

## PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 29 SEPTEMBER 2015

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. **Minutes of the Meeting Held on 8 September 2015** 5 - 10

5. **Development Control and Enforcement Matters**

5.1 **15/01013/FUL - Queensgate Shopping Centre, Westgate, Peterborough** 11 - 52

5.2 **15/01041/OUT - North Westgate Development Area, Westgate, Peterborough** 53 - 88

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<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

Committee Members:

Councillors: C Harper (Chairman), L Serluca (Vice Chairman), P Hiller, N North, J Stokes, S Martin, Sylvester, D Harrington, J Okonkowski and S Lane

Substitutes: Councillors: G Casey, N Shabbir, C Ash, R Herdman and J R Fox

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – [philippa.turvey@peterborough.gov.uk](mailto:philippa.turvey@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.

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE  
HELD AT THE TOWN HALL, PETERBOROUGH ON 8 SEPTEMBER 2015**

**Members Present:** Councillors Harper (Chair), Serluca (Vice Chair) Hiller, North, Sylvester, Harrington, Okonkowski, Lane and Casey

**Officers Present:** Lee Collins, Development Management Manager  
Vicky Hurrell, Principal Development Management Officer  
Simon Ireland, Principal Engineer (Highway Control)  
Ruth Lea, Senior Lawyer, Growth & Regeneration  
Pippa Turvey, Senior Democratic Services Officer

**1. Apologies for Absence**

Apologies for absence were received from Councillor Stokes and Councillor Martin.

Councillor Casey was in attendance as substitute.

**2. Declarations of Interest**

Councillor Lane declared that he had received a telephone call regarding support of item 5.2. He advised that he had made no comment and that it would not affect his decision at this meeting.

Councillor Casey declared that he had received a telephone call regarding one of the items to be discussed at the meeting. He advised that he had made no comment and that it would not affect his decision at this meeting.

Councillor Harper declared that he had received an email from Councillor Nadeem in support of item 5.1. He advised that he had made no comment and that it would not affect his decision at this meeting.

**3. Members' Declaration of intention to make representations as Ward Councillor**

No Member declarations of intention to make representations as Ward Councillor were received.

**4. Minutes of the Meetings held on:**

**4.1 7 July 2015**

The minutes of the meeting held on 7 July 2015 were approved as a correct record.

**4.2 28 July 2015**

The minutes of the meeting held on 28 July 2015 were approved as a correct record.

**5. Development Control and Enforcement Matters**

## **5.1 15/0157/FUL – Land Adjacent to 2 St Martins Street, Millfield, Peterborough, PE1 3BD**

The planning application was for the construction of a two storey side extension on the land adjacent to 2 St Martins Street, Millfield, Peterborough, comprising a retail (Class A1) unit on the ground floor and one two-bed residential unit on the first floor.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report and update sheet.

Iqbal Haiderzada, Resident, Roy Hirons and Sarah Kennedy, Millfield Medical Centre, addressed the Committee in objection to the application and responded to questions from Members. In summary the key points highlighted included:

- Iqbal Haiderzada owned the neighbouring shop and had submitted his concerns regarding unloading and loading of deliveries. The site of the application had previously been used as an off-road delivery area of up to eight pallets at a time. These deliveries could take up to an hour to complete.
- It was suggested that the development would block Mr Haiderzada's guttering and fire exit.
- Sarah Kennedy explained that the area faced real parking problems and that issues had also arisen in respect of bin storage and litter.
- The Millfield Medical Centre and surrounding building was very busy with entry and exit already a problem for users.
- Roy Hirons advised that a significant amount of litter was present in the area and raised concerns about where the bins for the development would be stored.
- Mr Haiderzada suggested that, if the application was approved, he would be forced to close his shop. Mr Haiderzada believed that, under land registration, he had the right to park up to one vehicle on the proposal site if it was available.
- Ms Kennedy believed that an additional shop would have an impact on the current traffic situation.

The Development Management Manager advised that a land registry check had been undertaken and that Mr Haiderzada did not have any right of access over the application site, however did have access to maintain the drainage.

The Committee discussed the application and raised concerns about the busy street adjacent to the application site and how this would be impacted with potential facing bin storage and on road unloading. It was considered that the proposed window provision for the second bedroom was insufficient, and would impact of the amenity of residents.

An alternative view was discussed, that the proposal would positively impact the area. It was commented that parking difficulties were typical of inner city developments. It was noted that the agent had identified the rear of the site for bin storage.

It was suggested that the proposals would cause and already built up, commercial area to become overdeveloped.

The Development Management Manager advised that there was sufficient space at the rear of the proposal to store the bins. However, due to the size of the commercial bins in use and the narrow nature of the access way, it would not be possible to move the bins from the back of the property to the front for collection.

A motion was proposed and seconded to agree that permission be refused, as per

officer recommendation. The motion was carried unanimously.

**RESOLVED:** (unanimous) that planning permission is **REFUSED** for the reasons set out below.

### **Reasons for the decision**

The proposal was 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 in the report.

## **5.2 15/01245/FUL – 92-94 Burghley Road, Peterborough, PE1 2QE**

The planning application was a ground floor extensions to the medical centre at 92 – 94 Burghley Road, Peterborough. The application was a resubmission.

It was officer's recommendation that planning permission be refused, for the reasons set out in the report. The Development Management Manager provided an overview of the application and highlighted a number of key issues within the report.

