

# Public Document Pack



## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

**TUESDAY 5 NOVEMBER 2019  
1.30 PM**

**Bourges/Viersen Rooms - Town Hall**

### AGENDA

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#### **Emergency Evacuation Procedure – Outside Normal Office Hours**

*In the event of the fire alarm sounding all persons should vacate the building by way of the nearest escape route and proceed directly to the assembly point in front of the Cathedral. The duty Beadle will assume overall control during any evacuation, however in the unlikely event the Beadle is unavailable, this responsibility will be assumed by the Committee Chair. In the event of a continuous alarm sounding remain seated and await instruction from the duty Beadle.*

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#### Committee Members:

Councillors: G Casey (Vice Chairman), C Harper (Chairman), P Hiller, R Brown, Warren, Hussain, Iqbal, Jones, B Rush, Hogg and Bond

Substitutes: Councillors: N Sandford, Simons, E Murphy and Yurgutene

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – [daniel.kalley@peterborough.gov.uk](mailto:daniel.kalley@peterborough.gov.uk)



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**CASE OFFICERS:**

Planning and Development Team: Nicholas Harding, Mike Roberts, Janet MacLennan, David Jolley, Louise Simmonds, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Chris Mohtram

Minerals and Waste: Alan Jones

Compliance: Nigel Barnes, Julie Robshaw, Glen More, Andrew Dudley

**NOTES:**

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager 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.

AB

**PLANNING & ENVIRONMENTAL PROTECTION COMMITTEE**

**TUESDAY 5 NOVEMBER 2019 AT 1.30PM**

1. Procedure for Speaking
2. List of Persons Wishing to Speak
3. Briefing Update

# **UPDATE REPORT & ADDITIONAL INFORMATION**

**PETERBOROUGH CITY COUNCIL**

## **PUBLIC SPEAKING SCHEME - PLANNING APPLICATIONS**

### **Procedural Notes**

1. Planning Officer to introduce application.
2. Chairman to invite Ward Councillors, Parish Council, Town Council or Neighbourhood representatives to present their case.
3. Members' questions to Ward Councillors, Parish Council, Town Council or Neighbourhood representatives.
4. Chairman to invite objector(s) to present their case.
5. Members' questions to objectors.
6. Chairman to invite applicants, agent or any supporters to present their case.
7. Members' questions to applicants, agent or any supporters.
8. Officers to comment, if necessary, on any matters raised during stages 2 to 7 above.
9. Members to debate application and seek advice from Officers where appropriate.
10. Members to reach decision.

**The total time for speeches from Ward Councillors, Parish Council, Town Council or Neighbourhood representatives shall not exceed ten minutes or such period as the Chairman may allow with the consent of the Committee.**

**MPs will be permitted to address Committee when they have been asked to represent their constituents. The total time allowed for speeches for MPs will not be more than five minutes unless the Committee decide on the day of the meeting to extend the time allowed due to unusual or exceptional circumstances.**

**The total time for speeches in respect of each of the following groups of speakers shall not exceed five minutes or such period as the Chairman may allow with the consent of the Committee.**

1. Objectors.
2. Applicant or agent or supporters.

**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE – 5 NOVEMBER 2019 AT 1.30PM**

**LIST OF PERSONS WISHING TO SPEAK**

<b>Agenda Item</b>	<b>Application</b>	<b>Name</b>	<b>Ward Councillor / Parish Councillor / Objector / Applicant</b>
5.1	<b>19/00039/FUL</b> - British Sugar, Oundle Road, Woodston, Peterborough.	Cllr Andy Coles Russell Adams/Edward Vann Anne Cook Richard Huteson	Ward Councillor Objectors Support Agent
5.2	<b>19/00696/REM</b> - Land on the West Side of Guntons Road, Newborough, Peterborough	Richard Majewicz Maggie Willis	Objector Support
5.3	<b>19/00924/FUL</b> - Land To The North West Of 7-9 Wainman Road, Orton Longueville, Peterborough	Andrea Harrison	Objector
5.4	<b>19/01278/FUL</b> - Land Adjacent To Highbury House, Millfield, Peterborough, PE1 3BE	Cllr Joseph/Cllr Yasin Nick Elks John Dadge	Ward Councillors Objector Agent



## BRIEFING UPDATE

P & EP Committee 5 November 2019

ITEM NO	APPLICATION NO	SITE/DESCRIPTION
1.	19/00039/FUL	<b>British Sugar Oundle Road Woodston Peterborough</b> , Full application for the erection of a Lidl food store (Class A1) with associated car parking, landscaping, infrastructure and access alterations. Outline application (with all matters other than access reserved) for up to 74 residential dwellings (Class C3). Demolition of existing buildings on site- resubmission

**4 further letters of objection** have been received. Raising concern about the store attracting shoppers from outside the estate causing smaller shops to close. I fear the Budgens will close resulting in job losses. The entrance junction to the estate not being designed for this much traffic. We can't cope with the traffic this development will generate. The junction already backs up several times a day, this proposal will make this worse. Discount alcohol will cause anti-social behaviour problems as is the case for the West Town Lidl store. There is no need for a shop of this type, there are already others within the area. The need is for affordable housing and not a supermarket. Where will the children go to school, the current school is already full. Doctors are stretched where will families for healthcare.

