

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 14 AUGUST 2012
10.30 AM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Development Control and Enforcement Matters**

- 3.1 **12/00290/OUT - Peterborough Garden Park, Peterborough Road, Eye, Peterborough** **1 - 28**

In accordance with Standing Orders, Members are asked to determine whether agenda item 3.2, E1 Enforcement Action in Stanground Central Ward, which contains exempt information relating to an individual or would be likely to reveal the identity of an individual and information relating to the financial or business affairs of a particular person (including the authority holding that information), as defined by Paragraphs 1, 2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972, should be exempt and the press and public excluded from the meeting when this report is discussed or whether the public interest in disclosing this information outweighs the public interest in maintaining the exemption.

- 3.2 **E1 - Enforcement Action in Stanground Central Ward** **29 - 32**



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

Committee Members:

Councillors: Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



LOCATION PLAN 12/00290/OUT
Peterborough Garden Park, Peterborough Road, Eye

Scale NTS **Date** 3/8/2012 **Name** AA Department Planning Services



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Application Ref: 12/00290/OUT

Proposal: Construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping

Site: Peterborough Garden Park, Peterborough Road, Eye, Peterborough, PE1 4YZ

Applicant: Garden Parks (Peterborough Two) Limited

Agent: Drivers Jonas Deloitte

Referred by: Head of Planning, Transportation and Engineering Services

Reason: The application is of wider public interest

Site visit: 10.07.2012

Case officer: Mr A P Cundy

Telephone No. 01733 453470

E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site and Surroundings

The site is located on the edge of Peterborough, positioned between Dogsthorpe and Parnwell to the south, and Eye village to the north east.

The site is bounded to the north by the landfill site, and to the south the Paston Parkway dual carriageway and Junction 8 roundabout. The existing Garden Park retail development is located to the west and the petrol filling station, KFC restaurant to the east. The site is accessed via the Garden Park vehicle access from Eye Road.

The site covers an area of 4.32ha, and is currently forms part of the adjacent Garden Park retail development. The site is made up of car parking, wooded area and some unused land.

Proposal

Planning permission is sought for construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping

The application seeks outline planning permission to establish;

- The principle of development
- The quantum of development on the site
- Access to the site

The proposal would provide:

- 6,040 sqm A1 retail foodstore
- Skills centre including workshop facilities and an arts and crafts showroom (288 sqm)GEA
- A leisure cycle hub (390sqm) Gross External Area (GEA)
- Children's play barn and play area (360 sqm) GEA
- 430 car parking spaces

All matters relating to layout, scale, appearance and landscaping are reserved to a later stage.

2 Planning History

Reference	Proposal	Decision	Date
11/00018/SCREEN	EIA Screening request	EIA not required	22/12/2011
11/00638/ADV	Installation of 1 x internally illuminated fascia sign and 1 x internally illuminated projecting sign	Application Permitted	07/06/2011
08/01492/DISCHG	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access - discharge of conditions 8, 9, 10, 22, 32 and 33 of 07/00011/OUT	Determined Discharge of Conditions	11/08/2010
10/00116/ADV	Internally illuminated fascia sign (retrospective)	Application Permitted	22/03/2010
09/01438/DISCHG	Discharge of conditions 25 (signal junction), 27 (pedestrian route) and 28 (bus stops) - Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	Determined Discharge of Conditions	23/02/2010
10/00064/DISCHG	Discharge of conditions C13, C14, C23, C34 of planning application 07/00011/FUL - Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	Determined Discharge of Conditions	02/02/2010
08/01340/DISCHG	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access - discharge of conditions 12, 16 and 21 of 07/00011/OUT	Determined Discharge of Conditions	25/01/2010

09/01365/ADV	Proposed internally illuminated shopfront signage and fascia	Application Permitted	13/01/2010
09/00612/DISCHG	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access - Discharge of C7, C19, C20, C30 and C31 on application 07/00011/OUT	Determined Discharge of Conditions	22/12/2009
09/01082/FUL	Installation of internal mezzanine floor and staircase	Application Permitted	03/12/2009
09/00806/DISCHG	Non-illuminated traffic direction sign and illuminated entrance, tenant's directory and 6 no. banner advertisements - Discharge of C2 of application 09/00314/ADV	Determined Discharge of Conditions	20/11/2009
09/01073/FUL	Side extension to cafe to form ground floor toilets and staircase and internal mezzanine sitting area	Application Permitted	16/11/2009
09/00673/FUL	Internal subdivision of 2 garden centre cafe units and management store into 2 garden centre retail units and management store with associated minor external alterations	Application Permitted	22/09/2009
08/01586/REM	Reserved matters application for the landscaping only of the garden centre development pursuant to outline planning application 07/00011/OUT	Application Permitted	26/06/2009
09/00444/ADV	Internally illuminated fascia sign	Application Permitted	19/06/2009
09/00062/WCPP	Variation of Condition 5 of Planning Permission Ref: 07/00011/OUT amending the range of goods and services permitted on site	Application Permitted	04/06/2009
09/00314/ADV	Non-illuminated traffic direction sign and illuminated entrance, tenant's directory and 6 no. banner advertisements	Application Permitted	03/06/2009
08/01297/FUL	Canopy over external sales and display area for garden centre	Application Permitted	16/01/2009
08/00925/WCPP	Amendment to condition C6 of planning permission 07/00011/OUT to allow the insertion of a mezzanine floor totalling 270sqm	Application Permitted	17/11/2008
08/00989/REM	Reserved matters application for the appearance only of the garden centre development pursuant to outline planning application 07/00011/OUT, and alterations to the approved subdivision as per C6 of 07/00011/OUT	Application Permitted	30/09/2008

07/00011/OUT	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	Application Permitted	31/03/2008
05/01274/OUT	Erection of garden centre building (5777sqm), plant area (5110sqm), garden centre concessions buildings (5498sqm), cafe/kiosk (465sqm), car parking, service area, improvements to service road and access to Eye Road, entrance totem sign, footway/cycleway access, recycling collection area and landscaping	Application Withdrawn	07/03/2006

3 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.

National Planning Policy Framework (NPPF)

- Paragraph 187 and 197 - Advocates a positive approach to supporting sustainable economic development
- Paragraph 24 and 26 - Retains the key tests set out in the previous PPS4 i.e. the sequential approach and impact

Cambridgeshire and Peterborough Minerals and Waste Development Plan DPD 2012 **SSP W8Q Dogsthorpe Waste Consultation Area**

Peterborough Core Strategy DPD (2011)

Policy CS4 – The City Centre - Promotes the enhancement of the city centre through additional comparison retail floor space especially in North Westgate, new residential development, major new cultural and leisure developments and public realm improvements, as well as protecting its historic environment.