Phil Branston, Agent, and Mr Khan, Service User, addressed the Committee in support of the application and responded to questions from Members. In summary the key points highlighted included:

- The surgery had experienced an increase in demand in recent years and required expansion. It was suggested that Government policy supported this.
- There had always been parking difficulties in the area, however, as most patients lived in Gladstone, they usually walked.
- Secure cycle storage was provided.
- It was believed that the impact on the neighbouring property would be minimal. The loss of garden was not considered significant, as it was not often used. Amenity space would be provided at the rear of the development.
- It was not considered that provision of car parking spaces was required.
- Mr Khan, a patient of the surgery, claimed that he did not encounter problems in relation to parking and supported the application.

The Committee discussed the application, raising concern that the proposals were contrary to the Council's adopted planning policy in terms of car parking provision. It was noted that, as no evidence had been submitted to support the claims that car parking was not required, it was impossible for Committee to weigh this evidence against planning policy.

It was determined that the application had been refused by officers previously for the reason of insufficient car parking space, and that nothing within the application had been changed since that time.

A motion was proposed and seconded to agree that permission be refused, as per officer recommendation. The motion was carried unanimously.

**RESOLVED:** (unanimous) that planning permission is **REFUSED** for the reasons set out below.

### **Reasons for the decision**

The proposal was 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 in the report.

### **5.3 14/00536/OUT – Deed of Variation to the S106 Agreement – Former Site of Peterborough District Hospital**

The report outlined a Deed of Variation to the S106 Agreement for the Former Site of Peterborough District Hospital.

It was officer's recommendation that the Deed of Variation be approved, for the reasons set out in the report. The Principal Development Management Officer provided an overview of the report and highlighted a number of key issues within the report and update sheet.

Councillor Fitzgerald, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- As a Ward Councillor and member of the administration, the application had Councillor Fitzgerald's support and had been in dialogue with the Applicant.
- It was clarified that the Applicant was not responsible for determining precisely what would be built on the site, this would be at the discretion of those who buy it.
- The development was no longer viable in its current form and it was reasonable for the Applicant to seek an adjustment to the agreement.
- The site was key for the city and the sooner it was fully developed the better.
- It was an unfortunate situation, but sensible to move forward with the most viable option.
- Markets were subject to change and it was considered better to redevelop the site now, rather than wait for the market to improve.
- The applicant had sought professional advice on the market position.

Councillor Murphy addressed the Committee in objection to the recommendation and responded to questions from Members. In summary the key points highlighted included:

- It was suggested that more information was required in relation to possible alternative options for the Committee to make a properly informed decision.
- Councillor Murphy did not accept that the price of the land had reduced within the last three years.
- It was claimed that, following surveillance by the Police, no material had been stolen from the site.
- In relation to the school site, it was believed that provision could be made for an amenity or playground.
- It was requested that the decision be deferred in order for alternative proposals to be properly considered and for facts to be double checked.
- Councillor Murphy believed that a Deed of Variation of this importance should be subject to public consultation.

Kevin Moriarty, Lands Improvement Holdings Peterborough Ltd, addressed the Committee in support of the recommendation and responded to questions from Members. In summary the key points highlighted included:

- In the time since the outline permission for this development was granted, over 70% of the site had been cleared, with 60,000 tonnes of material taken off the site.
- The school site had been handed over to the Council.
- The reason for the request for a Deed of Variation to the Section 106 Agreement was, in part, the increased costs of the development. Asbestos, mediation and

- the absence of expected profitable materials had driven costs.
- The Applicants wished to complete the demolition of the site and continue to provide benefits in terms of highways and the environment.
  - Viability was a challenge on any development site, however, it was suggested that significant progress had been made.
  - The site had been vacant and unsold for a significant period of time before the Applicants purchased it.
  - The Applicants were not looking to abuse the trigger points set out in the agreement and would expect safeguards for this to be built in.

The Committee discussed the report and it was questioned whether the trigger points for payments under the Section 106 Agreement could be amended to a specific time period, rather than number of houses completed.

The Senior Lawyer, Growth & Regeneration advised that it would be possible to include 'safeguards' into any agreement, during the negotiation process. It was not, however for the Committee to agree the detail. If the Committee were so minded they could request that the relevant Portfolio Holder and the Chairman be kept informed of any negotiations on the matter.

A motion was proposed and seconded to agree that the Deed of Variation be approved, and the Portfolio Holder and Chairman be kept informed of negotiations. The motion was carried six voting in favour and three voting against.

**RESOLVED:** (six voted in favour, three voted against) that:

- 1) The Deed of Variation be **APPROVED** for the reasons set out below; and
- 2) The Cabinet Member for Growth, Planning, Housing and Economic Development, and the Chairman of Planning and Environmental Protection Committee be kept informed of negotiations.

### **Reasons for the decision**

In light of the Government's clear policy position on aiding the delivery and regeneration of brownfield sites, the requirements for Local Planning Authorities to be flexible and the need to ensure that work on this key city site does not stall, the proposed Deed of Variation could be supported.