**A letter of objection** has also been received from the independent owner of the **Budgens** premises at the Valley Park centre stating:-

I am writing to register my objections to the above proposal for the development of the land on the site of the old British Sugar offices in Peterborough.

As the independent owner of the Budgens premises at Valley Park centre we have run the family owned business since November 2007 serving the local community and providing employment for local workers.

Since taking over the business in 2007 turnover grew, however the arrival of the Tesco Express in May 2014 and the Local Coop in November 2016, both had a significant impact on our turnover and subsequently the businesses profitability and raised questions over the longer term future of my business.

In my experience of similar situations and with over 25yrs in independent retail trading, the proposed Lidl development will have a devastating impact on our trade. There is a significant crossover of product ranges and although a Lidl representative pointed out to a member of my staff (who lives on the estate) last year at a consultation meeting in August that "Budgens would be ok as Lidl didn't sell Newspapers & Magazines", we are principally an anchor food store not a c-store and these categories which are referenced are both low margin categories in a declining market. Lidl & Aldi are both postulated by the 'big 4' as making significant in-roads into their market shares and we are a microcosm of that as a food retail business and our business will be adversely affected.

To suggest that the impact of the Lidl development will either be off-set or lead to linked trips is at best naive and at worse misleading and reflects a very poor understanding of not only our trade but of the physical separation and barriers at the site. The Valley Park Centre of which Budgens is a large part of, is by the nature of fences & landscape design a separate centre, with separate car parks, separated by a busy dual carriageway entrance/exit to the Sugar Way estate. To suggest people will park up on one side and shop both is unrealistic given the physical barriers between the current Local Centre and the new proposed development.

I have tried, along with the support of Budgens to look for a positive solution to either reshape or exit from the Valley Park Centre, however the absence of market demand for a unit of this size coupled with the pending Lidl development have been unable to find any willing party to take it on. We did invest in additional ranges but there is a limit to what can now be achieved.

It is wholly unrealistic to suggest that allowing additional significant food retail space to be built that it won't impact nor adversely affect the existing food retail businesses in the area. We have suffered attrition already as the retail landscape has changed and we are now at a marginal point even following investment in ranges. A further negative impact on trade means that we will need to reassess the viability of our independent business, and should this development go ahead then I probably will be forced to take the necessary steps to withdraw the business from the premises due to the impact and consequential unsustainable financial position which it will place us in. With the significant consequential adverse effect on the remaining centre let alone the job losses.

I trust you will give weight to our objections and refuse to grant consent for this development.

**A letter of objection has been from Domino's, who comment:-**

We write regarding the above mentioned application to construct a LIDL food store within close proximity to the Valley Park Centre. We believe this will have a significant adverse impact upon the vitality of Valley Park Centre by virtue of other potential occupiers deserting the Centre and shoppers choosing to visit Lidl instead. Sugar Way highway acts as a physical barrier between the two sites so there are unlikely to be any linked trips between the two, especially as the Lidl store will have its' own dedicated parking. Our business will suffer if there is less footfall to the Valley Park Centre and therefore we support our Landlord's objection , on the grounds that we need to protect the Valley Park Centre and its' occupiers.

**A letter of objection has been received from Adams Planning and Development on behalf Waypoint Asset Management dated 1<sup>st</sup> November, a copy of this letter is attached in Appendix 1.**

**Cllr Dowson** – I was on the Council during the Queensgate development, during which I helped to save a number of buildings in the City Centre. Today we are all grateful for our success. The same applies to this building. To replace it with a Lidl shop would be an error which we will regret in the future. Has any thought gone into the possible development as an extension for the already over-crowded Nene Valley Primary school? Or the carbon/environmental footprint of its demolition rather than retention? As a Councillor for the area, who has the support of many local residents, may I request the Members reject the demolition.

2.	19/00696/REM	<b>Land On The West Side Of Guntons Road Newborough Peterborough</b> , Approval of access, appearance, landscaping, layout and scale for the erection of five self build detached bungalows (with refuge in the roof space) together with associated access, parking and amenity space pursuant to outline planning permission 17/01902/OUT
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No Further Comments

3.	19/00924/FUL	<b>Land To The North West Of 7-9 Wainman Road Orton Longueville Peterborough</b> , Change of use from car park to car sales and storage with modular sales office and erection of 2.2m high fencing
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- a) The following letter was submitted by Councillor Goodwin on 31<sup>st</sup> October 2019:

**Peterborough 'Local Plan 2016-2036**

- Reference LP13 -

Cars that originally parked in the car park are now on the road and have become a hazard to pedestrians, cyclists and large vehicles making deliveries to the site.

