

Application Ref: 22/00779/FUL

Proposal: Redevelopment of the former Beales store for a residential led, mixed-use development - part change of use, part demolition and part new build to provide 125 residential units and 846sq m of commercial/retail space

Site: Westgate House, Park Road, Peterborough, PE1 2TA
Applicant: Bispham
Panther (VAT) Properties Ltd

Agent: Mr Sean Hadley
Hedley Planning Services

Referred by: Head of Service for Planning

Reason: Significant public interest

Site visit: 23.06.2022

Case officer: James Croucher
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Recommendation: **GRANT** subject to relevant conditions

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

Introduction

This is a full application for the comprehensive redevelopment a 6,100sqm site in the heart of the City Centre partially by way of converting existing buildings and partially through demolition and new build.

The site currently comprises of three main elements:

1. The Victorian Westgate House building, which runs along Park Road and turns the corner onto Westgate;
2. Later twentieth century additions, forming the remainder of the former Beales Department Store and much of the Westgate frontage;
3. An external loading bay area and associated servicing, which is visually prominent on North Street.

Constructed from 1886 onwards in a number of phases, Westgate House was for several decades the Peterborough Anglian Co-operative Store, latterly trading as a Beales department store before its closure in Spring 2023. The building is not listed, but is a locally distinctive building which provides definition and character to the City Centre Conservation Area. The more recent parts of the building are modernist additions which lack local distinctiveness or any notable architectural merit, particularly on the North Street elevation.

Mixed commercial premises lie on the opposite side of Park Road to the east, whilst to the south is the Queensgate Shopping Centre and further mixed commercial uses. To the west the character of North Street is largely defined by the 38 apartments in a converted office building at 7-15 North Street, with the notable exception of The Ostrich Inn at the northern end of the street. A surface level public car park lies to the north-west of the site, whilst to the north-east another converted office building at Geneva House contains 29 apartments.

The Proposed Development

The application proposes 846sqm GIA of commercial/retail employment space and 125 apartments. The submitted plans shows this accommodation in 4 distinct buildings:

(i) The Park Road Building - conversion of the historic former department store:

A cafe and 9 flexible workspace/commercial units are proposed on the ground floor to retain an active frontage onto Park Road. The remainder of the building is proposed to be converted into 49 apartments, including cycle parking and refuse/recycling stores within the building. Existing cellars are not suitable for conversion but are proposed to be reused as plant rooms.

(ii) The Warehouse Building - partial conversion, partial demolition and redevelopment:

This building's external walls and parts of its structure are proposed to be retained, with some new-build elements necessary for its conversion into 12 apartments.

(iii) The Westgate Building - redevelopment following demolition of existing:

The more recent section of the former department store is proposed to be demolished and replaced with a four storey building wrapping around Westgate and North Street, providing 2 retail units on the Westgate frontage and 36 apartments (including some maisonette-type duplexes) on the North Street frontage and across its upper floors.

(iv) The Central Building - redevelopment following demolition of existing:

This completely new-build element is proposed to comprise 28 apartments in a six storey building.

No onsite car parking is proposed, albeit provision for deliveries is made within the proposed site layout and a number of secure undercover cycle parking areas is proposed, along with visitor cycle parking.

2 Planning History

The site has an extensive planning history which mostly comprises advertisements and minor works, but from which the following is most relevant:

P0398/77 (Westgate House - modern extension fronting Westgate and North Street)
Redevelopment of part of department store
Approved 13 June 1977

03/00141/OUT ("North Westgate Development Area")
Redevelopment to provide mixed uses including retail, residential, leisure, healthcare, parking and ancillary facilities.
Withdrawn 10 July 2015

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 (in relation to Listed Buildings and their setting)

Section 72 (in relation to Conservation Areas and their setting)

National Planning Policy Framework (2021)

National Planning Policy Framework (July 2021)

Section 2: Achieving Sustainable Development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

Section 16: Conserving and enhancing the historic environment

Peterborough Local Plan 2016 to 2036 (2019)

LP01 - Sustainable Development and Creation of the UK's Environment Capital

The council will take a positive approach that reflects the presumption in favour of sustainable development within the National Planning Policy Framework. It will seek to approve development wherever possible and to secure development that improves the economic, social and environmental conditions in the area and in turn helps Peterborough create the UK's Environment Capital.

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. Provision will be made for 76 hectares of employment land from April 2015 to March 2036. Mixed use developments will be encouraged particularly in the city, district and local centres.

LP4 b) Employment Proposals not within General Employment Areas or Business Parks will be supported provided that there are no suitable sites within allocated sites/ built up area, it is of an appropriate scale, would impact on the viability of an existing allocated site and not result in any unacceptable impact.

LP4 d) Conversions and redevelopment of non allocated employment sites to non allocated employment uses will be considered on their merits taking into consideration the impact on the area, the viability of the development including marketing evidence and the impact of continued use of the site.

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.

LP14 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development. Developers will be expected to contribute toward the delivery of relevant infrastructure.

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.

LP21 - New Open Space, Sport and Recreation Facilities

LP21 Part A New Open Space, Outdoor Sport and Recreation Facilities- Residential schemes of 15 or more dwellings will be required to make appropriate provision for new or enhanced open space, sports and recreation facilities in accordance with the standards. The council's first preference is for on site provision.

LP21 Part B: Indoor Sports and Recreation Facilities- All residential development below 500 dwellings will contribute to the provision of 'off site' strategic indoor sports and recreation facilities by way of CIL. For sites of 500 dwellings more a S106 Planning Obligation will be sort.

LP21 Part C Designated Sites- Mitigation of Recreational Impacts of Development- Where development has the potential to have a significant adverse effect on the integrity of a designated international or national site for nature conservation as a result of recreation pressure, the development maybe require to provide open space of sufficient size, type and quality over and above the standards to mitigate that pressure.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

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.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP31 - Renewable and Low Carbon Energy

Development proposals will be considered more favourably where they include measures to reduce energy demand and consumption, incorporate sustainable materials, incorporate decentralised or renewable energy or carbon off setting. Proposals for non wind renewable energy will be considered taking account of the impact of the landscape including heritage assets, amenity, highways and aviation. Wind proposals will also only be considered if in addition to these factors the site is in an adoptable Neighbourhood Plan and the proposal has local support.

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.

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.

Community Infrastructure Levy (CIL) Regulations 2010

Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations:

Requests for planning obligations whether CIL is in place or not, are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

Anglian Water Services Ltd

No objection subject to conditions.

Waste Management

No objection subject to a Waste Collection Strategy condition

Cambridgeshire Fire & Rescue Service

Having reviewed the submitted Fire Statement, no objection subject to a condition securing fire hydrants.

PCC Strategic Housing

Following receipt of Vacant Building Credit evidence and a Counsel's opinion by the applicant, accepts that there is no affordable housing requirement.

PCC Landscape Officer

No objection subject to contributions towards offsite open space improvements.

PCC Travel Choice

No comments received

PCC Wildlife Officer

No objection subject to a construction management plan (biodiversity) condition

PCC Peterborough Highways Services

No objection in principle to the quantum of mixed-use development proposed or to this being a car-free development. Holding objection raised on a number of matters of detail in respect of cycle parking design & layout, provision for delivery & refuse vehicles, and extent of offsite highway improvement works. The applicant is working through these remaining matters and the final highways position will be reported on the update sheet

Environment Agency

No comments to make.

Archaeological Officer

No objection subject to an archaeology watching brief condition. The recent desk-based assessment (DBA) for the subject site has concluded that the proposed development may alter the fabric of the locally listed historic building (Westgate House). In addition, the DBA has concluded that the service area off North Road may have witnessed limited ground intervention and, therefore, may contain relatively undisturbed buried remains.

PCC Pollution Team

Detailed comments made in respect of noise, odour, contaminated land and lighting. Disappointed that the principles of good acoustic design have not been followed, highlighting that noise is a constraint at this site and an Acoustic Design Statement has not been submitted, in particular with respect to habitable rooms facing The Ostrich Inn, and the stacking & handing of noise sensitive rooms within the new-build elements. Recommends several conditions should the Local Planning Authority be minded to grant planning permission.

Police Architectural Liaison Officer (PALO)

No objection subject to conditions.

Lead Local Drainage Authority

No objection in principle, having received a satisfactory flood risk assessment. Condition required to control matters of detail.