## **6. Planning Compliance Quarterly Report**

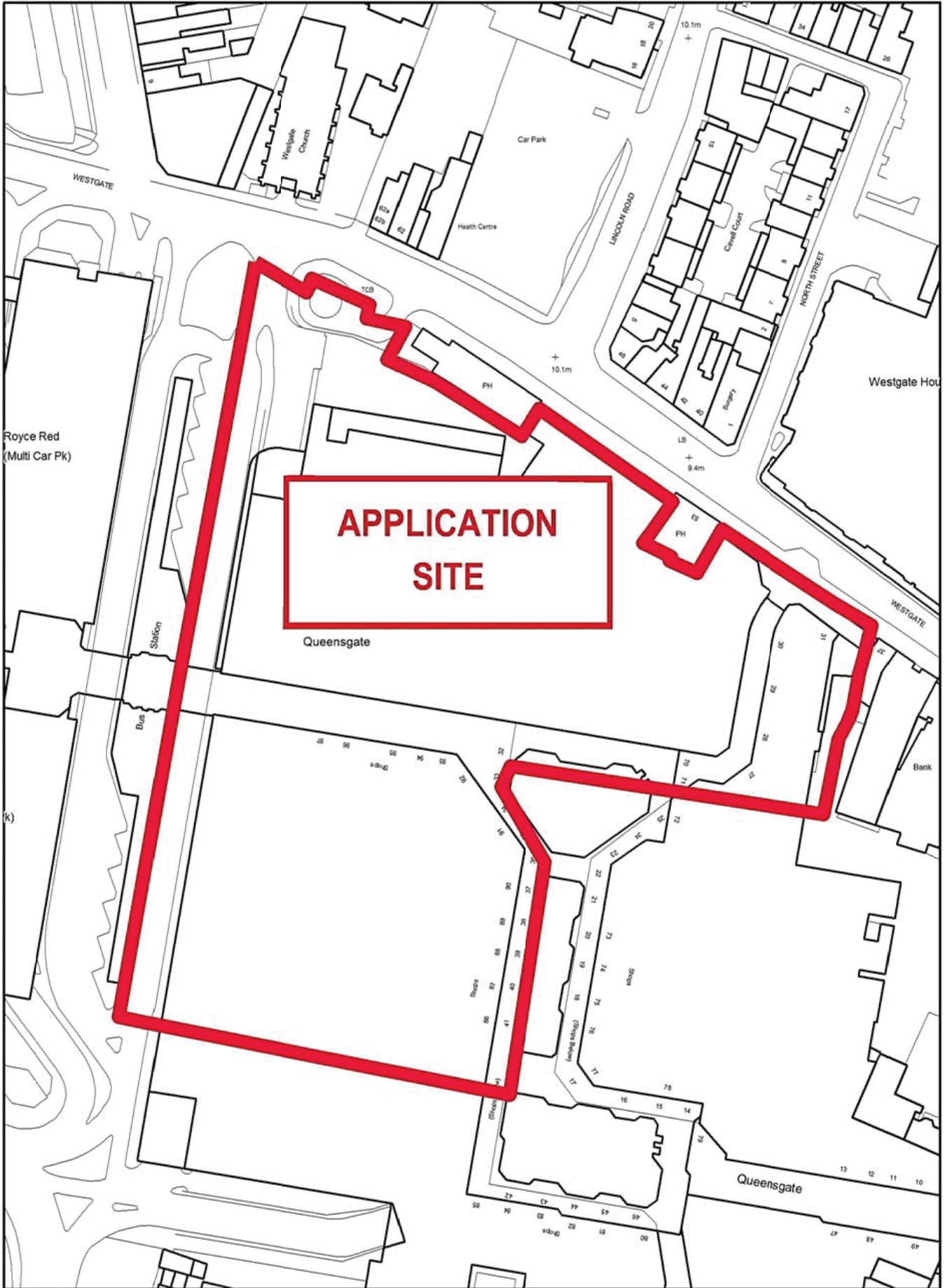
The Committee received a report which outlined the Planning Service's planning compliance performance and activity which identified if there were any lessons to be learned from the actions taken. The aim was for the Committee to be kept informed of future decisions and potential to reduce costs. The Development Management Manager provided an overview of the report and highlighted a number of key issues.

The Chairman congratulated the Planning Services team on its continued high performance.

**RESOLVED:**

The Committee noted past performance and outcomes.

Chairman  
1.30pm – 3:24pm



**LOCATION PLAN 15/01013/FUL**  
 Queensgate Shopping Centre, Westgate, Peterborough

PCC GIS

Scale NTS Date 15/9/2015 Name MKB Department Planning Services



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## Planning and EP Committee

**Application Ref:** 15/01013/FUL

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

**Site:** Queensgate Shopping Centre, Westgate, Peterborough,

**Applicant:** IREEF Queensgate Peterborough Propco S.a.r.l

**Agent:** Miss Hannah Fortune

Nathaniel Lichfield & Partners

**Site visit:** 24.08.2015

**Case officer:** Mrs J MacLennan

**Telephone No.** 01733 454438

**E-Mail:** janet.maclennan@peterborough.gov.uk

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

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

#### Site and surrounding area:

The application site is at the north west corner of the Queensgate Shopping Centre (QSC) which lies at the heart of the city centre retail area. The site primarily involves the area occupied by John Lewis and the former Waitrose store. It covers an area of approximately 1.8 hectares, providing c. 36,000 sqm Gross Internal Area (GIA) of Class A1-A5 floorspace. The site is bounded to the north by Westgate and the 'Westgate Development Opportunity Area', to the south by Cowgate and to the west by the Bus Station, multi storey car parks and Bourges Boulevard beyond. The surrounding area comprises a mix of uses including retail, leisure, offices and further afield, residential. The site abuts the Park Conservation Area and the City Centre Conservation Area to the north and south respectively and lies in close proximity to a number of listed and locally listed buildings.

The site lies adjacent to the Bus Station and is within a five minute walk of the railway station. There are four multi-storey car parks adjoining the centre which offer 2,300 car parking spaces. The site offers good pedestrian and cycling links to nearby residential properties.

#### Proposal

The application seeks planning consent for the addition of roof extensions to provide a multi-screen cinema (D2) and food and beverage areas (A1-A5).

