

10/01704/FUL: CONSTRUCTION OF SIX TWO BED AND TWO THREE BED DWELLINGS AT LAND BETWEEN 45 AND 55 NORTH STREET, STANGROUND  
VALID: 10 DECEMBER 2010  
APPLICANT: CROSS KEYS HOMES  
AGENT: MR ROB CHIVA, ARCHITECTS DESIGN CONSORTIUM  
REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES  
REASON: PREVIOUS CASE DETERMINED AT PLANNING AND ENVIRONMENT COMMITTEE  
DEPARTURE: NO  
CASE OFFICER: MISS ASTRID HAWLEY  
TELEPHONE: 01733-454418  
E-MAIL: astrid.hawley@peterborough.gov.uk

---

---

## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Principle of the development
- Design and impact on the character of the area
- Residential amenity
- Impact of the development on neighbour amenity
- Highway Implications
- Landscaping Implications
- Flood Risk/drainage
- Contamination
- Ecology
- Planning Obligation

The Head of Planning, Transport and Engineering Services recommends that the application is **APPROVED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Key policies highlighted below.

#### **The Peterborough Local Plan (First Replacement)**

##### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

- DA1: Townscape and Urban Design** - Seeks development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact.
- DA2: The effect of a development on the amenities and character of an area** - Planning permission will only be granted for development if it can be satisfactorily accommodated on the

site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.

- DA6 Tandem, Backland and Piecemeal Development** – planning permission will only be granted if development can be satisfactorily accommodated within the site in terms of scale and density, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties, it can be satisfactorily accessed from the public highway and would not prejudice the comprehensive development of a larger area.
- H7: Housing developments on unallocated sites** – Within the Urban Area residential development on any site not allocated for housing, including by infilling, redevelopment and change of use for existing buildings, will be permitted where the site is not allocated for any other purpose, is not within a defined Employment Area, and is or will be well related to existing or proposed services. Seeks development that would make efficient use of the site in terms of density and layout, respect the character of the area, provide good living conditions, would not result in an adverse impact on highway safety, constrain development on an adjoining site or result in the loss of open space of amenity or recreational value.
- H15: Residential Density** - Seeks the Highest residential density compatible with the character of an area, the living conditions of local residents, that is of good standard of design and that provides open space.
- H16: Residential design and amenity** - Seeks residential development if the following amenities are provided to a satisfactory standard; daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- LNE6: Buffer Zones for Development Bordering the Countryside** – Where development would border open countryside or some other open landscape setting a buffer zone will be required on the edge of the development site of adequate size and with appropriate landscape treatment to assimilate the development into the landscape satisfactorily.
- LNE9: Landscaping implications of development proposals** - Seeks retention and protection of trees and other natural features that make a positive contribution to an area; and adequate provision of landscaping of sites.
- LNE10: Detailed elements of Landscaping Schemes** – Where appropriate the City Council will impose a condition on planning permissions requiring the provision of a landscaping scheme suitable for the type of development proposed.
- LNE13: Conservation of Ponds, Wetlands and Watercourses** – The City Council will not grant planning permission for development that would unacceptably harm the ecological interests of ponds, wetlands and watercourses.
- T1: Transport implications of new development** - Seeks development that would provide safe and convenient access to site and would not result in an adverse impact on the public highway.
- T10: Car and motorcycle parking requirements** - Planning permission will only be granted for development outside the city centre if it is in accordance with approved parking standards.

### **National Planning Policy Statements**

**Planning Policy Statement (PPS) 1** ‘Delivering Sustainable Development’ January 2005

**Planning Policy Statement (PPS) 3** ‘Housing’ June 2010

**Planning Policy Statement (PPS) 9** ‘Biodiversity and Geological Conservation’) August 2005

**Planning Policy Guidance (PPG) 13** ‘Transport’ April 2001

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

### **3 DESCRIPTION OF PROPOSAL**

It should be noted that this is a revised application for a residential development of 8 dwellings following the refusal of the previous application (10/00738/FUL) for 8 dwellings for the following reasons:

- 1) The three storey design of Plots 6, 7 and 8 with its windows in the habitable rooms at third floor level will result in extensive and detrimental overlooking of the gardens of adjacent residential properties. The proposal is therefore contrary to Policy DA2 of the Peterborough Adopted Local Plan (First Replacement) 2005
- 2) The height of Plots 6, 7 and 8 is out of keeping with the form of development in the locality and has an overbearing appearance in relation to adjacent land uses. The proposal is therefore contrary to Policies DA1 and DA2 of the Peterborough Adopted Local Plan (First Replacement) 2005.
- 3) Given the nature of the previous uses of the site, the site is likely to suffer from contamination and therefore a Phase 1 contamination report is required inform the appropriateness of the development, remediation and subsequent necessary undertakings. No such report has been submitted and the proposal is therefore contrary to the provisions of paragraphs 23 and 24 of PPS23 Planning and Pollution Control (2004).
- 4) The applicant has failed to make adequate provision for the infrastructure requirements arising from the development. The proposal is therefore not in accordance with Policy IMP1 of the Peterborough Local Plan (First Replacement) 2005.