- Reference LP16 -

Increased exposure to crime for current retailers and the proposed car sales lot due to the required upgrading needed to the existing lighting.

#### General comments

The sales office proposed to be erected within the North West corner of the site should have access to toilets with disabled facilities for staff and visitors.

#### Consultation with Highways Services

I would recommend a restriction is placed on the current application that if approved, the sales office can be used for no other retail purpose than that of car sales.

- b) The following representation was received on 22<sup>nd</sup> October 2019 objecting to the proposal on the following grounds:

- There is a planning application (reference: 19/01244/OUT) to build 100 houses on the site of the Gloucester Centre. The application states that the Wainman Road access should be closed, however many objectors including Shailesh Vara MP state that this access should remain open.
- 100 houses could mean in the region of 200 + cars using Wainman Road as their access. The dire parking situation as it is, along with usual deliveries/collections and visitors plus the proposed car lot cause additional traffic. This is an accident waiting to happen.

- c) The following representation was received on 25<sup>th</sup> October 2019, which raises the following matter in support of the proposal:

- The land is private, why should there be any issues on planning for car sales or vehicle storage on this car park?

4.	19/01278/FUL	<b>Land Adjacent To Highbury House Millfield Peterborough PE1 3BE</b> , Demolition of workshop and garage and erection of two one-bed flats
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Cllr Shaz Nawaz has submitted a representation stating:

I would like the Committee to consider the following points:

1. The application site is very close to the Millfield Local Centre and so there is a wide range of facilities and services within easy walking distance.
2. The site is close to Lincoln Road with bus stops in both a northern and southerly direction within convenient walking distance. This provides easy access to the city centre without needing the use of a car.
3. There are 'on street' cycle lanes on Lincoln Road making cycling to the city centre and back easy.
4. In respect of all of these, the site must, therefore, be considered to be in an eminently sustainable location.
5. Not all households have motorcars particularly those on low incomes. This application is to provide small units of accommodation for those at the lower end of the housing ladder. Any occupiers who need access to a car and car parking space would not be attracted to these units and in that respect the market is, to an extent, self-regulating.
6. Amenity issues have been raised in relation to overlooking but given the prevailing character in the area we do not consider these are justified.

Furthermore, the applicant has advised me that he wants to offer a one-bedroom flat that provides the resident/s with more space than is generally available with this type of accommodation.

Based on the points above, including the information provided to me by the applicant, which includes details of the application and the officer's decision, I am in support of the application.

Having served on the Planning Committee, I know members will take a pragmatic approach just as they do on all cases brought before them. I am grateful you have taken the time to read and consider my letter of support.

#### **Agent Submission.**

The agent has submitted representation in response to the Council's reasons for refusal, the full submission is attached as **Appendix 2**.

**Our Ref: 2019-24b**

**Your Ref: 19/00039/FUL**

Amanda McSherry  
 Development Management Team Manager  
 Sand Martin House  
 Bittern Way  
 Fletton Quays  
 Peterborough  
 PE2 8TY

1<sup>st</sup> November 2019

**VIA E-MAIL ONLY**

Dear Mrs Mc Sherry and Mr Kalley,

**Re: Written Representation responding on Council's Retail Review and Committee Report for proposed Lidl Foodstore @ British Sugar site, Oundle Road, Woodston, Peterborough, PE2 9AY (Ref: 19/00039/FUL)**

We are writing to you on behalf of our client, Waypoint Asset Management, in order to provide comments on the co-ordinated response from Lidl (letter dated 23<sup>rd</sup> September 2019), Rapleys (letter dated 24<sup>th</sup> September 2019), and Lambeth Smith Hampton (LSH, Ref: SN.LET.19\_10.01 dated 3<sup>rd</sup> October 2019) and following our review of the Planning Committee Report.

Our review of this information demonstrates to Committee Members that the Lidl store will have unacceptable impacts on Valley Park Local Centre and the scheme needs to be refused or amended in order to remove the Lidl store, and ideally retain the former British Sugar Headquarters and Offices building, given the significant adverse impacts Lidl's presence will have on Valley Park Local Centre in the future.

### Retail Considerations

The clear impression one gains from the analysis within LSH's letter is that Peterborough City Council are keen to be seen as being consistent with their previous recommendation for approval and do not want to change their position in light of the new evidence we have provided, in which we highlight the up-to-date reality the threat of Lidl is already having on the future health of the Valley Park Local Centre.

LSH's letter is very helpful in setting out the planning policy context against which this planning application should be assessed; however, our client and their retailers do have grave concern with the inaccuracies provided in the LSH's summary of our client's stated concerns, and also harbour concerns over LSH's incorrect planning policy review of Annex 2 of the NPPF that have ultimately led LSH and Peterborough City Council to conclude that Lidl will not have a 'significantly adverse' impact upon the Local Centre.

We will address these concerns in the same order as LSH to assist understanding.