Policy CS10 – Environment Capital - Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK

Policy CS11- Renewable Energy - Opportunities to deliver on site or decentralised renewable or low carbon energy systems will be supported on appropriate sites where there are no unacceptable impacts.

Policy CS12 – 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.

Policy CS13 – Developer contributions to infrastructure provision - Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

Policy CS14 – Transport - Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

Policy CS15 – Retail - Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

Policy CS16 – Urban Design and the public realm - Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

Policy CS21 - Biodiversity and Geological Conservation - Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

Policy CS22 - Flood Risk - Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

Minerals & Waste Core Strategy DPD 2011

CS28 - Waste Minimisation, Re-use, and Resource Recovery

Developers are encouraged to minimise waste, re-use and recover resources.

CS30 - Waste Consultation Areas

Development will only be permitted where it is demonstrated that this will not prejudice existing or future planned waste management operations.

Peterborough Local Plan (First Replacement) (2005)

T6 – Development affecting the Primary public transport corridor - Permission will not be granted for development which would adversely affect this identified corridor.

T8 – Connections to the existing highway network - Permission will only be granted if the access is onto a highway whose design/function is appropriate for the level of traffic which would be using it.

T9 – Cycle Parking Requirements (Outside the City Centre)

High quality off street cycle parking to be provided in accordance with the identified standards.

T10 - Car and Cycle Parking Requirements (Outside of the City Centre)

Parking should be provided in accordance with the identified standards.

DA16 - Development on or in the Vicinity of Landfill Sites

Permission will not be granted unless there is minimal risk to public safety.

LNE9 – Landscaping implications of development proposals - Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

Community Infrastructure Levy (CIL) Regulations 2010

Requests for planning obligations whether a CIL tariff has been adopted or not by a local authority are only lawful where they meet the following legal 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.

It is also good practice to ensure that any obligation is also relevant to planning and 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

PCC Strategic Planning – Contrary to policy - The proposal fails the sequential test and likely to have detrimental impact on existing retail centres. Contrary to Core Strategy policy CS15 and the NPPF.

PCC Transport and Engineering – No objection subject to conditions – However there are still concerns about potential queuing back from the modified junction 8. As a result Highways are of the view that should the newly remodelled junction have an adverse impact on junction 8 the developer should implement a physical ban on right turners in to the site from Peterborough Road. This shall be secured by condition.

PCC Travel Choice - No objections - The framework travel plan submitted is acceptable and a full travel plan will be required prior to occupation of the new food store.

PCC Landscape Officer - Object - The proposal indicates the loss of both newly established trees/shrubs and a substantial number of trees in the adjoining shelterbelt. There is no robust

justification for the tree loss site apart from this informs the best layout, and the applicant will work in partnership with PECT to plant more trees elsewhere in the city.

PCC Wildlife Officer - No objection – A wildlife pond and the use of native planting is an enhancement to the site. The loss of trees from the tree belt and replacement planting is disappointing. Satisfied that there would be no harm to protected species. The bird nesting season must be observed. Opportunities for biodiversity gain should be part of any reserved matters application.

PCC Archaeological Officer - No objection - No further archaeological work is deemed necessary in this area.

PCC Minerals and Waste Officer – Objection - The application site is within the Waste Consultation Area (WCA) due to the sites location adjacent to the active landfill site. Whilst the proposal acknowledges the presence of the landfill site it does not fully assess what the likely impacts of the landfill will be on the proposed development due to its close proximity. The indicative layout proposes little by way of mitigation between the two sites e.g. landscape screening etc. The proposal would benefit from a landscaping scheme to provide a buffer between the two uses. Future areas of landfill working are permitted in very close proximity to the site boundary, and there are likely to be considerable amenity issues for future users of the proposal should the proposal be granted in such close proximity with little, if any additional mitigation.

PCC Pollution Team - No objection – subject to the imposition of conditions relating to contamination.

PCC Drainage Team - No objection - subject to surface water drainage condition. Any culverting of watercourses will require separate permission.

PCC Planning Obligations – No objection – Agree a POIS contribution of £339,750, a further £600,000 towards public realm improvement works in existing centres including the city centre, £300,000 towards Sustainable Transport Projects (including those within the Local Transport Plan (LTP)), £30,000 towards PECT Forest, an on site skills centre or £500,000 for training within the local community and finally £3,750 towards travel plan monitoring

PCC Building Control Surveyor – No objection - Building Regulations approval is required. Part M relating to disabled requirements applicable.

Highways Agency - No objection – The current planning application does not represent a significant increase in traffic movements over that of the existing use of the site. I consider it unlikely that mitigation measures will be necessary, or they will be minor in nature and unreasonable in the scale of the current application. I therefore do not intend to issue a direction in this case.

Environment Agency - No objection - subject to a surface water drainage scheme condition.

Anglian Water Services Ltd - No comments received

Natural England - No objections – Refers to its standing advice on protected species.

Police Architectural Liaison Officer - No objections - crime levels and requests for police attendance are relatively low in relation to the current usage.

Fire Community Risk Management Group - No objections - Adequate provision should be made for fire hydrants.

Local Residents/Interested Parties

Councillor A Miners - Support - the proposed extension to Peterborough Garden Park. The major food retail outlet is much needed and will hopefully mean an improvement in local employment and food shopping opportunities.

The addition of a Skills Centre and Cycle Hub will greatly enhance the greater Dogsthorpe community and will help community well-being.

Improvement to the Bus Services and Bus Facilities are long overdue and hopefully this will mean a far greater usage of all the facilities on this site by the local Dogsthorpe Ward community.

Councillor D Sanders - Support - pleased to see how widely and thoroughly Peterborough Garden Park consulted with local communities and stakeholders in advance of submitting their planning application. The final plans that have been submitted will bring value to the local area. They will benefit local communities as well as residents across Peterborough and visitors to the city.

The proposed new supermarket is much needed in the east of Peterborough, an area that is scheduled for considerable housing growth. I would personally find the supermarket useful and of benefit. In favour of the improved children's play area, the improvements to transport and access, and the creation of apprenticeships during construction

The proposed development will:

- Bring much needed new jobs to the area.
- Provide a Skills Centre that supports Peterborough's skills agenda and will help local people secure training and future work.
- Help people make greater use of the Green Wheel cycle route and support Peterborough's Environment Capital agenda.
- Ensure that Peterborough Garden Park continues to thrive.