The revised application is proposed as an entirely two storey development of one two storey terrace comprising three two bedroom properties and one two storey pair of three bedroom properties fronting onto North Street. A two storey terrace of three, two bedroom properties is proposed to the rear of the frontage development. The block is orientated so that the frontage faces east and overlooks the communal car parking court. All six units are proposed as affordable housing.

The proposed vehicular access is off North Street. A private shared driveway is situated between the frontage blocks, and provides access through to the rear houses, and shared car parking court. It is proposed that a pair of manually operated access gates is provided to the access in order to create a defensible space.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site is currently owned by the City Council.

The application site comprises 0.214 hectare of unallocated brownfield land. To the north the site abuts the 'Back River', with the Nene Washes located beyond. The Washes, including the Back River, are designated as the Nene Washes Site of Special Scientific Interest (SSSI), Special Protection Area (SPA) and Ramsar site. The character of the area is predominantly residential with dwellings located to the east, south and west of the site, although it is noted that there is an active boat yard to the north west of the site.

The area is characterised by frontage developments situated within long thin plots. Many of the properties have outbuildings/boat storage located within the rear curtilage. The street scene comprises a varied design, scale and age of properties.

Historically the site was used as a boat builder's yard, but has now been vacant for a significant period of time and primarily comprises overgrown scrub land. There are a number of mature trees located within the site, however their individual form is poor and it is proposed that the majority of these are removed and replacement planting secured. However, a sycamore tree on the site is to be retained. The site levels slope significantly (approximately 1.6m) from the highway down to the northern boundary with the Back River.

Approximately 70% of the application site is located within Flood Zone 1. The northern part of the site is located within Flood Zones 2 and 3.

An ecological assessment has been undertaken and submitted by the applicant. No features or species of value have been identified.

## **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
01/01084/FUL	Renewal of 98/00473/FUL for use of land for parking and storage of drilling rigs and erection of 3 storage units (portacabins).	32.01.02	Permitted
02/01071/OUT	Land at 47- 53 North Street, Stanground	12.11.02	Withdrawn
10/00738/FUL	Construction of three two bed and five three bed dwellings	19.10.10	Refused

## **6 CONSULTATIONS/REPRESENTATIONS**

### **INTERNAL**

**Highways** – The Local Highway Authority (LHA) has not objected to the development. Conditions relating to the provision of car parking spaces prior to occupation, the provision and retention of vehicle to pedestrian visibility splays, temporary facilities and wheel wash equipment during the construction phase are recommended for imposition on the decision.

**Drainage Engineer** – No objection to the development provided that Anglia Water confirms that their existing storm water sewer has adequate capacity to receive the flow rates from this site. In addition Building Control need to ensure the SUDS (soakaway) attenuation area is located within suitable sub soils and located within an approved site, in terms of distance from properties and easy access for future maintenance.

**Tree Officer** – No objection to the loss of the copse of trees. I agree with the assessment of the trees contained within the submitted Tree Survey. The trees contained within the site can no longer be considered as individual trees, in reality they form a copse. The general health and overall appearance of the trees is reasonable but individually the form of the trees is poor. It is not considered that the trees are worthy of a Tree Preservation Order and as they are identified as Category C trees under the British Standard 5837:2005 'Trees in Relation to Construction', they should not be seen as a constraint to development. Protection for the retained sycamore tree during the construction of the development and the provision of a landscaping scheme should be secured by the imposition of conditions.

**Archaeology Services** – No objection. The site was historically occupied by a Malt-house, however, this was demolished by the late 1950s. It is considered that the potential archaeological remains are likely to have been severely affected as a result and as such no archaeological work is deemed necessary.

**Waste Management** – No objection. The applicant has provided tracking that shows Peterborough City Council's (PCC) refuse trucks can access the site to collect refuse directly from the front of the proposed rear block of 3 houses. Given that the road is not intended for adoption the applicant has also entered into an indemnity agreement with PCC indemnifying the Council from any damage arising from collection.

**Wildlife Officer** – No objection. The evaluation contained within the submitted ecological report is considered acceptable. Native species of trees and shrubs should be used within the landscaping proposals for the site. As suggested at section 5.7 of the report, bird and bat boxes could be provided to the site in order to enhance the ecological character of the area.