### **Location of the Proposed Lidl Store**

Having reviewed LSH's analysis, we are firmly of the view that the site is, as previously stated, "out of centre" and not "edge of centre," and their view to the contrary does not accurately analyse the definition of "edge-of-centre" in Annex 2 of the NPPF.

LSH reference Annex 2 of the NPPF which defines "edge-of-centre" for retail purposes as "*a location that is **well connected to, and** up to 300 metres from, the primary shopping area.*" (Note: bolded and underlined text is APD emphasis).

LSH go on to state that:

*"It continues that in determining whether a site falls within the definition of edge of centre, "account should be taken of local circumstances". Out of centre is defined as a "location which is not in or on the edge of a centre but not necessarily outside the urban area".*

*In reviewing From a review of the "local circumstances" in this case it is clear that Sugar Way does form a potential barrier to pedestrian movement from the application site to the local centre. However, the proposed store is well within 300m of the local centre's primary shopping area and it will benefit from direct pedestrian access from Sugar Way at the junction of Oundle Road; resulting in the shortest possible route for pedestrians to walk between the local centre and application site. There is also a pedestrian crossing that will enable the safe movement of pedestrians and shoppers across Sugar Way. On this basis we agree with previous assessments that concluded that notwithstanding the "barrier" of Sugar Way, the application site can be defined as being "edge of centre" in retail planning terms."*

The LSH then makes the case that the application has still been subject to detailed sequential and impact tests in compliance with the up-to-date development plan and NPPF; however, they accept that these assessments were carried out by Rapleys on behalf of the applicant for the 2018 Application and have been resubmitted in support of the 2019 Application – i.e. these assessments pre-date the evidence we have presented and are clearly out of date with regards to Valley Park Local Centre in light of our more up-to-date account of the significant impacts the Lidl store is already having and will have on of the Valley Park Local Centre.

We accept and concur with LSH's observation that the site is within 300 metres of the primary shopping area; however, as the enclosed objections from Budgens (Valley Park's anchor tenant) and Domino's (another key tenant) identifies, the Lidl site cannot be considered as being 'well connected' to the primary shopping centre, and hence, fails this important qualifying criteria with Annex 2 of the NPPF to be judged "edge of centre."

We have clearly identified that the proposed Lidl lies on the eastern side of Sugar Way which the Council has acknowledged provides a very significant physical barrier between the application site and the Local Centre. This leads to the proposed application site being unquestionably both visually and physically detached from the Valley Park Centre, and this

detachment will also only be enhanced by Lidl's dedicated car park which LSH fails to factor in to their assessment of the impacts Lidl will have on Valley Park Local Centre.

Indeed, Peterborough Council's Committee Report for the previous planning application (Ref: 19/00039/FUL) identifies that the Council shares our client's view that Lidl will not be well connected when it observed that:

*"Sugar Way separates the local centre from the application site and was likely to act as a barrier to easy pedestrian movement between the two sites. Officers were also not convinced that many people parking and carrying out their main and/or top-up food shopping at Lidl will choose to cross Sugar Way and supplement their shopping at Bugden's as part of the same trip...Lidl and Bugden's sell a similar range of food and convenience products (albeit branded differently), predominantly targeted at the value and discount end of the food shopping spectrum.*

*Officers considered their offer would largely overlap rather than complement each other, and were not convinced that the critical mass and attraction of Bugden's would generate significant linked trips from Lidl thereby resulting in significant benefits for the existing store. In our view shoppers will choose to carry out their food shop at either Lidl or Buggdens, but not both as part of the same trip.*

*- On this basis Officers concluded that the proposed store would have a "significant adverse impact" on the vitality and viability of Valley Park Local Centre, and on its trading performance. This was based on the uncertain and vulnerable trading performance of Bugden's, and our consideration that there would be a higher impact on the store than the assessment forecasted of at least -14%."*

Despite LSH's view to the contrary, we concur with Peterborough City Council's view that Sugar Way represents a barrier that prohibits linked trips, and which will be further reduced by the presence of a dedicated car park at Lidl. Lidl will draw trade away from Budgens and the Local Centre; hence, it is apparent from the Council's own analysis that the location is not 'well connected' to the Local Centre, and is not therefore 'edge of centre' (i.e. the outside limit of the Local Centre) due to the presence of Sugar Way and Lidl's dedicated car parking area.

The enclosed letters of objection from Budgens and Domino's identify that this is clearly the view these key Valley Park retailers. We are sure Members appreciate, that these retailers have a far better understanding of the functioning of the Local Centre and its surroundings than LSH and/or APD. These retailers agree with Peterborough Council's above-identified Planning Committee Report statement that:

*"The proposed store...would have a "significant adverse impact" on the vitality and viability of Valley Park Local Centre, and on its trading performance."*

## Retail Impacts

LSH's letter identifies that:

*"In their consideration of the 2018 Application the Council's main concern was whether the proposed Lidl store would result in a "significant adverse" impact on Orton District Centre and Valley Park Local Centre."*

LSH points to the fact that the Local Centre is fully occupied as being a key indicator that Valley Park is a healthy centre, and that even with the loss of Budgens the Lidl could anchor the Local Centre.

