

10/01426/FUL: EXTENSION TO PROVIDE ADDITIONAL RETAIL FLOOR SPACE, DEVELOPMENT OF NEW SERVICE CORRIDOR AND LIFT CORE IN BASEMENT SERVICE YARD, CONSTRUCTION OF NEW MANSARD ROOFS AND ELEVATION WORKS TO KING STREET AND QUEEN STREET ELEVATIONS– LAND TO THE REAR OF COWGATE / KING STREET, QUEENSGATE SHOPPING CENTRE, WESTGATE, PETERBOROUGH

VALID: 14 OCTOBER 2010

APPLICANT: QUEENSGATE LIMITED PARTNERSHIP (QLP)

AGENT: NATHANIEL LICHFIELD AND PARTNERS (NLP)

REFERRED BY: HEAD OF PLANNING, TRANSPORTATION AND ENGINEERING

REASON: APPLICATION OF WIDER PUBLIC INTEREST

DEPARTURE: NO

CASE OFFICER: JANET MACLENNAN

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Policy context and the principle of development;
- Design and visual amenity;
- Whether the proposal will impact on the Historic Environment;
- Whether the proposal will enhance the public realm of the City Centre;
- Highway Implications; and
- S106 contributions

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

2 PLANNING POLICY

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

Development Plan Policies

- CBE2 Other Areas of Archaeological Potential or Importance:** Planning permission will only be granted for development that will affect areas of archaeological potential or importance if the need for the development outweighs the intrinsic importance of the remains and satisfactory arrangements can be made for the preservation or investigation and recording of the remains.
- CBE3 Development Affecting Conservation Areas:** Proposals for development which would affect a Conservation Area will be required to preserve or enhance the character or appearance of that area.
- CC1 New Retail Development in the Central Retail Area:** Retail development will be permitted within the boundary of the Central Retail Area, provided it would not put at risk the achievement of the retail strategy
- CC15 Car Parking:** Opportunities for shared use of existing car parks should be investigated before new parking is provided

- CC17 Cathedral Views:** Planning permission will not be granted for development that would unacceptably detract from the views of the cathedral or its setting.
- DA1 Townscape and Urban Design:** Planning permission will only be granted for development that is compatible with or improves its surroundings, creates or reinforces a sense of place and would not have an adverse visual impact
- DA2 The effect of Development on the Amenities and character of an Area:** Planning permission will only be granted for development if it can be satisfactorily accommodated on the site itself, would not adversely affect the character of the area and would have no adverse impact on the amenities of the occupants of nearby properties.
- DA7 Design of the Built Environment for Full Accessibility:** Planning permission will not be granted for development which is open to the public unless provision has been made to meet the needs of people with disabilities.
- DA19 Shop Fronts:** The design should be sympathetic in size, architectural style/proportion, materials and architectural detailing and should not detract from the character and appearance of the street
- IMP1 Securing Satisfactory Development:** Planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities, and environmental protection measures, which are necessary as a direct consequence of the development.
- T1 Transport implications of New Development:** Planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.
- T3 Accessibility to development – pedestrians and those with Mobility difficulties:** Planning permission will only be granted for new development which is safely and easily accessible by pedestrians and those with mobility difficulties – encourages improvements to pedestrian routes.

Planning Policy Statement (PPS) 1: Delivering Sustainable Development

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, livable and mixed communities with good access to jobs and key services for all members of the community.

It states: 'Community involvement is vitally important to planning and the achievement of sustainable development. This is best achieved where there is early engagement of all the stakeholders in the process of plan making and bringing forward development proposals. This helps to identify issues and problems at an early stage and allows dialogue and discussion of the options to take place before proposals are too far advanced'.

Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth The Government's overarching objective is to achieve sustainable economic growth and as stated in PPS4 to help achieve this the Government's objectives for planning are to 'build prosperous communities by

improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural, reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and other centres as important places for communities. New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities – competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups) – the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity’.

Planning Policy Guidance (PPS) 5: Planning and the Historic Environment

The PPS states: ‘It is fundamental to the Government’s policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. The historic environment is also of immense importance for leisure and recreation.’

‘Many conservation areas include gap sites, or buildings that make no positive contribution to, or indeed detract from, the character or appearance of the area; their replacement should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area.’

