

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 4 DECEMBER 2012

1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

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

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

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

- 3. Members' Declaration of intention to make representations as Ward Councillor**
- 4. Development Control and Enforcement Matters**
 - 4.1 12/01189/WCMM - Cross Leys Quarry, Leicester Road, Wansford, Peterborough 1 - 8**
 - 4.2 12/01528/FUL - Limesquare Estates, Enterprise Way, Bretton, Peterborough 9 - 16**
 - 4.3 12/01543/WCPP - Werrington Centre, Stanliland Way, Werrington, Peterborough 17 - 44**



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

Committee Members:

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

Substitutes: Councillors: Kreling, Martin and Ash

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

CASE OFFICERS:

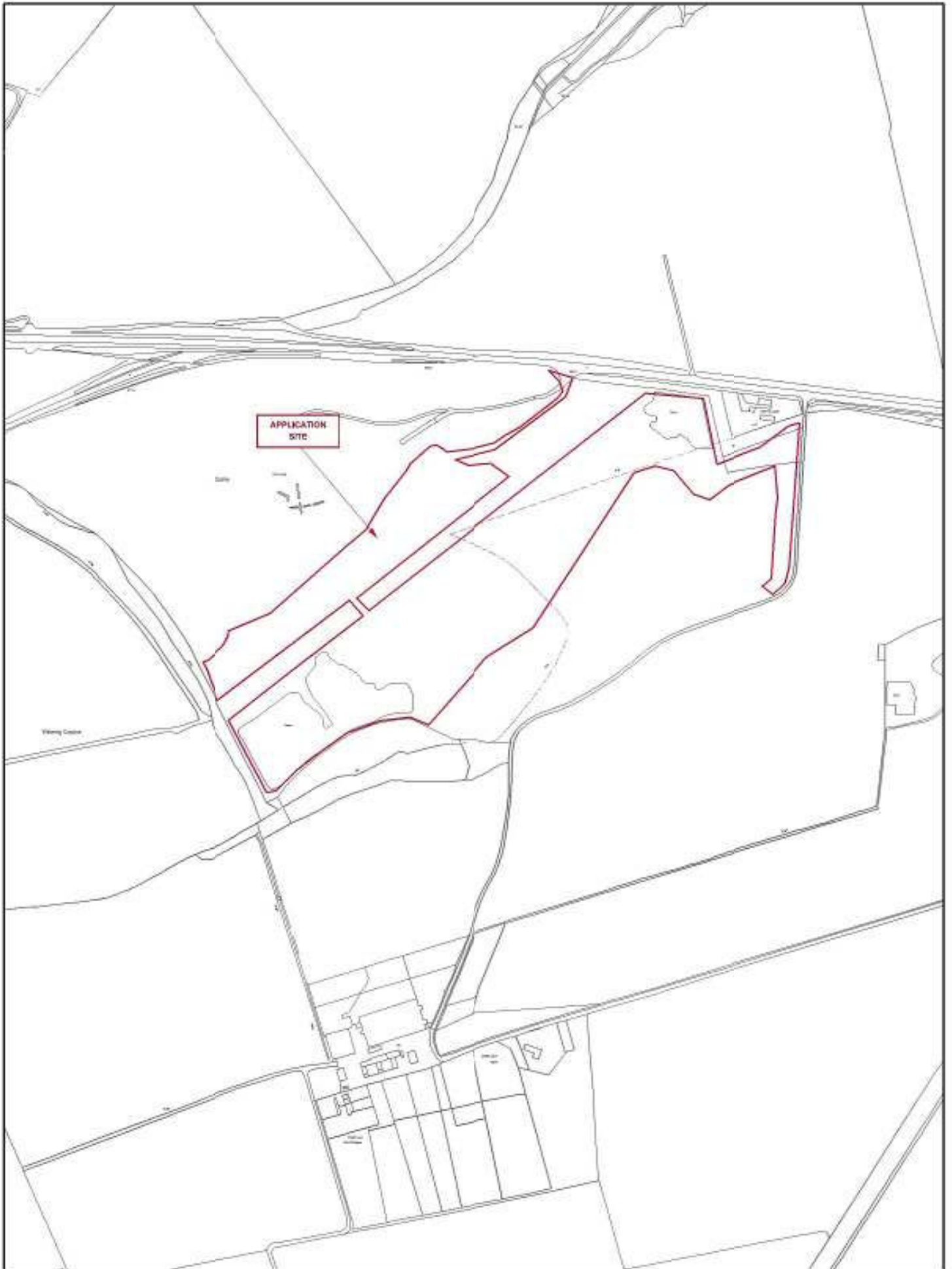
Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet MacLennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

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

NOTES:

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



LOCATION PLAN 12/01189/WCMM

Cross Leys Quarry, Leicester Road, Wansford

Scale NTS **Date** 21/11/2012 **Name** AA Department Planning Services

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PETERBOROUGH



CITY COUNCIL

PCC GIS

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Application Ref: 12/01189/WCMM

Proposal: Variation of condition 1 of planning permission 10/00488/WCMM to vary the completion date of the permitted infilling from 31/07/2012 to 31/07/2013

Site: Cross Leys Quarry, Leicester Road, Wansford, Peterborough
Applicant: Mick George Ltd

Agent:
Referred by: Head of Planning and Transportation and Engineering
Reason: The application seeks retrospective approval for a large scale development that is clearly contrary to policy

Site visit: 15.11.2012 (and previously)

Case officer: Mrs T J Nicholl
Telephone No. 01733 454442
E-Mail: theresa.nicholl@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The site area is part of and lies within the Cross Leys Quarry situated to the south of the A47 close to the boundary with East Northamptonshire District. To the south/southwest of the site lies Wittering coppice and Eastern Hornstocks wood which are Sites of Special Scientific Interest (Wittering Coppice is also a County Wildlife Site) and are part of several blocks of ancient woodland within the vicinity, another being Bedford Purlieus to the east. The quarry is largely extracted and is an alien feature within the local landscape which is characterised by gently undulating meadows interspersed with the woodland blocks. The site falls within the Nassaburgh Limestone Plateau Character Area of the Peterborough Landscape Character Area Assessment. The site contains a series of pools, some of which are permanent (towards the rear of the site, adjacent the woodland) and some which are more seasonal. The site is colonised in various locations by Great Crested Newts (GCNs) which are protected species under European and UK law.

06/00415/MMFUL was an application for the importation of 126,000 cubic metres of inert fill over 3 years. The waste would be spread over 8.8 hectares of worked out parts of the quarry on either side of an oil pipeline safeguarded area to reduce the current approved gradients from 1:3 to approximately 1:8 to allow a larger area of the site to be restored to agriculture and farmed in one block.

This time limit was extended for a further two years under a variation to condition 1 attached to the above permission under reference 10/00488/WCMM. This further temporary permission to infill within the limited site area set out above expired on 31 July 2012. Since then infilling has continued i.e. material has been brought into the site and this is unauthorised. The site at present appears to contain fill material situated in locations that have never been approved. The amount of fill and proposed contours remained as approved under 06/00415/MMFUL.

Proposal

This is an application to vary condition 1 attached to 10/00488/WCMM to further extend the completion time for infilling with inert material this limited area of Cross Leys Quarry until 31 July 2013.

2 Planning History

Reference	Proposal	Decision	Date
10/00488/WCMM	Variation of condition 1 of planning permission 06/00415/MMFUL to vary the completion date of the permitted infilling from 31/07/2010 to 31/07/2012	Application Permitted	29/06/2010

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

109 Natural and Local Environment – Should be enhanced through the protection and enhancement of valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity. New and existing development should not contribute to or be put at unacceptable risk by unacceptable levels of soil, air, water or noise pollution and land instability.

118 Biodiversity- Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

144 Restoration and Aftercare- Should be provided for at the earliest opportunity and carried out to high environmental standards through the use of appropriate conditions

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW25 - Restoration and Aftercare of Mineral and Waste Management Sites

Minerals workings and waste management sites will be restored to a beneficial afteruse with aftercare arrangements. Restoration proposals will be considered on a site by site basis but must meet the criteria set out in the policy.

MW33 - Protection of Landscape Character

Minerals and Waste development will only be permitted where it can be assimilated into the local landscape character in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related SPDs.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse effect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

Cambridgeshire and Peterborough Minerals and Waste Site Specific Proposals DPD

Cross Leys Quarry is allocated as an inert landfill site and as a site for inert waste recycling under policies W1 and W2. The site is shown on insert map 44 and the implementation issues set out in detail which matters would need to be addressed in a planning application.

4 Consultations/Representations

Transport and Engineering Services (11.09.12)

No objections

Wildlife Officer (25.09.12)

Objects to the application without provision of a detailed revised restoration scheme and a newt (and other protected species) mitigation and revised protocol.

Landscape Officer (25.09.12)

No objections in principle. Understands a restoration scheme has not been provided but this could be provided by condition.

Natural England - Consultation Service (01.10.12)

A revised ecological mitigation strategy and restoration proposal should be submitted to PCC's satisfaction prior to this application being determined.

Environment Agency (25.09.12)

No objection

Wansford Parish Council (20.11.12)

No objections

Defence Infrastructure Organisation (MOD - Statutory) (20.09.12)

No objections

Local Residents/Interested Parties

Initial consultations: 1

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No comments received

5 Assessment of the planning issues

Main Considerations

The main considerations are:-

- The principle of allowing a further extension of time
- Visual and landscape issues
- Impact on protected species

Principle

On 21 December 2011 a screening opinion was issued in relation to this proposal which confirmed that the development is an Environmental Impact Assessment (EIA) development and that any application would need to be accompanied by an Environmental Assessment. The previous applications set out above should also have been subject to EIA but in error were not. This same screening opinion letter set out that the temporary permissions previously granted – which have allowed over 5 years of tipping imported inert fill to take place with no overall implementable restoration scheme being in place, were only ever meant to be a temporary stop gap whilst the

applicant/site owners submitted an overall restoration scheme for the whole quarry which takes into account the GCNs present on site. No overall restoration scheme has been forthcoming. The submitted "Environment Statement" (ES) submitted with the current application recognises that the submission of a comprehensive restoration scheme is necessary but fails to provide one. The principle of inert landfill and recycling is acceptable as the site is allocated but this must be subject to a comprehensive scheme which addresses all the issues relating to the site as set out in the implementation issues in the Cambridgeshire and Peterborough Minerals and Waste Site Specific DPD.

A regulation 22 request (under the EIA Regulations) was sent to the agent on 1st October requiring that a complete restoration scheme and new mitigation scheme be submitted within eight weeks. The agent was also required to confirm within two weeks whether or not the applicant would provide this information within the timescale. A reply was received on 23rd October which does not answer these questions but stated that a meeting was to be held between the applicant and Aggregate Industries (the site owners) in early November to agree a "practicable way forward". As of 13th November this meeting has not taken place. The applicant also sent a letter to Natural England (NE) (in response to NE's consultation response) setting out that the ecology consultant SLR is reviewing the existing GCN protocol to make sure it is "fit for purpose" and that the current measures were always meant to be a stop gap provision until a masterplan for the whole quarry can be prepared.