When assessing the retail impacts of the Lidl on Valley Park Local Centre, LSH makes the case that:

*"There is also no evidence that directly links the potential closure of Budgens with the Lidl application proposal...If the negotiations can be resolved to the satisfaction of both parties then it is likely that Budgens will continue to operate in the local centre as it does now, notwithstanding if Lidl is permitted."*

This statement completely ignores the fact that we have previously evidenced that Savills have been instructed to market the Budgens site so is both misleading and inaccurate. Members shoud, instead, refer to the Managing Director's letter of 30<sup>th</sup> October 2019 in which he states as follows:

*"I have tried, along with the support of Budgens to look for a positive solution to either reshape or exit from the Valley Park Centre, however **the absence of market demand for a unit of this size coupled with the pending Lidl development have been unable to find any willing party to take it on.**"*

Members should be made aware that losing Budgens as the key anchor tenant will have significant adverse impacts on the Local Centre and there are not (despite advice LSH's unfounded assertions to the contrary) currently any parties wishing to take on the retail unit.

## Linked Trips

LSH observes that:

*"Furthermore, the previous assessment of "linked trips" to help inform the Councils consideration of the 2018 Application indicated that any impact on the store's current sales would be "neutral"."*

When one examines how this highly questionable conclusion on "linked trips" was arrived at, it was based upon research undertaken by Walsingham Planning in 2009 and 2013, which in turn was based upon 6 Lidl stores, with the research being commissioned by Lidl themselves. The Council's conclusions were also based upon a bespoke model that was contrived by the



applicants (Lidl) in light of the Council identifying that there is no industry standard to measure the potential impacts the Lidl store would have on the Valley Park Centre.

LSH have, therefore, supported Rapley's assessment of the linked trips without questioning the credibility of the research so we do not consider this conclusion can be relied upon. Members should, instead, pay more attention to the Budgens' Managing Director knowledge of the site and his attitude towards Rapley's and LSH's subsequent assertions. He states:

*"To suggest that the impact of the Lidl development will either be off-set or lead to linked trips is at best naive and at worse misleading and reflects a very poor understanding of not only our trade but of the physical separation and barriers at the site. The Valley Park Centre of which Budgens is a large part of, is by the nature of fences & landscape design a separate centre, with separate carparks, separated by a busy dual carriageway entrance/exit to the Sugar Way estate. To suggest people will park up on one side and shop both is unrealistic given the physical barriers between the current Local Centre and the new proposed development."*

LSH then, quite remarkably from Budgens and Valley Park Local Centre's perspective, go on to identify that:

*"Notwithstanding its anchor role, it is our view that its closure would not necessarily undermine the overall viability of the other Class A uses in the centre resulting in their closure. Under a scenario where Lidl opens and Budgens closes, it is likely that Lidl will perform the role of an anchor to the local centre, notwithstanding its physical separation by Sugar Way. A new Lidl store in this location would generate linked trips, footfall and expenditure to the benefit of the other Class A uses. It is also likely that shoppers at Lidl will combine their food shopping trips with visits to the Health Centre, Pharmacy and school "drop-offs and pick-ups" in the same way as some of the shoppers at Budgens no doubt currently do.*

*Our judgement is that although the impact on the centre if Budgens was to close can be assessed as being "adverse", we do not consider that it will be "significantly adverse"; which is the "test" set out in the NPPF."*

To summarise LSH's position, they are satisfied that is appropriate to sacrifice the Budgens store for the new Lidl. They are happy to advise Peterborough Council that it is an acceptable impact for an "out of centre" Lidl store to close Budgens which is at the heart of the Local Centre. LSH provide their advice that the "out of centre" Lidl store can replace the anchor tenant (Budgens) due to the potential of linked trips, despite the methodology for assessing the 'linked trips' having no credible or recognised industry status, so there is no credible foundation to underpin this claim.

Our client and their tenants fail to understand how LSH can then conclude that the scenario of losing the anchor tenant of the Local Centre would not have a "significant adverse" effect on the Local Centre when it is common ground between Peterborough City Council, our client and their tenants that Sugar Way is (we quote Peterborough City Council) '*likely to act as a barrier to easy pedestrian movement between the two sites*' and again, LSH's conclusions that Lidl can replace the anchor tenant fails to acknowledge the impacts the separate dedicated car park Lidl is proposing will have on deterring linked trips. Furthermore, to support their view, LSH make the inaccurate observation that:



*"It is also likely that shoppers at Lidl will combine their food shopping trips with visits to the Health Centre, Pharmacy and school "drop-offs and pick-ups" in the same way as some of the shoppers at Budgens no doubt currently do."*

Members can see for themselves the difference in the physical relationship of Budgens and the proposed Lidl Store. Budgens is central to Valley Park Parade and shares the same car park; hence, it is misleading and we are sure Members will agree, inaccurate given that there is no credible evidence to conclude that shoppers to Lidl will link trips in the same way as they do with Budgens. LSH then conclude that:

*"The closure of Budgens would result in a sizeable vacant unit in the centre, but it is highly likely in our judgement that this space would be taken up by another convenience store, or a different type (but still viable) Class A operator, or potentially sub-divided to accommodate two or more operators."*

This statement is entirely hypothetical and there is no evidence to support it. It highlights that LSH appear happy to accept and subsequently advise Peterborough City Council that the introduction of Lidl would lead to future uncertainty, inevitable loss of trading of existing tenants and significant additional costs to Valley Park Local Centre.