**Environmental Health (Pollution Control Team)** – No objection. The findings of the Site Investigation Report (reference number: C12146A) relating to contaminated land are accepted. Appropriate remediation requirements have been recommended within this report and these should form the basis of a scheme of remediation works. It is recommended that the scheme for remediation, a timetable for carrying out the works and a validation report (post completion of the remediation scheme) is required via the imposition of planning conditions.

## **EXTERNAL**

**Police Architectural Liaison Officer** – No objection. The security to the rear of the homes should be secured through suitable boundary treatments, lighting and landscaping.

**Environment Agency** – No objection subject to the Local Planning Authority's application of the Flood Risk Sequential Test outlined in PPS25 and the imposition of conditions relating to compliance with the site specific Flood Risk Assessment and unsuspected contamination.

**Natural England** – No objection subject to the imposition of the following mitigation measures on any permission granted:

- 1) A Construction Management Plan.
- 2) Appropriate scheme for site drainage.
- 3) Landscaping scheme to maintain the site's biodiversity and benefit riverine wildlife.

**Anglian Water** – No objection. Notwithstanding this the applicant is required to serve notice on Anglian Water under Section 104 of the Water Industry Act if they want to connect to the sewerage and public water sewer.

## **NEIGHBOURS**

Letters of objection have been received from the occupiers of 5 neighbouring dwellings raising the following issues:

- Increased demand for on street parking and the impact on highway safety, in particular busses and HGV's trying to travel along North Street if cars are parked to both sides of the highway.
- Potential for parked cars to be damaged by construction traffic.
- Increased, noise, reflection from headlights, nuisance and pollution caused by additional traffic generated by the development (including during construction), particularly for those neighbouring the site.
- Concerns that the submitted speed survey was undertaken at a time when traffic was being diverted to avoid road works at the junction for Church Street and South Street.
- Concerns that the increased traffic when taken alongside other recently approved schemes will present a highway safety issue.
- Concerns that too much car parking will be provided on site and that the level exceeds the Adopted Peterborough Local Plan (First Replacement) 2005 parking standards.
- Securing appropriate enclosure treatments to the development's boundaries.

- Concerns about the long term maintenance of the proposed shared amenity space and communal car parking court.
- Concerns that the rear car parking court will cause noise disturbance to neighbour amenity and result in a detrimental impact on the ecological character of the site given its proximity to the Back River.
- Concerns that the proposal is at a higher density than is compatible with the character of the area and that it constitutes overdevelopment.
- Concerns that controlled access gates could result in traffic waiting on North Street whilst attempting to access the site, causing congestion and resulting in a detrimental impact on highway safety. In addition concern that gates would cause noise disturbance.
- Concerns that the design, form and materials proposed for use in the construction of the development will not be in keeping with the character of the area.
- Concerns about the proximity of the development to the Back River and its impact on views from the Back River/Stanground Wash.
- The impact of the development on views/outlook of neighbouring residents.
- Concerns about site flooding, potential ground contamination and whether the site is safe for development.
- Concerned that the disturbance of soil might lead to the pollution of the Back River.
- Impact on site biodiversity.
- Concerned that the walls of the Back River are susceptible to collapse given their current condition and that the proposed development could have a detrimental impact on it's stability to the detriment of health and safety and neighbouring occupier's amenity.
- Concerned that the landscape detail is insufficient and fails to preserve the ecological and landscape character of the area.
- Impact on property prices (not a planning issue).

## **COUNCILLORS**

Cllr Walsh and Rush have referred the case to the Planning and Environmental Protection Committee on the grounds that the application fails to respect the character and amenity of the area and will have a detrimental and visual impact on its surroundings. They consider that the proposal for a high density development would constitute overdevelopment and would be out of character with the existing low density dwellings within the area.

## **7 REASONING**

### **a) Introduction**

The application site is located within the city's urban boundary where housing development on unallocated sites is considered against Policy H7 of the Adopted Peterborough Local Plan (First Replacement) 2005. The application site is not allocated as employment land or for any other purpose. The residential development is consistent with the predominantly residential character of the area. The development can be accommodated on site, results in the redevelopment and reuse of a brownfield site and contributes towards the provision of a varied range in the city's housing mix.

In principle therefore the proposal to construct 8 dwellings is in accordance with policy H7 of the Peterborough Local Plan (First Replacement) 2005 and PPS3 subject to satisfactory compliance with Local Plan policies governing design, impact on amenity, highway and landscaping implications. These will be assessed in turn below.