The NPPF advises at paragraph 144, that local authorities should ensure that in granting planning permission there are no unacceptable adverse impacts on the natural environment and to provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards. There is no implementable comprehensive restoration plan approved for this site and the application does not include one. The proposal is therefore contrary to these aims of the NPPF and no further importation of material should be permitted until this issue has been properly addressed. The applicant has been given a lot of leeway in this respect, indeed five years to address the issue (during this "stop gap" period) but has failed to do so. Policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD requires mineral workings and waste management sites to be restored in a phased manner to a beneficial afteruse with aftercare arrangements. The proposal provides no adequate or comprehensive restoration and aftercare scheme and so is contrary to policy CS25.

Visual and Landscape Issues

At present, the site is an eyesore within the natural landscape and there is no implementable overall landscape scheme that can be delivered on the site. The minimal restoration scheme approved as part of the extant Review of the Old Minerals Permission (ROMP - ref 99/01273/RMP) which is only for extraction and not importation of fill material, cannot be implemented due largely to the populous of GCNs on site. Under this ROMP permission restoration needs to be achieved by 2016. It appears that there is very little scope for any further material to be tipped within the red line area of this current application site, the boundary of which is contrived and very difficult to judge where it actually lies on site. It begs the question as to why further imported material is necessary within this area. As there is no overall implementable restoration and landscaping scheme, it is impossible to judge how further imported material will make any positive contribution towards the visual and landscape appearance of the site. Policy CS33 of the Core Strategy states that minerals and waste development will only be permitted where it can be demonstrated that it can be assimilated into its surrounding and local landscape character area in accordance with the Cambridgeshire Landscape Guidelines, local Landscape Character Assessments and related supplementary planning documents. The Peterborough Local Landscape Character Assessment contains guidelines in relation to development which states that comprehensive strategies are to be provided including sensitive earthworks, woodland and hedgerow planting and management of calcareous flora opportunities to visually and ecologically integrate existing and potential minerals sites. With no overall restoration and landscape scheme submitted for the quarry site the proposal fails to address these aims/objectives and it is impossible for officers to determine that the proposal is making any sort of positive contribution towards assimilating the site into its local landscape character area without an overall scheme. This being the case, the proposal is contrary to policies

CS25 and CS33 of the Core Strategy and does not meet the aims of the NPPF in terms of sustainability and achieving high environmental standards.

Impact on Protected Species/biodiversity

The previous applications were accompanied by a Great Crested Newt Mitigation and Method Statement dated September 2009. This was based upon previous newt surveys. The protocol was meant to be part of the “stop gap” measures put in place to allow continued working at the site and basically provided for stand offs around newt areas and newt habitat areas. An updated survey has been submitted with the current application, which shows that newts were present at the time of the surveys (May 2012) in varying and additional locations to those previously surveyed. This is of concern (and is to Natural England) because clearly the newt mitigation method statement for working at the quarry contained in the 2009 report has not completely worked and also this is now out of date given the more recent surveys. Site visits have confirmed that it appears that earth working and tipped material has been placed very close to newt safeguarded areas and one of the ponds/habitat areas identified in May 2012 (pond 19) is no longer apparent on site. This together with the lack of overall restoration scheme and newt mitigation strategy plus the continued unauthorised tipping of imported fill in areas which appear to be outside the previously approved areas (and which since July has been unauthorised in any event) raise enough cause for concern that GCNs might not be adequately protected. There is certainly no comprehensive mitigation scheme, which again has been promised by the developer since the temporary permission for infilling of part of the quarry was permitted.

Paragraph 118 of the National Planning Policy Framework (NPPF) states that if significant harm resulting from a development cannot be avoided (restoring the quarry site cannot be avoided) adequately mitigated or compensated for then planning permission should be refused. Adequate mitigation is required for the GCN population and is not provided as part of this proposal. Similarly the Local Planning Authority (LPA) is not assured by the proposal that there are no unacceptable impacts on the natural environment i.e. the GCNs by allowing further importation of material onto the site contrary to paragraph 144.

Policy CS35 of the Core Strategy provides that minerals and waste development will only be permitted where it has been demonstrated that there will be no likely significant adverse impact on any landscape feature that is of principal importance to wild fauna – this will include the newt habitat across the site. There are no over-riding benefits to the proposal and if there were, adequate mitigation measures would need to be put in place and managed.

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment, minimising impacts on biodiversity and where possible providing net gains in biodiversity. There are concerns that the proposal is not providing protection for existing habitats but also the proposal provides for no net gains in biodiversity because there is no comprehensive restoration scheme. These policies cannot be complied with until an acceptable comprehensive restoration and newt mitigation scheme is submitted. As such the application is contrary to the provisions of the NPPF and policy CS35 of the Core Strategy.

6 Conclusions

The LPA permitted two previous temporary permissions to import inert fill for deposit within a defined/discrete area of Cross Leys Quarry. This was only ever meant as a temporary measure to enable the developer to continue operating at the site whilst producing a comprehensive new restoration and newt mitigation scheme – something which the applicant admits in the submission is required. Some five years later, no such scheme has been submitted and since the last permission expired in July 2012 infill operations have continued. Circular 11/95 advises LPAs not to continue to grant temporary permissions. Unfortunately, granting these temporary permissions has probably contributed to further intransigence on the part of the site owners and developers in failing to produce the necessary restoration scheme.

The proposal is not acceptable in terms of the principle of the development because it fails to

provide a comprehensive restoration scheme in accordance with the NPPF and policy CS25 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (the Core Strategy).

In terms of impact on the landscape, the present condition of the quarry is an eyesore and the proposal contains no comprehensive landscaping scheme to remedy this in accordance with the provisions of the NPPF and policy CS33 of the Core Strategy. There are also concerns with the present site activity and lack of an up to date and comprehensive newt mitigation strategy that the protected GCNs are in danger of being harmed if further material is permitted to be imported and tipped without a comprehensive scheme in place to protect the newts and provide adequate habitat.

The application is accompanied by what purports to be an Environmental Statement. The LPA do not agree that this is the case because the assessment fails to address the site wide issues particularly with regard to comprehensive restoration (land levels, contouring and landscaping) nor a comprehensive newt mitigation strategy. There is inadequate assessment of cumulative impacts and alternative solutions. An inadequate response has been provided to the Council's request under regulation 22. Finally, from site inspections it is difficult to see where any further fill material could be deposited (safely without harming any GCNs) within the application site boundary therefore calling into question the need for the development.

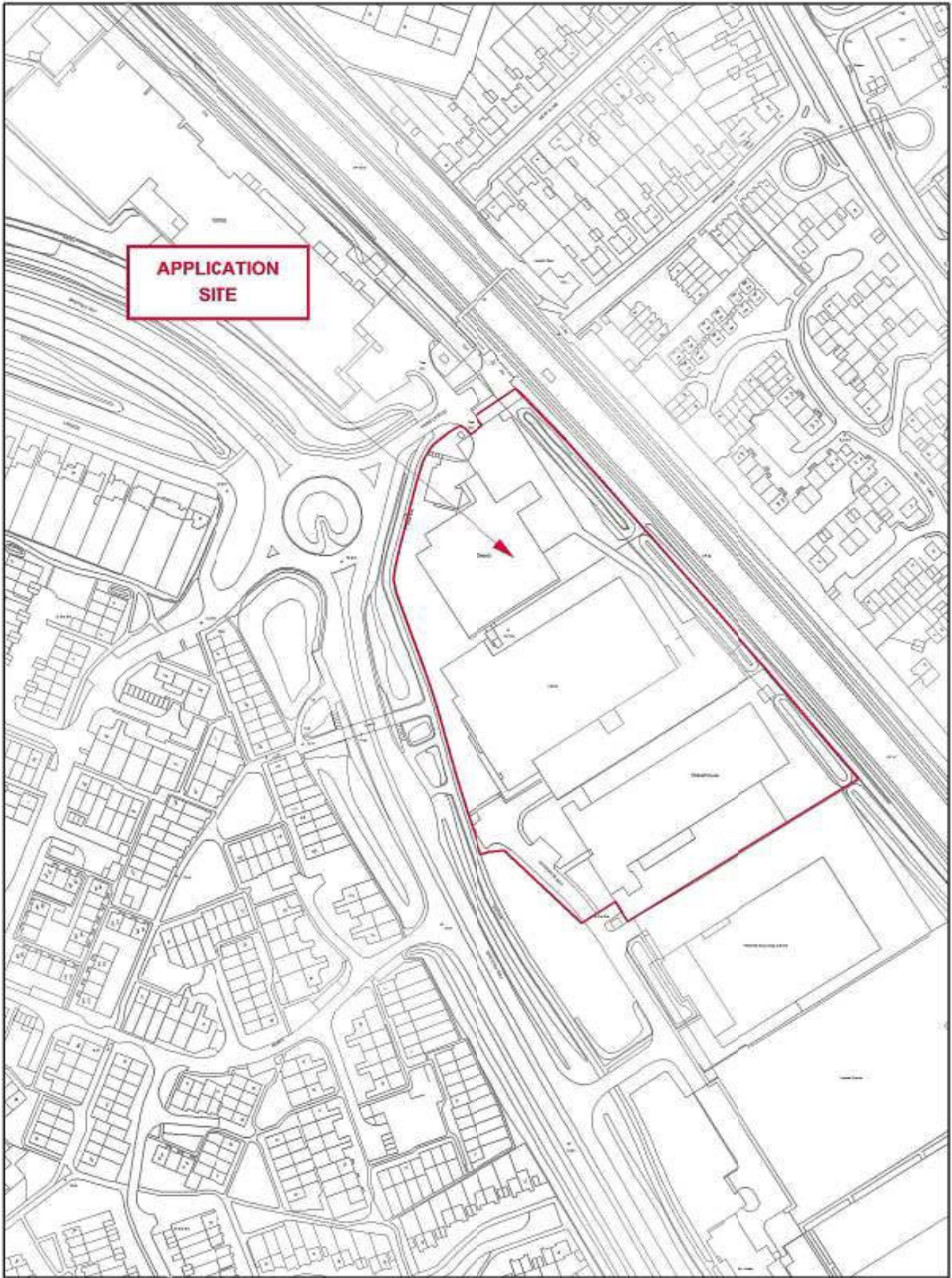
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**

- R 1 The proposal provides for no comprehensive restoration scheme, landscaping scheme or adequate protection and mitigation for the great crested newt population and their habitat present on the site. This is contrary to policies CS25, CS33 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD and the provisions of the NPPF which require minerals sites to be restored to high environmental standards including the protection of protected species and habitats, providing biodiversity enhancements and assimilating landscape into the local landscape character.
- R 2 The applicant has failed to adequately respond to a request under regulation 22 of the Environmental Impact Assessment Regulations 2011 and the local planning authority has no confidence that the required environmental assessment will be provided within a timely manner. As such the application is contrary to the above regulations which require the application to be accompanied by an environmental statement as the LPA does not consider that the submission is adequate in this instance and cannot be called and considered an environmental statement.