I am sure Members will appreciate from a review of the national press, LSH's hypothetical assumptions are dangerous and ill-advised and are being provided against evidence to the contrary. Instead, Members should heed the words of what Budgens's Managing Director has communicated is happening at Valley Park Local Centre, namely:

*"We have suffered attrition already as the retail landscape has changed and we are now at a marginal point even following investment in ranges. A further negative impact on trade means that we will need to reassess the viability of our independent business, and **should this development go ahead then I probably will be forced to take the necessary steps to withdraw the business from the premises due to the impact and consequential unsustainable financial position which it will place us in. With the significant consequential adverse effect on the remaining centre let alone the job losses.**"*

Peterborough City Council and Planning Committee Members must understand that retailers in more peripheral and smaller Local Centres need support, and smaller and more independent family-run retailers (i.e. such as the subject Budgens store) are increasingly being closed down and/or compromised by larger food retailers that can afford to retail at lower prices due to their purchasing power. Retail planning policy and the planning system is supposed to safeguard against food retailer operations such as Lidl opening on peripheral 'out of centre' locations (that also have cheaper rents) and we sincerely hope Committee Members agree that LSH's conclusion is entirely unacceptable to our client and their existing tenants. A "no" Budgens scenario at the expense of introducing Lidl on an "out of centre" location is not something that Members and/or retail planning policy supports or should entertain. As such, we urge Members to refuse the Lidl proposals on retail grounds due to the "significant adverse" impacts the proposals will have on Valley Park Local Centre, in line with Paragraph 89 of the NPPF.

### **Is the Lidl Store Needed?**

Members should be concerned that, despite our earlier representations in May 2019 raising this query, LSH's 'Retail Planning Appraisal' provides no commentary on the actual need for the store despite local residents identifying in their objections that there currently exists a Budgens within the Valley Park Local Centre, a Nisa, Tesco Extra and Co-op on Oundle Road, a Lidl store within 1.4 miles (PE3), and two Aldi's within 1.6 miles and 1.8 miles respectively, a large Tesco in Hampton and an Asda that is easily accessible for local residents.

Peterborough City Council accept that Budgens already provides the same type of convenience goods as Lidl and is aimed at the same market; hence, why would members support a new "out of centre" Lidl with a dedicated car park (i.e. being car-dependent retail) that we have identified will have a "significant adverse" impact on the Local Centre when there is already a Lidl and two Aldi stores within 1.8 miles of this store?

Policy LP12 – Retail and Other Town Centre Uses of Peterborough's Local Plan, which was deemed to be sound by the Inspector in May 2019, identifies that new shops will be supported in connection with planned growth and where it would create a more sustainable community. It is evident that the Lidl store is **not an allocated (i.e. identified) retail site** and even the threat of the Lidl has compromised the anchor tenant of an allocated Local Centre, as highlighted in Budgens' written representations to Planning Committee.

The Council received by our estimation 64 objections from local residents and the Local Councillor who also identifies that the majority of local residents were opposed to the Lidl store given the existing retail offer (outlined above) and the threat it presented to the Valley Park Centre which is important to them. It is evident, therefore, that the local community justifiably sees the Lidl store as a threat to their future sustainability.

### **Heritage Impacts**

We note that Historic England initially objected to the proposals due to the demolition of the existing buildings on the site, including the Headquarters and Offices building, and on the basis that the loss of this building would cause substantial harm when assessed against the tests against which substantial harm should be considered within Paragraph 195 of the NPPF.

Peterborough Council's Conservation Officer has sustained his objection to the proposals and identified that the Headquarters and Offices building is a non-designated asset and both Peterborough Civic Society and Councillor Alan Dowson are opposed to the loss of this locally important historic landmark.

Councillor Alan Dowson would like to explore alternative uses to the building, that have not been adequately explored as part of the planning submission, in order to ensure retention of this building and it appears right and proper that Members should support their Conservation Officer and Local Councillor in retaining the building and putting it to an appropriate use rather than introducing an 'out of centre' Lidl store that poses a threat to the health and profitability of the retailers at Valley Park Local Centre.