PCC Tree Officer

No objection subject to conditions. A fastigate species is advised for the proposed new street trees on Westgate, which is included amongst the suggested landscaping conditions.

Historic England

No comments to make.

The Wildlife Trusts (Cambridgeshire)

No comments received

Natural England - Consultation Service

No objection, advising that the proposed development is unlikely to have any significant impacts on the natural environment.

Peterborough Civic Society

Welcomes this proposal, which they consider offers positive enhancements to the Westgate area and to the city centre in general.

Retention of original features

There is strong support for the retention, refurbishment and re-purposing of the range of Victorian buildings on Park Road and the corner of Westgate. Returning these buildings to their original footprints and converting them to a mix of retail, food & drink, leisure uses, offices and residential is fully supported and should ensure a sustainable future for these structures.

We are pleased that the memorial clock is to be retained and restored. Originally a memorial plaque went with the clock and was an essential part of the WW1 memorial. The plaque was removed several decades ago but if it can be found we suggest that it is reinstated. There is also a ballroom with stage intact within the existing building range. Consideration should be given to its restoration as a single clear space, perhaps suitable for use as a gym or dance/performance studio.

Active Frontages

The inclusion of retail, food/drink, etc. units on the Westgate and Park Road frontages is supported.

The North Street frontage consists of pairs of front doors to the duplex apartments with the building line at the pavement edge. It is regrettable that this restricts the potential for a reasonably active frontage, perhaps with variety in the treatment of the thresholds, with some narrow garden areas with railings mixed in with open areas.

Scale and Form

The architectural scale is commended as an acceptable compromise between respecting the scale of the existing buildings and the need for a financially viable development. Ranging in height from the three and a half storeys in Park Road to four on Westgate/North Street to six storeys in the heart of the site, the proposal has scope to produce urban spaces of variety and interest.

There might be an issue of residential privacy in the proposal for the flats on North Street. The distance of 10m from the existing flats on the opposite side of North Street is rather less than what might normally be acceptable.

The view along the west-east axis of North Street from the Lincoln Road approach could be more emphatically focussed on some feature incorporated into the four-storey internal block (former warehouse). While the "green wall" proposed for the otherwise featureless western wall of this block could be very attractive it would greatly benefit for a more imaginative approach than a single species of ivy with only ground planting. It will take many years to cover the wall and even then will be a uniform monoculture.

Movement

The total absence of parking spaces will severely limit the appeal of these dwellings and add to the existing pressures from other significant city centre residential developments with inadequate parking provision. It is unrealistic to assume that none of the residents in 125 units will own vehicles. The residential units would be much more saleable and/or attractive to tenants if some conveniently placed parking spaces were available. In addition, the total absence of parking spaces virtually rules out occupation by persons with compromised mobility and this is hard to accept.

Servicing of the retail units will presumably be from the public highway at points closest to the shop units. This will require alteration to parking and taxi-rank arrangements on Park Road and Westgate, and this should be addressed at an early stage.

Noise issues

Concern has been expressed about the potential for complaints from residents of the nearest flats in the scheme regarding noise emanating from music events at the Ostrich Public House. Regard should be paid to this potential issue by requesting adequate noise surveys.

Conclusion

The Peterborough Civic Society is largely in favour of this proposal but would request that the Applicant address our comments noted above in order to make the scheme as attractive as possible.

PCC Conservation Officer

No objection, following receipt of additional information and revised plans.

There was initially a concern regarding the elevation facing North Street, dominating the area with an unrelieved and bland frontage undermining the setting of the area. Revised plans now show a series of three panels to be recessed to provide some relief to the large mass of the elevation, albeit no further attempt has been made to soften the elevation with window details. This is an improvement upon the previous plans and does to an extent soften the elevation however more could be done as suggested in previous comments.

As discussed previously it is essential that the development maintains an active frontage along Westgate and Park Road. The plans continue to show this, and it is suggested that a shopfront design code be required via condition to ensure that a holistic approach is taken for the building.

On balance the proposal is considered to sustain the character and significance of the Locally Listed building and the setting of the Conservation Area.

NHS Cambridgeshire & Peterborough Integrated Care System

No objection subject to contributions towards primary care and ambulance service provision

Local Residents/Interested Parties

Initial consultations: 212

Total number of responses: 362

Total number of objections: 358

Total number in support: 4

Public consultation - 358 objections received across two rounds of consultation:

- significant and numerous concerns raised as to the prospect of noise complaints from future scheme residents affecting the ability of The Ostrich Inn to continue to run live music events and operate as an important local cultural asset
- Lack of car parking
- No onsite disabled parking

- Absence of provision onsite for deliveries
- Concern over local healthcare capacity
- City Centre not an appropriate location for additional new homes

4 letters of support:

- regeneration is sorely needed
- absence of any noise complaints from existing North Street residents

The Ostrich Inn Public House:

The applicant's initial Noise Impact Assessment was flawed. The applicant's November Noise Impact Assessment gives welcome confirmation on some important points:

- That The Ostrich Inn is not currently having to address any existing noise complaints from local residents.
- There were no noise complaints from local residents on the nights that the applicant's noise survey was carried out.
- The Assessment the importance of PrpPg: Planning & Noise with particular reference to good acoustic design principals.

Local people recognise both that the threat to the future of The Ostrich Inn from the construction of 125 dwellings on the Beale's site is real. Music performances at The Swiss Cottage, The Woolpack and The House of Feasts have been forced to cease following noise complaints (the latter closing completely) whilst The Yard of Ale and Charters both face continuing noise complaints.

The Agent of Change principle dictates that the worst case scenario for existing premises should be fully considered both in terms of sound levels and opening hours - by example it should be noted that The Ostrich Inn currently concludes live music and closes considerably earlier than the Premises Licence for the venue dictates, which may not always be the case in the future.

There are very real concerns that the future of The Ostrich Inn may be hanging on the outcome of a noise assessment for one particular weekend for which in advance they had to try and predict the noise conditions both in terms of band performance and customer behaviour, which would realistically reflect the existing worst case scenarios that are supposed to apply to the premises when the Agent of Change Principle is correctly applied.

In predicting this scenario many factors come into play - not just the nature of the bands playing and of their following, but also what other similar bands are playing at other venues that night, the time of year, the weather, if it's a pay-day weekend, sporting events taking place particularly if Peterborough United are playing at home, and the one off events of birthday groups, stag parties, hen parties, etc, that all significantly affect a city centre "circuit" pub which by its nature sees numerous comings and goings of customers with the door held open for extended time periods. All of these "circuit" customers are in addition to the base group of people who had pre-planned to spend that particular night in the pub.

There were no instructions to the bands to play at anything other than their normal sound levels during the November noise monitoring weekend and door staff were instructed to operate the premises as normal.

Good acoustic design principles were put in place from the outset at the Cavell Court scheme immediately next door to The Ostrich Inn, in contrast to the proposed Beales redevelopment, which may likely explain the lack of any noise complaints from those residents. If acoustic mitigation is not properly installed and tested at the Beales site, it may not deliver the required level of sound attenuation.

The amount of development should be reduced in order to achieve good acoustic design principles, such as the omission of the 28 apartments in the proposed Central Building and a reorganisation of the site accordingly. As a minimum:

- Apartments 117 and 125 (positioned closest to The Ostrich Inn) should be deleted;
- Apartments 63, 64 and 65 within the Central Building should be redesigned;

- The roof terrace on the "Warehouse Building" should be omitted;

- A condition to any granted planning permission that a restriction is put on the use of all roof terraces and balconies on the site after 9pm at night - this would remove the risk of noise complaints from residents at the time when live music events are taking place at the Ostrich Inn. If residents choose to use terraces and balconies beyond 9pm, it would be in the knowledge that they did so in acceptance of any noise impact they might experience from The Ostrich.

A deed of easement is requested in favour of The Ostrich Inn, which would prevent all residents that move into the Beale's development site the right to make complaints against The Ostrich Inn on noise pollution grounds.

In the absence of the above changes to the submitted design, alongside the application of the suggested planning conditions, particularly the granting of a deed of easement, this planning application should be rejected on the grounds of overdevelopment of the site, and the lack of protection granted to the Ostrich Inn under the Agent of Change Principle.