Copies to Councillors: Holdich (OBE), Lamb



**APPLICATION
SITE**

LOCATION PLAN 12/01528/FUL
Limesquare Estates, Enterprise Way, Bretton

Scale NTS **Date** 21/11/2012 **Name** AA **Department** Planning Services



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Application Ref: 12/01528/FUL

Proposal: Construction of 2.4m high green palisade fencing

Site: Limesquare Estates, Enterprise Way, Bretton, Peterborough

Applicant: Mr T Webb
Limesquare Vehicle Hire

Agent: Janice Kendrick Design Service

Site visit: 12.10.2012

Case officer: Mr M A Thomson

Telephone No. 01733 453478

E-Mail: matt.thomson@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site forms part of Bretton General Employment Area 2 (GEA 2) as set out within Policy SA11 of the Site Allocations DPD (2012). The site comprises of three industrial buildings (Ashwood, Elmhurst and Oaklea), all of which are currently undergoing refurbishment. The site is screened by a mature landscaping buffer, which runs parallel to Bretton Way. There is a pedestrian footway/cycle path to west behind this landscape buffer, and the East-Coast railway line runs north/south to the east of the site. The site has two vehicular accesses; Enterprise Way (south) and Marholm Road (north).

Proposal

The Applicant seeks retrospective planning permission for the erection of a 2.4m high palisade fence (green).

The reason for the application is to improve security measures and mitigate crime.

History

Referring to the Application forms the palisade fence commenced along the west and north boundary on 15th August 2012, however the Parish state the works commenced in July. However, notwithstanding this the fence has been implemented, and would tie in with a security gate and turning head at Enterprise Way (south), which were approved earlier this year under Planning Applications 12/00859/R4FUL and 12/00653/R4FUL.

2 Planning History

12/00653/R4FUL – Construction of new turning head **Approved 10th July 2012**

12/00859/R4FUL – Security fence **Approved 1st August 2012**

3 Planning Policy

Decisions must be taken in accordance with the development plan polices below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; respond to local character; create safe and accessible environments which are visually attractive as a result of appropriate landscaping. Planning permission should be refused for development of poor design.

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

CS21 - Biodiversity and Geological Conservation

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

Peterborough Site Allocations DPD (2012)

SA11 - General Employment Areas and Business Parks

Within the allocated General Employment Areas and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B8 within the GEAs, classes B1(a) and B1(b) within the Business Parks).

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted, it is at an advanced stage of preparation having been found 'sound' subject to amendment by an Inspector of the Secretary of State. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP02 - Design Quality

Permission will only be granted for development, which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features, which contribute significantly to the local landscape or biodiversity.

4 Consultations/Representations

Network Rail - Eastern

No objections – requested conditions and notes to applicant be attached to ensure the development does not become or pose a risk to safety, operational needs or integrity of the

railway.

PCC Transport and Engineering Services (20.11.12)

No objection

Police Architectural Liaison Officer (18.10.12)

Supports - Police recording systems indicate that in the last 4 years there have been 40 crimes and 139 other incidents requiring police attendance in the Enterprise Way properties during this period.

PCC Landscape Officer (31.10.12)

No objection - Fence has already been implemented and the trees which have been removed were not covered by way of a Tree Preservation Order. A condition should be attached with respect in ensuring a comprehensive landscape scheme is provided.

Local Residents/Interested Parties

Initial consultations: 23

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

Bretton Parish Council have raised the following issues;

- Works undertaken without planning permission;
- Have removed all trees, bushes and shrubbery (200 trees), which has thinned the shelterbelt;
- Impact on wildlife/biodiversity;
- Fence/Industrial buildings visible from Bretton Way and footway;
- Edge of footway now a hard edge;
- The industrial premise is now visible therefore out of character with the area;
- CS20, OB3 (Urban and Rural Character and Distinctiveness) and OB20 (Sites of Environmental Importance) set out to preserve and enhance the setting of local areas, including valued local landscapes and areas of biodiversity value; and
- CS21 seeks to protect wildlife corridors.

5 Assessment of the planning issues

Design and Layout

The palisade fencing stands at 2.4m in height, it is finished in green and abuts the pedestrian footway that runs North/South immediately adjacent to the application site.

The fencing is considered to be appropriate in its form and scale given that the fence surrounds an established employment site. To confirm the established landscape buffer to west screens any predominant views of the fence from passing vehicles using Bretton Way, albeit the fence is visible from the adjacent footway/cycle path. Notwithstanding the fact the fence is visible, the design of the fence is not considered to result in an unacceptably adverse impact on the character or appearance of the area, and is considered to accord with CS16 of the Peterborough Core Strategy DPD (2011), National Planning Policy Framework (NPPF) (2012) and PP2 of the Peterborough Policies DPD (emerging).

Landscape and Biodiversity

The Parish considers the proposal to Policy CS20 of the Peterborough Core Strategy DPD (2011). However, as the site is neither located in the countryside or adjacent to it, this is not the case.

A substantial number of trees and scrub has been removed to facilitate the erection of the fencing. All vegetation, which includes mature trees and shrubs, has been removed and the site is effectively bare.

The Landscape Officer has confirmed that this tree belt was not protected by a Tree-Preservation Order, therefore the Applicants legitimately removed the trees and shrubs. As the application site forms part of a wider green corridor it is considered reasonable to attach a landscaping condition. This condition would ensure a comprehensive scheme be implemented, which shall include native species and shall be maintained for a minimum of 5 years to ensure the scheme takes hold and matures.

The Wildlife Officer has advised that to improve biodiversity connections the fence along the western edge should be raised intermittently by 150mm, which would allow wildlife access through the site to the adjacent landscape buffer.

The Parish emphasise that OB20 states' sites of environmental importance should be protected from inappropriate or harmful development. Whilst the site (before the development) had some biodiversity value, it would not likely to have been significant. The proposed condition would provide for a comprehensive and robust landscaping scheme, which would mitigate the loss of trees on site, and it would rebuild biodiversity opportunities and strengthen the existing green corridor which abuts Bretton Way. Subject to these conditions the proposal would accord with Policies CS20 and CS21 of the Peterborough Core Strategy DPD (2011) and PP16 of the Peterborough Policies DPD (emerging).

Crime

Police recording systems indicate that in the last 4 years there have been 40 crimes and 139 other incidents requiring police attendance in the Enterprise Way properties during this period. The Police Architectural Liaison Officer (PALO) has confirmed this figure is well above the average and accordingly supports this proposal.

As a result of the fence being installed this has created a hard edge to the footway. The existing footway is 4.5m in width with good lines of sight and illumination at night time. The Police Architectural Liaison Officer has not objected to the proposal on this basis. Prior to the fence being implemented the landscaping strips which bounded the footway/cycle way were of such maturity and density that any opportunity to flee through it would be severely limited. It should also be highlighted that the fencing has been erected to deal with a high number of break-ins and other associated crime on the application site. The fence would therefore reduce the number of crime incidents occurring within the locality.

It is considered the proposal would mitigate the impact of crime within the application site and adjacent sites; it would assist in bringing the application site back into use and for the reasons outlined above would not prejudice the pedestrian users of the footway. The proposal is therefore considered to accord Policy CS16 of the Peterborough Core Strategy DPD (2011).

Access and Parking

The proposal fencing has resulted in a gated access onto Marholm Road to the north of the application site. Marholm Road is effectively a dead end, serving the application site and a separate employment area to the north. The gate is located at least 6 metres from the edge of footway, which is considered sufficient for a vehicle to pull clear and prevent any waiting within the Highway.

It should be noted that once the renovation works to the application site have been completed, this access would be used for employees in cars and not LGV or HGV vehicles; these latter vehicles would access the site from the south via Enterprise way. A turning head and gate to Enterprise Way (south) has been approved separately as part of applications 12/00859/R4FUL & 12/00653/R4FUL.

The proposal would not result in a Highway safety hazard and would accord with Policy CS14 of the Peterborough Core Strategy DPD (2011) and PP13 of the Peterborough Policies DPD (emerging).

6 Conclusions

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

- the design of the fence does not result in an unacceptable adverse impact on the appearance, character or visual amenity of the street scene;
- the design of the does not result in an unacceptable adverse impact on neighbouring amenity;
- the proposal does not result in a highway safety hazard and can accommodate sufficient off street parking;
- subject to conditions the proposal would provide a suitable landscaping scheme and measures to improve biodiversity connections within and adjacent to the application site; and
- the proposal would help prevent crime in the area.

Hence the proposal accords with Policy CS16 of the Peterborough Core Strategy (2011), Policy SA11 of the Peterborough Allocations DPD (2012), the NPPF (2012) and Policies PP1, PP2, PP3 and PP13 of the Peterborough Policies DPD (emerging)

7 Recommendation

The case officer recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 Within 2 months of the date of this decision notice a landscape management plan and scheme for the soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include the following details

- Planting plans including species, numbers, size and density of planting
- Maintenance schedules

The soft landscaping scheme shall be carried out as approved no later than May 2013. The management plan shall be implemented in accordance with the details contained therein.

Any trees, shrubs or hedges forming part of the approved landscaping scheme which would include any landscaping that die, are removed, become diseased or unfit for purpose [in the opinion of the Local Planning Authority] within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers, or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policy CS21 of the adopted Peterborough Core Strategy DPD and Policy PP16 of the Peterborough Policies DPD (emerging).

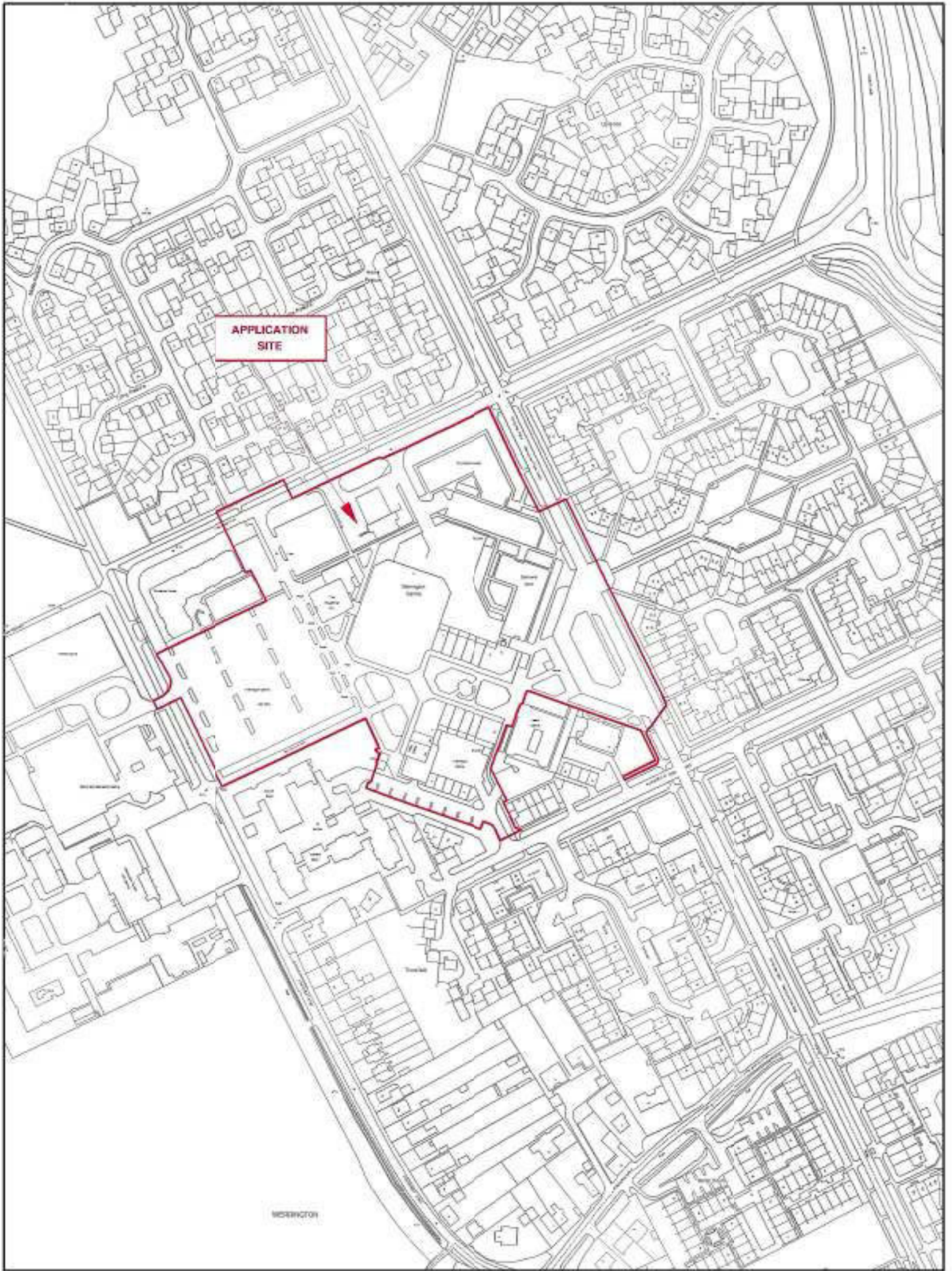
- C 2 Within 2 months of the date of this decision notice a wildlife mitigation plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include methods on how to improve the permeability of the site for wildlife. Thereafter the approved mitigating works shall be implemented in accordance with the approved details, to the satisfaction of the Local Planning Authority, and retained in perpetuity.