Councillor B Saltmarsh - Support - this application to expand the Peterborough Garden Park.

A retail foodstore is needed in this area to serve the residents of Welland, Dogsthorpe, Parnwell, and Eye. Supermarkets which have recently received planning permission in the city centre area do not help these residents as they are too far away. Transport Plans include the provision of a revision of the bus route to serve the park.

The development will bring employment for local people. The skills centre would enhance the range of courses which Peterborough regional college (based in Western Avenue) could offer.

The proposed construction of an open air play area and cycle hub supports our city's environmental initiatives

The Garden Park has made a difference to the area and I am very keen that it continues to expand and thrive.

Cllr D McKean - Support – Requests a weight limit for the A1139 between Junction 8 and the roundabout to remove lorry congestion on this stretch and free up road for users of the site. A wheel wash facility should also be in place for the duration of the site construction.

Cllr J Peach - Support – the new foodstore will provide 300 jobs in a part of the city where they are urgently needed. Very supportive of the plans for a leisure cycle hub and to build a skills centre. Also pleased to see an owner bringing forward plans that have a wider social benefit including improving the Children's Play area and an indoor Play Barn.

Cllr W Fitzgerald - Support – Garden Park's proposed extension

Parish Council - No objections - would like to see any S106 monies from this development coming to the Parish of Eye.

Werrington Neighbourhood Council – Object - Concern that this development could prejudice the Werrington centre supermarket development coming forward, as this project seems to have stalled. Half the shops in the Werrington are currently vacant. On this basis they object to more convenience retail floorspace unless they can be assured that Tesco are still committed to building the new Werrington supermarket.

Welland Residents Association - Support - pleased to see how widely and thoroughly Peterborough Garden Park consulted with local communities and stakeholders in advance of submitting their planning application. The final plans that have been submitted will bring value to the local area. They will benefit local communities as well as residents across Peterborough and visitors to the city.

The proposed new supermarket is much needed in the east of Peterborough, an area that is scheduled for considerable housing growth. I would personally find the supermarket useful and of benefit. In favour of the improved children's play area, the improvements to transport and access, and the creation of apprenticeships during construction

The proposed development will:

- Bring much needed new jobs to the area.
- Provide a Skills Centre that supports Peterborough's skills agenda and will help local people secure training and future work.
- Help people make greater use of the Green Wheel cycle route and support Peterborough's Environment Capital agenda.
- Ensure that Peterborough Garden Park continues to thrive.

Bluebell Residents Association - Support - pleased to see how widely and thoroughly Peterborough Garden Park consulted with local communities and stakeholders in advance of submitting their planning application. The final plans that have been submitted will bring value to the local area. They will benefit local communities as well as residents across Peterborough and visitors to the city.

The proposed new supermarket is much needed in the east of Peterborough, an area that is scheduled for considerable housing growth. I would personally find the supermarket useful and of benefit. In favour of the improved children's play area, the improvements to transport and access, and the creation of apprenticeships during construction

The proposed development will:

- Bring much needed new jobs to the area.
- Provide a Skills Centre that supports Peterborough's skills agenda and will help local people secure training and future work.
- Help people make greater use of the Green Wheel cycle route and support Peterborough's Environment Capital agenda.
- Ensure that Peterborough Garden Park continues to thrive.
- Be a valuable asset to the local community

Parnwell Residents Association - Support – Foodstore, together with the skills exchange and brilliant ideas for youth training. We are happy to work with the Garden Park so that the eastern side of Peterborough can have a vibrant future with more footfall for all businesses.

729 letters / cards have been received supporting the application for the reasons listed below (for the sake of clarity, the majority of these have been facilitated through the publicity generated by Peterborough Garden Park):

- Good public consultation
- New supermarket needed in east of Peterborough
- Job creation
- Benefit local community
- Skills centre good for training local people
- Ensure the Garden Centre development thrives
- Cycle hub will encourage use of Green Wheel
- Help meet Environment agenda

One objection received concerned about the poor access

5 Assessment of the planning issues

Introduction

Date: 21.06.2012

The key planning issues are set out under headings below. This is a finely balanced case with on one hand policies which normally restrict retail investment to the city and district centres and on the other a scheme which offers significant regeneration, employment and training opportunities adjacent to an area of high deprivation, consistent with general the thrust of the new National Planning Policy Framework (NPPF).

Retail implications of the development

Introduction

The NPPF advocates a positive approach to supporting sustainable economic development and retains the key tests set out in the previous PPS4 i.e. the sequential approach and impact

Core Strategy Policy CS15 sets the retail strategy for the City which includes:

- supporting / regenerating the city centre through retail / other development in order to maintain the centre at the top of the retail hierarchy
- supporting / regenerating where necessary existing District & Local Centres to ensure they cater for the needs of the communities they serve
- the application of the key test set out in PPS4 when deciding planning applications

The strategy defines the City Centre as being the 'Primary Shopping Area' (PSA) and lists the District and Local Centres as part of the retail hierarchy. The geographical extent of each centre is currently identified in the 2012 Site Allocations DPD and the emerging Planning Policies DPD.

Core Strategy Policy CS15 goes on to state that new retail development will be:

- encouraged to maintain and enhance the vitality and viability of centres
- of a scale and nature appropriate to the role and function of the centre in which it would be situated
- such that major comparison goods proposals will be directed to the City Centre PSA as a first preference [it should be remembered that the application before the committee is primarily for convenience retailing]
- such that new/additional convenience goods floor space should be prioritised towards the City Centre (at a scale to serve major new residential development), Werrington Centre, new centres proposed within the urban extensions

The site is in an 'out of centre' location. National and local planning policies require out of centre schemes such as this to be assessed by looking at:

- whether there are sites available/suitable for the use in or closer to the city centre/or other existing centres (known as the sequential test)
- the retail impact that the proposal would have

Sequential Approach

Policy CS15 sets out the Council's stance on the sequential approach. It identifies the sequence of appropriate locations before this out-of centre location can be considered for retail development. The sequence is City Centre sites, District Centre sites, Local Centre sites and then Out of Centre sites in locations that are accessible by a choice of means of transport.