‘the setting of a building may....often include land some distance from it. Even where a building has no ancillary land - for example in a crowded urban street - the setting may encompass a number of other properties. The setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of the spaces created between them. Such areas require careful appraisal when proposals for development are under consideration....Where a listed building forms an important visual element in a street, it would probably be right to regard any development in the street as being within the setting of the building’.

‘The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest’.

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

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

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to

be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

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

Planning Obligations Implementation Scheme – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010 (Cabinet Decision). Prior to adoption, the POIS was the subject of a 6 week public consultation period between March and April 2009. The POIS sets out the Council's approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991).

Associated with the POIS is the Peterborough 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 importantly show how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years or so, why we need it, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that we have a coordinated plan of action on infrastructure provision.
- 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 to support two emerging policy documents of the City Council: the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategy priorities and infrastructure items which will enable the delivery of the city's future growth. The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', instead they 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.

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; and 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.

The document has been prepared by Peterborough City Council (PCC) and Opportunity Peterborough (OP), with the assistance from EEDA and other local strategic partners within Peterborough. It shows a "snap shot" in time and some elements will need to be reviewed in the context of activity on the growth agenda such as the emerging Core Strategy, City Centre Area Action Plan (CCAAP), and the Long Term Transport Strategy (LTTS) plus other strategic and economic strategies and plans that are also identifying key growth requirements. As such, it is intended that this IDP will continue to be refreshed to remain fit-for-purpose and meet the overall purposes of an IDP as set out above.

The Peterborough Core Strategy (The document has been to Inquiry and its adoption is pending in February 2011 and so cannot be given 100% weight).

Policy CS14: Retail - New retail development will be encouraged to maintain and enhance the vitality and viability of centres, with a requirement that the nature and scale of any retail development should be appropriate to the role and function of the centre in which it would be situated.

Policy CS 15: The City Centre - Improvements to the public realm throughout the city centre will be promoted, with a particular focus on the pedestrian environment and connections between the railway station, bus station and Cathedral Square; between Cowgate, Priestgate and Bridge Street; and between Cathedral Square and the Embankment, South Bank and Rivergate. Enhancement of the public realm

and natural environment, including better walking and cycling links and river-based navigation, will be supported with good quality and well designed street furniture, use of public art, tree planting and landscaping, and development constructed using high quality building materials.

Policy CS 16: Urban Design and the Public Realm - New development should improve the quality of the public realm, with the creation of safe and attractive public open spaces and street scenes, incorporating pedestrian and vehicular surface treatments, public art, street lighting, street furniture and so on. ...Vulnerability to crime and the fear of crime should be addressed in the design, location. and layout of all new development. The distinction between any public and private spaces should be clearly defined.

GVA Grimley Peterborough Retail Study 2009: 'There is significant capacity for additional comparison goods floorspace in Peterborough... we recommend that this should be directed towards established town centres in the retail hierarchy with emphasis on the city centre.....there is a particular need to bring forward development proposals to stimulate demand for higher order, mainstream and quality comparison retailers to fill the gaps in provision'. 'There is a requirement for larger shop units in town centres to meet the growth of multiple traders and increased competition between companies.'

3 DESCRIPTION OF PROPOSAL

Planning permission is sought for an extension to the Queensgate Shopping Centre. This would provide new floor space (1,562 sq. metres GIA 1,871 sq. metres GEA) at the upper ground floor and first floor levels (over the existing service road) and the re-configuration of existing floor space. The development will also comprise a new service corridor and new lift shaft into the existing basement service yard. The proposal also involves the erection of a new mansard roof. The new mansard roof would be over the proposed extension and existing flat roof to help form additional retail floorspace. A new mansard roof is also proposed over the existing management suite to help form ancillary office accommodation. The provision of new floorspace along with the reconfiguration of existing would create one large unit (Proposed Major Shopping Unit (MSU) 1) accessible from the existing malls and between floors. A smaller unit (MSU2) would be provided over two floors. Some changes are proposed to elevations. In King Street this includes the replacement of a 'Customer Collection Point' with a shop front to the Argos store and in Queens Street the glazing above the existing entrance to Argos from Queen Street will be removed and infilled with brick to match existing. The existing doorway to Argos from Queen Street which currently provides public access into the shop unit would be replaced with a new shop window.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site is located on the southern edge of the Queensgate Shopping Centre in the heart of Peterborough City Centre. Immediately to the south of the site lie the rear of the properties which front onto Cowgate and to the west is the service road leading to the roundabout at its junction with Bourges Boulevard. The application site currently comprises existing retail units in the shopping centre. The site is within the central retail area and just north of the City Centre Conservation Area.