### **b) Design and Impact on the character of the area**

The application site is located within an established residential street scene which comprises housing of a varied design, age and scale. The overriding character is that of two storey development, although the street scene does comprise a number of bungalows. It is considered that the frontage development is of an appropriate building line, height and scale that is consistent with the general character of development within the site vicinity.

The rear terrace has been dropped in height to two storeys. It is considered that this reduction in height results in a built form that is in keeping with the existing two storey development to either side of the site. Given that the site slopes down in height from North Street and taking account of the ridge height the

rear block will not be visible from the street scene or result in a significantly overbearing impact on the adjacent neighbouring dwellings. It is therefore considered that the reduction in the height of the rear block has addressed one of the reasons for the refusal of the previous application.

The design, height and scale of the dwellings are proportionate to individual plot sizes. It is considered that the layout and scale of the development can be accommodated within the provisions of the site and is of an appropriate density that will result in an acceptable relationship to the existing street scene. Public and private space will be clearly defined through the imposition of a condition to secure suitable hard and soft landscaping treatments and to ensure that an appropriate buffer is provided between the development and the Back River. A condition will also be imposed to secure that suitable materials are used within the construction of the dwellings.

It is therefore considered that the development results in an acceptable relationship with the existing neighbouring properties and by reason of its design, layout and scale will not result in an unacceptable impact on the character of the area. The proposal is therefore in accordance with policies H7, DA1, DA2 and LNE9 of the Peterborough Local Plan (First Replacement) 2005.

### **c) Residential amenity**

It is considered that the layout would afford the future occupiers of the site an acceptable standard of amenity in terms of daylight and sunlight.

Properties have been orientated to address the street scene and provide natural surveillance of areas of open space/circulation spaces whilst retaining appropriate separation distances between plots to ensure suitable privacy. It is considered that an acceptable level of useable private rear amenity space has been provided to each plot.

The proposal is therefore in accordance with policies DA2 and H16 of the Peterborough Local Plan (First Replacement) 2005.

### **d) Impact of the development on neighbour amenity**

It is not considered that the proposed development would result in a detrimental impact on the amenities of the occupiers of neighbouring dwellings in terms of a loss of daylight/overbearing or privacy. The frontage block is positioned so that it is in keeping with the established building line, and the first floor windows to the side elevation will be obscure glazed.

The rear block has been dropped in height from three to two storey. The block is positioned so that it is east/west facing and orientated so that views to those plots proposed to the front of the site or the existing neighbouring dwellings to the south east or south west are at an oblique angle. There is approximately 24 metres separation distance from the front of plot 6 to the rear of number 55 North Street and approximately 21 metres separation distance from the rear of plot 6 and number 45 North Street. It is therefore considered that the position of the rear block is orientated and sufficiently distanced from neighbouring dwellings so that no direct overlooking to those plots proposed to the front of the site or existing neighbouring dwellings will arise. It is therefore considered that the reason for the refusal of the previous application has been addressed.

Whilst it is accepted that the development has the potential to generate an increase in pedestrian and vehicular activity to and from the site it is not considered that it would be out of keeping with or result in a significant material impact on neighbour amenity in terms of noise/nuisance given the established residential character of the area and existing levels of associated activity.

The proposal is therefore in accordance with policies DA2 and H16 of the Peterborough Local Plan (First Replacement) 2005.

### **e) Highway Implications**

The Local Highway Authority (LHA) has not objected to the application. The proposed vehicle to vehicle visibility splays are acceptable in accordance with manual for streets 2.

It is noted that the number of car parking spaces provided exceeds the Adopted Peterborough Local Plan (First Replacement) 2005 parking standards for residential development. Recent revisions to Planning Policy Guidance 13: Transport (PPG13) has however resulted in the removal of maximum car

parking standards in recognition that Local Planning Authorities require greater flexibility in determining the car parking requirements associated with new developments. It is noted that much of the car parking within the vicinity of the site is on street and it is also apparent from the representations received that local residents are concerned that new housing would result in an increased take up of on street parking. It is therefore considered that the overprovision of spaces in this location would address local residents concerns about the increase in the demand for car parking and ensure suitable provision for the future occupiers and visitors to the site, in accordance with the advice provided in PPG13.

The Local Planning Authority usually recommends that rear car parking courts are secured by electronically operated access gates. In this instance however, given that the rear part of the site benefits from natural surveillance from the three units that overlook the car parking area it is considered that manually operated gates would be acceptable in this location. The proposed access gates are sufficiently set back from the head of the highway to enable cars to pull clear of the highway when entering the site and will not result in cars overhanging the highway, whilst the driver exits the car to open the gates.