As required by the NPPF (and reflected in Local Plan policy) the applicant, in agreement with the Council, identified seven sites/opportunities. The sites assessed were Millfield District Centre, Werrington District Centre, Paston Reserve Local Centre (proposed) North Westgate, Rivergate, Station Quarter and Royal Mail Sorting Office, Bourges Boulevard. The applicant's retail assessment has been independently assessed by the Council's retail consultant GVA. (GVA also provided independent advice on the recent station quarter and Maskew Avenue applications) (see table below). It is important to note that GVA were commissioned only to consider the retail impact of the store and the application of the sequential test. They were not commissioned to consider the wider economic benefits of the proposal.

Site	Outcome of Sequential Test	GVA comments	Officer comments

Millfield District Centre	No available site either within or in an edge of centre location	No alternative sites which could be regarded as suitable, viable or available	Agree with GVA comments
Werrington District Centre	Tesco is committed to extending its existing store. Has been discounted on grounds that it would not be available, suitable or viable to accommodate the proposed food store	While it is accepted that this opportunity is not available to an alternative occupier as an opportunity for investment in a defined district centre this represents a sequentially preferable opportunity to meet identified needs, particularly given the overlapping catchments of the two proposals.	There are consented proposals by Tesco to extend and reconfigure their existing store, and the development has recently commenced. Site is not available to an alternative occupier.
Paston Reserve Local Centre (proposed)	Site is of an unsuitable scale to accommodate the proposed food store and in the absence of suitable access arrangements it is also unviable.	Paston local centre opportunity would be the preferable location to meet local needs	The approved site is of too small a scale to accommodate the proposed food store, and no proposals have been forthcoming for a larger development
North Westgate	Not currently available, suitable and viable for a food store development. Contrary to policy CC10 which seeks comprehensive redevelopment	No alternative sites	The focus of North Westgate is currently on delivery of comparison rather than convenience floor space and a comprehensive form of development is required, rather than a standalone food store.
Rivergate	The site is neither available, suitable or viable to accommodate the proposed development on the grounds that the site is presently occupied by an existing food store operator.	No alternative sites	Agree with GVA
Station Quarter	Would fail to address a clear qualitative deficiency in main food shopping provision towards the north and north eastern part of the city.	No alternative sites	Agree with GVA
Royal Mail Sorting	Would fail to address a	Consider this site is an	Planning

Office, Bourges Boulevard	clear qualitative deficiency in main food shopping provision towards the north and north eastern part of the city.	edge-of-centre location and would be regarded as suitable, viable and likely to be available within a reasonable timescale in planning terms. Consider that this would represent a sequentially preferable location.	application ref 10/01461/OUT for Redevelopment of site to provide office (Use Class B1) and retailing use (Use Classes A1, A3 and A4) was granted by the Planning and Environmental Protection Committee on 21 st February 2012. This site is, therefore, no longer available and would be too small for size of store proposed
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To summarise GVA believe there are sequentially preferable sites which are suitable, viable and available within a reasonable timescale to accommodate a similar scale of development to the application proposal, specifically:

- the Royal Mail Sorting Office site,
- Werrington District Centre and
- Paston Reserve Local Centre.

GVA consider that these sites represent sequentially preferable locations and that the subject application fails against the key tests set out in national policy and are contrary to the principle of CS15 of the Adopted Peterborough Core Strategy.

However, your Planning officers disagree with GVA's conclusions. This is for the following reasons:

1. The Royal Mail Sorting Office site has planning approval and is no longer available.
2. Werrington District is the subject to an extant planning permission and therefore is not available to an alternative occupier
3. The Paston Reserve Local Centre is of an unsuitable scale to accommodate the proposed food store and is located deep into an as yet undeveloped site and so it is not truly available.

Retail Impact

As required by national planning policy and reflected in local plan policy) the applicant has submitted a report which assesses the impact that the development would have on existing retailing in the city centre and on nearby district centres. The assessment assumes the net floor space will comprise 3170 sq metres of convenience space and 1057 sq metres of comparison floor space.

The GVA 2009 retail study (updated in April 2010) stated that between 2008 and 2026 there will be capacity for up to 98,000 sq metres of new comparison floor space in the city. Taking into account that the city has since (through change of use or demolition) lost 10,355 sq metres of retail floor space the true figure would stand at 108,355 sq metres. The table below shows what has been approved since 2009.

Site	Floor space (comparison) sq metres
Orton District Centre	1,875

West Lake Local Centre Hampton	521
Paxton Road, Orton	256
Keyline site, Newark Road	3,703
Werrington Centre	1,157
Mezzanine floor at Unit 3 Serpentine Green	910
Mezzanine floor at Gap	790
Focus garden centre, Boongate	688
Brotherhood	2,822
Stanground South	1,029
Queensgate - Primark	1,562
ING	900
Maskew Avenue	1,922
Total	18,135

The table shows that given the identified capacity for new retail development is 108,355 sq metres only 18,135 has been taken up by approved development schemes. The proposed scheme at some 1057 sq metres would therefore not result in an excess of comparison floor space being provided.

GVA 2009 retail study (updated in April 2010) stated that between 2008 and 2026 there will be capacity for up to 7000 sq metres of convenience floor space in the city (7000 sq metres is at the top end of the capacity range, the capacity range depends on whether the existing commitments are implemented, 7000 sq metre assumes that none of the commitments taken into account in the GVA study will be implemented). The table below shows what has been approved since 2009.

Site	Floor space (comparison) sq metres
Stanground South	1,728
ING	2,100
Maskew Avenue	2,884
Total	6,712

The table shows that given the identified capacity for new retail development is 7000 sq metres 6,712 has been taken up by approved/resolved to be approved development schemes. These figures confirm that, based on the 2009 study, there is no theoretical capacity for the proposed development, implying that between now and 2026 the Council could only allow a further 288 sq metres of convenience floor space. It should be recognised that the recently published census figures indicate that the recorded population of the city has grown significantly since this GVA retail study, by some 27,550 people. This may increase the level of available expenditure to support additional convenience floorspace. A new retail study has been commissioned.

The applicant estimates that 14.23% of the store convenience turn over of £35.92 million (total turnover 2016) would be diverted from the existing Sainsbury's at Oxney Road a further 11.47% from Morrisons on Lincoln Road. In addition there will be an impact on the food stores anchoring existing centres notably the applicant estimates 11.94% from Werrington District Centre 5.98% from Sainsbury, Bretton Centre, 3.24% from Tesco, Serpentine Green, 4.49% from Peterborough City Centre and 3.37% from Millfield District Centre.