5 PLANNING HISTORY

No recent relevant planning applications

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Local Highway Authority – No objection – A Transport Statement, Travel Plan and Construction Management Plan have been submitted in support of the application. The proposal is unlikely to have any significant direct impact on the highway network. The Travel Plan will be reviewed by the Travelchoice team. The Construction Management Plan does give some indication of the proposed arrangements however further detail is required to ensure that construction vehicles will be safely managed. This is particularly pertinent to work areas B and C where it is proposed to use King Street as an access point. There are no facilities along this road to run large vehicles and this is the proposed location of the compound for storage. Plans are required showing the exact location of compounds,

turning areas and any Traffic Management proposed as part of the works. This can be dealt with by condition.

Rights of way – No objection - No recorded right of way in the area.

Conservation – No objection in principle – The proposal was the subject of a pre-application submission where it was concluded that the extension would not affect the views of the Cathedral or St John's Church. The main viewpoint here was on the approach to the city from Thorpe Road and the bridge over the railway. The formal submission brings the extension further forward by half a bay. I have no objection to this amendment. I would also support the leaded gambrel/mansard roof above and beyond the extension, except for the section which steps out adjacent to Britannic House. This was not shown in the pre-application submission. At present the step up from the flat roof of Britannic House to the Queensgate parapet is a comfortable increase in height. This was obviously the intention of the original design. To add the mansard roof here would increase the height by several metres and be detrimental to this relationship. It is important to note that this can be seen more clearly from the Bourges Boulevard roundabout area. From this location longer views are possible and the overwhelming scale of the new roof compared to Britannic house would be exaggerated. This element should therefore be omitted to maintain the existing relationship. No objection to the replacement of the rear access into Argos to be replaced with a shopfront provided that window displays are maintained to give some sense of activity and interest.

Archaeology Services – No objection - Although extensively developed upon and truncated, pockets of undisturbed archaeology may survive. Past excavations have indicated that this is often the case. Preserved stratigraphic sequences are likely to be deep and well-preserved and could display evidence for activity dating from the medieval period. Suggest a condition 'No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation (WSI) has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions.'

Environmental Health - No objection - The site is located on contaminated land and therefore a site investigation and remediation is required.

Police Architectural Liaison Officer - No objections to proposal.

S106 Officer – No objection - The applicant has submitted a development appraisal and it is clear that there are considerable concerns regarding the viability of the project. As such a nil S106 contribution is sought using POIS.

Travelchoice Team – No objection - The Travel Plan is acceptable.

EXTERNAL

NEIGHBOURS

17 letters of objection and a petition of 54 objectors have been received in response to the initial consultation raising the following issues:

- Removal of the existing external Argos entrance will reduce footfall in the area, therefore exacerbating the unit vacancy issues.
- King Street is an ideal location for entrance, greatly improving permeability and therefore footfall in Cowgate; however this issue has been ignored.
- In previous years Queensgate Limited Partnership have deliberately kept shoppers hemmed in Queensgate.
- The reduction of permeability in the area only benefits the large national chains that are located within Queensgate.
- The 'Design and Access Statement' declares that there will be no adverse impact upon the nearby properties. This is clearly a misrepresentation of reality.
- The large brick wall at the end of King Street is blight to the character of the area and the opportunity should be taken to change it. 'Berlin Wall effect'

