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By E-mail only

Dear Mrs MacLennan

Planning Application 15/01013/FUL Queensgate Shopping Centre, Westgate, Peterborough

I write on behalf of Hawksworth Securities plc in respect of the above referenced planning application concerning Queensgate Shopping Centre (QSC) which seeks planning permission for:

'Part demolition, alteration and extension including change of use and erection of roof top extension to provide for uses within A1, A3- A5 (shops, restaurants & cafes, drinking establishments and hot food take-away), D2 (assembly and leisure) and other associated works.'

The supporting information to the QSC Application states that the leisure provision will include food and drink uses and a cinema.

You will be aware that on 30th June 2015, Savills, on behalf of Hawksworth Securities, submitted an outline planning application (LPA ref. 15/01041/OUT) for the first phase of redevelopment of the North Westgate Development Area which is located immediately north-west of QSC. North Westgate is an allocated site that is identified for the delivery of a mixed-use development and it is prioritised for redevelopment in the early years of the plan period. The site's delivery is key to achieving the regeneration the City Centre needs; that which the Development Plan identifies and seeks to secure. The regeneration of North Westgate, together with other underused and vacant sites, will help to deliver key objectives for Peterborough including increased housing provision and City Centre living, retail expansion, leisure and cultural offers, to attract people into the City and improve the evening economy, an integrated City Centre that responds to surrounding urban communities. The first redevelopment phase at North Westgate will achieve all of these objectives



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through the delivery of a mixed-use scheme including leisure, retail, office, residential and community uses which will be anchored by a multiplex cinema.

The proposals for North Westgate represent significant planned investment (£100mil) that will underpin the regeneration of Peterborough's Central Core and act as a catalyst for investment in the City. From direct discussions with cinema operators Hawksworth and its agent, Lunson Mitchenall, has established that there is confirmed interest from a number of cinema operators in occupying the North Westgate scheme but this is conditional upon an alternative scheme at QSC not proceeding alongside North Westgate. There is a real risk that the proposal for a new cinema at QSC, in such close proximity to North Westgate, will threaten its delivery and prevent the ability to fulfil the Development Plan objective to regenerate this site and, in turn, the City Centre.

In light of the above, it is clear that the harm to the delivery of North Westgate is a material consideration in the determination of the QSC Application. Consideration must therefore be given to the planning harm that would result by granting planning permission for a cinema at QSC; thus, preventing the redevelopment of North Westgate.

In order to consider this in detail, it is necessary to identify and understand the planning policy context which informs the plan-making and decision-making in Peterborough.

Planning Policy Context

The National Planning Policy Framework (NPPF) sets out Central Government's planning policy guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in the determination of planning applications.

It is relevant to note that the origins of NPPF relate back to the 'Open Source Planning Green Paper' released by the Conservative Party where it considered the previous planning system to be 'broken' because it was not delivering the growth that the Country needed. The NPPF has, therefore, been designed to facilitate positive growth; making economic, environmental and social progress for this and future generations by delivering sustainable development without delay.

At the heart of the NPPF is the '*presumption in favour of sustainable development*' (paragraph 14) which should be seen as '*the golden thread through both plan-making and decision-taking*'.

Sustainable development has three dimensions - economic, social, and environmental – which gives rise to the need for the planning system to perform a number of roles:

'an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high



quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

an environmental role – *contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.*' (paragraph 7, NPPF)

Paragraph 8 is unequivocal that these roles '*should not be undertaken in isolation because they are mutually dependent*'. Therefore, the planning system should seek gains across the three dimensions of sustainable development '*jointly and simultaneously*'. Paragraph 9 continues that sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people's quality of life including but not limited to:

- *'making it easier for jobs to be created in cities, towns and villages;*
- *moving from a net loss of bio-diversity to achieving net gains for nature;*
- *replacing poor design with better design;*
- *improving the conditions in which people live, work, travel and take leisure; and*
- *widening the choice of high quality homes.'*

Paragraph 10 recognises that decisions need to take local circumstances into account so that they respond to different opportunities for achieving sustainable development in different areas.