Given the clear issues arising from the proposed Lidl Store, when balancing the planning merits of the case (i.e. harm versus benefits) it is evidently appropriate for the Council to insist upon the removal of the Lidl store from the quantum of development to remove the threat this poses to Budgens and the surrounding retailers who benefit from the presence of Budgens as a central anchor tenant to the Local Centre Parade, and would also benefit from the spend generated by the future occupiers of the attractive former British Sugar Offices and Headquarters.

### In Conclusion

We urge Members to listen to the Valley Park Local Centre retailers and the local community who have expressed their credible concerns over the Lidl store and car park, which are contrary to the Government's retail planning policy objectives. The Lidl store is not needed and cannot be justified given the existing Budgens store and the presence of existing Lidl and Aldi stores and a wide range of other food retailers in close proximity to the site.

We have clearly demonstrated that the proposed Lidl store is an inappropriate form of development; is "out of centre", not edge of centre; is not planning policy compliant given the unacceptable impacts the proposals will have; and already even the threat of it is affecting the health of Valley Park Centre. We have demonstrated through our analysis and Budgens' and Domino's written representations that the proposed Lidl store will have a "significant adverse" impact upon the Valley Park Local Centre if granted planning consent. Accordingly, we urge Members to refuse the Lidl store to accord with the advice contained in Paragraph 89 of the NPPF.

Our client and their retail tenants are keen to confirm, however, that they are supportive of the proposed new residential development at the British Sugar site.

We would be grateful if this correspondence was circulated to Planning Committee Members head of Planning Committee next week together with the enclosed letters of objection from Budgens and Domino's.

Yours since

**Russell Adams (MRTP)**  
**For and on behalf of Adams Planning + Development Ltd**

*Encl: Budgens & Domino's Objection Letters*



**PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE - TUESDAY 5 NOVEMBER  
2019 - 1.30 PM ITEM 5.4****19/01278/FUL - Land Adjacent To Highbury House, Millfield, Peterborough, PE1 3BE  
Proposed Demolition Of Workshop And Garage And Erection Of 2 x One Bedroomed Flats**

This update is submitted by John Dodge acting on behalf of the applicant in the event that he has to leave the PEPC meeting before the committee considers item number 5.4.

I set out the points I wish to make in bullet point form below: -

- **Principle Of Development** – the application site is a brownfield site, previously used land, within the urban area in a predominately residential area. In that respect the proposed residential use of the site should be acceptable as a matter of principle.
- **General Form And Layout** – the design of the building echoes the roof form and fenestration patterns of the existing buildings along Highbury Street.

The proposed development is set back from the back edge of footpath as are the majority of houses on the west side of the road.

- **Separation Distances** – the separation distances that are prevalent along Highbury Street are show on the plan below.

It can be discerned that the separation distance between the proposed building and the house opposite is of a similar relationship to others along Highbury Street. In that respect, having regard to the overall design, the position of the building on the site, it is in keeping with the overall character of the area.

- **Study / Second Bedroom?** – The applicant is keen to provide one bedroom flats that have a greater standard of internal floor space than usual. Reservations have been expressed over potential introduction of a second bedroom.

The applicant confirms that a condition restricting the number of bedrooms to one is expected and would be acceptable.

**Residential Amenity**

- **Impact on Highbury Street** – Neighbour opposite.

The pattern of development in the street and separation distances are acceptable to officers. In relation to the neighbour opposite, the applicant would be prepared to make the first floor window into the kitchen / dining area, that faces the street, either:-

**A.** obscure glaze (to a standard to be agreed with the LPA) given that there is a window on the west elevation providing natural daylight to this room.

**B.** reduce the size of the opening so that it mirrors the ground floor, as well as making the window obscure glaze.

The bedroom would remain clear glazed as with other houses in the street as the opposing windows at first floor would be bedrooms.

- **Impact on Highbury House** – Highbury House.

Other than windows to non-habitable rooms (i.e. Bathrooms) there are no windows in the northern gable of the proposed building looking towards Highbury House. The windows in the gable of Highbury House do not appear to serve habitable rooms. The area of land to the rear of Highbury House does not appear to be used as amenity space.

Thus, it is not considered that the proposal will lead to an unacceptable overlooking of harm to residential amenity.

- **Impact on 215 Lincoln Road** – The elevation running parallel to the boundary of 215 Lincoln Road has only one small window to provide light to the staircase. The applicant is prepared and would be agreeable to a condition to the effect that this should be obscure glaze.

The proposed building is at the end of the garden of 215. The garden is quite long, some (23.5m, (77ft)). It is generally held that the more active area of gardens is that which is closest to the dwelling.

In this instance, whilst a full gable is provided to the new building, it will have no significant impact on sunlight, given that the garden is to the south of the proposal and the garden is not enclosed on other sides.

Given this context, the relationship is considered by the applicant to be acceptable.

- **Car Parking** – Not all home occupiers are car owners. This site is in a highly sustainable location with very convenient access by foot to a wide range of facilities in the Millfield District Centre.

Main bus services run along Lincoln Road and there is an on-street cycle way, both of which provide very convenient access to the city centre.