- Additional retail space is being added to the city centre without the due consideration for a linkage to existing retail space.
- This is the opportunity to design out the back door/service yard atmosphere in the area.
- Closing off an entrance is not making the most of our newly renovated square.
- The proposal in no way benefits anyone other than Queensgate Limited Partnership, effectively blocking out all retailers outside of Queensgate.
- The removal of the entrance does not fulfil the requirements of PPS1 (Delivering Sustainable Development) as it “will not promote sustainable and inclusive patterns of urban development”
- The proposal does not adhere to PPS 5 (Planning for the Historic Environment) as it detracts rather than contributes to the heritage assets upon Queen Street.
- Any changes which would reduce the foot-fall across this area would seem hugely detrimental to the successful use of the resources applied in the conversion of this area to this new open space. Regeneration of the City Centre, including King Street and Queen Street, are supposedly the aims of the City Council and a plan which would simply allow more trading within Queensgate would seem directly to oppose this aim.
- Proposal will actually lead to a reduction in accessibility by blocking off the existing access from King Street contrary to Local Plan policy, emerging Core Strategy and City Centre Area Action Plan.
- The proposal falls short of the aspirations that the City Council has for the City Centre
- The proposal fails to meet the requirements of national and local policy, particularly in respect of inclusive design and the regeneration of Cowgate
- The proposal is contrary to PPS1 and fails to promote inclusive design
- An opportunity to improve the character and quality of the area has not been taken contrary to PPS4
- The rear of our premises (17 Cowgate) opens onto a car park, the entrance of which is via King Street. Need to ensure that the car park would not be affected at all throughout or subsequent to construction.

7 REASONING

a) Introduction

The proposal was the subject of a pre-application enquiry earlier this year; comprising an additional retail floor space of 880 sqm. The principle of the development proposal was supported. It should be noted that the extension is slightly larger than the original proposal and adds an additional first floor/roof extension to the scheme; discussed within the report.

Subsequent to the application being submitted amended plans have been received for minor changes to the scheme, these include 8 no. additional windows at first floor level on the western elevation of the proposed extension (Elevation 3 – ref. BNY-QG 09 GE02 A04), repositioning of the 8 no. proposed windows, plus provision of 4 no. additional windows, at first floor level on the southern elevation of the proposed extension (Elevation 2 – ref. BNY-QG 09 GE02 A04) and a plan showing an indicative plant area for MSU1 at roof level is shown on drawing ref. BNY-QC 09 AL11 A03. All plant areas are shown for information purposes only. A separate planning permission will be sought for new plant equipment in these areas. The changes are considered to be non material however, a further consultation has been undertaken and any representations received following the consultation will be provided in the update report.

b) Policy context and the principle of development

The site lies at the southern edge of Queensgate Shopping Centre at the heart of the Central Retail Area. There is a presumption in favour of encouraging retail development within the city centre which is the most sustainable location, at the top of the retail hierarchy and accessible by a choice of means of transport. The extension would enable larger retailers to locate to premises in the city centre, would provide greater choice for consumers and would add to the viability and vitality of the central retail area; complementing and strengthening the city centre as a whole. The proposal therefore accords with policy CC1 of the Adopted Peterborough Local Plan (First Replacement), PPS1 and PPS4 and policy CS14 of the Peterborough Core Strategy.

c) Design and visual amenity

The proposed extension is set above the existing service access ramp on columns. No ground level area is to be extended. The extension is at the back end of the Queensgate building and would extend the upper ground floor and first floor over the service yard bringing forward the western elevation approximately 24m. The materials will match those of the existing building. Brickwork is to be handmade buff/grey stocks. The roofing will comprise a single ply high performance membrane system set within lead mansard perimeter to match the existing mansard roofing. The extension would be visible on approach from Thorpe Road to the west and when travelling north along Bourges Boulevard. However, as the extension would be sufficiently set back from the main building line of the Queensgate Centre, it is considered that the bulk and mass of the extension are proportionate to that of the existing building and would not unduly impact on the visual amenity of the area or on longer views. Furthermore the addition of window detail to the western façade of the new extension would add visual interest to this otherwise blank facade. Hence the proposal accords with policies DA1 and DA2 of the Adopted Peterborough Local Plan (First Replacement) 2005.

Concern has been raised by the Conservation Officer with regard to the addition of the Mansard roof above the western element of the existing building in King Street and adjacent to Britannic House (see Elevation 1 King St West side). This was not shown in the pre-application submission. The Conservation Officer considers that the current relationship and step up from the flat roof of Britannic House to the Queensgate parapet is comfortable and therefore an acceptable increase in height. To add the mansard roof here would increase the height by several metres and in his view would be detrimental to this relationship. While it is acknowledged that this will be visible from Bourges Boulevard roundabout area and on approach over the bridge, on balance, it is considered that given the distance that this element is set back from the roundabout and the distance set back within King Street, this element would not result in a significant visual impact on the street scene.