**Cinema:** The Cinema would occupy part of the centre occupied by John Lewis at the second floor and would extend over the former Waitrose unit. An additional floor would be provided by a roof extension above the John Lewis store to create a third floor, including a mezzanine, to provide the cinema. The additional D2 floor space required to accommodate the cinema would be 3729 sqm and an additional 688 sqm for the Mezzanine floor.

The height of roof extension accommodating the cinema element would be 3.7m above the existing Mansard Roof of the John Lewis store to the north. The IMAX element of the cinema would be an additional 3m in height and would be set in from the west elevation of the building by 32m.

**Restaurant Cluster:** Two additional floors would be added at roof level above the former Waitrose Store to provide for food and beverage uses. The food and beverage area will form a cluster located

within the extensions providing 2000sqm at first floor level and 457 sqm at second floor level.

The extension above the former Waitrose Store, the southern element, accommodating part of the cinema and restaurants would have staggered roof heights, the highest element being the cinema at 14.9m.

The roof of the west mall would be removed at the upper ground floor level to be replaced with a full height glazed mall. This would provide natural light and a visual connection to the activity on the upper floors.

Changes are proposed to the John Lewis service yard and 'click and collect' facility to include a ramped access and additional customer parking.

The total gross internal area of the Queensgte Centre following development would be 48,516 sqm; an increase of 6,858 sqm. The following table sets out the composition of floor space/uses within the Centre.

Use	Existing GIA (sqm)	GIA to be lost by change of use or demolitions (sqm)	Total GIA New Floorspace (including change of use) (sqm)	Net Additional GIA following development (sqm)	Total Floorspace
A1 (Retail)	35,849	5,252	64	-5,188	30,661
A3-A5 (restaurants & cafes, drinking establishments & Hot-food takeaways)	242	116	2,450	2,334	2,576
D2 (Leisure)	0	0	4,278	4,278	4,278
Scheme 'other'	5,579	249	5,683	5,434	11,013
<b>Total</b>	<b>41,670</b>	<b>5,617</b>	<b>12,475</b>	<b>6,858</b>	<b>48,528</b>

The overall amount of A1 (retail) floorspace will decrease due to the increase in A3-A5, D2 and other uses including improved pedestrian circulation and dining space.

It is proposed that the QSC car parks would be open later during the evenings to accommodate the cinema goers.

The malls to the QSC would also be accessible during the evenings providing links to Cathedral Square from Queens Street and Cumbergate providing connectivity through the QSC with the Bus/Rail Station.

Internal reconfigurations:

The proposal would involve internal reconfigurations, the details of which are provided below. The internal works do not require the benefit of planning permission and are provided for information only.

The works to the centre would involve the reconfiguration of the John Lewis Store and the utilisation of back-of-house areas which are no longer required. John Lewis is retracting its shop floor coverage

and Waitrose has relocated which has provided the opportunity for additional retail units. New retail units would be provided on the upper ground floor and first floor levels of the John Lewis store. The former Waitrose store will provide a new retail unit and a circulation core/access to the new restaurant and leisure offer to be constructed above. The roof top extension created above the former Waitrose store would provide restaurants. The restaurants would overlook the west mall with terraces surrounding a double height internal courtyard. The circulation core/access continues on this level to access the restaurants and cinema above on the second floor.

The second floor would accommodate the multi-screen cinema. The cinema lobby would be to the south with the majority of screens accessed via a bridge over the west mall. The Mezzanine cinema level is proposed to link both blocks across the enhanced mall space.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
10/01426/FUL	Extension to provide additional retail floor space, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations	Permitted	31/01/2011
11/00980/DISCHG	Discharge of conditions C2 ( Archaeological work) , C3 ( Materials) and C5 ( Site Investigations) of planning permission 10/01426/FUL - Extension to provide additional retail floorspace, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations	Determined	19/08/2011
11/01052/NONMAT	Non-material amendment to planning permission 10/01426/FUL - Extension to provide additional retail floor space, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations	Comments	02/08/2011
11/01456/DISCHG	Discharge of condition C4 (Construction Management Plan) of planning permission 10/01426/FUL (Extension to provide additional retail floor space, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations)	Determined	09/11/2011
12/00578/FUL	Installation of a new fire door to King Street (east side).	Permitted	06/06/2012
12/00641/NONMAT	Non-material amendment to planning permission 10/01426/FUL dated 31/01/2011 (Extension to provide additional retail floor space, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations) for amendments to conditions C8 and C9	Comments	17/05/2012

12/00735/FUL	Installation of metal gate on the King Street Alley Way	Permitted	06/07/2012
12/00956/DISCHG	Discharge of condition C7 (contamination) of planning permission ref. 10/01426/FUL dated 31/01/2011 - Extension to provide additional retail floorspace, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations	Determined	19/07/2012
12/01080/ADV	Two internally illuminated Primark blue external letter signs, one internally illuminated projecting banner sign and four Primark blue vinyl text to glazing	Permitted	10/09/2012
12/01377/NONMAT	Non-Material amendment to planning application 10/01426/FUL - Extension to provide additional retail floor space, development of new service corridor and lift core in basement service yard, construction of new mansard roofs and elevation works to King Street and Queen Street elevations	Determined	27/09/2012
12/01414/FUL	Installation of street furniture at external entrances to Queensgate shopping centre, comprising new PAS rated bollards (static, removable and rising variations), vehicle blockers and PAS rated cycle racks. New gatehouse to be installed at one service entrance	Permitted	26/11/2013
15/00989/ADV	6 no. New, non-illuminated signs to replace existing like for like, all these signs are either external to the mall building or visible from the road	Permitted	07/08/2015

### **3 Planning Policy**

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

#### **Planning (Listed Building and Conservation Areas) Act 1990**

##### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

##### **Section 72 - General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

#### **National Planning Policy Framework (2012)**

##### **Section 2 - Retail, Leisure and Office Development Outside Town Centres**

Should be subject to an Impact Assessment on existing, committed and planning public/private investment in a centre(s) and on town centre vitality and viability. If there is no local threshold, 2,500

sq m will apply. Proposals which would have an adverse impact should be refused.