With regard to Plan-making the NPPF states that local planning authorities should have '*a set of agreed priorities for the sustainable development of the area*' in the Local Plan which should include strategic policies to deliver:

- *'the homes and jobs needed in the area;*
- *the provision of retail, leisure and other commercial development;*
- *the provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);*
- *the provision of health, security, community and cultural infrastructure and other local facilities; and*
- *climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.'* (paras. 155 and 156)

The current Development Plan for Peterborough includes, inter alia, the Core Strategy DPD (PCS) and the City Centre Development Plan Document (CCDPD). These policy documents identify a number of objectives and development priorities for the City which, ultimately, seeks to achieve the strategic growth vision set by the Core Strategy. This is to:

‘encourage and enable new development that will maintain and enhance the vitality of the centre, whilst preserving and enhancing the quality of the local environment. This will undoubtedly involve changes widening the retail, leisure, tourism and cultural offer, creating new jobs, making the best use of land that is currently vacant or underused and improving the experience and convenience for pedestrians and cyclists.’

This reflects Policy PB1 of the East of England Plan (now revoked) which highlighted that the strategy for Peterborough was for *‘growth and regeneration’*, emphasising, among other things, the regeneration of the City Centre and inner urban areas. PCS Objective OB13 echoes this, stating that the regeneration of the City Centre is *‘a priority in order to drive growth, maintain viability and enhance vitality so that it remains at the top of the retail hierarchy in the East of England region’*.

Core Strategy Policy CS4 relates directly to the delivery of objective OB13, setting out the overarching policy aspirations for the City Centre which, ultimately, seeks to ensure Peterborough maintains its position as a centre of regional significance. In achieving this, support is given to mixed-use and major new cultural and leisure developments, together with the creation of a significantly larger City Centre resident population. Of particular relevance is the policy support for the redevelopment of North Westgate and **priority** for its delivery in the early years of the Plan Period.

Paragraph 7.0.2 makes it clear that whilst the primary implementation responsibility of the Core Strategy lies with Peterborough City Council, delivery and investment will need to come from the private sector, including house building companies, developers, retailers and business companies as well.

Planned investment in the redevelopment of Peterborough City Centre is critical to facilitating its regeneration. Indeed, paragraph 2.1.4 of the PCS states that Peterborough has been growing for many years, with a mixture of redevelopment of vacant and derelict sites within the urban area, and peripheral expansion. It states that there remain vacant and underused sites close to the City Centre which offer the opportunity for further investment to regenerate the area.

North Westgate is one of those sites and the Council’s commitment to its redevelopment is long-standing, having originally been allocated in the Greater Peterborough City Centre Plan (1971) and currently for mixed-use redevelopment in the adopted Development Plan (Core Strategy, CCDPD and Policies Map Insert 2).

The redevelopment of North Westgate is required in order to drive the regeneration of this part of the City. It is important to recognise the difference between redevelopment and regeneration. The former, in planning terms, focuses on monetary investment and physical changes whereas regeneration is a holistic process which aims to reverse the economic, social and physical decline of places where market forces alone will not suffice. The planning process provides the opportunity to enhance the role and capacity of communities, as well as balancing community, business,



environmental and individual needs. Effective regeneration requires active and meaningful long-term community engagement and involvement, as well as changes to the physical environment.

Hawksworth has relied on these policies and statements made by the council in bringing forward a compliant, beneficial and viable scheme.

Sustainable Development for Peterborough and meeting the Objectives of the Development Plan

It is relevant to note the planning history of North Westgate. In 2003 and then again in 2007 planning applications were submitted for retail-led redevelopment proposals. However, as a result of the economic downturn and subsequent recession from 2007/2008 onwards, these schemes were not pursued. The Council's evidence base and, consequently, adopted local planning policy recognises these fundamental market changes and the most up-to-date Development Plan Document, the CCDPD, encourages the introduction of other uses at North Westgate, namely leisure and housing.

The Council's Retail Study (2009) and subsequent Retail Update (2013) acknowledge that the North Westgate site has been prioritised in policy for many years. Whilst the findings of the studies identify need for additional town centre retailing, they also recognise market challenges and recommend that planning policy must embrace greater flexibility of uses in order to maintain a healthy town centre. In particular, the report advises that Peterborough City Centre *'should include a diversity of town centre mix through daytime and evening eating/drinking, cinema, health type leisure facilities (yoga/pilates/gyms/personal training etc), snooker/pool halls, children's play/activity destinations, community facilities, libraries and crèche facilities, for example. The greater the mix of uses, the greater the opportunity for linked trips and more frequent trips'* (para. 7.25).