The replacement of the 'Customer Collection Point' in King Street with a shop window and replacement of Argos public entrance/exit in Queen Street with a shop window are considered acceptable and sympathetic to the architectural style of the existing building and would not detract from the character and appearance of the street scene. The existing entrance into Queensgate from Queen Street would be retained. Hence the proposal accords with policy DA19 of the Adopted Peterborough Local Plan (First Replacement) 2005.

d) Impact on the Historic Environment

The main consideration has been given to the effect of the extension on the longer views of the Cathedral, the upper section of St John's Church and the nearby Conservation Area. The proposal would not obscure views of the Cathedral or St Johns Church on approach from Thorpe Road. As noted above, the Conservation Officer expresses concern about the additional mansard roof to the King Street element adjacent to Britannic House. However, there would only be glimpses of the additional roof of this element of the scheme from the Conservation Area, when standing on the corner of Cowgate/King Street and it would not be materially harmful given the existing elements of the Queensgate building which are clearly visible from this aspect. In addition, due to the adjacent road network to the west and the limited pedestrian routes available there would only be passing views of the additional roofing on approach from Thorpe Road and over the railway bridge, given the forward projection of the proposed extension, to which the Conservation Officer raises no concern. It is acknowledged that there would be an increase in height to the adjacent Britannic House, however Britannic House is not a Listed Building, is not considered to have any architectural merit and does not lie within the Conservation Area boundary. It is considered that on balance the proposal would leave the character and appearance of the Conservation Area unharmed and it therefore accords with policies CBE3 and CC17 of the Adopted Peterborough Local Plan (First Replacement) 2005.

e) Whether the proposal enhance the public realm of the City Centre

The proposal includes the replacement of the public entrance/exit to the Argos unit from Queen Street with a shop window in order to provide an improved internal configuration. Objections have been raised by occupiers of properties in Cowgate who are concerned that the removal of this entrance would effectively reduce the footfall in the Cowgate area which would exacerbate further shop vacancy. However, there are no alterations proposed to the existing mall entrances/exits and given the main entrance to the mall from Queen Street is only a few metres away, it is considered that the introduction of a shop window here in place of the entrance/exit would not have a significant impact on the footfall

reaching Cowgate. The door the Argos Unit which is to be replaced with a shop window in King Street serves as a 'Customer Collection Point' and there is no public access into the store. The proposed changes would not alter the existing situation in this respect.

There have been a number of objections from the Cowgate traders, one supported by a letter from the MP Stewart Jackson, primarily objecting to the lack of an opening on to King Street. Objectors argue that King Street is an ideal location for an entrance to Queensgate which would ultimately improve permeability, connectivity and increase footfall into Cowgate. It is agreed that this would benefit the vitality of King Street, and would tie in with the regeneration proposals for Cowgate and the recently approved 'Partnership Schemes in Conservation Areas'; a match funded 3 year project with English Heritage to improve shop fronts. However, it would be unreasonable to attempt to demand this within the context of this planning application which relates primarily to reconfiguration and additions within Queensgate to achieve additional floorspace. It is not considered that refusal of the scheme on these grounds could be sustained at appeal. This was arguably a flaw in the original Queensgate consent but this application does not present an opportunity to attempt to turn back the clock to redress that issue. In an attempt to progress this issue very high level discussions have taken place outside the bounds of the planning application with both the applicant and the proposed occupier of the major new unit to explore whether a new entrance from King Street can be secured. Whilst fully understanding the desire to achieve a new entrance the response has been that this would significantly compromise the layout and security of the major new unit and may prejudice the development. The proposal therefore accords with policies CS 15 and CS16 of The Peterborough Core Strategy.