#### **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 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 8 - Social, Cultural and Recreational Facilities**

Developments should plan for the provision and use of shared space, community services and other local services; guard against the unnecessary loss of valued services/facilities; allow established shops, facilities and services to develop/modernise; and ensure an integrated approach to the location of housing, economic uses and communities facilities and services.

#### **Section 11 - Contamination**

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

#### **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.

#### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

#### **Section 12 - Development Affecting Non-Designated Heritage Assets**

A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Where the assets is demonstrably of equivalent significance to a Scheduled Monuments it should be subject to the policies for designated heritage assets.

## **Peterborough Core Strategy DPD (2011)**

### **CS04 - The City Centre**

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

### **CS10 - Environment Capital**

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

### **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.

### **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.

### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

### **CS18 - Culture, Leisure and Tourism**

Development of new cultural, leisure and tourism facilities will be encouraged particularly in the city centre.

### **CS15 - Retail**

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

### **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.

### **CS22 - Flood Risk**

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

## **Peterborough Planning Policies DPD (2012)**

### **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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

### **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.

**PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

**Peterborough City Centre Plan (2014)**

**CC1 - Presumption in Favour of Sustainable Development**

Development should contribute to the City's Environment Capital ambition and take steps to address key principles of sustainable development.

**CC2 - Retail**

Proposals for retail development will be determined in accordance with Policies CS4 and CS15 of the Peterborough Core Strategy DPD. Within Primary Retail Frontages, development within use classes A1 and A3 will, in principle, be acceptable.

**CC3A - City Core Policy Area (a) General principles**

The Council will seek development of the highest quality which strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region. New development must: improve the quality of the public realm; protect important views of the Cathedral; preserve or enhance the heritage assets of the area; and protect and enhance existing retail areas. The Council will also support development which results in a net increase in dwellings, improved connectivity, employment, conservation of historic shop fronts and development which encourages trips into the City Centre.

**North Westgate Opportunity Area**

Planning permission will be granted for comprehensive mixed-use development including retail, housing, office and leisure. This must also include improvements to the connectivity with the railway station and be integrated with the existing retail area.

Individual proposals which would prejudice the comprehensive development of this area will not be permitted.

**CC11 - Transport**

Within the area of the City Centre Plan, all development which has transport implications will be expected to make a contribution to the delivery of the City Centre Transport Vision.

The provision of additional car parking spaces will be resisted within the City Core Policy Area.

Elsewhere in the City Centre new residential development within classes C3 and C4 will be expected to make provision for car parking in accordance with Policy PP13 of the Planning Policies DPD. There will be no minimum requirement for car parking spaces in association with any other type of development. Additional spaces will only be allowed if the development has provided a fully justification.

## Planning practice guidance (PPG) – Department for Communities and Local Government (2014)

- Conserving and enhancing the historic environment
- Design
- Ensuring the vitality of town centres
- Travel plans, transport assessments and statements in decision-taking

### The Park Conservation Area Appraisal Report and Management Plan

### The City Centre Conservation Area Appraisal Report and Management Plan

## 4 Consultations/Representations

**PCC Transport & Engineering Services** – No objections – Staff cycle parking should be secured by condition. The existing car parks are sufficient to meet the needs of the development.

Travel Plan: The submission of a Travel Plan is welcomed. It includes targets and an action plan.

Traffic impact: The peak hours of use for a cinema are generally outside the highway network peak hours on both a weekday and Saturday.

The TRACK plots submitted for the revised ‘click and collect’ area for the John Lewis store are acceptable.

**PCC Lead Local Drainage Authority** – No objections – No comments to make in relation to this application as the surface water drainage as the footprint of the centre and ground level hard standings are not due to be changed.

**PCC Conservation Officer** – No objections - The proposed development has the potential to impact on the setting of a number of listed and locally listed building in the vicinity at Lincoln Road, Westgate, Long Causeway, Exchange Street, Cumbergate, Cathedral Square and Cowgate. Also the site is located adjacent to the City Centre Conservation area and the Park Conservation area is to the north.

The more evident part of the extension will be viewed from Crescent Bridge roundabout / Bourges Boulevard. The proposed development sits broadly in the massing of the existing roof elements and the proposed materials - grey cladding and glazing - match the existing roof top materials.

The shopping centre is, or forms, the backdrop to various listed buildings. The bulk of the building currently has a small adverse impact on the setting of some listed buildings (e.g. Wortley Arms Houses, former Royal Hotel, Westgate). There will be some minor visual impact on long distance views towards and from the Cathedral.

In many locations in views of listed buildings and parts of the Park and City Centre Conservation areas the proposed extension will not be visible. In other locations the development will be seen and this will vary depending on position of the viewer. The extension will be set back from the northern elevation to Westgate.

Overall the effect of the extension adding height to the centre is considered at worst to have a negligible adverse effect on the setting of some listed buildings and the City Centre conservation area.