5 Assessment of the planning issues

The main matters for consideration are::

- a) Principle of Development
- b) Layout and design
- c) Heritage considerations
- d) Noise
- e) Highways matters
- f) Amenity of existing and future residents
- g) Drainage
- h) Other matters: contamination, biodiversity, waste & recycling
- i) Affordable housing
- j) Section 106 & CIL

a) Principle of Development

The site falls wholly within the defined City Centre which Local Plan Policy LP6 confirms will be developed and promoted to maintain its position as a centre of regional significance, promoting the City Centre as a location for substantial new residential development (at a range of densities according to location), as well as for employment development. Mixed use development is specifically encouraged, especially (though not exclusively) outside the Primary Shopping Area.

Within the City Centre designation lies the City Core policy area, where Local Plan Policy LP47 confirms that the Council will "seek development of the highest quality" which, in overall terms:

- strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region;
- broadens the range of land uses, including more city centre living; and
- enhances the visitor experience for all

Some areas of the City Core are identified in the Local Plan as "Opportunity Areas" including to the east at Northminster and to the west at North Westgate, though this site is within neither. Mixed use redevelopment outside the Opportunity Areas is encouraged nonetheless by Policy LP47, subject to development:

- improving the quality of the townscape, architecture and public realm;
- protecting important views of the Cathedral;
- preserving or enhancing the heritage assets of the area, and their setting, in a manner appropriate to their significance; and
- protecting and enhancing existing retail areas

The first three of these criteria are explored later in this report. In terms of the protection and enhancement of existing retail areas, the entire footprint of the existing building falls within the Primary Shopping Area defined by Local Plan Policy LP12, with the Westgate frontage also being identified in the same policy as a Primary Shop Frontage. The permanent loss of a substantial department store within the Primary Shopping Area therefore needs careful consideration.

The ongoing decline in department store viability across the country has been well-documented, affecting most recently the 125,000sqft John Lewis store in the Queensgate centre which closed temporarily for the COVID lockdown in 2020/21 but which did not reopen once restrictions were lifted. The applicant has submitted details of their attempts to find a new occupier for their vacant department store, as well as details of the financial losses incurred over the final two years whilst it traded as Beales. The information submitted by the applicant confirms that there has been no interest in the site whatsoever from the dwindling number of remaining department store operators, and is considered to have satisfactorily demonstrated that there is no realistic prospect of a department store trading in this location again.

In order to retain an active frontage at ground floor level, flexible-use commercial units are proposed along the Park Road frontage whilst retail units are proposed on Westgate, in accordance with its Primary Shop Frontage designation. The proposed retail uses are acceptable in principle, whilst the flexible-use commercial units proposed in this location would accord with Policy LP4's strategy of mainly focusing employment development in the City Centre, elsewhere in the urban area (within General Employment Areas and Business Parks) and in urban extensions.

In respect of the proposed residential uses on the upper storeys and elsewhere across the site, National Planning Policy Framework paragraph 86 recognises that residential development often plays an important role in ensuring the vitality of centres and says that planning policies should encourage residential development on appropriate sites, a policy aim which is reflected in Local Plan Policy LP47. At a strategic level, Local Plan Policy LP3 relates to the distribution of new dwellings, and seeks to maximise the percentage of the overall growth to locations within the Urban Area.

Taking all of the above into account, the principle of the proposed mixed use development is considered to be acceptable, having regard to the relevant policies in the Adopted Local Plan and the National Planning Policy Framework.

b) Layout and design

The modern (20th century) elements of the building are of no architectural merit and are proposed to be demolished, retaining the Victorian Westgate House building fronting Park Road. Part of the former warehouse (backing onto the North Street public car park) is also proposed to be retained and converted. This approach consisting of part-conversion and part-redevelopment is considered appropriate, with the notable sustainability benefits of reusing existing structures where possible.

The proposed new 4-storey building wrapping around the Westgate and North Street frontages proposes a simple modern design which would contrast with the more ornamented retained facade of Westgate House. Protruding balconies would punctuate the facade, flanked at roof level by a bespoke rooftop copper-clad polygonal lantern on each end of the Westgate frontage. These features would add visual interest and the lanterns would reference the dome feature on the corner of Westgate House.

The proposed new 6-storey building at the centre of the site would equally adopt a modern elevational appearance, with protruding balconies on its eastern facade and an extruded frame sitting on front of recessed galleried accesses on its western facade. The design approach is considered acceptable, particular on the most visible western elevation.

The Civic Society has commended the architectural scale as an acceptable compromise between respecting the scale of the existing buildings and the need for a financially viable development. Ranging in height from the three and a half storeys in Park Road to four on Westgate/North Street

and up to six storeys in the heart of the site, the Civic Society's view is that the proposal has scope to produce urban spaces of variety and interest. Officers share this view, with none of the proposed buildings being overly prominent or out of scale in context.

In terms of external materials, a traditional palette of buff facing brick is proposed, interspersed with sections of dove grey glazed brickwork, and with otherwise blank elevations softened with Boston Ivy (a faster growing, strongly self-clinging form of Virginia Creeper). The general combination of materials is considered acceptable and precise details can be secured by condition.

In design terms the Conservation Officer has noted improvements during application process to the façade facing North Street and, whilst disappointed at the lack of window (or false window) features in a largely blank wall, is nonetheless on balance satisfied that the submitted scheme is acceptable. Conditions in terms of materials and detailed drawings for street-facing windows, balconies, shopfronts (etc) are recommended.

The soft landscape approach consists of several different planes of greening:

- modest lawn areas, planting swathes, rain gardens and hedged semi-private gardens;
- tree planting, including new street trees on Westgate;
- ground-planted vines providing vertical greening to selected walls; and
- private gardens, balconies and roof terraces accessible by individual households and site residents

The Tree Officer has no objection to the proposed landscaping, recommending conditions in respect of the species for the 5 new street trees proposed on Westgate as well as the normal conditions in respect of detailed onsite landscaping specification, establishment and aftercare.

In light of the above, the proposed development is considered to comply with the design quality sections of the National Planning Policy Framework and Policies LP16 and LP29 of the Adopted Peterborough Local Plan (2019).

c) Heritage considerations

Conservation Area

Westgate House is not a listed building, but has been identified as being of local importance. The site is wholly within the City Centre Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out provisions to protect Conservation Areas, requiring that 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

The Conservation Area Appraisal & Management Plan (July 2017) notes that the area of Westgate creates a distinct sub-area within the wider Conservation Area, with a different character to adjacent areas. The building stock here is predominantly 19th century, albeit with a significant proportion of 20th century development which has "significantly diluted" its historic character. One facet of this is that small, linear plots have been replaced by larger footprint buildings - with the former Beales store cited as a specific example of this. The appraisal notes that the "high and attractive early 20th century facade of Beales department store" encloses Park Road and contrasts with the smaller predominantly two storey scale of the 19th century buildings on the opposite side of the road.

Indeed, the former Beales store is identified as a prominent landmark building, with especially fine stonework to its upper floors and an attractive turret with a copper roof that signals the entrance on the corner. The modern canopy, dating from the 1970s, is noted as visually competing with the building's detailing. The rear elevation of the former department store is found to be a negative feature in the Conservation Area, and the redevelopment of the adjoining public car park is suggested as one way of screening this.

In this context, the historic 19th century and early 20th century buildings fronting Park Road and wrapping the corner onto Westgate are proposed to be retained as part of the proposed

development, adapted for smaller commercial units on the ground floor and apartments on the upper floors. The Conservation Officer has no objection to the proposed conversion works to this building, or to the demolition and redevelopment of the other more recent (1970s) elements. The Civic Society shares this view, offering their strong support for the retention, refurbishment and re-purposing of the range of Victorian buildings on Park Road and the corner of Westgate, also supporting the return of these buildings to their original footprints and their converting to a mix of retail, food & drink, leisure uses, offices and residential which in the Society's view should ensure a sustainable future for these structures.

The Civic Society is also pleased that the memorial clock is proposed to be retained and restored.

The partial conversion and partial demolition/rebuild of the warehouse element at the rear of the site is similarly acceptable in heritage terms. New shopfronts of a traditional design and appearance are proposed on both the Park Road and Westgate frontages, the detailed design and materials of which should be controlled by condition.

Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects the setting of a listed building, the Local Planning Authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The closest listed buildings are The Bull Hotel on Westgate (Grade II) which is visually and functionally separated from the application site by both Park Road and Bradfield House), and The Royal Hotel on the south side of Westgate, opposite the junction with North Street. Currently trading as "The Banyan Tree", The Royal Hotel (also Grade II) is set within the modern and to a large extent overwhelming context of the Queensgate Centre to its rear, modern commercial development to its west and the 1970s extension of Westgate House opposite. The proposed removal of the modern extension to Westgate House and its replacement with a contemporary development of appropriate height, bulk, scale, materials and elevational detailing is considered to have no harmful effect on the setting of The Royal Hotel.

