and particulars to be submitted as reserved matters under condition C1 shall include details of existing and proposed site levels including the finished floor levels of all new buildings and any associated parking. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual and residential amenity in accordance with Policies LP16 and LP17 of the Peterborough Local Plan.

- C29 The plans and particulars to be submitted as reserved matters under condition C1 shall include details of the following, as appropriate:

- Details of new footpaths and cycleways including how these tie into the existing foot/cycle ways and bridleways;
- Details of the internal access roads/cycleways/footways and junctions within the site - Car parking, circulation, turning areas and loading and unloading areas. - Electric charging points/infrastructure;

Development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the highway network is suitable for the traffic volumes predicted and to allow for safe/easy access by pedestrians, in accordance with Policy LP13 of the Local Plan (2019).

- C30 Notwithstanding the details shown on drawing Y411-PL-SK-202 C, prior to commencement of development above slab level a revised design for the western pedestrian and cycle access to the site, connection(s) to the Green Wheel, new bus stops and crossing of

Whittlesey Road along with the associated refuge island shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the means of access for pedestrians and cyclists has been constructed in accordance with the approved plans.

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

- C31 Construction shall not begin until detailed drawings (based upon drawing Y411-PL-SK-203 B) for the design of the junction between the proposed access road and the highway have been approved in writing by the Local Planning Authority; and the building(s) shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of Highway safety, in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C33 Visibility splays clear of any obstruction over a height of 600mm above carriageway level shall be provided on either side of the junction of the proposed access road with the public highway. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 120m measured along the channel line of the public highway from the centre line of the proposed access road. The channel line must be measured along the edge of the carriageway or the line of the face of the kerbs on the side of the existing highway nearest the new access.

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

- C34 The existing 'Crane Depot' access junction with the A605 shown on Location Plan reference 2472-AP0101 Revision D shall be permanently closed to vehicular traffic before the new access hereby approved has been brought into public use or in accordance with a timetable agreed in writing by the Local Planning Authority. Details of the means of closure shall be submitted to and approved in writing by the Local Planning Authority. The permanent closure shall be carried out prior to the first occupation of any building on the site.

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

- C35 The gradient of the access shall not exceed 1:20 for a distance of 20 metres from the back edge of the existing public highway.

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

- C36 Development shall not commence until a fully operational jetted drive-thru bath type wheel cleaning apparatus has been installed within the site on all exits and the area between this and the public highway is hard surfaced in either concrete or tarmac and maintained free of mud, slurry and any other form of contamination whilst in use. All vehicles leaving the site shall pass through the wheel cleaning apparatus which shall be sited to ensure that vehicles are able to leave the site and enter the public highway in a clean condition and free of debris which could fall onto the public highway. The wheel cleaning apparatus shall be retained on site in full working order for the duration of the construction of the development.

Reason: In the interest of highway safety in accordance with Policy LP13 of the Adopted Peterborough Local Plan.

- C37 No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall include the following:-
- a. A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmac, to be maintained free of mud, slurry, and any other form of contamination whilst in use. A contingency plan including, if necessary, the temporary cessation of all construction operations to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
 - b. Haul routes to the site and hours of delivery.
 - c. Measures to ensure that vehicles can access the site upon arrival to ensure that there is no queuing on the public highway.
 - d. Details of site compounds, storage area and contractor and visitor parking.
 - e. A scheme for dealing with complaints.
 - f. Details of any temporary lighting which must not directly light the public highway.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of highway safety in accordance with Policies LP13 of the Adopted Peterborough Local Plan. This is a pre-commencement condition as the Construction Traffic Management Plan needs to be in place before works start on site.

- C38 Notwithstanding the details shown on the Illustrative Masterplan (drawing number AP0201 Revision U) this permission confers approval only for the first 20m of the new site access from channel line of the A605 as measured along the edge of the carriageway on the side of the highway in the location of the new access. Reserved matters application(s) submitted pursuant to condition C1 shall include details of the alignment and arrangement of the remainder of the internal access road required to serve the development.

Reason: The site layout shown on the Illustrative Masterplan does not take into account archaeological and other constraints and requires revision, meaning that that it is not appropriate to approve or fix the extent of the internal access road at this time.

- C39 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any subsequent Order revoking or re-enacting that Order with or without modification) no occupation of any building or its curtilage shall take place other than within Use Class E (offices), B2 (industrial) or B8 (storage and distribution) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). No occupation with Use Class E shall take place other than as offices falling within Use Classes (E)(c), E(e) or E(g).

Reason: A further assessment would be necessary to ascertain whether any alternative use would be acceptable in this location, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019). Reason: The s

- C40 The development hereby permitted shall be carried out in accordance with the following approved plans/details:
- Location Plan reference 2472-AP0101 Revision D

- Junction design drawing reference Y411-PL-SK-203 Revision B
- Landscape and Ecological Management and Maintenance Plan Revision A (James Blake Associates, May 2021)
- Flood Risk Assessment Revision V1 (Parsons Consulting Engineers, November 2022)
- Framework Travel Plan (Cannon Consulting Engineers, May 2021)

Reason: For the avoidance of doubt and in the interests of proper planning.

C41 Any reserved matters application which proposes in excess of 280sqm of office space (falling within Use Class E(c), E(e) or E(g)) which is not ancillary to a primary use falling within Use Class B2 (industrial) or B8 (storage and distribution) shall be subject to a Sequential Site Test.

Reason: In order to ensure a robust assessment of the effect of office development on nearby centres in accordance with Policy LP12 of the Adopted Peterborough Local Plan (2019).

Copies to Councillors- Councillor Ray Bisby
- Councillor Chris Harper
- Councillor Brian Rush

This page is intentionally left blank