Given the nature of the location and the fact that this development will provide much needed small units of residential accommodation, for which there is an express need within Peterborough, the applicant hopes that a balanced view will be taken and that weight is afforded to the provision of new housing to serve this community.

In relation to visitor parking, I have made several visits to the site, early morning, during the daytime and late evening. On every occasion there have been one or two unused parking spaces, more in the daytime, along Highbury Street.

- **Occupancy Condition** - Whilst it is unusual in Peterborough, it would be possible to condition that the resultant accommodation will only be occupied by non-car owners or the applicant would be prepared to enter into a S106 agreement or provided a Unilateral Undertaking to that effect.

#### **Final Comment**

This proposal will provide much needed residential accommodation in a sustainable location.

We request that members support this proposal with such conditions as may be appropriate and grant planning approval to this application.

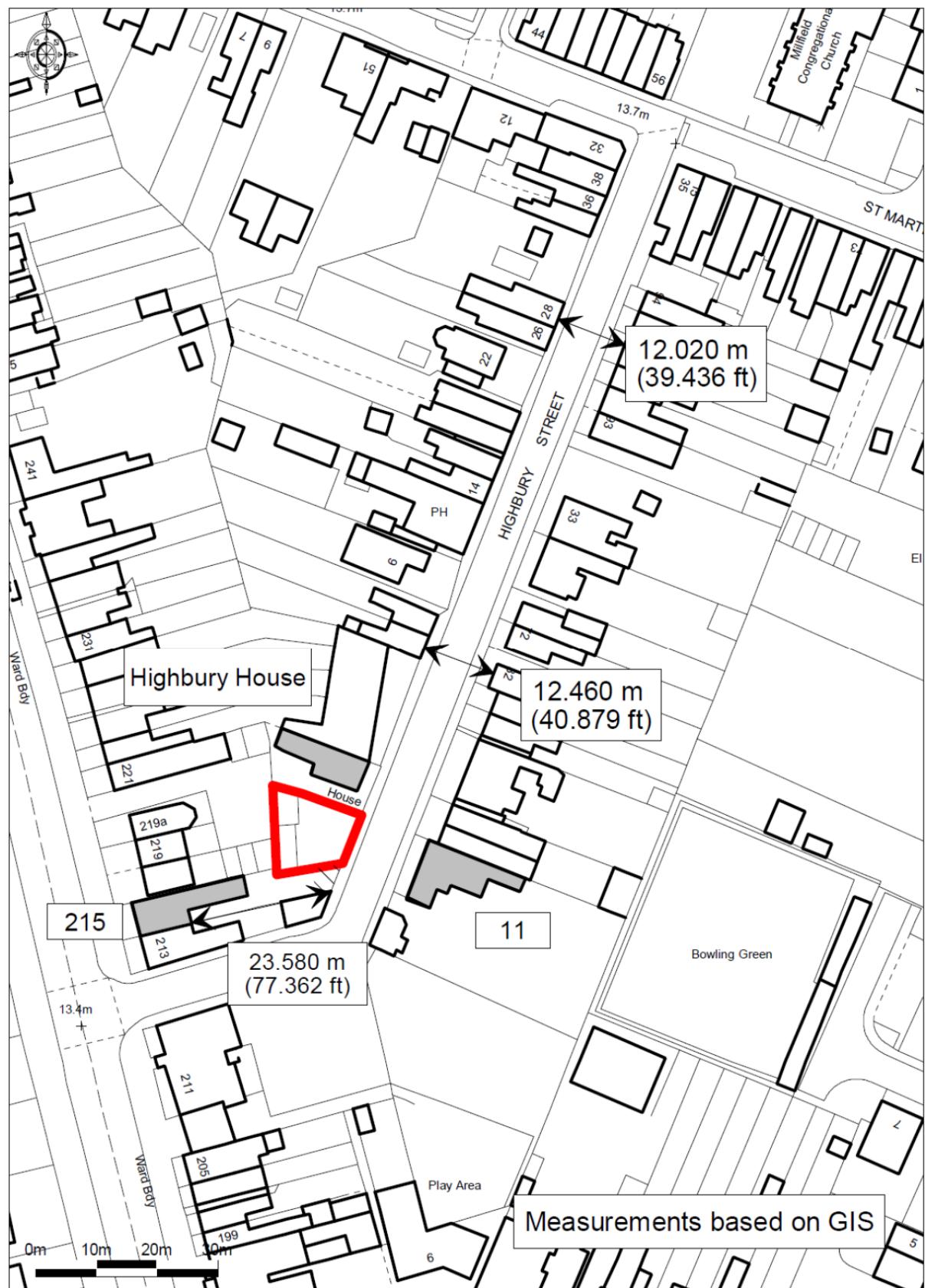
#### **Ends**

John Dodge Dip TP MRTPI  
Planning and Development Consultant

*On Behalf Of*  
Ayd Investments Ltd



Ref: 17-052 JSD/jh



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