Whilst the Grade I listed Cathedral is several hundred meters from the application site, the applicant has been required to test the impact of the proposed development (most notably the proposed central 6-storey element) from a number of identified viewpoints. The Conservation Officer has identified a number of viewpoints where the proposed development might intrude into cathedral views, and the applicant has submitted wireframe visualisations superimposing the proposed development into those views. Having considered this information, the Conservation Officer is satisfied that the proposed development would not cause any harm to views of the cathedral.

In light of the above the proposed development is considered to cause no harm to designated or undesignated heritage assets or their settings, and as such accords with Policies LP19 and LP47 of the Adopted Peterborough Local Plan (2019) and section 16 of the National Planning Policy Framework (2021). In applying the special duties imposed by Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, no harm to designated or undesignated heritage assets, or their settings, has been identified.

d) Noise

The application has attracted a large number of objections on noise grounds, with concerns relating to the future of The Ostrich Inn (a live music venue) featuring prominently in consultees' comments.

The Agent of Change Principle

Noise-generating cultural venues such as theatres, concert halls, pubs, night clubs and other venues that host live or electronic music are a valuable cultural and economic asset which should be protected, which requires a sensitive approach to managing change in the surrounding area. Adjacent development should be designed and brought forward in ways which ensure established cultural venues remain viable and can continue in their present form without the prospect of

licensing restrictions or the threat of closure due to noise complaints from neighbours.

The July 2021 National Planning Policy Framework makes it clear that this is the Government's policy. Paragraph 187 says:

"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Thus, the Agent of Change principle places the responsibility for mitigating the impact of noise and other nuisances firmly on the new development. This means that where new developments are proposed close to existing noise-generating activities, such as The Ostrich Inn, applicants will need to design them in a more sensitive way to protect the new occupiers, particularly new residents, from noise and other impacts.

In order to establish whether the Agent of Change principle has been reasonably and appropriately applied, the two stages of the process are (i) to establish the noise levels which are currently lawfully being produced by the live music venue, and then (ii) reviewing the design of the proposed development to ensure that future residents would not be unreasonably impacted by that noise.

Noise Monitoring

The applicant has undertaken three rounds of noise monitoring (in April, September and November 2022 when live music events were taking place at The Ostrich Inn. The initial monitoring was undertaken during one of the venue's quieter events, whilst ultimately the November monitoring was during a louder event which appears to be more representative of the venue's typical live music act. The Council's Pollution Control team is satisfied that the November monitoring gives an appropriate "worst case" scenario on which to base an assessment of the proposed development's future noise environment.

The applicant has used the louder of the two noise monitoring results to model predicted noise levels (in decibels) at the facades of the proposed new apartments. Unsurprisingly, the modelling shows that the loudest levels would be on the facade of the proposed new North Street apartment building, facing The Ostrich Inn. Slightly lower (but broadly similar) levels are predicted on the facade of the Central Building which faces The Ostrich Inn.

Noise levels predicted in the maisonettes facing The Ostrich Inn would be substantially above acceptable night-time levels and, with their open bedroom windows directly facing the noise source, residents would be unlikely to be able to sleep during noisy music events. The normal solution in such instances is to design a brand-new building like this so that bedrooms are on the far side, away from the noise source, with less noise-sensitive rooms such as kitchens or bathrooms subject to the highest noise levels. The applicant has been invited to redesign their scheme on this basis, but has declined. This is of concern to the Pollution Control Team.

Proposed Mitigation Measures

Instead, the applicant proposes mitigation to the affected maisonettes by way of:

- (i) Acoustic glazing and trickle vents
- (ii) Mechanical ventilation

In practice this means that, during noisy events at The Ostrich Inn, residents would be able to close their windows to reduce noise to within usual and acceptable tolerances, but still ventilate

their homes using the mechanical ventilation. Whilst this solution is technically acceptable and would result in internal noise levels that meet World Health Organisation recommendations, it is unfortunate that the applicant has chosen not to design out this issue altogether by redesigning the proposed new North Street block with bedrooms on the quieter side. In justifying this decision, the applicant points to the number of nights each month The Ostrich does not have live music, or live music of a quieter nature, that there have been no recorded noise complaints from other residents living in the apartments on North Street, that the proposed mitigation measures would result in acceptable internal noise levels, and that future occupiers of their development would move there in the knowledge that there is a City Centre live music venue close nearby.

On balance, given that the technical solution proposed by the applicant would result in acceptable internal noise levels during live music events at The Ostrich Inn, the proposed development is considered to comply with paragraph 187 of the National Planning Policy Framework and Policy LP17 of the Adopted Peterborough Local Plan (2019), which requires "adequate" noise attenuation. Conditions are recommended to control the specification of the glazing and ventilation mitigation measures, as well as a condition that the required level of noise attenuation is demonstrably delivered post-construction by the installed solutions and additional measures are put in place should this fail to be the case.

Handing and Stacking

Also sub-optimal in acoustic design terms is the internal layout of some of the new-build elements of the development, which include the bedroom of one flat abutting the kitchen of another. This should be entirely avoidable in new-build developments, where the appropriate stacking and handing of noise-sensitive rooms should be informed by good acoustic design principles. Again, the applicant has been invited to rectify this design failing by submitting revised plans but has declined to do so, on the basis that there is only a small number of apartments affected and pointing to the Building Regulations as an appropriate alternative control mechanism. Officers are not satisfied with this justification and accordingly a condition requiring details of additional soundproofing between apartments is recommended.

Proposed Commercial Units

The ground floor flexible-use commercial units are welcomed in order to provide an active frontage, retail units where there is a Defined Shopping Frontage, and City Centre employment opportunities. However, in order to avoid undue noise or nuisance to scheme residents, conditions are recommended preventing some specific use (such as gyms) and controlling means of extract from any commercial kitchens.

e) Highways matters

Local Plan Policy LP47 confirms that parking provision is set by Policy LP13, which in turn specifically sets a presumption against the provision of additional car parking spaces within the City Core policy area and confirms that new car parking provision will only be supported in "very exceptional circumstances". This is one of the highest possible policy tests and sets an especially high bar for any onsite car parking provision to be acceptable. Queensgate bus station is a 3 minute walk and Peterborough railway station is 7 minutes, giving excellent public transport accessibility to destinations both within the City and further afield. Consequently, the Local Highway Authority has no objection to this being a car-free development.

253 secure long-stay cycle parking spaces are proposed for residents (a ratio of two spaces per flat), along with 36 short-stay visitor cycle parking spaces in the form of 18 Sheffield stands, of which 16 would be located within the semi-private landscaped areas between the retained Westgate House and the new Central building. 5% of the secure cycle parking spaces would be suitable for large or non-standard cycles.

The proposed site layout has been designed to allow a fire tender to enter and turn within the site, with that area also being suitable for two 7.5t box vans (the type commonly used for removals) to load/unload. Supermarket and other deliveries could also use this area within the site.

In terms of offsite highway works, the applicant proposes:

- the marking of one additional loading bay on Park Road, replacing two existing time-limited car parking bays
- widening of the North Street footway to 2.0m

The Local Highway Authority has considered these proposals and has advised that, whilst there are no objections in principle, matters of detail remain to be resolved in respect of cycle parking design & layout, provision for delivery & refuse vehicles, and extent of offsite highway improvement works. The applicant is working through these remaining matters and the final highways position will be reported on the update sheet.

Subject to the resolution of the remaining matters of detail raised by the Local Highway Authority, the proposed development is considered capable of complying with Policy LP13 of the Adopted Peterborough Local Plan (2019).

f) Amenity of existing and future residents

Existing residents

Overlooking

As the Civic Society has pointed out, the maisonettes proposed on North Street would face the existing windows of the flats on the opposite side of the road at relatively close range, as close as 10m. These are public realm-facing windows though and a review of the approved floorplans for that scheme (14/00761/PRIOR) shows most of the facing windows serve kitchen/lounge/diners, with only 4 bedrooms facing the application site. On balance this level of mutual overlooking is acceptable in a constrained City Centre location such as this, and some new overlooking is to be expected if Policy LP47's aspirations for increased city centre living are to be met.