With particular regard to leisure provision, Core Strategy Policy CS18 (Culture, Leisure and Tourism) states that there will be a particular focus on the provision of new and improved cultural, leisure and tourism facilities in the City Centre and that this will include the identification of areas to promote and focus these uses through mixed-use development. North Westgate is one of those areas.

The CCDPD reflects the Core Strategy approach, promoting the City Centre as the first choice and focus for cultural and leisure uses (para 4.6.8). Paragraph 4.6.9 identifies a number of projects that will help to improve and enhance the City's cultural offer which, amongst other things, including a City Centre cinema.

Queensgate and North Westgate fall within the City Core Policy Area (Policy CC3). The Policy makes no specific provision for Queensgate. The following is stated in relation to North Westgate:

'North Westgate Opportunity Area (CC3.5) planning permission will be granted for comprehensive mixed-use development including retail, housing, office and leisure uses, which is well integrated with the existing retail area. This must also include improvements to pedestrian connectivity

between the site and the railway station. The design, layout and access arrangements must enhance the transition between the residential area to the north and the City Centre.'

Paragraph 5.2.8 of the CCDPD states in relation to the North Westgate Opportunity Area, "The council will use its compulsory purchase powers where necessary for land assembly to ensure the optimum redevelopment solution." There is therefore a clear commitment from the Council to deliver the land required for development of the North Westgate scheme. This is reinforced by Hawksworth who have been negotiating with landowners to assemble the site.

The proposed development at North Westgate achieves the above policy aspiration in its entirety and will deliver the roles of sustainable development for the following reasons:

- **Socially**, it will deliver housing, health and wellbeing through the provision of a mix of uses including a variety of houses and community facilities; a significantly improved public realm area which will result in improvements to the streetscape and encourage cohesion; a design that provides a safe and secure environment.
- **Economically**, it will create an estimated 1,117 potential jobs through the new leisure, retail and office facilities, together with over 112 FTE temporary construction jobs; provision of a mix of new leisure, retail, commercial and business uses, as well as residential uses compatible with the existing City Centre. This will complement the existing offers surrounding the site and, overall, will act as a catalyst for further investment.
- **Environmentally** the scheme offers significant enhancements to the heritage and the built environment. The high quality design enables the commercial elements to achieve a BREEAM 'Very Good' rating and all residential dwellings to meet the local authority aspirations for 10% betterment of building regulations. The public realm, landscape strategy which includes sustainable urban drainage, offers numerous benefits to Peterborough's residents, the city's biodiversity and its environmental quality. Ease of movement in and around the site as well as to the rail and bus stations will also contribute to reducing travel by car.

North Westgate offers a very specific opportunity to achieve sustainable development on a scale that no other site within Peterborough's City Core that has the ability to do. The above identified benefits will be achieved **jointly and simultaneously** which, in the round, should be attributed significant weight in the decision making process.

If development of North Westgate does not proceed then the implications for Peterborough's Core Strategy include the undersupply of housing and jobs, both of which are fundamental to the growth strategy and achieving sustainable development, as identified above. This undersupply will lead to applications for residential development on non allocated sites which may need to be approved to provide a 5 year housing land supply.



In line with NPPF paragraph 10, it is for the Local Planning Authority to consider the local circumstance that are relevant when considering the implications QSC will have on North Westgate i.e. that it will prevent its redevelopment.

In the context of NPPF paragraph 9, QSC proposals **will not**:

- replace poor design with better design or enhance the historic environment
- improve the conditions in which people live, work, travel and take leisure
- improve the public realm
- improve connections within the City Centre and between it and transport hubs
- integrate the surrounding residential communities with the city centre, particularly that to the north of the Central Core
- widen the choice of high quality homes
- achieve net gains for nature

The limited benefit and notable failings of QSC must be considered within the context of the far-reaching benefits of North Westgate. A balance must be struck and weight attributed to the schemes, recognising that if planning permission is granted for a cinema at QSC, North Westgate will not be delivered. Indeed, taking into account these local circumstances, the Council should consider whether, despite the identified failings of QSC, it can still be considered sustainable development. Hawksworth contends that it cannot.