Reason: To improve biodiversity connections in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and PP16 of the Peterborough Policies DPD (emerging).

- C 3 If any excavations, piling or buildings are to be located within 10 metres of the railway boundary, a method statement shall be submitted to and approved in writing by the Local Planning Authority setting out how the proposed development would not affect the Western embankment adjacent to the railway. The method statement shall be submitted prior to the commencement of any works within 10 metres of the railway boundary, and shall thereafter be carried out in accordance with the approved details, including any mitigation deemed necessary by the Local Planning Authority.

Reason: To protect the integrity of the railway in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011).

Copies to Councillors Fitzgerald, Martin, Sylvester



LOCATION PLAN 12/01543/WCPP

Werrington Centre, Staniland Way, Werrington, Peterborough

Scale NTS Date 22/11/2012 Name AA Department Planning Services



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Application Ref: 12/01543/WCPP

Proposal: Revised application for regeneration of the Werrington Centre, comprising demolition and alteration of existing buildings including erection of new supermarket, shop units and public house, alterations to car park and access, together with landscaping and other ancillary works including off site highway works, new roundabout at the junction of Davids Lane and Staniland Way Specifically variation of Condition 1 of 11/01582/NONMAT (approved drawings/documents) and C21 of 08/01471/FUL (off site highway works) and removal of conditions C3 (details of contamination - petrol station), C4 (contamination), C7 (tree protection), C8 (tree specification), C9 (arboriculture method statement), C15 (acoustic barrier), C22 (visibility splays) and C29 (service yard management plan) of 08/01471/FUL (part retrospective)

Site: Werrington Centre, Staniland Way, Werrington, Peterborough

Applicant: Tesco Stores Limited
Agent: Savills L&P Ltd

Referred by: Head of Planning, Transport and Engineering Services
Reason: Impact of development on surrounding area
Site visit: 25th October 2012

Case officer: Andrew P Cundy
Telephone no: 01733 453470
E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: **GRANT** subject to S106 and relevant conditions

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

Description of the site

The application site forms part of the Werrington Centre. Located in the north of Peterborough, it is the smallest of five District Centres which serve the city.

The application area comprises a number of different buildings and uses.

The eastern part of the site is characterised by single storey retail units, including a 2845 square metre supermarket (now occupied by Tesco), a public house, a petrol filling station and a two storey office building (Olympus House) which has its own parking area comprising 44 spaces. An additional 26 space car parking bay lies to the south of the retail units. At the rear (further east) of the retail units is a bus lay-by accessed from Goodwin Walk and a dedicated bus lane. Within the western part of the site there are two retail car parks comprising of 335 spaces and another two storey office building (Sundance House) with its own 49 space parking area. Access to Sundance and Olympus House, the car park and the petrol filling station is from Staniland Way.

To the south of the application site but still within the District Centre boundary are a dental surgery, health centre, a small parade of retail units and a terrace of four dwellings. Access to them is from Skaters Way. Residential properties outside of the District Centre are located on the southern side of Skaters Way and immediately to the south west of the application site. The properties to the south west are blocks of flats owned by Minster Housing Association.

To the west of the application site and separated from it by Foxcovert Walk footpath/cycleway, are a library, sports centre and the Ken Stimpson Community School. The library and sports centre form part

of the District Centre. These facilities have no separate parking areas. School staff and visitors use the Werrington Centre car park and the newly created 100 space community car park adjacent to the bowling green. Delivery access to the school is via Staniland Way.

There are dwellings to the north of the Centre, on the other side of Staniland Way and to the east on the other side of Goodwin Walk.

Proposal

Under planning application ref: 08/01471/FUL planning permission for regeneration of the Werrington Centre comprising demolition and alteration of existing buildings including removal of petrol filling station, erection of new supermarket, shop units and public house, alterations to car park and access, together with landscaping and other ancillary works (including off site highway works, new roundabout at the junction of Davids Lane and Staniland Way) was granted by members of the Planning and Environmental Protection Committee on 12th June 2009. As part of the planning permission there was a Section 106 agreement that provided for a contribution towards a community car park, a contribution towards public art within the Werrington Centre, a contribution towards bus stop upgrades including provision of real time information boards to provide increased public transport facilities for visitors to and from the development, a contribution towards CCTV provision within the centre and a travel plan and associated monitoring fees.

This revised scheme before committee has been devised to enable the retention of the petrol filling station (PFS) and to facilitate the latest store design. There are no proposed changes to the PFS and it will remain as it is. The consented scheme showed the area occupied by the filling station as the new service yard to the main store and also as some car parking. Keeping the PFS has resulted in the need to identify a new location for the service yard and this has been re-sited to the rear of the PFS, between the PFS and new store and further away from the nearby dwellings. The access to this yard will be from a new access road running down the western boundary of the PFS. The service yard will still provide a 3.5 metre high acoustic barrier in order to minimise any disturbance from noise. Re-siting the service yard has resulted in a change to the shape of the building footprint but in terms of the floor area this remains the same at 7,014 sq. metres. More significantly the applicant has relocated the entrance to the store to face onto the new piazza rather than the main car park. The position of the store in relation to Goodwin Walk has been set back a further 3 metres than the consented scheme. The proposed roof height will be the same apart from some elements which will project above the main roof line such as the ten windcatchers which is an integral part of the buildings ventilation system. The wind catchers will project 3 metres above the roof and are between 1.7 and 2 metres wide depending whether they are viewed from Goodwin Walk or from the side.

As a consequence of keeping the PFS, there will be a reduction in car parking compared to the approved scheme.

Consented Car Parking			Revised Scheme		
Main car park	Community car park	Other car parking within district centre	Main car park	Community car park	Other car parking within district centre
537	100	136	400	100	136
	Total	773		Total	636

The table above shows that there are now proposed to be 137 less car parking spaces than the consented scheme.

Since the previous application Tesco have taken the opportunity to introduce design features into the building to enhance its sustainability. The use of external finish materials such as timber cladding will be the most significant change as it will replace the red terracotta tiles that were originally proposed.

Out of the 223 trees within the application site 95 (of which 2 are of grade A quality) are proposed to be removed to facilitate the proposed development and a further 39 are proposed to be removed on arboriculture grounds i.e. poor and declining health. The landscape proposals include the planting of 75 semi-mature and advanced nursery stock trees and 4 mature multi stem shrubs. In comparison the consented scheme indicated that 82 trees would be removed.

The remainder of the scheme i.e. the pub/restaurant, shop units are unchanged from the existing scheme.

The proposal also seeks to vary condition 21 (off site highway works) and discharge condition 3 (details of contamination - petrol station), condition 4 (contamination), condition 7 (tree protection), condition 8 (tree specification), condition 9 (arboriculture method statement), condition 15 (acoustic barrier), condition 22 (visibility splays) and condition 29 (service yard management plan) Please see appendix 1 for full wording of these conditions.

2 Planning History

Reference	Proposal	Decision	Date
08/01471/FUL	Resubmission of Phase 1 of the regeneration of the Werrington Centre, comprising demolition and alteration of existing buildings including removal of petrol filling station, erection of new supermarket, shop units and public house. Alterations to car park and access, together with landscaping and other ancillary works (including off site highway works, new roundabout at the junction of Davids Lane and Staniland Way)	Permitted	12/06/2009
10/00730/R3FUL	Construction of community car parking with new vehicular access	Permitted	14/09/2010
11/01582/NONMAT	Non material amendment to insert additional condition listing approved drawings to planning application 08/01471/FUL, - Re-submission of Phase 1 of the regeneration of the Werrington Centre, comprising demolition and alteration of existing buildings including removal of petrol filling station, erection of new supermarket, shop units and public house. Alterations to car park and access, together with landscaping and other ancillary works (including off site highway works, new roundabout at the junction of Davids Lane and Staniland Way)	Permitted	28/10/2011
12/00648/NONMAT	Non-material amendment to wording of original conditions to allow the demolition of the toilet block in advance of the discharge of the conditions and to allow the development to take place in phases - planning application 08/01471/FUL dated 12/06/2009 - Phase 1 of the regeneration of the Werrington Centre, comprising demolition and alteration of existing buildings including removal of petrol filling station, erection of new supermarket, shop units and public house. Alterations to car park and access, together with landscaping and other ancillary works (including off site highway works, new roundabout at the junction of Davids Lane and Staniland Way)	Permitted	17/05/2012

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (NPPF)

Section 1 - Economic Growth

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

Section 6 - Presumption in Favour of Sustainable Development

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated.

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 8 - Safe and Accessible Environments

Development should aim to promote mixed use developments, the creation of strong neighbouring centres and active frontages; provide safe and accessible environments with clear and legible pedestrian routes and high quality public space.

Section 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Peterborough Core Strategy DPD (2011)

CS10 - Environment Capital

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

CS14 - Transport

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

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The policy states that the district centres which are priorities for regeneration, including environmental improvements are Millfield, Orton (phase 2) and Werrington

CS16 - Urban Design and the Public Realm

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

CS20 - Landscape Character

New development should be sensitive to the open countryside. within the Landscape Character Areas development will only be permitted where specified criteria are met.

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted, it is at an advanced stage of preparation having been found 'sound' subject to amendment by an Inspector of the Secretary of State. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, daylight, opportunities for crime and disorder, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution.

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

Peterborough Local Plan (First Replacement) (2005)

T9 - Cycle Parking Requirements

Requires development to provide high quality off street cycle parking.

T10 - Car and Motorcycle Parking Requirements

Indicates that planning permission will only be granted for car and motor cycle parking outside the city centre where it is in accordance with the standards set out in the Local Plan.

T11 - Motorists with Mobility Difficulties

Requires development to provide disabled spaces in accordance with the standards set out in the Local Plan.