The additional retail development proposed and in particular the size of the new major unit would help to meet identified need for larger retail accommodation in Peterborough and would help to improve the competitiveness of the city centre, ultimately drawing in new visitors and extending the dwell time of existing visitors which would potentially provide benefit to Cowgate traders and beyond. It is also envisaged that the proposed extension would create approximately 100 new jobs. The proposal represents a significant investment opportunity.

f) **Highway Safety**

The site is located within the city centre close to existing car parks and extensive public transport facilities. The Highway Section have raised no objections in principle to the proposal, however, further information is sought on the Construction Management Plan, with particular regard to the compound area and to ensure that access to properties in King Street is not compromised. An appropriate condition shall be appended to the decision should members resolve to approve this application.

g) **S106**

The S106 contribution required by the Planning Obligations and Implementations Scheme (POIS) for additional internal retail floor space is £75/m². The development would therefore give rise to a contribution of £117,150, plus a 2% monitoring fee. POIS represents a starting point for negotiation and in this instance the applicant has provided robust financial information to demonstrate that this requirement would undermine the viability of the development. Construction costs are disproportionately high given the need to modify the existing structure. Therefore a nil S106 contribution is considered acceptable in this instance and it is of note that the development offers much needed investment in the city centre retail offer.

h) **Archaeology**

The proposed development is located within the historic core of Peterborough where past and more recent archaeological investigations have produced evidence for activity dating from the early medieval period. The OS map of 1886 shows the proposed development as extending across the Cow Gate cemetery created in the 19th century and already in disuse by the 1900. The 1900 map also shows the presence of a couple of smithies and other buildings. Although extensively developed upon and truncated, pockets of undisturbed archaeology may survive. Past excavations have indicated that this is often the case. Preserved stratigraphic sequences are likely to be deep and well-preserved and could display evidence for activity dating from the medieval period. With reference to PPS5 Policy HE12.3, in advance of the loss of a potential heritage asset, further archaeological mitigations may be attained through the implementation of a programme of archaeological work. This could be secured by condition.

8 **CONCLUSIONS**

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

- the principle of additional retail floor space within the city centre is supported. The development will add to the viability and vitality of the central retail area and the city centre as a whole;
- the scale and design of the extension will be in keeping with the Queensgate Centre and will not detract from views of the cathedral and will leave the character and appearance of the Conservation Area unharmed;
- the extension will not reduce the existing accessibility and connectivity to surrounding city centre locations; and
- the site is accessible by a choice of means of transport and the proposal is supported by a transport statement and travel plan and will not result in any adverse highway implications.

Hence the proposal accords with policies CBE2, CBE3, CC1, CC15, CC17, DA1, DA2, DA7, DA19 and T1 of the Adopted Peterborough Local Plan (First Replacement) 2005 and PPS1, PPS4 and PPS5.

9 **RECOMMENDATION**

The Head of Planning, Transportation and Engineering Services recommends that this application is APPROVED subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork in accordance with Planning Policy Statement 5 (Planning for the Historic Environment) and Policies CBE1 and CBE2 of the Adopted Peterborough Local Plan (First Replacement).
- C3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C4 Prior to the commencement of the development hereby approved, a detailed Construction Management Plan (CMP) shall be submitted and approved by the Local Planning Authority. The details of the CMP shall include the following:**
- **Parking turning and loading/unloading for construction traffic taking into consideration access/parking requirements for surrounding building occupiers**
 - **Method of ensuring that mud/debris is not carried on to the adjacent public highway including wheel/chassis cleansing (where applicable)**
 - **Management of the manoeuvring of large construction vehicles including details of the types of vehicles being used in the construction process**

The approved CMP shall be implemented for the entire duration of the construction period of the approved development.

Reason: In the interests of highways safety in accordance with Policy T1 of the adopted Peterborough Local Plan (First replacement).

C5 No development approved by this planning permission shall be commenced until:

a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. And using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from the desktop study and any diagrammatical representations (Conceptual Model). This should be submitted to, and approved in writing by the LPA prior to that investigation being carried out on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected, and**
- refinement of the Conceptual Model, and**
- the development of a Method Statement detailing the remediation requirements.**

c) The site investigation has been undertaken in accordance with details approved by the LPA and a risk assessment has been undertaken.

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to the LPA. This should be approved in writing by the LPA prior to that remediation being carried out on the site.

Reason: To ensure that the proposed site investigations and remediation will not cause a risk to human health or pollution of Controlled Waters and in accordance with PPS23 'planning and pollution control'.

C6 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment and in accordance with PPS23 'planning and pollution control'.

C7 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To protect human health and the environment by ensuring that the remediated site has been reclaimed to an appropriate standard and in accordance with PPS23 'planning and pollution control'.

Copy to Councillors Hussain, Khan, Jamil

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