It is therefore considered that the proposal is in accordance with Policy T10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

#### **f) Landscaping Implications**

The Tree Officer has not objected to the development. The general health and appearance of the small copse of existing trees is considered reasonable however, individually the form of the trees is considered poor, with the exception of the Sycamore Tree located adjacent to the northern site boundary which is proposed for retention. Given that the majority of the trees are identified as Category C trees under the British Standard, they are not worthy of a Tree Preservation Order, and should not therefore be seen as a constraint on development. It is therefore recommended that a suitable replacement landscaping scheme, which takes account of the site's relationship to the Back River in terms of species choice and design, is secured through the implementation of a suitably worded condition.

It is therefore considered that the development will not result in a detrimental impact on the landscape character of the area and that an appropriate buffer to the Back River and replacement planting can be achieved. The development is therefore in accordance with Policies LNE6, LNE9, LNE 10 and LNE13 of the Adopted Peterborough Local Plan (First Replacement) 2005.

#### **g) Flood Risk**

The Environment Agency has not objected to the application subject to the development being carried out in accordance with the Flood Risk Assessment which accompanies the application.

The applicant has undertaken a site specific Flood Risk Assessment (FRA) which has informed the proposed layout of the development. The FRA recommends that provided development is limited to that part of the site that is located within Flood Zone 1 and floor levels are set above 6.0 m (Above Ordinance Datum (AOD) residential development would be acceptable.

It is noted that the layout put forward provides finished floor levels to the rear block of houses (north part of the site) at 5.6 m AOD. Notwithstanding the findings of the FRA, The Environment Agency has confirmed that the proposals for the dwellings that are located to the north (back part) of the site to be located at 5.6 m AOD is acceptable, given that all the houses are to be located within Flood Zone 1 with the finished floor levels still to be located above the 1000 year flood event. It is recommended that a condition ensuring that development is carried out in accordance with these finished floor levels is imposed on the decision.

The northern most part of the site falls within Flood Zones 2 and 3 however development in this area is limited to the veranda to the north side of Plot 8 and the communal car parking court only, where it is considered that suitably porous surfacing materials can be used to ensure drainage. The Environment Agency has confirmed that from a flood risk point of view they do not object to this part of the development.

PPS25 requires the application of a Sequential Test to site selection when considering the impacts of development and flood risk; and for any development proposed within Flood Zone 3 that the Exception



Test is passed. Given that the proposed dwellings are located within Zone 1 and incorporate the remedial measures identified in the FRA it is considered that the development site complies with the requirements of the Sequential Test. In addition it is noted that the site comprises previously developed land and it is considered that the development will result in the site returning to active use, providing eight affordable houses, to the benefit of the City's housing Stock. The FRA has also demonstrated that the development does not pose an unacceptable flood risk. It is therefore considered that the development also complies with the requirements of the Exception Test.

The development is therefore considered acceptable in accordance with PPS25 subject to satisfactory compliance on site with the Flood Risk Assessment and the identified mitigation measures. It is recommended that this is secured by means of the imposition of a suitably worded condition.

#### **h) Contamination**

The Council's Pollution Control Team and the Environment Agency provided comments on the previous application (reference:10/00738/FUL), advising that given the former uses of the site the applicant would be required to undertake a phase 1 desk study to establish the risks associated with contamination of the site. In order to assess the risks associated with the presence of ground contamination the linkages between the sources and potential receptors to contamination need to be established and evaluated. The applicant has undertaken a Site Investigation Report (Reference: C12146A) and identified that the linkage between contamination from the existing buildings and drainage will be removed as a result of the construction phase, which will include a scheme of remediation measures including the inspection of existing drains, removal of damaged sections/repair or replacement and the introduction of a capping layer to residential gardens/communal areas.

The Council's Pollution Control Officer has accepted the findings of the Site Investigation Report subject to securing a suitable scheme of remediation works prior to the commencement of development, via the imposition of a planning condition. This scheme will require the applicant to identify all proposed remediation works, a timetable for implementation and the identification of any mitigation measures in the event that they are required. The applicant will also be required to submit a verification report, for approval by the Local Planning Authority, following completion of the remediation works to demonstrate the effectiveness of the remediation measures carried out.

The Environment Agency has advised that based on the findings of Site Investigation Report they consider that the redevelopment of the site poses a low risk to Controlled Waters, and therefore raise no objection, subject to the imposition of the recommended conditions relating to development being carried out in accordance with the Flood Risk Assessment, and that in the event that unsuspected contamination is found to be present during development work ceases until a remediation strategy has been approved by the Local Planning Authority.

It is therefore considered that the third reason for the refusal of the previous planning application (reference: 10/00738/FUL) has been satisfactorily addressed.