Members need to be aware that the cumulative convenience impact (that is if every supermarket permission is implemented) there would be a 43.5% on Morrisons, Lincoln Road, 39.28% on Sainsbury's Oxney Road, 22.55% on Peterborough City Centre, 21.91% on Bretton District Centre, 16.13% on Werrington District Centre, 13.66% on Tesco, Serpentine Green, 9.91% on Morrisons, Stanground, 7.65% on Orton District Centre and 5.76% on Millfield District Centre. Based on the figures produced by the applicant's retail consultant, GVA are concerned that the Garden Park proposal could have an adverse impact on the current trade and turnover, vitality and viability and potentially new investment in a number of centres.

Whilst the City Council's consultant has raised concerns about the impact of trade draw from a number of retail locations, a number of matters should be noted:

1. There have been no objections raised against the proposal from any of the existing supermarket operators in the City. If they considered the proposal a significant threat, then one would presume they would have objected to the proposal.
2. Neither the Morrisons store or the Sainsbury Store are located in local or district centres and so the impact on these stores would not impact on the functioning of any wider local / district centre function
3. Whilst the impact of trade draw on the City Centre and the Bretton Centre at first appears to be significant, it should be remembered that food retail is not at the core business of the City Centre (it is in the main a comparison shopping destination) and that the bulk of food shopping is most likely to be by those living close to the city centre or by those undertaking linked trips. In the case of the Bretton Centre, this development is made up of three food stores and five large (high street multiple) non-food retailers. Visits to this centre will be made up of a combination of food store only trips, comparison store only trips and linked trips involving both. It will be the same situation for the Garden Park Development and so trade diversion is going to be influenced by the offer presented by the high street names occupying the existing units on each development.
4. Serpentine Green accommodates the City's largest supermarket and a number of high street multiples in what can be described as a 'mini-shopping mall'. Consequently the site draws customers from the whole city. Given this and the fact that future development at Hampton and Great Haddon will continue to feed customers to the centre, officers do not consider the Garden Park proposal would prove to be significantly detrimental to Serpentine Green.

Notwithstanding the above, it is accepted that whilst the proposal would not have a catastrophic impact on existing centres, there would be some impact. It is considered that this harm could be mitigated through a S106 contribution towards infrastructure and public realm improvement works, job creation and training and sustainable environmental improvements. This matter is dealt with in more detail in the Section 106 section of this report.

The NPPF advocates a positive approach to supporting sustainable economic development. Taking into account that the proposal would:

- provide for new investment and development of an under used site and would
- provide for additional new employment (creation of up to 300 new permanent jobs for local residents + creation of up to 150 jobs during construction of the proposed store)
- contribute towards triggering regeneration within the city centre and district centres

It is considered that the proposal would indeed support economic growth in the widest sense.

Notwithstanding it is accepted that most visitors to the site will be by car and it can be questioned whether this customer dominated use is in indeed within a sustainable location. The applicant is, however, offering £300,000 toward sustainable transport projects and £30,000 towards PECT Forest in Peterborough. Officers consider that any harm caused by car trips to this destination

would be offset by the two contributions.

Conclusion

Your officers have determined that:

1. there are no sequentially preferable sites however advise that the proposal will use up considerable retail capacity for convenience floorspace to 2026
2. the proposed development would have a moderate rather than a catastrophic impact on the city centre and district centres and that these impacts can be mitigated against.
3. the proposal would:
 - provide additional employment opportunities in a deprived area of the city
 - contributes towards the regeneration of District Centres
 - Contributes towards regeneration of the city centre
 - provide people in the locality and wider Peterborough with an alternative food shopping option

Transport

Impact on the A47 Trunk Road

The Highways Agency consider that the current planning application does not represent a significant increase in traffic movements over that of the existing use of the site. The Highways Agency raise no objection to this application.

Impact on the highway network

In terms of the transport assessment work that has been done, the Council's highway engineers are generally satisfied with the proposals. However there are still some concerns about potential queuing back from the modified Peterborough Garden Park junction to and on to Junction 8 at times, thus impacting on Junction 8. The engineers are of the view that should the newly remodelled junction have an adverse impact on Junction 8, the developer should implement a physical ban on right turn movements into the site from Peterborough Road. Officers have been in discussions with the developer and both sides have agreed a monitoring period of a year and a second arrangement on site to be implemented by the developer should this become a problem in the first year. A condition can be imposed to manage this.

However, it is important to recognise that a significant number of trips to the site will be made by private car, rather than sustainable modes of transport. Recognising this, the applicant has offered a mitigation contribution for investment in sustainable transport in the city.

The engineers are content with the principle of the proposal subject to various conditions. The proposal is therefore considered to be in accordance with Policies CS14 of the Core Strategy and Policies and T8 of the Local Plan.

Drainage

Car Dyke, a main river and scheduled ancient monument, runs south to north alongside Eye Road approximately 200m to the east of the site. An existing drainage ditch runs west to east along the northern boundary of the site and joins with Car Dyke to the south east. There is an existing culvert which carries flows under the existing access road.

A Flood Risk Assessment has been submitted. The site is in a low flood risk area (zone 1) and so there is no concern with the principle of the development, particularly as the surrounding sites have already been developed. The Environment Agency and the Council's drainage engineers raise no objection subject to a condition agreeing the specific details of the proposed surface water drainage strategy.

Landscape and ecology

The site is not within a Conservation Area and there are no Tree Preservation Orders covering trees on the site. There is however a mature shelter belt of trees on the southern boundary of the site and a number of relatively new trees planted within the car park and retail forecourt for the adjoining retail development.

Whilst the proposal is in outline and the layout is not fixed at this stage, to be able to accommodate the amount of development proposed, a number of trees along the southern shelter belt woodland area would be lost as a result of the proposed development. Concerns were raised that the existing tree constraints had not fully informed the design and layout of the site, and that the replacement planting proposed on site and elsewhere in association with Peterborough Environment City Trust (PECT) were not fully justified as appropriate mitigation.