DA12 - Light Pollution

States that Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

LNE9 - Landscaping Implications of Development Proposals

Requires development to make reasonable provision for the retention and protection of trees and other natural features that make a positive contribution to the local environment and provides adequate provision of landscaping as part of the new development.

LNE10 - Detailed Elements of Landscaping Schemes

Indicates that the City Council will require a landscaping scheme suitable for the type of development proposed including provision for the future protection and management.

U1 - Water supply, Sewage disposal and Surface water drainage

Requires the provision of adequate water supply facilities are provided which would not be detrimental to the environment.

Community Infrastructure Levy (CIL) Regulations 2010/

Planning Obligations

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

It is also good practice to ensure that any obligation is also relevant to planning and reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

4 Consultations/Representations

Internal Consultees

Archaeological Officer – No objection - The proposals appear to have no implications for the archaeology.

C.C.T.V. - No comments received

Drainage Team - No objection - We would expect to see Sustainable Drainage Systems (SUDS) methods used wherever possible for managing flood risk. The site should be able to attenuate flow and, where possible, provide infiltration to ground water.

Pollution Team – No objection

Noise – Condition so that there are no deliveries or service yard activities to take place between 23:00 hours and 07:00 hours and that reversing alarms are not to be used during these hours. Noise levels from fixed plant, the compactor and CHP are not known at this stage, the applicants noise report advises that mitigation, for example using louvre walls or attenuator, may be required in order to reduce the cumulative level from such equipment to the cumulative rating noise limits of 35 dB at the dwellings in the vicinity of the store.

Construction – Recommends a condition requiring a construction management plan to control dust and general nuisance.

Contamination - A condition should also be imposed that requires the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment.

Lighting – A condition should be imposed to insure that lighting does not exceed the obtrusive light limitations for sky glow, light into windows and building luminance.

Air pollution – A condition required in relation to CHP to enable assessment of emissions associated with the plant.

Cooking ventilation – A condition should be imposed requiring details of the nature and location of filtration equipment to ensure that all steam and cooking fumes are suitably filtered to avoid nuisance from, smell, grease or smoke.

Rights of Way Officer - No comments received – (Notwithstanding does not impact on any right of way)

Landscape Officer - No objection

Trees - The trees identified for removal are fairly non-descript, don't provide for a green or leafy environment and fail to enhance the area in terms of sense of scale. The only trees of note being the 2 Eucalyptus in the centre (which are unsustainable due to their age) and the group of Silver Maples near the existing bus stop which are worthy of retention and prefer to see retained

Happy that Condition 8 can be removed. Conditions 7 & 9 need to remain however as insufficient information has been provided in a cohesive manner that shows how the applicant will protect the retained trees.

Landscaping - With the current lack of scale in terms of existing trees it is considered that there is the opportunity here avoid making the same mistake again. The proposed Prunus trees in the middle of the car parking area are too small at mature size and they should be exchanged for something that would be more appropriate in such a large open area such as Alder or Lime. Bigger species would offer shading benefits in summer and provide some shelter from wind and rain in the winter.

Neighbourhood and Empowerment Section - No comments received

Passenger Transport – No objection - The current stop location is not on highway land and needs to be moved to Goodwin Walk. The best thing to do is for the shelter to be relocated on Goodwin Walk, on the northbound side. Our requirements will then be that both the stops, northbound and southbound are upgraded.

Transport and Engineering Services – No objection

Off site highway improvement works – these are as previously approved under 08/01471/FUL – A new roundabout at the junction of David's Land with Staniland Way – Two zebra crossings – bus stop improvements in Goodwin Walk – Passenger transport improvements. Our Highway colleagues have been involved in the design of the junction improvements and are satisfied with the scheme proposed.

There are some minor layout issues that have arisen and they have been brought to the attention of the agent to resolve. Members will be updated of the outcome of this at Committee

Car parking – The applicant surveys have demonstrated that the proposed parking spaces will be adequate for the proposed Tesco store along with the other uses

Waste Management - No comments received

External Consultees

Anglian Water Services Ltd - No comments received

DEFRA - No comments received

EDF Energy - No comments received

Environment Agency – No objection

Fire Community Risk Management Group - No comments received

National Planning Casework Unit - No comments received

Opportunity Peterborough - No comments received

Peterborough Local Access Forum - No comments received

Refuse And Recycling - No comments received

Police Architectural Liaison Officer – No objection – Subject to Lighting, CCTV and Landscaping conditions the recent changes to the scheme has not raised any new problems.

Stagecoach - No comments received

Travel Choice - No comments received

Councillors

Councillor P Thacker – No objection – Asks whether there will be a right and left hand side toilet for the disabled and will they have a supply of wheelchairs in store, for people to use

Werrington Neighbourhood Council

Proposed car parking and circulation route - It is critical that this works both for the store and for the other uses in the centre, particularly the drop off and pick up from the school. The total number of spaces has been significantly reduced. Concerned that just 67 extra spaces above the current provision will be insufficient to cope with a store three times bigger than the current floor spaces and at peak times congestion will deflect parking and school traffic to unacceptable locations/routes.

The Neighbourhood Council argue that those people who currently shop on foot or on bike are going to switch to cars because they will do a bigger shop. Concerned that the under provision of parking for the two office buildings will put more pressure on the main car park. The Council note there is only one circulation route through the car park and a single entrance/exit. Concerned that if there is a blockage at the peak periods tail backs will arise. Part of the car park is not well linked in and is on a spur. This may result in it being underused and make matters worse.

The Neighbourhood Council are requesting a left only link from the main car park to access the community car park

David's Lane Junction - Consider there to be insufficient deflection at the roundabout for traffic travelling south on David's lane. We are worried that traffic will not stop and this will create a new accident hazard.

Loss of trees – To get the car parking in a substantial planting belt along the path down from the school/sports centre has been lost. This brings the adjacent residents closer to the parking. This represents a loss of amenity for them from additional disturbance. WNC ask whether Tesco would be willing to plant a corresponding number elsewhere if sites were found in say Cuckoo's Hollow

Loss of pub and refurbishment of existing retail units - Substantial public criticism that the pub will be lost and not replaced in the first phase and that there is no timetable submitted for refurbishment of existing retail units.

24hr opening – Have never been happy with the potential for 24hr opening and are against the sale of alcohol outside standard trading hours

Local Residents/Interested Parties

Initial consultations: Letters sent to the owner/occupiers of 369 houses, an exhibition was held at Ken Stimpson School on 25th October 2012, site notices were erected around the site and a press notice was placed in the Evening Telegraph. Tesco also put the plans on display in the post office.

62 representations have been received, 48 objections and 12 in support. The main reasons for objections are as follows: (2 of the representations were comments that neither expressed objections to the proposal nor supported it)

HIGHWAYS

- Inadequate highway infrastructure proposed for the increased traffic generation: specific comments were made about the unsuitability of the location of the new roundabout that the construction of a roundabout at Davids Lane/ Stainland Way is wrong. Residents argue that a roundabout should be at the end of David Lane onto A15, with David Lane/Stainland Way closed.
- Also specific highway concerns were raised in relation to the goods transportation associated with the Tesco.com distribution centre aspect of the development. Residents argue that the Werrington Centre is not the appropriate place to locate a Tesco.com distribution centre because of vehicles bringing goods in / out and general traffic.
- Need for sufficient transport links: bus service is needed to allow people whom don't have cars (specifically people from Gunthorpe, old Werrington and the city centre) to access Werrington centre.
- Increase in traffic will pose:
 - Pedestrian safety issues.
 - A danger to the elderly residents of the nearby sheltered housing, many of whom use mobility scooters.
 - A danger to cyclists.

IMPACT ON LOCAL BUSINESSES

- Closure of local businesses: inability of local businesses to compete with Tesco.
- Closure of the local pub, the Ploughman: many people consider that the closure would have significant detrimental impacts on the community and their social activities. Many people expressed the opinion that efforts should be made to retain the pub in its existing location.

STORE

- The size of the proposed store is too large and not necessary: the existing store is adequate. New retail outlets and the supermarket at the Brotherhood Park and the proposed supermarket at Van Hague will provide Werrington residents with sufficient retail outlets nearby.
- Light pollution.
- Noise: desirable to have noise restrictions in force in the service yard between the hours of 2300 and 0700 as per the existing restrictions on the petrol station.
- Opening hours.
- Not enough parking.

IMPACT ON LOCALITY

- Werrington needs to retain its character and not become 'a soulless, boring same-as-any-other locality'.
- Proposal would result in the loss of the 'village atmosphere'.
- Efforts should be made to improve the existing amenities rather than build new store.
- Intensified use

ENVIRONMENTAL AND HERITAGE

- Environmental impact.
- Damage to listed buildings.

OTHER

- Litter.
- Sets precedent.
- No forward plans for the non-Tesco shop units.
- Concern over implications of Police station being on land owned by Tesco.
- Concern over who will provide the 'Public Realm' area as this is shown as being provided by 'others': questions on who will pay for this work and when it will be completed.

- Against local and government policy: specifically, the Localism Act 2011.
- Inadequate consultation.

The main reasons for support are as follows:

- The centre needs updating and regenerating.
- The proposal offers a better shopping experience: increased choice; better layout and design features; car parking and retention of petrol station.
- The store entrance facing the piazza will create a sense of place, restoring the vibrancy of the area and helping support the other businesses.
- Better lighting.
- Improved CCTV.
- Job creation.

5 **Assessment of planning issues**

Background:

Planning permission for the provision of an enlarged food store (7014 sq metres), car parking and the provision of a new shop units including pub/restaurant was granted by members of the planning and environmental protection committee on the 12th June 2009. The consent was subject to a S106 agreement which required amongst other things the provision of a community car park. Permission for the construction of a 100 space community car park on land adjacent to Werrington Bowling Green was granted in September 2010 and has since been provided.

During the consideration of the original planning application a number of representations were received from local councillors and residents relating to the proposed loss of the petrol filling station.

This subject application has been devised to enable the retention of the petrol filling station (PFS). Keeping the PFS has resulted in the need to identify a new location for the service yard and this has been re-sited to the rear of the PFS, between the PFS and new store. Re-siting the service yard has resulted in a change to the shape of the building footprint but in terms of the floor area this remains the same at 7,014 sq. metres. In addition the developer has taken the opportunity to relocate the entrance to the store to face onto the new piazza rather than the main car park. To facilitate these changes the applicant has had to reduce car parking numbers.

The key planning issues are set out under headings below.

Principle of Development

National planning policy relevant to the proposals is now contained in the National Planning Policy Framework (NPPF) which replaces the various Planning Policy Guidance Notes (PPG's) and Planning Policy Statements (PPS) that were relevant to the consideration of the original application. In addition the Peterborough Core Strategy and Site Allocations DPD have since been adopted and replace many of the policies within the Peterborough Local Plan which again were relevant to the consideration of the original application.

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

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

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

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

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

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

In 2009 Members granted planning permission for a 7,014 sq. metre food store on this site. This application is for variation to the layout of that consent and not an alteration to the principle of a food store or size of food store.

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

- provide for new investment and redevelopment of an under used district centre
- improve convenience/comparison offer for those living in the Werrington Area
- reduce the number of trips to other centres or shopping areas
- provide for additional new employment
- contribute towards triggering regeneration within the district centre

It is considered that the proposal would indeed support sustainable economic development and conform to the thrust of national planning policy.