There would be no change of the relationship of facing windows on the Westgate or Park Road elevations.

Overbearing impact

The existing building already has a dominant effect on North Street and on the outlook of the residents living opposite. There would be no significant adverse effect from the proposed redevelopment of this part of the site compared with the existing situation and indeed, replacing the existing oppressive facade with one that is more modulated could be seen as a benefit.

Overshadowing

The amended bulk and massing proposed on North Street would not cast any significant additional shadow over the apartments opposite than the current building.

Future residents

Daylight and Sunlight

The applicant has been required to submit a detailed Daylight & Sunlight Assessment, which uses sophisticated computer modelling to ascertain whether the proposed apartments and maisonettes would have acceptable levels of internal natural light. The report considers all 125 proposed dwellings, which together accommodate 325 rooms served by a total of 587 windows.

With regard to daylight, the Building Research Establishment's guidelines explain that where daylight targets are met in the winter months, daylight year-round is likely to be adequate. In this case, 176 rooms out of 325 habitable rooms (54%) tested meet or surpass the BRE minimum winter recommendations. Of the 149 rooms which would fall short of their winter Daylight Factor targets, 79 of these rooms would be combined living room/kitchen/dining rooms, and the remaining 70 would be bedrooms. Out of the 79 combined living room/kitchen/dining rooms that do not achieve the 200 lux target, 11 of them would achieve 150 lux or above (the minimum recommended target applicable to living rooms).

In terms of direct sunlight the BRE guidance advises that, in general, a dwelling will appear reasonably sunlit provided:

- at least one main window wall faces within 90 degrees of due south, and
- a habitable room, preferably a main living room, can receive a total of at least 1.5 hours of sunlight on 21 March.

99 of the proposed 125 dwellings are positioned with windows to habitable rooms that face within 90 degrees of due south, of which 90 units (91%) would have a habitable room that passes the sunlight targets set out in the BRE guidelines. All roof top amenity areas would meet or surpass the BRE recommendations for sunlight to outdoor amenity areas.

This means of course that some of the apartments/maisonettes would not meet the BRE daylight/sunlight guidelines. This is to be expected in a constrained City Centre redevelopment such as this and it is noted that the BRE guidelines (which are not in themselves Government policy) are expected to be interpreted flexibly, since natural lighting is only one of many factors in site layout design. Additionally, the scheme seeks to retain and make use of existing buildings and windows on the Westgate and Park Road elevations, which does limit aperture size and thus access to natural light.

Government policy on this is set out at National Planning Policy Framework paragraph 125, which in the context of making efficient use of land advises Local Planning Authorities to take a flexible approach in applying policies or guidance relating to daylight and sunlight, as long as the resulting scheme would provide acceptable living standards. Local Plan Policy LP17 takes a similar approach, requiring "adequate" natural light rather than any set minimum standard.

When considered as a whole, the number of north-only single aspect apartments has been minimised, and some apartments which ostensibly fail to meet the BRE's guidelines are perhaps only 10 or 15 minutes of sunlight per day below the threshold. All residents would have access to sunny rooftop amenity areas and accordingly, the proposed development is considered to comply with the natural light requirements of Local Plan Policy LP17.

Overlooking

Window-to-window separation distances with the scheme are acceptable.

Outdoor Amenity Provision

At ground level landscaped courtyards are proposed which would have some informal amenity value to residents. Residents' roof terraces are proposed at the Westgate and Warehouse buildings, accessible via the stair cores serving those blocks. A smaller residents' roof terrace is also proposed on the Central building. The roof terrace of the warehouse building would be subject to evening noise from The Ostrich Inn when live music is played, but this is when the terrace is expected to have a lesser intensity of usage and indeed, if used in the evening users may wish to be playing music anyway. In order to ensure that the roof terraces are appropriately available without causing amenity or security concerns, and in order to manage the use of the Warehouse building's roof terrace to minimise any potential conflict with The Ostrich Inn's activities, an Outdoor Amenity Space Management Plan condition is recommended. Details of the proposed rooftop play area on the Westgate Building, importantly including safety fencing, should also be secured by condition.

In addition to the communal outdoor areas, most apartments (although not all) would have access to a balcony or terrace. Ground floor apartments would have an equivalent area defined by hedging to provide semi-defensible outdoor space.

In light of all of the above assessment, the proposed development is considered to comply with Policy LP17 of the Adopted Peterborough Local Plan (2019).

g) Drainage

In relation to the City Core policy area, Local Plan Policy LP47 confirms that, due to the sensitivities in this area, particular scrutiny will be given to the sustainability of the area with regard to drainage and surface water flood risk. The Environment Agency was consulted but did not wish to make any comments.

Following the receipt of additional and revised information the Council's SUDS Officer has confirmed that the applicant has provided a satisfactory flood risk assessment. Detailed drawings of the proposed permeable hard surfaced areas and rain gardens can be secured by condition, subject to which the proposed development is considered to comply with Policies LP32 and LP47 of the Adopted Peterborough Local Plan (2019).

h) Other matters: contamination, biodiversity, waste & recycling, fire safety, crime prevention, lighting strategy

Contamination

There is the potential for the site to be contaminated due to previous historic uses, and historic made ground. The proposed development includes the demolition of the more modern part of the building and then redevelopment of the site and accordingly, conditions are recommended in respect of soil investigations and any associated necessary remediation measures in order to comply with Policy LP33 of the Adopted Peterborough Local Plan (2019).

Biodiversity

The Wildlife Officer advises that the proposed development would have only minor negative impacts on biodiversity due to the nature of the current buildings and limited open areas, there is still a small but present risk to various protected species. Proposed compensation planting is welcomed and can be secured by condition, and in order to secure precautionary measures to avoid negative impacts a condition requiring a Construction Environmental Management Plan would be sufficient for the proposed development to comply with Policy LP28 of the Adopted Peterborough Local Plan (2019).

Waste & recycling

The applicant has confirmed that a private waste collection regime is proposed, on a twice-weekly collection basis. The Waste & Recycling Officer has no objection to this, subject to a condition requiring a Waste Collection Strategy.

Fire safety

The applicant has submitted a Fire Statement prepared by a Fire Safety Engineer, proposing residential sprinklers in the converted Westgate House and the new-build Central Building as well as dry risers in every building other than the North Street maisonettes. The Fire & Rescue Service has no objection to the submitted fire strategy, compliance with which can be secured by condition along with a further condition requiring hydrant provision.

Crime prevention

The Police Designing Out Crime Officer has reviewed the proposals and is broadly satisfied. Access control to the proposed apartments (including the cycle stores and refuse stores) via an audio/visual visitor entry system is recommended, details of which can be secured by condition.

The proposed cycle storage locations have been specifically reviewed and Cambridgeshire Constabulary is satisfied with the security of the cycle storage areas, subject to a condition requiring lighting and CCTV coverage. They note however that whilst gated, the cycle storage off Park Road would be visible from the street which would increase the likelihood of crime. An enhanced security door-set in this location (fitted with self-closers and access control measures), as well as obscure glazing or similar to prevent visibility from the street, are all recommended and again can be secured by condition.

Lighting strategy

Cambridgeshire Constabulary have also recommended a Lighting Strategy condition, demonstrating how the proposed bollard lighting in the communal landscaped areas can be suitably augmented with building lights. This approach is supported.

i) Affordable housing

The Government's Planning Practice Guidance confirms that national policy provides an incentive

for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this instance the former Beales store ceased trading in early 2023 and at the time of writing had been vacant for several months. The applicant has submitted a Counsel's Opinion that Vacant Building Credit applies, a conclusion which has also independently been reached by the Section 106 Officer and the Housing Officer. In light of this, no affordable housing is proposed or sought, either onsite or by way of a commuted sum.

Six of the proposed new homes would meet the M4(3) wheelchair accessibility standards, but would not be affordable homes and would be offered on the open market along with the rest of the development.

The Government's Vacant Building Credit policy is an important material consideration that essentially overrides Policy LP8 of the Adopted Peterborough Local Plan (2019) and whilst disappointing, the Council is not in a position to require any affordable housing on this application.

j) Section 106 & Community Infrastructure Levy

Community Infrastructure Levy

A CIL Liability Notice will be produced should planning permission be granted, albeit the residential element of the scheme would attract no CIL payment as there is no CIL liability for apartments on sites of 15+ units.