**PCC Wildlife Officer** – No objections – The Wildlife Officer is satisfied with the Ecology report’s assessment of the impacts on protected species. The Ecological Assessment has identified that the existing building is likely to support nesting birds including various more common species as well as the black redstart which is a UK BAP Priority Species and is listed under Schedule 1 of the Wildlife



and Countryside Act (as amended). The Officer recommends targeted Black Redstart surveys are carried out every two weeks in May & June and monthly in July and August during the construction period by a suitably qualified ecologist, as recommended in the Ecology report. Should evidence of their nests being found, then appropriate measures should be put in place to ensure this species is not disturbed.

The Wildlife Officer recommended a number of bird nesting and bat roosting features are provided to enhance the development for biodiversity. The applicant has subsequently advised that a range of bird boxes would be provided and the Wildlife Officer is satisfied that these details can be secured by condition.

**PCC Pollution Team** - No objection - Details of filtration equipment for cooking odours would not be required as due to the surrounding uses it would be impossible to pin point the A3/A5 uses in Queensgate as a potential source of nuisance.

**Archaeological Officer** – No objection - Due to the history of development, the subject site is deemed to have negligible archaeological potential. As a result, there is no need to condition a programme of archaeological work.

**PCC Rights of Way Officer** – No objections – no comments to make.

**PCC Sustainable Travel Officer** – No objection - Following the receipt of recommended changes the Travel Plan now reflects more of a strategic and active focus on encouraging staff to travel sustainably to work. Updated travel survey information from 2015 is required and minor changes have been sought.

**Environment Agency** – Has no comments to make on this application.

**Police Architectural Liaison Officer** – No objections – No recommendations or further comments to make.

**Peterborough Local Access Forum** – Both the Queensgate development and the North Westgate development were discussed at our meeting and the following points were raised:

- There seemed to be several problems with access by car, cycle, taxi, bus and walking where the two application sites meet along Westgate. The North Westgate plans show priority vehicular access from the 2 existing car park exits only, whilst the Queensgate plan Design and Access statement shows car park access and exit from the 3 more points straight onto what could be a shared surface in the new development. How will this work in practice?
- The main vehicular access and exit for the bus station and the taxi rank is also across this narrow area, which is shown on the North Westgate plan as being a 24 hour pedestrian route and access point into the shared surface. No pedestrian routes to access the North Westgate development are shown on the Queensgate Design and Access statement 8.1 and 8.2 Vehicular & pedestrian access and cycle access. This sounds difficult to police and not at all encouraging for walkers and cyclists.
- Concern regarding the lack of connectivity between the two developments. We feel this is an opportunity missed as it does not seem at all easy to get from the new Queensgate development into the public Open Space around Westgate on foot, without going through the car park or bus station. How will this impact cyclists, mums with buggies and less able users? The Queensgate development makes much of taking the lid off Queensgate and letting the natural light flood in but seems to remain turning its back on the public open space just outside.  
*Officer response: Whilst the initial North Westgate scheme has been subject to revision since its initial submission, these are two separate applications. There are no changes to the access and egress from Queensgate as a result of the application and the Local Highways Authority have raised no objections.*

- The North Westgate includes a Pedestrian level wind microclimate assessment which concludes that the Lawson Comfort criteria will be met, but it takes no account of the inevitable changes to wind patterns when the existing John Lewis building is increased in height. The height of the surrounding buildings is an important factor in the 'feel' of a public area. It does seem to us that there are still many access issues still be resolved for this application to become a successful project.

*Officer response: It is considered that given the bulk, mass and height of the existing building the rooftop additions are unlikely to have a significant impact on the microclimate at street level.*

#### **Peterborough Civic Society –**

- Recognises that this application has the potential to enhance the attractions of Queensgate both through cinema and food court.
- Welcome the proposal to increase the public accessibility of the centre/City Centre, outside normal shopping hours.
- No objection to the reconfiguration of the retail units or the extension of retail trading space into parts of the John Lewis not currently in retail use.

However, we also have the following serious concerns:

- The bulk of the cinema extension rising above the bus station is inappropriate.
- Its design and materials are out of keeping with the elevational treatment of the existing centre.
- The scheme will undermine the viability of the current long-awaited regeneration scheme for the North Westgate area.
- Should the City Council be minded to grant consent we suggest that this application offers the opportunity to negotiate for planning gain in the form of the illumination of Crescent Bridge.

*Officer response: The illumination of Crescent Bridge is not necessary to make the development acceptable in planning terms, it is not directly related to the development and it is unreasonable to request this and therefore contrary to para. 204 of the NPPF.*

#### **Historic England - Do not wish to comment in detail but offer the following observations**

- Part of the site lies outside the Conservation Area however the proximity of the development is such that it will have some impact on the character and appearance of the Conservation Area and on the setting of Listed Buildings in Westgate.
- Historic England has concluded that the bulk and massing of the alterations to the Queensgate centre would result in a modest level of harm to both the character and appearance of the adjacent conservation area and to the significance of listed buildings along Westgate through impact on their setting. Whilst the harm may be modest in accordance with paragraph 134 of the NPPF it will be necessary for the LPA to weigh that harm against wider public benefits that would be delivered by the proposal.
- The application would address the connectivity issues to the city during closing hours. Whilst this is welcomed and would go some way to offsetting the harm from the bulky roof extensions there are further opportunities. The current Queensgate Centre severs the route from King Street the Primark extension has prevented the route but this could be improved by providing active frontages. The improved connectivity should be secured by condition or S106.