#### **i) Ecology**

Natural England has not objected to the application. The ecological survey that was submitted with the application noted that there is no constraint to the proposed development from habitats, plants or protected species on site, largely due to its previous uses. It is recommended that a condition requiring a construction management plan, the use of native species in any proposed landscaping and the provision of bird and bat boxes is imposed on the decision in order to enhance the biodiversity of the site.

#### **j) S106**

It should be noted that a S106 contribution is required towards the Strategic and Neighbourhood Infrastructure costs arising from the development in accordance with the Planning Obligation Implementation Scheme SPD (POIS). The applicant has agreed to enter into a S106 Obligation and the process is currently ongoing.

This requirements accord with both national and local policy and in your officer's opinion complies with the 5 tests and the principles set out in ODPM Circular 05/2005 (see Section 2 above) and the Tesco/Witney case in which the House of Lords held that the planning obligation must at least have a minimal connection with the development.

## k) Other Matters

### Maintenance of amenity areas

It is envisaged that the long term maintenance and management of the site will be delivered by the applicant Cross Keys Homes or any subsequent Registered Social Landlords.

### Construction Traffic

It is recognised that construction traffic will result in some additional vehicular movements along North Street as well as generating increased noise on site throughout the construction phase. Any disruption will be temporary in nature and last only throughout the development of the site. The contractors will be required to adhere to appropriate working hours and good practice on site, the details of which will be secured via condition as part of the Construction Management Plan. The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works if any future problems arise.

## 8 CONCLUSIONS

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

- The principle of residential location is acceptable in this location.
- The proposal by reason of its design, scale and height will not result in a detrimental impact on the amenity of the occupiers of neighbouring dwellings.
- The scale and form of the development is consistent with the character of the area and will provide adequate living conditions for residents.
- The proposal will not result in an unacceptable impact on the biodiversity of the site. Suitable soft landscaping can be achieved by means of the imposition of the recommended condition.
- The applicant has demonstrated that the level of flood risk arising from the development is acceptable.
- Vehicular access, turning area and on site parking to serve the development can be provided.
- The applicant has made provision for the infrastructure requirements arising from the development

The proposal is therefore in accordance with Policies DA1, DA2, DA6, H7, H16, LNE9, LNE 6, LNE10 and T10 of the Peterborough Local Plan (First Replacement) 2005.

## 9 RECOMMENDATION

Subject to the prior satisfactory completion of an obligation under the provisions of Section 106 of the Town and Country Planning Act 1990 for a financial contribution to meet the needs of the area, and a phase 1 Desk Top Study to assess the extent of contamination of the site and inform any remedial work required, the Head of Planning Services be authorised to grant planning permission subject to the following conditions:

**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 the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**C2 Prior to the commencement of the development, notwithstanding the submitted information, samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

Reason: In order to safeguard and protect the character of the area in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

**C3 No development shall commence on site until a scheme for the hard landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include the following detail:**

- 1) All proposed hard surfacing materials including the proposed footways, parking areas and private driveways.**
- 2) Details of all proposed boundary treatments, including the vehicular and pedestrian access gate proposed to the site frontage.**

**The approved hard landscaping scheme shall thereafter be implemented on site in accordance with the approved details.**

Reason: In order to safeguard the character and amenity of the area in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

**C4 No development shall commence on site until a scheme for the soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority; the landscaping scheme shall include the following detail:**

- 1) Planting plans - written specification (including cultivation and other operations associated with tree, shrub, hedge or grass establishment). Full details of every tree, to be planted (including its proposed location, species, size, proposed numbers/densities and approximate date of planting). All tree, shrub and hedge planting shall be carried out in accordance with BS 3936 -1992 Part 1-Nursey Stock-Specifications for Trees and Shrubs and Part 4 1984-Specifications for Forestry Trees ; BS4043-1989 Transplanting Root-balled Trees; BS4428-1989 Code of Practice for General Landscape Operations.**
- 2) The scheme shall include the existing landscape features within the site that are to be retained; enhancement and creation of natural features within the site and the use of native species in planting.**

**The approved landscaping scheme shall thereafter be implemented in accordance with the approved details in the first planting season following completion of the development or the first occupation of the dwellings, whichever is sooner.**

**Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years shall be replaced during the next available planting season by the Developers, or their successors in title, to the satisfaction of the Local Planning Authority. Any replacement trees or shrubs dying within 5 years shall themselves be replaced to the satisfaction of the Local Planning Authority**

Reason: In order to improve the visual amenity of the areas, in accordance with Policies DA1, DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005.

**C5 No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority: any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.**

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) 2005.