Section 106 contributions

No onsite public open space is proposed and accordingly the following contributions have been requested in terms of offsite open space improvements:

- £49,968 + 5 years Maintenance costs for enhancements at Stanley Park.
- £22,137 + 5 years Maintenance costs for enhanced play provision in Stanley Park
- £4,8134 + 5 years Maintenance costs for improvements to the Burton Street allotments
- £10,8712 + 5 years Maintenance costs for Natural Green Space improvements at Stanley Park.

These are considered reasonable and meet the relevant tests, and are recommended accordingly.

The NHS has been consulted via the Cambridgeshire & Peterborough Integrated Care System, who advise that the nearest GP Practice operating within the vicinity of the application site is Thomas Walker Medical Centre via its Westgate branch surgery. This practice has a registered patient list size of 26,305, and this development of 125 dwellings would see an increase patient pressure of 300 new residents which would require additional GP/Nurse /Admin support workforce to support increase in appointments and demand. This in turn has been calculated as requiring an additional 20.57 sqm net internal area of primary care floorspace. Consequently a financial contribution of £75,126 has been requested to mitigate the impacts of this proposal, which is recommended accordingly,

The East of England Ambulance Service NHS Trust advises that the proposed development would put increasing pressure and demand on ambulance emergency services around the application site. EEAST does not have the capacity to meet the additional growth resulting from this development and cumulative development growth in the area. A contribution of £14,580 towards additional ambulance infrastructure is therefore requested which again is considered reasonable and meets the relevant tests, and is recommended accordingly.

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 principle of mixed use redevelopment on this brownfield City Centre site is acceptable and accordance with Policies LP2 and LP47 of the Adopted Peterborough Local Plan (2019)
- * Subject to the resolution of the remaining matters of detail raised by the Local Highway Authority, the proposed development is considered capable of complying with Policy LP13 of the Adopted Peterborough Local Plan (2019).
- * The development will not have any unacceptable ecological impacts. New landscaping and habitats will be provided. The development therefore accords with Policies LP28 and LP29 of the Adopted Peterborough Local Plan (2019)
- * The site can be adequately drained in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019)
- * The development will not have any substantial or less-than-substantial effects on designated or undesignated heritage assets and the development is therefore considered to comply with Policy LP19 of the Adopted Peterborough Local Plan (2019)
- * The applicant has satisfactorily demonstrated that acceptable living conditions can be provided for future residential occupiers, having had regard to all material amenity considerations and the Agent of Change principle in respect of noise from a nearby established live music venue

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to completion of a Section 106 agreement to secure the listed contributions and subject to the following conditions:

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Executive Director of Place and Economy on the grounds that the development has failed to adequately mitigate its impacts.

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- C 2 The development must be carried out in strict accordance with the following approved plans/documents:

Approved plans:

BEA-001 Rev P2	Location Plan
BEA-002 Rev P2	Existing Site Plan (inc Roof Plan)
BEA-011 Rev P1	Existing Basement Floor Site Plan
BEA-012 Rev P1	Existing Ground Floor Site Plan
BEA-013 Rev P1	Existing First Floor Site Plan
BEA-014 Rev P1	Existing Second Floor Site Plan
BEA-015 Rev P1	Existing Third Floor Site Plan
BEA-031 Rev P1	Existing Site Sections - 1-1 and 3-3
BEA-032 Rev P1	Existing Site Sections - 2-2 & 4-4
BEA-041 Rev P1	Existing Site Elevations - All
BEA-051 Rev P1	Demolition Site Plan - Basement Floor
BEA-052 Rev P2	Demolition Site Plan - Ground Floor
BEA-053 Rev P1	Demolition Site Plan - First Floor
BEA-054 Rev P1	Demolition Site Plan - Second Floor
BEA-055 Rev P1	Demolition Site Plan - Third Floor
BEA-101 Rev P2	Proposed Site Plan - Block Plan (Inc Roof Plan)
BEA-111 Rev P1	Proposed Site Plan - Basement Floor Plan
BEA-112 Rev P4	Proposed Site Plan - Ground Floor Plan

BEA-113 Rev P2	Proposed Site Plan - First Floor Plan
BEA-114 Rev P2	Proposed Site Plan - Second Floor Plan
BEA-115 Rev P2	Proposed Site Plan - Third Floor Plan
BEA-116 Rev P2	Proposed Site Plan - Fourth Floor Plan
BEA-117 Rev P2	Proposed Site Plan - Fifth Floor Plan
BEA-131 Rev P1	Proposed Site Sections - AA, BB, CC
BEA-132 Rev P2	Proposed Site Sections - DD & EE
BEA-133 Rev P2	Proposed Site Sections - FF & GG
BEA-141 Rev P3	Proposed Site Elevations - Sheet 1
BEA-142 Rev P4	Proposed Site Elevations - Sheet 2
BEA-143 Rev P4	Proposed Site Elevations - Sheet 3
BEA-144 Rev P3	Proposed Site Elevations - Sheet 4
BEA-161 Rev P1	External Materials Study
BEA-201 Rev P4	Proposed Landscape Plan - Ground Level Layout
BEA-202 Rev P2	Proposed Landscape Plan - Roof Level Layout
BEA-203 Rev P5	Proposed Landscape Plan - Cycles and Proposed and Existing Footprint
BEA-501 Rev P2	Proposed Area Schedule

Approved documents:

Landscape Appraisal - N1148-ONE-ZZ-XX-RP-L-0001-P01 (July 2022)
Noise Report - LAE1175.4 dated 06 February 2023
Heritage Statement - Sarah Dyer Heritage 2309 - 001 - June 2022
Fire Report- 28318 - 5 May 2023
Highways Plans/ Documents:2023-01 Parking Stress Survey Analysis 22-070-N ISSUE with Appendices
2023-05 Response to Comments 22-070-N ISSUE with Appendices
Drawings 22-070/TK03 and 22-070/001
Transport Assessment Ref: 22-070-N Rev A
Flood Risk and Drainage Report - SHED Beales FRDA28.4.22 Rev B:
Proposed Drainage Layout
Micro-drainage Layout
SuDS Layout
Exceedance Flows
Proposed Surface Water Drainage Calculations
Statement of Community Involvement - HPS March 2022
Ecology Report - 2153 Rev3
Archaeological desk-based assessment - Ref: 5740
Planning Statement - HPS July 2022
Daylight and Sunlight Study -22062 - 10 January 2023
Shop Front Design Code - September 2022
Phase I Geo-Environmental Risk Assessment - 220120.R.001
Arboricultural Reports:
AIA Exi Beales Store Peterborough 22.04.22-AIA Exi 1.500 A1
AIA R Beales Store Peterborough 25.04.22
AIA TPP Beales Store Peterborough 22.04.22-AIA TPP 1.500 A1
AMS Exi Beales Store Peterborough 22.04.22-AMS Exi 1.500 A1
AMS R Beales Store Peterborough 25.04.22

Reason: In order to ensure that the development complies with that which has been applied for, for the avoidance of doubt and in the interests of good planning.

- C 3 The materials to be used in the external surfaces of the development hereby approved shall be based on those specified on approved drawing reference BEA-161 Rev P1 (External Materials Study). Prior to the commencement of any works above slab level, confirmation of

and samples of the following materials to be used in the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority:-

- Bricks or brickslips (including feature glazed brickslips)
- Cladding (including its RAL)
- Windows and doors
- Balconies
- Rainwater goods
- Copper and associated materials for the rooftop polygonal lantern features on the roof of the Westgate building
- Flues
- Handrails

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

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

- C 4 The materials to be used in the hardsurfacing of the development hereby approved shall be based on those specified on the approved layout drawing numbered BEA-201 Rev P3 (Proposed Landscape Plan - Ground Level Layout). Prior to the commencement of any works above slab level, confirmation of and samples of the materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and shall be retained thereafter.