**Environment Agency - No comment to make on this application.**

#### **Local Residents/Interested Parties**

Initial consultations: 253

Total number of responses: 4 (2 from Savills)

Total number of objections: 2

Total number in support: 0

#### **Savills/Hawksworth - objection**

An objection has been received from the Savills acting on behalf of Hawksworth Securities Plc; the

applicant for the adjacent North Westgate development (15/01041/OUT). The conclusion of the letter is provided below. A full copy of the objection letter is provided at Attachment 1.

- The redevelopment of North Westgate will facilitate redevelopment and, therefore, kick-start regeneration elsewhere in the City Centre. However, the proposed leisure-led scheme is dependent on the inclusion of a cinema which acts as its anchor. The inclusion of and grant of planning permission for a cinema at QSC will jeopardise this and prevent the North Westgate scheme coming forward.
- The NPPF clearly states that there should be a presumption in favour of sustainable development.
- Sustainability has three dimensions: economic, social and environmental (paragraph 7). Paragraph 8 states that these roles should not be undertaken in isolation; to achieve sustainable development economic, social and environmental gains “should be sought jointly and simultaneously” and “planning should play an active role in guiding development to sustainable locations”.
- As set out above, North Westgate will deliver economic, social and environmental gains, including the regeneration of this key City Centre site, with an estimated 1117 potential jobs, the delivery of over 200 dwellings, community facilities, new public spaces and connections to the communities to the north as well as enhancing the setting of Westgate Church and properties on Lincoln Road.
- North Westgate clearly meets the requirements of the NPPF by jointly and simultaneously facilitating net gains across the three pillars of sustainability.
- If the development of North Westgate does not proceed then the implications for the Peterborough Core Strategy includes the undersupply of housing and jobs, both of which are key to the growth strategy and sustainability.
- The cinema in Queensgate delivers some economic gains in terms of jobs but it does not offer any regeneration benefits for the City Centre and offers no social or environmental gains such as housing, community facilities and new public realm. It does not represent sustainable development and it will prejudice the opportunity to deliver sustainable development in Peterborough City Centre as proposed in the Development Plan policies CS4 and CC3.
- Policy CS4 of the PCS gives policy support for the redevelopment of North Westgate and priority for its delivery in the early years of the Plan Period.
- Policy CC3 of the City Centre Plan DPD, regarding development in the City Core, states that proposals which would prejudice the comprehensive development of North Westgate Opportunity Area will not be permitted.
- In conclusion, Queensgate does not benefit from a policy allocation and the adopted Development Plan makes no reference to the expansion of leisure facilities within the QSC. Given the policy priority afforded to North Westgate, which is allocated and offers the delivery of significant planned investment in the City Centre, it is imperative that planning permission is refused for a cinema at Queensgate.
- The reasons for refusal of the Queensgate scheme can be summarised as follows:
  - The scheme does not provide the joint and simultaneous delivery of the three elements of sustainability required by the NPPF and does not respond to the opportunity to achieve sustainable development in Peterborough City Centre. It is, therefore, contrary to paragraphs 8 and 10 of the NPPF, Policy PP1 of the Peterborough Planning Policies DPD and Policy CC1 of the City Centre DPD.
  - The scheme would prejudice the delivery of the regeneration and sustainable development of North Westgate which is a priority within the Development Plan. It is, therefore, contrary to Policy CS4 of the Core Strategy and Policy CC3 of the CCDPD.

The agent has responded to the representations made by Hawksworth, Peterborough Civic Society, Peterborough Local Access Forum and River Island and this is provided at Attachment 2 of this report for information.

#### **River Island – No objections in principle**

- Concern regarding the lack of consultation with the existing retailers within Queensgate.
- Consultation may have addressed the concerns regarding the potential disruption (to the trade of existing occupiers) caused by the construction phase and the effect on the vitality and viability of existing businesses.
- Request that a focussed consultation with existing occupiers of the QSC. *Officer response: The applicant has responded to the points made regarding public consultation and have reiterated that all managers of all the store in the QSC were invited to a preview event to the public consultation held on 14<sup>th</sup> May 2015. Furthermore the QSC Management issue monthly newsletters to all stores which provide updates on the scheme.*
- Suggest a Construction Management Plan be provided prior to any decision being issued. *Officer response: A Construction Management Plan will be required to be submitted and agreed prior to the commencement of development. The Plan will ensure that disruption caused by the development will be managed and minimised as far as practicably possible.*

### **Gladstone Connect (Community Group)**

Object – Our area has suffered planning blight for 15 years or more. If the further development proposals at Queensgate were to threaten the viability of North Westgate scheme, then we would oppose them. These proposals should not be allowed to stand in the way of the very long overdue regeneration of North Westgate.

#### **1 additional representation has been made stating the following:**

- As far as I can see, this is going to make using the bus station problematic, at least. The bus station is too small now. Slamming a road through the middle will make it dangerous and restrict buses even further. Quite why a shopping precinct needs a road shoving into it, I have no idea. It negates the whole concept of a safe area to shop without motor vehicles. This ridiculous application should be thrown out. *Officer response: It is unclear which road is being referred to and the comments possibly refer to North Westgate as there are no alterations proposed to the Bus Station.*

## **5 Assessment of the planning issues**

### Background

Invesco – purchased the Centre and associated land holdings at North Westgate in January 2014. The proposal is part of a programme of works including the refurbishment of car parks (completed), internal mall refurbishments and improvements to Westgate Arcade (completed). Investment in the centre is important to ensure the centre remains attractive, in the context of changes in shopping trends.