As this proposal is effectively an extension to the existing retail built form and car parking, the location for the siting of the development on site is relatively constrained. Officers therefore consider that whilst the specific building shape, and car parking layout can change at the detailed reserved matters stage, there would need to be loss of trees on site to accommodate the development proposed. Whilst the tree loss is disappointing, there would still remain a woodland buffer of trees between the site and the Parkway, further tree planting on the site around the site boundaries and within the car parking areas is proposed, and a yearly payment of £10,000 for 3 years to PECT to deliver new trees on school and community sites. It is therefore considered on balance that the tree loss proposed in this instance could be considered to be acceptable.

The application was submitted with a Phase 1 Habitat Survey. It concluded that all habitats within the site had low value to nature conservation at the local level. Therefore the impact on the ecological integrity of the local area was deemed to be insignificant. No protected species were found on site, and it was considered the loss of trees along the edge of the woodland bank would be unlikely to significantly affect local bat populations. There is potential for nesting birds in the woodland bank, therefore any works that could affect this area should be undertaken outside of the bird nesting season of March to August, or surveys must be undertaken by a suitable qualified person and submitted for agreement by the Authority, to demonstrate the absence of any nesting birds.

Landfill site

The site lies immediately to the south of and abutting the boundary of Dogsthorpe landfill site. Therefore the main issue is that the site is within a Waste Consultation Area (WCA), as defined by the Minerals and Waste Core Strategy policy CS30, and SSP W8Q of the Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD 2012. Whilst the proposal acknowledges this, it has not explicitly assessed the impact of the proposal on the Landfill site.

Regardless of the success or otherwise of site management practices employed at the landfill site, the extreme proximity of the proposal may result in particularly negative perceptions by end users of issues such as odour, litter, flies vermin and birds. WCA's are designed to ensure a 250m separation from sensitive receptors to help enable the mitigation measures to be successful. It is noted that the indicative layout proposes minimal, if any, vegetation at the (north) eastern end of the site between the car parks and the landfill, and no vegetation between the building and the landfill at the (north) western side. The proposal would therefore benefit from a landscaping scheme to allow for a more sympathetic interplay between the boundaries. It is therefore recommended that, should outline consent be granted, the reserved matters applications which deal with the layout and landscaping incorporate a buffer landscape area on the site boundary to help minimise any negative impacts between the sites. The applicant needs to be aware that future areas of working are permitted in very close proximity to the site boundary and any future layout of this site will have to be designed to accommodate this.

Whilst the application has not explicitly assessed the impact of the proposal on the landfill site, the adjacent Garden Park retail development and neighbouring commercial land uses already co-exist in close proximity with the existing landfill site. It is therefore considered that this together with the fact the proposal is in outline only at this stage, and the specific layout and buffer landscaping to mitigate negative impacts can be dealt with at future reserved matters stage that refusal on the basis of harmful impact on the landfill site could not be substantiated.

Design

The application is only an outline application and so the appearance of the development is a matter that will be the subject of a future submission. However the amount of development is known in terms of floor space and indicative plans have been submitted that show a basic layout. Officers are satisfied that:

- the proposed floor space can be accommodated on the site
- the indicative height and design demonstrates that a supermarket can be designed so as to not adversely harm the character of the area
- that there will be opportunities around the buildings to provide purposeful public realm and landscaping

S106 considerations in respect of the Garden Park application

The S106 offered by the applicant is structured in 2 parts. Part 1 Planning Obligation Implementation Scheme (POIS) Contribution, Part 2 Mitigation Package. Regulation 122 of the Community Infrastructure Levy Regulations (2010) requires that each element of the obligation is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

Planning Obligations Implementation Scheme

Applying the Council's Planning Obligations Implementation Scheme (POIS) to the proposed floor space, a contribution requirement of £339,750 is generated and the applicant has offered this full amount.

POIS is underpinned and informed by PCC's Integrated Development Programme (IDP). Its purpose is to provide a single delivery programme for strategic capital-led infrastructure which will allow for appropriately phased growth and development in the period to 2031. This document builds on the previous version of the IDP completed in April 2008. The purpose of the IDP is to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and demonstrate how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years, why it is required, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that PCC have a coordinated plan of action to deliver the infrastructure required to support the City's growth.
- Form the basis for bidding for funding, whether that be from Government, Government Agencies, lottery and other grants, charities, private sector investment and developer contributions (s106 and potentially CIL).

In this context, the IDP is the fundamental bedrock supporting two adopted policy documents of the City Council; the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategic priorities and infrastructure items which will enable the delivery of the City's growth targets for both jobs and housing identified in the Core Strategy and other policy documentation.

The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', but are well evidenced investment priorities that will contribute in an unambiguous manner to enhancing the area's economic performance, accommodating physical growth and providing a basis for prosperous and sustainable communities. Projects at the neighbourhood level will be consistent with the priorities of the emerging community action plans.

The IDP is holistic. It is founded on a database for infrastructure provision that reflects delivery by the private sector, the City Council and a range of agencies and utilities. This late 2009 review adds to the programme for Peterborough; all partners are committed to developing the IDP's

breadth further through engagement with a broader range of stakeholders, including those from the private sector.

Mitigation scheme

In order to ensure transparency of decision making, it is essential that any package on mitigation can be linked directly to the identifiable (planning) impacts of the development, and those impacts are set out above in this report. In addition to the full POIS contribution, the applicant has offered the following mitigation package and your officers consider that this can be legitimately defended:

Mitigation Package

- A S106 contribution of £600,000 to fund infrastructure and realm scheme for enhancements or improvements in allocated centres including Peterborough City Centre
- A S106 contribution of £300,000 towards sustainable transport projects including those within the Council's Local Transport Plan
- A S106 contribution of £30,000 to support PECT Forest in Peterborough project
- A S106 contribution of £500,000 towards specific training and skills opportunities or provision of a skills centre

Summary

The combined S106 will contribute to the following:

Head of terms	£	Potential Projects	Link to Planning Application
POIS	Standard contribution of £339,750 (£264,250 Strategic (Transport & Communications £188,750, Emergency Services £37,750, Environment £37,750)) (£75,500 Neighbourhood (Transport & Communications £37,750, Environment £37,750))	Community Action Plan projects, Local Transport Plan (LTP), Integrated Development Plan (IDP), Public Realm Strategy	CS Policy CS12 states that planning permission will only be granted if it can be demonstrated that there is or will be sufficient infrastructure capacity to support and meet all the requirements arising from the proposed development
Infrastructure and public realm improvement works in existing retail centres including the city centre	£600,000	Local Transport Plan (LTP), Integrated Development Plan (IDP), Public Realm Strategy	To mitigate and compensate against potential harm caused by trade draw of the out of centre development by contributing to the regeneration of existing retail centres including the city centre
Sustainable transport projects	£300,000	LTP, IDP,	To offset the increase in trips to the out of centre location by

			unsustainable transport modes, to support policy CS10
PECT Forest in Peterborough	£30,000	Forest in Peterborough	To offset the increase in trips to the out of centre location by unsustainable transport modes, and to offset tree loss on the site, to support policy CS10
On site skills centre proposed in application or £500,000 contribution towards job creation, skills and training for local community	£500,000	For training within the local community to up skill local people to take on jobs created by the proposal	To ensure that employment opportunities are available to the local community through increasing skills and access to education
Travel Plan and Travel Plan Monitoring	£3,750		CS14
S106 Monitoring	£35,470 (£25,470 if skills centre provided on site)		
TOTAL =	£1,808,970 (£1,298,970 if skills centre provided on site)		

These requirements accord with both national and local policy the Tesco / Witney principles and regulation 122 of the Community Infrastructure Levy Regulations (2010) in that each element of the obligation is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

6 Conclusions

This is a finely balanced planning application. There is some conflict with local and national retail planning policy. However, the proposal has received significant levels of support and offers a package of measures that could help to offset any policy harm and retail impact. This package of measures, links to the impacts of the development are transparent. The proposal represents a significant investment and job creation opportunity, consistent with the wider aims of the NPPF and there are no objections from retail operators or retail landowners in the city and district centres. The amount of comparison goods floor space proposed has been reduced from 40% to 25%, recognising the need to protect the city centre and future investment there in particular. On this basis, and again recognising that it is finely balanced, officers consider that subject to the imposition of conditions and the s106 package, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant national and local policies:

The proposal

- a) Will not result in a significant material impact on the City Centre or Districts centres as a consequence of trade draw either individually or in conjunction with other recent developments, planning approvals or schemes under construction
- b) Any impact caused to the city, district or local centres will be offset via a S106 obligation, with contributions towards strategic infrastructure and public realm improvements.
- c) Is located on the edge of an existing retail park so there are likely to be linked trips to the other units within the retail park
- d) Would not result in an unacceptable impact on the local road network or compromise highway safety
- e) Provides an appropriate level of parking
- f) Can be controlled by condition in respect of design and layout, crime and disorder, environment capital/renewable energy, infrastructure / infrastructure provision, transport, biodiversity, flood risk and archaeology
- g) would not result in a detrimental impact on protected species or related habitat
- h) represents significant investment and employment creation in one of the most deprived parts of Peterborough

And is therefore considered to be in accordance with Core Strategy Policies CS3, CS4, CS10, CS11, CS12, CS13, CS14, CS15, CS16, CS21, CS22, the Peterborough Planning Obligations Implementation Strategy SPD, Local Plan Policies T6, T8, T9, T10, LNE9

7 Recommendation

The Head of Planning Services recommends that this application is APPROVED subject to:

- reference to Government Office as a Departure application under the Town and Country Planning (Departures Direction) 1999 and as a Retail proposal under the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993;
- the completion of a Section 106 Planning Obligation
- the following conditions:

1. Approval of the details of the siting, design and external appearance of the building(s), and the landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

2. Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.

3. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).

5. The development hereby approved shall be carried out in accordance with the following approved details:-

Site Location Plan (10/030 / P-01 Rev C)
Existing Block Plan (10/030 / P-03 Rev A)
Proposed Masterplan – Indicative (10/030 / P-05 Rev B)
Parameters Plan - (10/030 / P-06 Rev B)
Parameter Plan Building Siting (10/030 / P-07 Rev C)
Proposed access (ITM 7068-GA-004 Rev B)
Tree Constraints Plan (7816/01 Rev A 1/2)
Tree Constraints Plan (7816/01 Rev A 1/2)
Landscape Strategy Proposals (CLD/223901 Rev A)
Tree Retention and Removal (CLD/223902)
Design and Access Statement
Planning and Retail Assessment
Air Quality Assessment Report
Ground Investigation Report Ref: C12090 + C12581
Extended Phase 1 Habitat Survey
Flood Risk Assessment
Sustainability Statement
Transport Assessment
Framework Travel Plan

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting planning permission as set out above.

6. Prior to the commencement of development samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. 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 CS16 of the adopted Peterborough Core Strategy.

7. The landscaping scheme to be submitted as a reserved matter shall include the following details:

- Proposed finished ground and building slab levels
- Planting plans including retained trees, species, numbers, size and density of planting
- Boundary treatment
- An implementation programme

The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or completion of development which ever is the earlier.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

8. Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed, become diseased or unfit for purpose (in the opinion of the LPA) within 5 years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerow dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

9. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The management plan

shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the Local Planning Authority. The Plan shall include the following details:

- Long term design objectives
- Management responsibilities
- Maintenance schedules

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.

10. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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).

11. No construction/demolition/excavation works or removal of tree/hedgerows or site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy.

12. Prior to the commencement of the development external lighting details including the design of the lighting columns, their locations and LUX levels 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 prior to the first occupation.

Reason: In the interests of residential amenity, highway and community safety in accordance with policies T1 and DA12 of the Adopted Peterborough Local Plan (First Replacement).

13. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:-

- 1. Details of any flood flow routes, where flooding occurs on site and to what depths.**
- 2. Details of the proposed attenuation pond.**
- 3. All microdrainage calculations – which support the information already submitted as part of the FRA.**
- 4. Options to maintain the volume of attenuation but reduce the size of tank 6.**
- 5. Confirmation as to who is to maintain the surface water system for the lifetime of the development.**

6. Confirmation that runoff will not be increased post-development.
7. New surface water to be installed prior to the removal of tanks 4 and 5 (or diversion of the same).
8. Full design details of the proposed deep storage tank.
9. The proposed new ditch requires to be in place prior to the removal of the existing ditch and the 0.6m diameter culvert as shown on drawing no 1686-D-2.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

14. 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, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

15. 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.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

16. The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 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.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

17. 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 14 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 7.

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 8.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

18. Prior to commencement of the development details of how the "exit only" accesses will be managed and enforced shall be submitted to and approved in writing by the LPA and thereafter the associated works shall be implemented in accordance with those submitted details prior to occupation of the development. Following implementation of said works, in the event that such works are not found to be self managing and result in backing up to the new junction on Peterborough Road, details of a further scheme of physical measures shall be submitted to and approved in writing by the LPA and thereafter the associated works shall be implemented in accordance with those submitted details within 3 months of such approval.