**C6 Prior to the commencement of development, and notwithstanding the approved plans, additional plans showing the existing and finished levels, and the level of the ground floor of any building to be constructed, shall be submitted to and approved in writing by the Local Planning Authority. In accordance with the approved Flood Risk Assessment (AECOM dated Nov 2008) and the Environment Agency's email from Emma Kirk to Astrid Hawley dated 05.10.10 the ground floor levels of all new buildings shall be constructed above 5.6 m AOD and at least 150mm above surrounding ground or path levels, unless**

**otherwise agreed in writing with the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement) 2005.

- C7 The car parking spaces for each dwelling as shown on site layout drawing number 104/D (-02 Rev A Received 22.01.11) shall be provided prior to the first occupation of the dwelling to which the spaces relate and thereafter shall be used for no other use other than the parking of vehicles in association with that dwelling.**

Reason: In the interests of highway safety and to ensure sufficient parking provision is available in accordance with Policies T1 and T10 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C8 Before the new vehicular access is brought into use, vehicle to pedestrian visibility splays shall be provided on both sides of the access and shall thereafter be maintained free from any obstruction over a height of 600mm above highway surface level within an area of 2.0 m x 2.0 m measured from and along respectively, the adoptable highway boundary as shown on the approved site layout drawing number 104 D (-) 02 Rev A Received 22.01.11.**

Reason: In the interests of highway safety in accordance with policies T1 and T8 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C9 Prior to the commencement of development details for the provision of temporary facilities for the parking, turning loading and unloading of vehicles to be provided clear of the public highway shall be submitted to and approved in writing by the Local Planning Authority. Temporary facilities shall thereafter be implemented on site in accordance with the approved details and subsequently retained as such during the period of construction.**

Reason: In the interests of highway safety in accordance with Policies T1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C10 No work in connection with this approval shall begin, unless otherwise agreed in writing with the Local Planning Authority, until fully operational vehicle cleaning equipment has been installed of a specification and in a position agreed in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the vehicle cleaning equipment before entering the public highway. In the event of the approved vehicle cleaning equipment being in operative, development operations reliant upon compliance with this condition shall be suspended unless or until an alternative method of vehicle cleaning has been agreed in writing by the Local Planning Authority and is operational on site.**

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety in accordance with policy T1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C11 Development shall be carried out in accordance with a scheme of foul and surface water drainage, including the potential use of any SUDs, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, or within such other period as may be agreed by the Local Planning Authority. The scheme shall include, where appropriate, details of land drainage to the gardens of the properties. The drainage facilities shall thereafter be implemented on site in accordance with the approved details prior to the occupation of the dwellings.**

Reason: In order to secure satisfactory means of foul and surface water drainage, in accordance with Policy U1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C12 Prior to the occupation of the first dwelling a scheme for operational fire hydrants shall be submitted to and approved in writing by the Local Planning Authority and implemented on site in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: In the interests of public safety in accordance with Policy IMP1 of the Adopted Peterborough Local Plan (First Replacement) 2005.

- C13** The 'approach' to the principal entrance of the dwellings, that being the approach that would be used by visitors arriving by car shall be level (not exceeding 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.  
Reason: In order to ensure access for all in accordance with policy H20 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C14** Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing, the Construction Management Plan shall include details of the following:
- 1) Details of a securely fenced buffer zone between the river bank and the construction site.
  - 2) Pollution prevention procedures to be applied on site throughout the construction phase, including details of a proposed scheme of mitigation and remedial measures.
  - 3) Details of the visual screening proposed to the application site from the Nene washes during the construction period.
  - 4) A scheme for the monitoring of construction noise and vibration, including hours of working;
  - 5) A scheme for the control of dust.
- The development shall be carried out in accordance with the approved Construction Management Plan at all times unless the written agreement of the local planning authority has been given to any variation.  
Reason: In the interest of public amenity and safety. In accordance with policies PPS23, T1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C15** The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) undertaken by AECOM, dated November 2008 and the mitigation measures detailed within the FRA and as varied by the Environment Agency's email from Emma Kirk to Astrid Hawley dated 05.10.10. The applicant shall confirm to the Local Planning Authority that this has taken place, in writing, within one month of completion.  
Reason: To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with PPS: 25 'Development and Flood Risk' March 2010
- C16** Prior to the commencement of road construction, unless otherwise agreed in writing by the Local Planning Authority, details of the street lighting, including lighting for any non adoptable areas, shall be submitted to and approved in writing by the Local Planning Authority. The street lighting shall thereafter be installed in accordance with the approved details prior to first occupation of the dwellings.  
Reason: In the interests of highway safety and community safety in accordance with policies DA2 and DA11 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C17** 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, taking on board the recommendations and conclusions of the approved Site Investigation Report (C12146A), 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.  
Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).

**C18** The remediation scheme approved under condition 17 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 and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).

**C19** 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 7 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 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 C17.