Concern has been raised about the closure of the local pub, the Ploughman. Many people consider that the closure would have significant detrimental impacts on the community and their social activities. Many people expressed the opinion that efforts should be made to retain the pub in its existing location. In 2009 members decided that the benefits of regeneration of the district centre outweighed the loss of the local pub. This element is unchanged from the consented scheme.

Highways and Access

As per the previously approved scheme, the Local Highway Authority considers that the site is able to accommodate the additional traffic flow that would be generated by the proposed development. To enable safe access to the site by all transport modes the following are required to be secured:-

- the provision of a roundabout on the junction of David's Lane and Staniland Way
- the provision of 2 zebra pedestrian crossings, one on Staniland Way and one on Goodwin Walk
- Bus stop improvements on Goodwin Walk
- Passenger transport improvements

The provision of a roundabout on the junction of David's Lane and Staniland Way is considered will improve both traffic flow and the accident severity at this junction. In the past 5 years there have been 21 collisions, 20 of which involved vehicles turning right from Staniland Way onto David's Lane colliding with vehicles travelling along David's Lane. National statistics show that generally the portion of fatal accidents at roundabouts, are less than half of those of all other junction accidents. Our Highway colleagues have been involved in the design of the junction improvements and are satisfied with the scheme proposed.

The provision of two pedestrian crossings one on Staniland Way and the other on Goodwin Walk are considered to be acceptable and would improve access to the Werrington Centre by visitors travelling on foot or by bicycle.

The Werrington District Centre is well served by buses, with 4 bus routes serving the centre via Goodwin Walk, which is a bus only route. The frequent No.1 and 406 services combine to provide 8 services per hour, with the No.1 service providing approximately 6 services per hour on its own.

The existing bus turn around area currently provided within the centre is to be removed and replaced with new bus stop facilities to be provided on either side of Goodwin Walk. The new bus stops will have shelters and real-time passenger information boards.

A travel plan is to be secured to help encourage the staff of the supermarket to think about how they travel to work and to explore more sustainable travel modes than the car if they are feasible.

There are some minor layout issues that have arisen and they have been brought to the attention of the agent to resolve. Members will be updated of the outcome of this at Committee.

Therefore in Highway terms access to the site is acceptable subject to securing the necessary highway improvements works, and the encouragement of more sustainable travel modes through the improvements to bus stops, pedestrian crossings and travel planning process. This is considered to be in accordance with Policy CS14 of the Core Strategy and Policy PP12 of the Planning Policies DPD.

Design, Layout and Car Parking

Design/Layout

The proposed revised layout retains the basic form of the Werrington Centre as currently exists; the car park remains within the western part of the site and the built elements within the eastern part. The office buildings, Sundance and Olympus Houses, are retained.

It is proposed that the area between the new store, public house and retained retail units would form an area of public open space with landscaping and cycle stands. This area has been designed to create a strong focal point with a distinct character which will help revamp and regenerate the centre. This is unchanged from the approved scheme. The proposed repositioning of the entrance to front the square will enhance the focal point further. In design terms, the basic layout of the site and the inclusion of a new area of public open space is considered to be acceptable.

The applicant has indicated that the new store would be covered with timber cladding with an aluminium roof.

The proposed roof height of the store will be the same as the approved design apart from some elements which will project above the main roof line such as the ten windcatchers. The wind catchers will project 3 metres above the roof and are between 1.7 and 2 metres wide depending whether they are viewed from Goodwin Walk or from the side. Concerns have been raised that the design of proposed buildings would be out of keeping with the surrounding area which is residential in character. The site is, however, part of the District Centre which has a very different function to the neighbouring residential properties. As such, and in order to promote its District Centre function, it is considered appropriate for these buildings to be of a different design.

The proposed new buildings would be contemporary which will help update the centre and, in turn, promote its regeneration.

Security

The Police Architectural Liaison Officer has not raised any objections to the proposal subject to appropriate lighting and CCTV provision. It is considered that these matters can be satisfactorily addressed via a condition on any planning permission or through the associated planning obligation.

Parking

As a consequence of keeping the PFS, there will be a reduction in car parking compared to the approved scheme but an increase on the existing provision.

Existing Car Parking			Consented Car Parking			Revised Scheme		
Main car park	Other car parking within district		Main car park	Community car park	Other car parking within district	Main car park	Community car park	Other car parking within district
335	119		537	100	136	400	100	136
	Total	454		Total	773		Total	636

The table above shows that there are now proposed to be 137 less car parking spaces than the consented scheme but 182 more than existing.

Concerns have been raised that this parking provision would be insufficient to meet the needs of the development. The applicants Transport Assessment and revised parking surveys indicate that the revised development will have enough car parking capacity. Recent parking surveys confirm that all car parks are well used and that at peak times the car park including the new community car park is at 71% capacity. Taking into account the revised proposal and the alterations to the parking provision this level will increase to a peak of 88%. This relates to one 15 minute period between 15.00-15.15. The rest of the time occupancy will be between 62% and 81% capacity. This indicates that most of the time there will have spare capacity of between 19-38%. The Council's highway engineers are satisfied with the the survey and its conclusions. Werrington Centre is in a sustainable location and is accessible by range of transport. A condition requiring the production of a Travel Plan for staff is recommended to promote sustainable transport choices.

The submitted transport assessment identified that on average approximately 100 spaces per week day are being taken up by users of the school and the community facilities. Given the concern expressed over the potential loss of available parking for these facilities, Members at their February 2009 Planning and Environmental Protection Committee accepted from the developer a contribution towards the provision of an off site car park for these users. The car park has been built and the developer is required to pay for this work prior to construction of the store starting on site. The contribution will be incorporated into the Section 106 Planning Obligation.

Design of build environment for full accessibility

Concern has been raised as to whether the supermarket will be fully accessible. Tesco advise that only one disabled toilet is planned at the moment as that is what is required by the DDA. Tesco add that they are happy to liaise with appropriate groups/organisation to identify where the store layout can be amended to accommodate alteration such as this and that the time to do this is when the detail design is undertaken which will be following the appointment of a contractor to build the store. Officers normally expect to see an accessible WC close to the restaurant and entrance. In addition, an accessible WC is required in the staff areas adjacent to the other staff toilets. This would be a compliant provision unless anyone on the shop floor needs to travel more than 40m or so to get to the customer toilet, in which case another one may be necessary. If this were the case, with 2 customer toilets, we would advise that they be handed. A single accessible customer WC should be 2.2m x 2.0m. An informative is attached advising the applicant of these building control requirements.

In addition 20 disabled spaces are proposed in the main supermarket car park, 6 located to the eastern part of the car park so that they are available for the users of the sports centre and library and 16 located close to the store entrance. This complies with the guidance in the DPD, which requires 4 spaces + 4% of total capacity. The proposed parking provision also includes parent and child spaces and spaces for motorbikes.

Impact on Neighbouring Amenity

Impact of Buildings

The proposed new store would be some 62.5 metres in length adjacent to Goodwin Walk. The roof height would range from some 7.2 metres at the eaves to some 10 metres at the highest part of the roof. The new store would be located approximately 28 metres from the nearest neighbouring residential properties on Crowhurst (an additional 3 metres separation when compared to the consented scheme).

Whilst it is accepted that the new store would be a substantial building, in view of the separation distance and the proposed roof design it is not considered that it would have an unacceptable overbearing impact upon the neighbouring residential properties. Neither is it considered that there would be any unacceptable adverse impact upon daylight or loss of sunlight to the nearest properties.

The massing of the unit containing the proposed public house/ new retail store would be significantly smaller. It would also be considerably lower in height. As such it is not considered that this building would have any unacceptable adverse impact upon the amenity of the neighbouring residents.

The application proposes to place the new Public House adjacent to Goodwin Walk. A Noise Assessment submitted as part of the application concludes that its location should not have any significant adverse impact upon the amenity of the nearest neighbouring residents.

Delivery Yard and Associated Noise

Keeping the PFS has resulted in the need to identify a new location for the service yard and this has been re-sited to the rear of the PFS, between the PFS and new store. The access to this yard will be from a new access road running down the western boundary of the PFS. This yard would be of sufficient size to accommodate two delivery vehicles at any time. The service yard will still provide a 3.5 metre high acoustic barrier in order to minimise any disturbance from noise.

The Noise Assessment submitted with the application concludes that with an appropriate noise barrier there would not be any significant adverse impact upon the amenity of the neighbouring residents. On the basis of the information which has been provided, it is considered that the activities in the service yard could be managed in an acceptable way without significant adverse impact upon the amenity of the neighbouring residents.

The proposed delivery hours would be limited to 7am to 11pm Mondays to Saturdays and 9am to 5pm on Sundays and Bank Holidays. A management plan for the delivery area will be required to ensure that the creation of noise from the area is kept to the minimum.

Delivery access to the proposed public house would be via Goodwin Walk as per the approved scheme. It is not anticipated that a large number of deliveries would be required and as such it is not considered that there would be any significant adverse impact upon the amenities of the neighbouring residents.

Opening Times

In order to allow the future supermarket operator, Tesco, maximum flexibility the applicant is seeking agreement to the potential for 24 hour opening i.e. no planning control on the hours of opening. Tesco has advised, on the basis of experience at its other sites that only 3% of its trade comes from the night time period. Given this relatively low level it is considered that the potential for noise and disturbance is limited. The potential for 24 opening hours is therefore, on balance, accepted. For information there are no controls over the existing store or consented scheme.

Landscape Impacts

There is some existing landscaping within the application site, generally in the form of raised beds. This planting is, however, considered to be limited amenity value. Its loss is therefore accepted in principle, in order to facilitate the wider redevelopment of the centre.

Of greater amenity value are the existing trees specifically those along the northern, eastern and western boundaries of the site. Out of the 223 trees within the application site 95 (of which 2 are of grade A quality) are proposed to be removed to facilitate the proposed development and a further 39 are proposed to be removed on arboriculture grounds i.e. poor and declining health. The landscape proposals include the planting of 75 semi-mature and advanced nursery stock trees and 4 mature multi stem shrubs. In comparison the consented scheme indicated that 82 trees would be removed.

It is not considered that the proposal would have any significant adverse impact upon the northern and eastern boundaries of the site. The Arboricultural Assessment submitted with the application concludes that some tree removal adjacent to Goodwin Walk will be required in order to accommodate the new building. The Assessment does, however, identify opportunities for the replanting of most of these trees. It also concludes that there would be sufficient distance between the proposed new foodstore and these street trees. Appropriate protection measures would be required during the construction period.

Miscellaneous

Drainage/Flood risk

The application site is located within Flood Zone 1 where there is 'low probability' of flooding, as detailed on the Environment Agency's Flood Zone Maps.

Anglian Water raised no objection to the consented scheme subject to a number of informative statements

Notwithstanding, in line with comments from the drainage team a condition is recommended requiring a scheme of foul and surface water drainage. Officers will expect to see Sustainable Drainage Systems (SUDS) methods used for managing flood risk.

Contamination

An assessment of the site, excluding the existing petrol filling station (as it has been retained), has been submitted with this application. This concludes that the risk of contamination is low. The Council's Environmental Health Section has raised no objection. Notwithstanding a general condition requiring the reporting and remediation of any previously unidentified contamination which may be uncovered during development is recommended.