Overall, the inclusion of a cinema at Queensgate will actively prevent the planned £100mil investment for the regeneration of North Westgate that will fulfil the Council's longstanding allocation and policy objectives for the site. To expand on the above, identified net gains across the three pillars of sustainability, North Westgate will have significant and far-reaching benefits including:

- Provision of a significant new leisure facility in the form of an 8 screen cinema which will be complemented by restaurants and cafes, making a meaningful contribution to the expansion of the evening economy in the City Centre;
- A food hall that will act as a leisure and cultural attraction in itself, being the first in Peterborough;
- New and improve community facilities including a Church Hall, bookshop, health centre, worship/community room;
- A new public square centred on Westgate Church and wider public realm improvements that improve connectivity within and around the site, in particular to the bus and rail stations;



- Expansion of the retail offer along Westgate which will add to expand and complement the existing mix by providing smaller units for new and bespoke businesses, as well as a new convenience store;
- New apartments that will making a meaningful contribution to creating a City Centre living and a new community in this part of the City;
- Much needed modern office space with easy access to bus and rail stations;
- Significantly improve the setting of a number of heritage assets including the City Centre Conservation Area, Westgate Church, 16 – 18 Lincoln Road and the Grade II listed Wortley Almshouses.

Conclusions

The redevelopment of North Westgate will facilitate redevelopment and, therefore, kick-start regeneration elsewhere in the City Centre. However, the proposed leisure-led scheme is dependent on the inclusion of a cinema which acts as its anchor. The inclusion of and grant of planning permission for a cinema at QSC will jeopardise this and prevent the North Westgate scheme coming forward.

The NPPF clearly states that there should be a presumption in favour of sustainable development.

Sustainability has three dimensions: economic, social and environmental (paragraph 7). Paragraph 8 states that these roles should not be undertaken in isolation; to achieve sustainable development economic, social and environmental gains *“should be sought jointly and simultaneously”* and *“planning should play an active role in guiding development to sustainable locations”*.

As set out above, North Westgate will deliver economic, social and environmental gains, including the regeneration of this key City Centre site, with an estimated 1117 potential jobs, the delivery of over 200 dwellings, community facilities, new public spaces and connections to the communities to the north as well as enhancing the setting of Westgate Church and properties on Lincoln Road.

North Westgate clearly meets the requirements of the NPPF by jointly and simultaneously facilitating net gains across the three pillars of sustainability.

If the development of North Westgate does not proceed then the implications for the Peterborough Core Strategy includes the undersupply of housing and jobs, both of which are key to the growth strategy and sustainability.

The cinema in Queensgate delivers some economic gains in terms of jobs but it does not offer any regeneration benefits for the City Centre and offers no social or environmental gains such as housing, community facilities and new public realm. It does not represent sustainable development and it will prejudice the opportunity to deliver sustainable development in Peterborough City Centre as proposed in the Development Plan policies CS4 and CC3.

Policy CS4 of the PCS gives policy support for the redevelopment of North Westgate and **priority** for its delivery in the early years of the Plan Period.

Policy CC3 of the City Centre Plan DPD, regarding development in the City Core, states that proposals which would prejudice the comprehensive development of North Westgate Opportunity Area will not be permitted.

In conclusion, Queensgate does not benefit from a policy allocation and the adopted Development Plan makes no reference to the expansion of leisure facilities within the QSC. Given the policy priority afforded to North Westgate, which is allocated and offers the delivery of significant planned investment in the City Centre, it is imperative that planning permission is refused for a cinema at Queensgate.

The reasons for refusal of the Queensgate scheme can be summarised as follows:

1. The scheme does not provide the joint and simultaneous delivery of the three elements of sustainability required by the NPPF and does not respond to the opportunity to achieve sustainable development in Peterborough City Centre. It is, therefore, contrary to paragraphs 8 and 10 of the NPPF, Policy PP1 of the Peterborough Planning Policies DPD and Policy CC1 of the City Centre DPD.
2. The scheme would prejudice the delivery of the regeneration and sustainable development of North Westgate which is a priority within the Development Plan. It is, therefore, contrary to Policy CS4 of the Core Strategy and Policy CC3 of the CCDPD.

I trust this letter is helpful in your consideration of the application. Please do not hesitate to contact me should you have any queries.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Craig O'Brien".

PP

Craig O'Brien BA (Hons) BTP MRTPI
Director

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