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 (that demonstrates the effectiveness of the remediation carried out) must be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of public safety in accordance with Planning Policy Statement (PPS23 Planning and Pollution Control).

**C20** Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no garage, carport or domestic enlargement to the dwelling(s) shall be constructed other than as those expressly authorised by this permission.

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

**C21** The development shall be undertaken in accordance with the recommendation in section 9 of the submitted 'Tree Survey, Arboricultural Implications Assessment Report and Arboricultural Method Statement.

Reason: In order to safeguard and protect the visual amenity of the area and the biodiversity of the site in accordance with Policies LNE6 and LNE9 of the Adopted Peterborough Local Plan (First Replacement) 2005.

**C22** Prior to the commencement of development, unless otherwise agreed in writing with the Local Planning Authority, details of a scheme for the provision of bat roosting boxes and bird nesting boxes, including the design, proposed location and number of boxes shall be submitted to and approved in writing by the Local Planning Authority. The boxes shall thereafter be implemented on site in accordance with the approved details, prior to the first occupation of the dwellings, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to enhance the biodiversity of the site in accordance with Planning Policy Statement 9 (Biodiversity and Geological Conservation) and Policies LNE 15 and LNE16 of the Adopted Peterborough Local Plan (First Replacement) 2005.

#### **Recommended Informatives:**

- 1) This permission should be read in conjunction with, and the development is subject to, the Planning Obligation under Section 106 of the Town and Country Planning Act 1990 and associated legislation between (to be inserted) and Peterborough City Council dated (to be inserted).

- 2) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 9 metres measured horizontally from the foot of any bank of the landward side, or where there is no bank, within 9 metres measured horizontally from the top edge of the batter enclosing a Main River.

As part of the proposed development site is shown to be within Flood Zone 3a 'high probability', we strongly recommend that prior to development the applicant submit details in relation to a flood warning and evacuation plan. As part of this plan we recommend registration with the Environment Agency's free Floodline Warning Direct service. For further information on how to register please visit [www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx](http://www.environment-agency.gov.uk/homeandleisure/floods/38289.aspx) or contact Allan Bond on 01522 785877.

- 3) The applicant is advised that if it is essential that soakaways are to be used, they are not positioned in potentially contaminated ground. The use of soakaways must not increase the likelihood of contaminants being mobilised, as this could affect the groundwater quality in the area.
- 4) Building Regulation approval is required for this development. For further information contact the Building Control Section on 01733 453422 or email [buildingcontrol@peterborough.gov.uk](mailto:buildingcontrol@peterborough.gov.uk).
- 5) Under the Wildlife and Countryside Act 1981 (as amended), it is an offence to take, damage or destroy the nest of any wild bird while it is being built or in use. Trees, scrub and/or structures likely to contain nesting birds between 1 March and 31 August are present on the application site. You should assume that they contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Planning approval for a development does not provide a defence against prosecution. The protection of nesting wild birds remains unchanged even when planning permission is granted.
- 6) Highways Act 1980 - Section 148, Sub-Section C  
It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 7) Highways Act 1980 - Section 149  
If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.
- 8) The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works. Normal and reasonable working hours for building sites are considered to be from 8.00 a.m. to 6.00 p.m. Monday to Friday, from 8.00 a.m. to 1.00 p.m. on Saturday and not at all on Sunday. If any activities take place on the site beyond these times, which give rise to noise audible outside the site, the Council is likely to take action requiring these activities to cease. For further information contact the Environmental and Public Protection Services Division on 01733 453571 or email [eppsadmin@peterborough.gov.uk](mailto:eppsadmin@peterborough.gov.uk).
- 9) The applicant is advised that all contractors working on the development should be made aware of the possible presence of any protected species on the site and reminded of their legal protection. The protection afforded these species is explained in Part IV and Annex A of Circular 06/2005 'Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System.'

Contractors should be advised to stop work immediately if any such species, or signs of their presence, are identified on site; in this instance the developer should seek the advice of a professional ecologist prior to works re-commencing.

- 10) It is noted from the ground investigation report that imported topsoil material will be used. The attached document provides guidance in relation to any soil imported onto the site.

- 11) The responsibility for providing information on whether the site is contaminated rests primarily with the developer.

Where Planning Permission is granted for a site on which the presence of contamination is known or suspected, a separate notice should be issued to the applicant stating that the responsibility for safe development and secure occupancy of the site rests with the developer.

It should also warn the applicant that the local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Services be authorised to refuse planning permission for the reason stated below:-

- R1** A request has been made by the Local Planning Authority to secure a contribution towards the infrastructure implications of the proposal however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement) 2005.

Copy to Councillors Cereste, Rush, Walsh.