Archaeology

The site has been heavily disturbed by past development. It is considered that the proposed works are unlikely to affect significant archaeological remains.

Listed Buildings

The nearest listed buildings are on Church Street, Werrington. The proposed redevelopment will not impact on these listed building which are over 650 metres away.

Impact on local business

Consent has already been granted for redevelopment of the Werrington Centre. It is not considered that the changes outlined in this report will impact on local business. The proposed development will revamp and regenerate the centre improving prospects for other businesses. It is considered that by repositioning the entrance to store and retaining the petrol filling station will enhance the sense of place and retain/improve the offer for those living in the Werrington Centre.

Transport links

The proposed development will retain existing transport links. It is considered that the requirement for the applicant to provide a travel plan and contributions towards bus stop upgrades including provision of real time information boards will provide increased public transport facilities for visitors to and from the development and will thus help promote sustainable transport choices.

Light pollution

A condition is recommended to ensure that is designed to protect the amenity of local residents and highway safety. This accords with advice from the pollution control team and policies CS16 and CS14 of the adopted Peterborough Core Strategy DPD.

Store too large/not needed

Consent has already been granted for a 7,014 sq metre supermarket. There is no change proposed to the size of the previously approved store.

S106 Planning obligation

Policy CS13 of the Peterborough Core Strategy DPD requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

In approving the consented scheme members agreed the following contributions

- £177,000 contribution towards provisional additional off site community car park
- £50,000 contribution towards public art within the Werrington Centre
- £50,000 contribution towards bus stop upgrades including provision of real time information boards to provide increased public transport facilities for visitors to and from the development.
- £125,000 contribution towards CCTV provision within the centre
- Travel Plan including £1000 per annum for 5 years monitoring payment to allow the traffic implications of the development to be assessed.
- 2% Monitoring fee

Taking on board the changes proposed to the consented scheme, specifically that there has been no change in the size of store, it would be unlawful for officers to renegotiate the S106 requirements as no further mitigation from the impact of the development is required. The only difference is that the community car park has been constructed so the £177,000 would off set the costs that the council has already incurred on this project.

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:

- a) The principle of retail development is considered to be acceptable in accordance with Policy CS15 of the adopted Peterborough Core Strategy and the National Planning Policy Framework
- b) The highways impacts arising from the proposed development can be acceptably mitigated. The proposal is therefore acceptable in terms of highway safety and convenience. The site is also a sustainable location accessible by a range of transport modes and a Travel Plan will be secured. As such the proposal accords with policy CS14 of the adopted Peterborough Core Strategy
- c) The proposed car parking provision is acceptable in accordance with policy CS14 of the adopted Peterborough Core Strategy
- d) Although the design of the proposed new buildings would be different from the surrounding residential dwellings this distinction is considered to be appropriate given the District Centre function of the site. The design details are also acceptable. As such the proposal is considered to accord with policy CS16 of the adopted Peterborough Core Strategy
- e) Given the proposed mitigation measures (e.g. noise management plan) it is considered that the development can be satisfactorily accommodated without significant adverse impact upon the amenity of the neighbouring residents. The proposal therefore accords with policy CS16 of the adopted Peterborough Core Strategy
- f) The proposed layout allows for the protection and retention of higher quality trees on the boundaries of the site. A detailed landscaping scheme will also be submitted. The proposal therefore accords with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- g) The community needs arising from the development would be met by the planning obligation in accordance with policy CS13 of the adopted Peterborough Core Strategy

9 RECOMMENDATION

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

- reference to Government Office as a Retail proposal under the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993;
 - the completion of a Section 106 Planning Obligation in respect of a financial contributions towards - payment for the existing community car park - public art - bus stop upgrades - a travel plan - travel plan monitoring contribution - CCTV provision – monitoring fee
 - the following conditions:
- C 1 The development hereby approved shall be carried out in accordance with the following approved details:-
- Plan/Drawing 60809 LP03
 - Plan/Drawing 6809 P100 Rev. B
 - Proposed Site Layout 6809 P101 Rev. L
 - Proposed Site Sections 6809 P102
 - Proposed Elevations 6809 P103 Rev. B
 - Roof Plan 6809 P104 Rev. C
 - Plan/Drawing 6809 P105
 - Section Drawings 6809 P106 Rev. B
 - Proposed Elevations 6809 P107 Rev. E
 - Plan/Drawing 6809 P112 Rev. A
 - Plan/Drawing 6809 P113 Rev. A
 - Plan/Drawing 6809 P115 Rev. A

Plan/Drawing 6809 P119 Rev. B
 Plan/Drawing 6809 P190 Rev. B
 Plan/Drawing 6809 P191 Rev. B
 Plan/Drawing 6809 P192 Rev. B
 Plan/Drawing 6809 P193 Rev. B
 Plan/Drawing 6809 P194 Rev. B
 Plan/Drawing 6809 3D Views
 Plan/Drawing P047-110 D
 Plan/Drawing P047-112 E
 Plan/Drawing P047-121 E
 Plan/Drawing P047-123 F
 Plan/Drawing P047-124 G
 Plan/Drawing Section Details A1, 13
 TRN10713 - 101
 TRN10713 – 104
 TRN10664 – 06 17 Rev C
 TRN10664 – 06 18 Rev D
 TRN10664 – 27
 Landscape Details 1324-01
 Landscape Details 1324-02 Rev. C
 Plan/Drawing 1324-08 Rev. B
 Revised Noise Report
 Revised Technical Briefing note in respect of Air Quality
 Phase 1 Habitat Survey
 Bat Survey
 Re Addressed Phase 2 Environmental Report
 Revised Transport Assessment
 Tesco (Werrington) Service Yard Management Plan (Revised November 2012)
 Arboricultural impact assessment
 Document Air quality assessment

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

- C 2 Prior to the commencement “of each phase“ of the development, a Construction and Demolition Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters: a noise management plan including a scheme for the monitoring of demolitions and construction noise; a scheme for the control of dust arising from building and site works; a scheme of chassis and wheel cleaning for construction and demolition vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways; a scheme of working hours for construction and other works; a scheme for construction and demolition access from the Parkway including measures to ensure that all construction and demolition vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site; a scheme for parking of contractors vehicles; a scheme for access and deliveries, including working hours. The development shall thereafter be carried out in accordance with the approved plan.

Reason: In the interests of highway safety and residential amenity in accordance with policies CS16 and CS14 of the adopted Peterborough Core Strategy.

- C 3 If during development, contamination not previously identified, is found to be present at the site then no further development 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. The development shall thereafter take place in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121.

- C 4 Prior to the commencement of the development, “excluding any demolition works”, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full before any part of the redeveloped centre opens.

Reason: To ensure sufficient facilities for fire fighting in accordance with policy U1 of the Peterborough Local Plan (First Replacement) 2005.

- C 5 Notwithstanding the submitted information, prior to the commencement “of each phase” of the development, samples of the materials to be used in the construction of the external surfaces of the new buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy.

- C 6 No development or other operations shall commence either on site or off site in connection “with each phase of” the development hereby approved, (including any tree felling, tree pruning, demolition works, or soil moving) until a Tree Protection Scheme “for that phase” has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved Tree Protection Scheme.

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

- C 7 No demolition or works to vegetation (defined as trees, scrub and hedgerows) shall be carried out on site between the 1 March and 31 August inclusive in any year unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.

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

- C 8 Notwithstanding the submitted information, prior to the commencement of development details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority “for each phase of the development”. These details shall include, the following elements: i) a landscape management plan including long term design objectives, management responsibilities and maintenance schedule; ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities; iii) all means of enclosure including removal fencing to the public house; iv) cycle stand and cover detail; v) an impact study detailing the position of any new trees to be planted within the site and their impact on the effective operation of the CCTV system. The hard landscaping work shall be undertaken in accordance with the approved details prior “to the commencement of the first beneficial use of that phase of the development”. The soft landscaping works “shall be provided” in accordance with the approved proposals and implementation plan.

Reason: To ensure a satisfactory visual appearance and to provide replacement planting in accordance with the approved plans in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C 9 If within a period of 5 years from the date of the planting of any tree or shrub (including the existing trees on highways land adjacent to Olympus House) that tree or shrub, or any tree or

shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of visual amenity, in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C 10 Prior to the commencement of “each phase of” the development, “excluding any demolition works”, a scheme of external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. The approved CCTV and lighting scheme shall be provided prior to the occupation of the superstore building.

Reason: In the interests of community safety and amenity in accordance with Policy CS16 of the Core Strategy.

- C 11 Prior to the commencement of the new shop units and public house details of existing and proposed site levels, including finished floor levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and residential amenity in accordance with Policy CS16 of the Core Strategy.

- C 12 No materials or equipment, except for that shown on the approved site layout plan shall be stored in the service yard of the supermarket or the delivery area serving the new public house and shop unit.

Reason: In order to ensure that this area is available for the loading and unloading of delivery vehicles in the interest of residential amenity and highway safety, in accordance with Policy CS14 and CS16 of the adopted Peterborough Core Strategy DPD

- C 13 The service yard of the new supermarket hereby approved shall be operated in accordance with the measures specified in the Tesco (Werrington) Service Yard Management Plan (Revised November 2012).

Reason: In order to protect and safeguard the amenity of the neighbouring residents particularly during the night time period in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD

- C 14 Notwithstanding the submitted information, no deliveries/collection shall take place to/from the supermarket hereby approved outside of the hours of 7am to 11pm Mondays to Saturdays and 9am to 5pm on Sundays and Bank Holidays.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD

- C 15 The rating level of noise emitted from all fixed plant including stationary vehicle refrigeration noise sources, shall not exceed 45 dB LAeq, 1 hour between 0700 and 2300 and 38 dB LAeq, 5 minutes at any other time. The noise levels shall be determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS:4142:1997.

Reason: To safeguard the amenities of the surrounding locality by ensuring a satisfactory noise environment is maintained in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD

- C 16 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no mezzanine floors shall be inserted into the permitted buildings other than those expressly authorised by this permission.

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

- C 17 The proposed roundabout at the junction of Staniland Way and David's Lane shall be carried out in accordance with drawing numbers TRN10713 101 and TRN10713 104 prior to the opening of the new supermarket to the public.

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD

- C 18 Visibility splays measuring 2.4 metres by 39.5 metres and 2.4 metres by 41.5 metres shall be provided from the access to the service yard of the new supermarket onto Staniland Way. These splays shall be provided prior to the service yard being brought into use and thereafter maintained free from obstruction over 600mm in height.

Reason: In the interest of Highway safety, in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD

- C 19 Prior to the commencement of development "excluding any demolition works" details of the kerb realignment on Staniland Way adjacent to Olympus House, including the visibility splays from the Olympus House access onto Staniland Way shall be submitted to and approved in writing with the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, these works shall thereafter be carried out prior to the acoustic barrier to the new supermarket service yard being erected and the approved visibility splays from the Olympus House access onto Staniland Way maintained free from obstructions over 600mm in height.

Reason: In the interests of highway safety and convenience in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD

- C 20 Prior to the commencement "of the proposed public house/shop units and its service yard", details of the radii at the junction of Skaters Way and Goodwin Walk shall be submitted to and approved in writing by the Local Planning Authority. The alterations to the radii shall thereafter be carried out prior to the first use of the delivery access for the new public house/shop unit. The radii shall be returned to its current alignment in accordance with a scheme of works to be submitted to and approved in writing by the Local Planning Authority when the use of this delivery access ceases.