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

- C 6 Notwithstanding the submitted landscaping details, prior to the commencement of any works above slab level full details of landscape planting (including but not limited to detailed planting plans showing species, size and density of planting, details of establishment measures including soil volumes, tree/shrub planters, and a detailed maintenance/aftercare schedule) to the following areas have been submitted to and approved in writing by the Local Planning Authority:

- (i) Ground level landscape planting, to be based on approved drawing number BEA-201 Rev P3 (Proposed Landscape Plan - Ground Level Layout)
- (ii) Rooftop landscape planting, to be based on approved drawing number BEA-202 Rev P2 (Proposed Landscape Plan - Roof Level Layout)
- (iii) Green walls ("Vertical Greening"), to be based on approved drawings numbered BEA-141 Rev P3 (Proposed Site Elevations - Sheet 1), BEA-142 Rev P4 (Proposed Site Elevations - Sheet 2), BEA-143 Rev P4 (Proposed Site Elevations - Sheet 3) and BEA-143 Rev P4 (Proposed Site Elevations - Sheet 3) notwithstanding the absence of Green Wall locations shown on drawing number BEA-202 Rev P2 Proposed Landscape Plan (Roof Level Layout)
- (iv) Green roofs on the North Street and Central buildings, based on approved drawing number BEA-202 Rev P2 (Proposed Landscape Plan - Roof Level Layout)

The scheme as approved shall be carried out in the first planting season following the first occupation of the development. Any trees, shrubs or plants that die within a period of five years from the completion of each development phase, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary continue

to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

- C 7 Notwithstanding the submitted landscaping details, no development shall take place above slab level until full details of the 5 new street trees on Westgate in the locations shown on approved drawing number BEA-201 Rev P3 (Proposed Landscape Plan - Ground Level Layout) have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not be limited to the species, size, soil planting volume and root protection measures of those trees.

The street trees shall be planted in accordance with the approved details in the first planting season following the first occupation of the development. Any tree that dies within a period of five years from the date of its planting, or is removed and/or becomes seriously damaged or diseased in that period, shall be replaced (and if necessary continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

- C 8 Notwithstanding the submitted landscaping details, no development shall take place above slab level until full details of the play area on the rooftop terrace of the Westgate Building (including but not limited to details of play equipment, seating, safety surfacing, safety fencing, auto-closing gates and refuse bins) have been submitted to and approved in writing by the Local Planning Authority. The size and location of the play area shall be based on approved drawing number BEA-202 Rev P2 (Proposed Landscape Plan - Roof Level Layout)

The play area shall be implemented in strict accordance with the approved details and made available for residents' use prior to the first occupation of any dwelling in the Westgate Building and shall be retained thereafter.

Reason: In order to ensure appropriate onsite children's play provision, in accordance with Policy LP21 of the Peterborough Local Plan (2019).

- C 9 Prior to the commencement of development on any of the commercial units shown on approved drawing number BEA-112 Rev P3 (Proposed Site Plan - Ground Floor Plan) details of works to the shop front of each unit shall be submitted to and approved in writing by the Local Planning Authority. Shop front works shall be in accordance with the approved document "Shop Front Design Code" (Ash Sakula Architects, September 2022). Shop front works shall be completed in accordance with the approved details prior to the first occupation of each commercial unit.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policies LP16 and LP19 of the Adopted Peterborough Local Plan (2019).

- C10 Prior to the commencement of any works to the Park Road Building (formerly known as Westgate House) details of the preservation, refurbishment and reinstatement of the protruding public clock feature shall be submitted to and approved in writing by the Local Planning Authority. Works to preserve, refurbish and reinstate the public clock shall be

completed in accordance with the approved details prior to the first occupation of any part of the Park Road Building for the new residential or commercial uses hereby permitted. The public clock shall be retained in working order thereafter.

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

- C11 Prior to the commencement of any works above slab level a glazing scheme shall be submitted to and approved in writing by the Local Planning Authority. Where the rooms are affected by noise from live/amplified music the scheme shall ensure that the internal music noise level does not exceed 27dB LAeq(5min), and shall be developed in accordance with the November 2022 monitoring levels detailed as façade noise levels in Figure 7.2 of LA Environmental Consultants ref: LAE1175.4. The scheme shall also include the assessment and mitigation of lower frequency bass noise. The scheme shall also consider overheating with assessment and mitigation in accordance with Acoustic Ventilation and Overheating Residential Design Guide.

Once the approved details have been implemented a Validation Report shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that the implemented measures have achieved noise attenuation to the internal noise levels set out above and, in the even of any exceedance, any additional mitigation measures required to achieve the maximum internal noise levels.

Thereafter the development shall be implemented in accordance with the approved details, prior to the occupation of any unit to which it relates and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

- C12 Prior to the commencement of any works above slab level a scheme which specifies the provisions for ventilation of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall comply with Building Regulations Approved Document F, and shall also consider overheating in accordance with the Acoustic Ventilation and Overheating Residential Design Guide. Thereafter the development shall be implemented in accordance with the approved details, prior to the occupation of any unit to which it relates and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

- C13 Prior to the commencement of any works above slab level to the Warehouse Building a scheme to provide an acoustic haven on the Warehouse Building roof terrace shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include but not be limited to details of the type, design, materials, elevational appearance, alignment and soft landscaping to acoustic screening, supported by noise modelling data demonstrating how the acoustic haven would mitigate noise from music played at The Ostrich Inn.

The acoustic haven shall be installed in strict accordance with the approved details prior to the first occupation of any dwelling in the Warehouse Building and shall be retained thereafter for the duration of the Warehouse Building's residential occupation.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

C14 For the purposes of this condition "Acoustically Upgraded Party Walls/Floors" mean those walls between adjoining apartments where:

- (i) A bedroom shares a Party Wall with the kitchen of the adjoining apartment, or
- (ii) A bedroom shares a Party Wall with the living room of the adjoining apartment, or
- (iii) A bedroom sits immediately above or below the kitchen or living room of the apartment on the adjacent floor.

Prior to the commencement of any works above slab level details of Acoustically Upgraded Party Walls/Floors shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include but not be limited to measures to mitigate airborne and impact noise including enhanced sound insulation over-and-above the minimum required by the Building Regulations, or amendments to room designations on the floorplans to remove conflicting relationships between bedrooms and adjoining kitchens or living rooms.

Development shall be undertaken strictly in accordance with the approved details.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

C15 Prior to installation and operation of any mechanical plant details of the make, model, location, sound power level and frequency spectrum data of that mechanical plant shall be submitted to and approved in writing by the Local Planning Authority. The submitted information must demonstrate that the noise rating level from the operation of the mechanical plant does not exceed the background noise level as determined at the nearest noise sensitive premises. The measurements and assessment must be made according to BS:4142:2014. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

C16 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) none of the commercial units hereby approved shall be used for any indoor sports or fitness activities, including use as a gym.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

C17 In the event that the use of any commercial unit hereby approved includes food preparation, no mechanical ventilation or extraction equipment shall be installed until a scheme of odour suppression and noise levels, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be developed in accordance with EMAQ Control of Odour and Noise from Commercial Kitchen Exhaust Systems 2018. Thereafter the development shall be implemented in accordance with the approved details, including any necessary mitigation, prior to the occupation of any unit to which it relates, and shall be retained thereafter for the duration of the use of that commercial unit for food preparation. In the event that food preparation ceases within that commercial unit but

recommences at a later date (with or without an intervening use) then the scheme of odour suppression and noise levels shall be reinstated in accordance with the previously-approved details prior to any food preparation use recommencing.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

C18 1. Site Characterisation

No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health, property (existing or proposed) including buildings, pets, and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and;

2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 2 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 5 working days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 2.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 3.

Reason: In to ensure appropriate ground conditions in accordance with Policy LP33 of the Adopted Peterborough Local Plan (2019).

- C19 No piling or any other foundation designs using penetrative methods shall take place until details including plans and a method statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details.

Reason: In order to safeguard the amenity of nearby residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

- C20 No construction, demolition or associated deliveries shall take place outside the hours of 0800hrs to 1800hrs Mondays to Fridays, and 0900hrs to 1300hrs on Saturdays, and not at any time on Sundays and Bank or Statutory Holidays without prior written approval from the Local Planning Authority.

Reason: to protect occupiers of nearby properties from unreasonable disturbance from works connected with implementation of this permission in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

- C21 No demolition shall take place until a Demolition and Environmental Management Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The statement must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during demolition. The plan shall include but not be limited to:

- a) provision of a plan at not less than 1:500 to show space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided
- b) location on site for storage of plant and materials used in constructing the development
- c) the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site
- d) any footpath closures or road closures needed during demolition
- e) wheel washing facilities on site
- f) a scheme for recycling waste resulting from the demolition works
- g) Procedures for maintaining good public relations including complaint management, public consultation and liaison
- h) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays
- i) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from demolition works
- j) Control measures for dust and other air-borne pollutants
- k) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The measures within the approved Demolition and Environmental Method Statement shall be maintained and adhered to throughout the course of the demolition phase of the development.