Reason: In the interests of highways safety in accordance with Policy CS14 of the Peterborough Core Strategy.

19. Prior to occupation of any part of the development the permanent space within the site as shown on the approved plans shall be provided to allow all vehicles visiting the site to park, turn, load and unload clear of the public highway.

Reason: In the interests of highways safety in accordance with Policy CS14 of the Peterborough Core Strategy and Policies T10 and T11 of the Peterborough Local Plan (First Replacement) 2005.

20. Prior to occupation of the site the developer shall fully implement (to issue of First Provisional Certificate under the Section 278 Agreement) the off-site highway improvement works as shown in the approved plan.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

21. Prior to commencement of that part of the development involving works to the public highway, details of the detailed design of the proposed signalised junction shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include traffic signals and associated equipment, lighting, construction, drainage, safety fencing, street furniture, kerbing, signing and lining and a Stage 2 Safety Audit. The works shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: In the interests of highways safety in accordance with CS14 of the Peterborough Core Strategy and Policy T8 of the Peterborough Local Plan (First Replacement) 2005.

22. Prior to the occupation of the development the access roads, parking areas, footways, turning areas and loading and unloading areas shall be constructed to surface course level.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

23. Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- a scheme for the control of dust arising from building and site works;

- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- a scheme of working hours for construction and other site works;
- a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
- a scheme for parking and turning of contractors vehicles;
- a scheme for access and deliveries including hours.

The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy CS14 of the Peterborough Core Strategy and Policy T4 of the Peterborough Local Plan (First Replacement) 2005.

24. Within 3 months of the date of this consent a Stage 1 Road Safety Audit together with the designer's response having been through an iterative process for the new junction including all approaches shall be submitted to and approved in writing by the Local Planning Authority for both the initial junction design as well as the layout shown on Plan ITM7068-GA-010.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

25. Notwithstanding the detail shown on Plan ITM7068-GA-010, the central island shall be redesigned and lengthened in both directions to ensure that vehicles can not physically turn right in to the site from Peterborough Road. The revised layout will be submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

26. The new junction will be continuously monitored by the developer for a period of one year post substantive completion (Issue of First Provisional Certificate under the Section 278 Agreement). If at anytime there is any evidence of queues forming from the new junction up to and on to Junction 8 of the A1139, the developer must install a water barrier system within one week from that date to prevent right turn manoeuvres in to the site and within 6 months from that date implement the fully detailed and approved scheme currently shown in sketch form on Plan ITM7068-GA-010.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

27. Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy CS14 of the Peterborough Core Strategy.

28. Any security gates will need to be located off the existing or any proposed public highway areas.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

29. Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved 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 CS14 of the Peterborough Core Strategy.

30. Development shall not commence before a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting the use of non car modes to travel to and from the site in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

31. Prior to the commencement of any development hereby approved, full details of car parking and cycle parking layouts shall be submitted to and approved by the Local Planning Authority, the details of the car parking shall include signing, lining access/egress points and the details of the cycle parking shall accord with Peterborough City Council Cycle Parking Guidelines. The car and cycle parking shall be laid out in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the safety of all highway users in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

32. Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. These details shall also include the levels of adjoining land and any building within 15m of the boundary of the application site. 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 CS16 of the Core Strategy DPD 2011.

33. The "approach" to the principal entrance to the buildings, being the entrance that would be used by visitors arriving by car, shall be level (with a gradient of no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.

Reason for decision: In order to meet the needs for access for all in accordance with Policy CS16 of the Core Strategy DPD 2011.

34. Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of general amenity and fire safety, in accordance with Policy CS16 of the Core Strategy DPD 2011.

35. The development hereby approved shall have a target emissions rate 10% lower than required under building regulations at the time that building regulations approval is sought for the development.

Reason: To facilitate the City Council's Environment Capital agenda and to comply with Policies CS10 & CS11 of the Peterborough Core Strategy Development Plan Document.

36. The proposed A1 foodstore shall comprise a maximum 6,040 square metres Gross Internal Area (4,227sqm total net sales floorspace (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) of which 3,170 sqm is convenience goods and 1,057comparison goods).

Reason: The information submitted to support the application is based on a maximum 6,040 square metres of GIA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

37. There shall be no subdivision of the retail unit and no insertion of mezzanine floors, without the prior approval of the Local Planning Authority.

Reason: To ensure that the development does not affect the vitality or viability of nearby retail centres in accordance with policy CS15 of the Core Strategy DPD 2011, and the National Planning Policy Framework.

38. A maximum 288 sqm GEA Skills Centre, 390 sqm GEA Cycle hub facility (with a maximum of 25% of the net floorspace for ancillary sale of bicycles and cycling goods), and 360 sqm GEA Children's Play facilities shall be provided by the development. The detailed layout of the development shall be submitted to and approved in writing as part of the reserved matters application. The skills centre, cycle hub and children play facilities hereby approved shall only be for those purposes only and no other, and apart from the ancillary retail sales element of the cycle hub, shall not be used for any A1 retail use.

Reason: To enable the Local Planning Authority to control the amount of development on this site and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

If the S106 has not been completed within 3 months of the date of this resolution without good cause, the Head of Planning Transport and Engineering 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 S106 Obligation however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy CS12 of the Peterborough Core Strategy Development Plan Document.

Copies to Councillors: Sanders and McKean

Item No. 3.2

Enforcement Action in Stanground Central Ward

REFERRED: Head of Planning Services
CONTACT OFFICER: Nicholas Harding
TELEPHONE: 01733 454441
E-MAIL: Nicholas.harding@peterborough.gov.uk

1 SUMMARY

The Committee is asked to consider appropriate enforcement action in relation to non-compliance with an approved planning drawing in accordance with section 2.6.1.3 of the City Council constitution.

2 NATURE OF EXEMPT INFORMATION

This report contains an exempt annex NOT FOR PUBLICATION in accordance with paragraphs 1,2 and 3 of Schedule 12A of Part 1 of the Local Government Act 1972. The public interest test has been applied to the information contained within the exempt annex and it is considered that the need to retain the information as exempt outweighs the public interest in disclosing it. Disclosing the information is likely to identify an individual or company where prosecution is being considered.

REASON

Disclosing the information is likely to identify an individual or company where prosecution is being considered.

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By virtue of paragraph(s) 1, 2, 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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