Reason: In the interests of highway safety and in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD

- C 21 The new zebra crossings on Staniland Way and Goodwin Walk shall be installed in accordance with the approved site layout plan prior to the opening of the new supermarket to the public.

Reason: In order to allow safe pedestrian access to the site in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD

- C 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking or re-enacting that Order) or the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) the supermarket hereby approved shall be used primarily for the sale of convenience (food) goods and no more than 40% of the retail floor space shall be used for the sale of comparison (non food) goods at any time.

Reason: To ensure that the District Centre continues to provide for the day to day needs of the local community in accordance with Policy CS15 of the adopted Peterborough Core Strategy DPD and the National Planning Policy Framework

- C 23 Within three months from the new store opening the temporary store shall be removed and the main 400 space car park shall be laid out in accordance with the approved plans and made available for use.

Reason: To ensure that adequate car parking is available in accordance with Policy CS14 of the adopted Peterborough Core Strategy DPD

- C 24 Notwithstanding the submitted plans details of the outside area for the public house shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development "of the public house". The agreed scheme shall include details of the boundary treatment and awning and shall be implemented prior to the occupation of the public house.

Reason: In the interests of the amenities of the area in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD

- C 25 Notwithstanding the submitted details, a management plan for the pub/shop units service yard, which includes methods to reduce noise and disturbance from the day to day operations of the service yard, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented thereafter in perpetuity.

Reason: To ensure that the proposal does not harm the residential amenities of the neighbouring occupiers of the neighbouring properties in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD

- C 26 Notwithstanding the information hereby approved all ventilation of steam and cooking fumes to the atmosphere shall be suitably filtered to avoid nuisance from smell, grease or smoke to persons. Details of the nature and location of such filtration equipment shall be submitted to and approved in writing by the Local Planning Authority before installation and shall be installed before the take-away use of the premises commences

Reason: In order to protect and safeguard the amenity of the area in accordance with Policy CS16 of the adopted Peterborough Core Strategy DPD

- C 27 Prior to the commencement of "each phase of" the development unless otherwise agreed in writing with the Local Planning Authority, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall include a detailed surface water drainage strategy for the design, provision and implementation and long term maintenance of surface water drainage in accordance with the approved Flood Risk Assessment dated January 2008 (reference 20361/003). The development shall thereafter take place in accordance with the approved drainage layout and surface water attenuation/ flood risk measures, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the site is adequately drained, to minimise flood risk, in accordance with policy U1 of the Peterborough Local Plan (First Replacement) 2005.

- C 28 The new supermarket, shop unit and public house hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

- C 29 Lighting installed on the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E3 in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution

(Revised) (2005). In circumstances where reasonable concern arises from resultant lighting levels the applicant will be required to demonstrate compliance with the condition, e.g. by measurement or calculation.

Reason: In order to protect the amenity of local residents and highway safety, in accordance with Policies CS16 and CS14 of the adopted Peterborough Core Strategy DPD.

C 30 Prior to the first occupation of the supermarket an enclosed and secure cycle shelter to accommodate 65 cycles shall be installed on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. That area shall thereafter be retained for the purpose of cycle parking in connection with the use of the approved development in perpetuity.

Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policy T9 of the Peterborough Local Plan (First Replacement).

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

R1 A request has been made by the Local Planning Authority to secure a contribution to meet the burden placed on the area, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to Policy CS13 of the adopted Peterborough Core Strategy DPD

Informatives

1. The applicant is advised that Building Regulation approval is required for this development. For further information please contact the City Council's Building Control Section on 01733 453422 or email buildingcontrol@peterborough.gov.uk.

2. The applicant is reminded that the Local Planning Authority has determined the application on the basis of the information available to it. This does not imply that the site is free from contamination. Responsibility for the safe development of the site rests with the applicant.

3. The applicant is reminded that this decision does not give any permission for the display of advertisements on site. A separate application for Advertisement Consent will need to be made to the Local Planning Authority.

4. As the development will result in the creation of new streets, dwellings and/or premises, by development or sub-division, the Council needs to allocate street names and/or property numbers before development begins, please contact the Technical Support Team Manager, Highway Infrastructure Group on 01733 453461 for details of the procedure or email highwayssection@peterborough.gov.uk.

5. Highways Act 1980 - Section 184, Sub-sections (3)(4)(9)

This development involves the construction of a new or alteration of an existing vehicular crossing within a public highway.

These works MUST be carried out in accordance with details specified by Peterborough City Council.

Prior to commencing any works within the public highway, a Road Opening Permit must be obtained from the Council on payment of the appropriate fee.

Contact is to be made with the Transport & Engineering - Development Team on 01733 453421 or email highwaysdevelopmentteam@peterborough.gov.uk who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.

6. (NR&SWA 1991)

The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licensed under the New Roads and Street Works Act 1991. It is essential that, prior to the commencement of such works, adequate time be allowed in the development programme for; the issue of the appropriate licence, approval of temporary traffic management and booking of road space. Applications for NR & SWA licences should be made to Transport & Engineering - Street Works Coordinator on 01733 453467.

7. The attention of the applicant is drawn to the need to make a formal application to the Council under Section 278 of the Highways Act 1980 for works within the existing highway. Prior to the commencement of the highway works, adequate time must be allowed in the development programme for; approval by the council of the designer, main contractor and sub-contractors, technical vetting, safety audits, approval of temporary traffic management, booking of road space for off-site highway and service works and the completion of the legal agreement. Application forms for S278 agreements are available from the Transport & Engineering - Development Team on 01733 453421.

8. With regard to condition 2 the applicant is advised that the wheel cleansing equipment should be capable of cleaning the wheels, underside of chassis of the vehicles. The road between the cleaning equipment and the public highway should be surfaced either in concrete or blacktop and be maintained free of mud, slurry and any other form of contamination whilst in use.

9. Highways Act 1980 - Section 148, Sub-Section C

It is an offence to deposit anything including building materials or debris on a highway which may cause interruption to any user of the highway (including footways). In the event that a person is found guilty of this offence, a penalty may be imposed in the form of a fine. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

10. Highways Act 1980 - Section 149

If anything is so deposited on a highway as to constitute a nuisance, the Local Planning Authority may by notice require the person who deposited it there to remove it forthwith and if he fails to comply the Local Planning Authority may make a complaint to a Magistrates Court for a Removal and Disposal Order under this Section. In the event that the deposit is considered to constitute a danger, the Local Planning Authority may remove the deposit forthwith and recover reasonable expenses from the person who made the deposit. It is the responsibility of the developer and contractor(s) to ensure that no building materials or debris are placed on or remain within the highway during or after the construction period.

11. Drainage

With regards to condition 28 the Local Planning Authority would expect to see Sustainable Drainage Systems (SUDS) methods used wherever possible for managing flood risk. The site should be able to attenuate flow and, where possible, provide infiltration to ground water.

12. Design of build environment for full accessibility

DDA requires 1 - an accessible WC to be sited close to the restaurant and entrance 2 - an accessible WC is required in the staff areas adjacent to the other staff toilets 3 - if anyone on the shop floor needs to travel more than 40m or so to get to the customer toilet an additional toilet is required and would advise that they be handed. A single accessible customer WC should be 2.2m x 2.0m.

Copy to Councillors Lane, J R Fox, J A Fox, C Burton, Fower, Thacker

Appendix 1

Condition 3

No development shall commence within the area currently used as a petrol filling station and the land immediately adjoining it (the extent of which should be agreed in writing with the Local Planning Authority), 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. Unless otherwise agreed in writing with the Local Planning Authority this should include a diagrammatical representation (Conceptual Model) of all potential contaminant sources, pathways and receptors;

b) A site investigation has been designed for the site and approved in writing by the Local Planning Authority, using the information obtained from the desktop study including any diagrammatical representations (Conceptual Model). Unless otherwise agreed in writing with the Local Planning Authority, 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;

- A refinement of the Conceptual Model in appropriate;

c) The site investigation has been undertaken in accordance with the details approved in writing by the Local Planning Authority and a risk assessment has been undertaken;

d) A Method Statement detailing the remediation requirements, including measures to minimise the impact on human health and on ground / surface waters, using the information obtained from the Site Investigation has been submitted to and approved in writing by the Local Planning Authority prior to that remediation being carried out on the site, unless the written agreement of the Local Planning Authority is given to any variation.

e) Upon completion of the remediation detailed in the Method Statement, unless otherwise agreed in writing with the Local Planning Authority, a report shall be submitted to and approved in writing by the Local Planning Authority. This shall provide verification that the required decontamination has been carried out in accordance with the approved Method Statement(s). Unless otherwise agreed in writing with the Local Planning Authority, 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.

Condition 4

If contamination not previously identified is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the affected area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved. The development shall thereafter take place in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Condition 7

Unless otherwise agreed in writing with the Local Planning Authority, no development or other operations shall commence on site, "apart from the demolition of the toilet block, for each phase of the development" until:- (a) a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent "for that phase of the site", has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme; (b) No operations shall commence on "each phase of the" site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place; (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme; (d) Protective fencing shall be retained intact for the full duration of the construction period "for each phase of the development" hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.

Condition 8

No development or other operations shall commence either on site or off site in connection "with each phase" of the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling/pruning specification (Tree work Specification) "for that phase of the development" has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, all

tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.

Condition 9

No development or other operations shall commence either on site or off site in connection “with each phase of” the development hereby approved, (including any tree felling, tree pruning, demolition works, or soil moving) until a detailed Arboricultural Method Statement “for that phase” has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall be applied to the trees identified for retention in the approved scheme and include full details of the following: Implementation, supervision and monitoring of the approved Tree Protection Scheme; Implementation, supervision and monitoring of the approved Tree work Specification; Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme

Condition 15

Notwithstanding the submitted information, prior to the commencement of the development, “excluding any demolition works”, details of the 3 metre high acoustic barrier to the service yard of the new supermarket, including the vehicle and pedestrian gates, shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier and associated gates shall be erected prior to the first deliveries of the new supermarket and thereafter not be removed.

Condition 21

Notwithstanding the submitted information, prior to the commencement of development, full details of the proposed offsite highway works shall be submitted to and agreed in writing by the Local Planning Authority. These works shall include the construction of a new roundabout at the junction of Davids Land and Staniland Way, zebra crossing and associated works. These works shall thereafter be carried out in accordance with the approved scheme prior to the commencement of the development and demolition, unless otherwise agreed in writing with the Local Planning Authority.

Condition 22

Visibility splays measuring 2.4 metres by 39.5 metres and 2.4 metres by 41.5 metres shall be provided from the service yard of the new supermarket onto Staniland Way. These splays shall be provided prior to the service yard being brought into use and thereafter maintained free from obstruction over 600mm in height, unless other agreed in writing with the Local Planning Authority.

Condition 29

Notwithstanding the submitted details, a management plan for the stores service yard, which includes methods to reduce noise and disturbance from the day to day operations of the service yard, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented thereafter in perpetuity

Copy to Councillors Judy Fox, John Fox, Stephen Lane, Julia Davidson, Darren Fower, Paula Thacker
MBE

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