Reason: In the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policies LP13, LP16 and LP17 of the Adopted Peterborough Local Plan (2019).

- C22 No development shall take place until a Construction and Environmental Management Method Statement has been submitted to and been approved in writing by the Local Planning Authority. The statement must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting during construction. The statement shall include but not be limited to:
- a) provision of a plan at not less than 1:500 to show space on site where vehicles of site operatives and visitors can be parked with details of how site operatives and visitors will be required to make use of the parking area provided
 - b) location on site for storage of plant and materials used in constructing the development
 - c) the erection and maintenance (including removal of any graffiti or fly posters) of security hoarding around the site
 - d) any footpath closures or road closures needed during construction
 - e) wheel washing facilities on site
 - f) a scheme for recycling waste resulting from the construction works
 - g) Procedures for maintaining good public relations including complaint management, public consultation and liaison
 - h) All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.
 - i) Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works
 - j) Control measures for dust and other air-borne pollutants.
 - k) Measures for controlling the use of site lighting whether required for safe working or for security purposes.

The measures within the approved Construction and Environmental Method Statement shall be maintained and adhered to throughout the construction phase of the construction of the development.

Reason: In the interests of protecting the amenity of local land uses or neighbouring residents, the character of the area and highway safety in accordance with Policies LP13, LP16 and LP17 of the Adopted Peterborough Local Plan (2019).

- C23 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) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction on possible nesting birds and bats 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.
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.

- f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to mitigate the effect of construction works on biodiversity, in accordance with Policy LP28 of the Adopted Peterborough Local Plan (2019).

C24 Prior to the commencement of any works above slab level a Lighting Scheme shall be submitted to and approved in writing by the Local Planning Authority. The Lighting Scheme shall include but not be limited to:

- (i) A plan indicating the locations of the lights, specifications, height, luminance; lens shape/beam pattern and any hoods/shades;
- (ii) Lux level plans in accordance with lighting levels specified in environmental zone E2 of Lighting Professionals document "Guidance Note 01:21, The Reduction of Obtrusive Light";
- (iii) Details of bollard lighting design, appearance and specification;
- (iv) Details of building-mounted lighting design, appearance and specification;
- (v) Details of lighting to rooftop terraces;

The Lighting Scheme shall be implemented in accordance with the approved details, including any necessary mitigation, prior to the first occupation of any unit to which it relates, and shall thereafter be retained and maintained as such in perpetuity.

Reason: In the interest of providing satisfactory amenity for residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019); and in the interests of crime prevention in accordance with Policy LP16 of the Adopted Peterborough Local Plan (2019).

C25 Prior to the commencement of any works above slab level a Security and Access Control Strategy to achieve a standard as described within 'Secured by Design Homes 2016' has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall ensure that the development shall achieve the Secured By Design standard and shall include but not be limited to:

- (i) External communal entrance controls
- (ii) Internal segregation controls
- (iii) Door security details
- (iv) Cycle store access control measures
- (v) Bin store access control measures
- (vi) Roof terrace access control measures.

The development shall thereafter be undertaken and retained in accordance with the approved Security and Access Control Strategy, no later than first occupation of the development for residential use.

Reason: In the interests of crime prevention in accordance with Policy LP16 of the Adopted Peterborough Local Plan (2019).

C26 Notwithstanding the details shown on approved drawing BEA-144 Rev P3 (Proposed Site Elevations - Sheet 4) revised details of the external gates to the cycle store on accessed from Park Road shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall illustrate measures to prevent parked cycles being

visible from the public realm. Development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: In the interests of crime prevention in accordance with Policy LP16 of the Adopted Peterborough Local Plan (2019).

- C27 No development above slab level shall take place until a schedule identifying 5% of the residential units being capable of meeting an accessibility standard equivalent to that set out at Part M, Category (3)(2)(a) of the Building Regulations 2010 (as amended) has been submitted to and approved in writing by the Local Planning Authority. The identified residential units shall thereafter be retained in accordance with the above standard for the lifetime of the development.

Reason: In order to meet the residential accessibility standards set out at Policy LP8 of the Adopted Peterborough Local Plan (2019).

- C28 All lifts as shown on the approved plans in Condition 2 above shall be installed prior to the first occupation of the dwelling they serve and thereafter retained in working order, in full accordance with the manufacturer's instructions, for the lifetime of the development hereby approved.

Reason: In order to meet the residential accessibility standards set out at Policy LP8 of the Adopted Peterborough Local Plan (2019).

- C29 No development other than demolition shall commence until details of the implementation, maintenance and management plan for the approved sustainable drainage scheme (as set out in the submitted and approved Flood Risk Assessment) have been submitted to and approved by the Local Planning Authority. The details shall include:

- (i) A timetable for its implementation;
- (ii) Full details of rain gardens;
- (iii) Full details of permeable paving;
- (iv) A management and annual maintenance plan for the lifetime of the development which shall include any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved sustainable drainage scheme details.

Reason: In order to mitigate the risk of flooding onsite and elsewhere, in accordance with Policy LP32 of the Adopted Peterborough Local Plan (2019).

- C30 No development above slab level shall commence until a Waste Collection Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how private waste collection operations will operate on the development and shall include but not be limited to:

- (i) Heads of Terms of a Commercial Waste Collection contract to be entered into by the developer or their agent
- (ii) Frequency of waste collections, such frequency to be not less than twice-weekly
- (iii) Management of refuse bins prior to, during and following each collection
- (iv) Onsite recycling facilities to be provided for scheme residents

- (v) Means of provided refuse storage and collection facilities for residents in the North Street Building, who shall not be provided with individual bins for each maisonette
- (vi) Arrangements for the storage and collection of commercial waste from the commercial units

The development shall thereafter be undertaken and retained in accordance with the approved Waste Collection Strategy, no later than first occupation of the development for residential use.

Reason: The quantum of onsite waste and recycling provision falls below that set out at Appendix E of the Adopted Peterborough Local Plan (2019) and therefore details of private arrangements for the collection of waste and recycling are required in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019)

- C31 No development (including works of demolition) shall comment until an archaeological mitigation strategy, including a Written Scheme of Investigation (WSI) which sets out a Watching Brief, has been submitted to and approved in writing by the Local Planning Authority (LPA). Thereafter no development shall take place other than in complete accordance with the approved WSI. The approved WSI shall be implemented in full.

In the event that significant archaeological remains are found at any time when carrying out the approved development these must be reported in writing within 5 working days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the archaeological remains development must be halted on that part of the site until a further Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be undertaken in strict accordance with the latter WSI.

Reason: To mitigate the effect of the development on the historic environment and to ensure the investigation, recording, reporting and presentation of archaeological 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 WSI must be submitted and approved before any works (including demolition) take place.

- C32 a) Notwithstanding the submitted information, no development above slab level shall take place 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.

b) Prior to the first occupation of any dwelling (or building where appropriate), written confirmation shall be submitted to and approved in writing by the Local Planning Authority that the scheme has been implemented in full and is certified as being ready for use.

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

- C33 Prior to the commencement of any works above slab level cross section drawings at a scale of 1:5 and elevation drawing at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority for the following street facing elements of the development hereby approved:

- (i) Shopfronts
- (ii) Signage

- (iii) Windows and doors
- (iv) Balconies

Development shall thereafter be undertaken in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policies LP16 and LP19 of the Adopted Peterborough Local Plan (2019).

C34 Prior to the first occupation of any dwelling an Outdoor Amenity Space Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Outdoor Amenity Space Management Plan shall include but not be limited to:

- (i) General hours of use of the rooftop residents' terraces
- (ii) Separate hours of use of the rooftop play area on the Westgate Building
- (iii) Separate hours of use of the rooftop terrace on the Warehouse Building and the means of restricting the use of this terrace during those times when there are live music events at The Ostrich Inn
- (iv) Measures to ensure the proper maintenance of the rooftop terrace landscaping
- (v) Means of controlling public access to the ground level amenity areas

The scheme shall be implemented and thereafter managed and maintained in accordance with the approved Outdoor Amenity Space Management Plan.

Reason: In order to safeguard the amenity of nearby residents in accordance with Policy LP17 of the Adopted Peterborough Local Plan (2019).

Copies to Councillors -Councillor Amjad Iqbal
-Councillor Mohammed Jamil
-Councillor Alison Jones

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