An application is also under consideration for the Westgate Opportunity Area (15/01041/OUT). This is an outline application (with all matters other than access reserved) for a mixed use scheme, to include, a cinema (Class D2), restaurants and cafes (Class A3), retail units (Classes A1, A2) a food hall (Classes A1, A3, A4, A5), office space (Class B1a), a hotel (Class C1), community and health care facilities (Class D1), residential (Class C3), together with associated car parking, vehicular access, servicing arrangements, public realm works and landscaping.

### The principle of development

QSC is located within the city centre core policy area and the vision for this area is for development that will strengthen Peterborough's sub-regional role as a key shopping destination. Paragraph 5.2.12 of the City Centre Plan states that as part of the vision for the city centre, there '*will be new retail and leisure provision, particularly further improvements to the Queensgate shopping centre and the North Westgate Opportunity Area.*' Furthermore Policy CC3 of the Adopted Peterborough City Centre Plan DPD seeks '*development which encourages trips into the city centre for shopping, leisure (including cinema), social and cultural purposes*'. There is an identified need for the city

centre to expand its cultural offer and the need to attract new facilities particularly a centrally located cinema and more bars and restaurants.

The cinema has the potential to attract large numbers of people and its location within the city centre is appropriate due to accessibility to a range of transport modes along with the provision of existing car parks/cycle parking provision and the likelihood of linked trips being made and to enhance the vitality and viability of the city centre. It is a key objective of national and local planning policy to have strong city centres.

The food and beverage provision would address a deficiency of these uses in the existing QSC. Investment has already been made in the city to enhance the restaurant provision within the city centre for example Carluccios and The Handmage Burger Company. It is considered the restaurant cluster would provide a complementary offer to the QSC, the cinema and other restaurant uses within the city centre. Ultimately encouraging visits to the city centre during the day and evening and increasing dwell time and enhancing the viability and vitality of the city centre.

In addition, although not for consideration under this planning proposal the reconfiguration of the John Lewis Store and the former Waitrose Store will provide large retail units which would encourage new retail operators to the city.

Policy CC3 of the adopted Peterborough City Centre Plan supports improved connectivity for pedestrians and cyclists and particularly to the rail station. The proposal would provide improved connectivity for pedestrians from the city centre to the Bus/Rail station through the extended opening hours of the QSC malls. Also the Policy states that new development must, where appropriate 'protect and enhance existing retail areas.' The proposal, by virtue of its content clearly satisfies this aspect of the policy.

It is considered that the provision of a cinema and associated restaurant offer will strengthen the existing city centre core, extending retail hours and dwell times and improve the evening and night time economy for the city centre. The principle of development is therefore supported and accords with the Council's vision for the City Centre and policy CC3 of the Adopted Peterborough City Centre Plan DPD, policies CS4 and CS18 of the Adopted Peterborough Core Strategy DPD.

#### North Westgate Development Opportunity Area

The Peterborough Civic Society have raised concern that the scheme will undermine the viability of the current long-awaited regeneration scheme for the North Westgate area. The proposed scheme for North Westgate is leisure-led and will provide similar facilities to the Queensgate scheme but with the added planning gain of securing the major objective of regeneration for this part of the city.

In addition, an objection letter on behalf of Hawksworth Securities plc; the applicant for the North Westgate Development, has been received. The letter argues that, essentially, the approval of the QSC cinema would jeopardise the delivery of the North Westgate redevelopment which is anchored on the provision of a cinema.

The objector makes reference to the national planning policy which by implication supports the delivery of the North Westgate Scheme, i.e. 'a presumption in favour of sustainable development' and that the three dimension: "economic, social and environmental gains should be sought jointly and simultaneously" and "planning should play an active role in guiding development to sustainable locations". In the objection it is stated that the North Westgate will deliver these gains with over 200 dwellings, community facilities, new public spaces and connections to the communities to the north as well as enhancing the setting of Westgate Church and properties on Lincoln Road and that if the North Westgate development does not proceed there would be an undersupply of housing and jobs. It is argued that although there would be some economic benefits from the proposed QSC cinema there would not be any social or environmental benefits i.e. housing, community facilities to the city centre and does not represent sustainable development.

The objection is based on the premise that the QSC application does not represent sustainable development. This is not the case. Whilst the NPPF identifies three strands to sustainability, it does not require developments to deliver against all three in order to be acceptable. The Queensgate proposal and the North Westgate proposal, whilst having some similar elements i.e. cinema, food and beverage units and retail, also has differences i.e. housing, public realm etc. Clearly not all schemes can contain the same elements as each other, but this does not mean, in the context of the NPPF that the lesser schemes must be refused permission. Contrary to what has been suggested, the Queensgate scheme would benefit the three dimensions of sustainability:

Economic: - Creation of jobs, focus of investment in the City Centre improving its vitality and viability. Improved access to car parks, the mall and wider city centre to the benefit of the night time economy.

Social:- Inclusive location accessible through a variety of transport modes.

Environmental:- Improved public realm in the context of the change to the interior of the mall, improved city centre accessibility at night time which has been a key constraint to date.

Thus it can be seen that the Queensgate scheme is 'sustainable' in its own right and is not contrary to the NPPF.

The applicant for the North Westgate scheme has stated that if the Queensgate scheme obtains planning permission then the North Westgate scheme cannot be implemented. This is acknowledged as it is unlikely that two city centre cinema's would be financially viable. However, this is a matter of competition between the developers and not a matter of planning policy (not least because there is not a national or local planning policy that seeks to refuse policy compliant development within the city centre that has the potential to prevent the redevelopment of the North Westgate site.)

It is acknowledged that the North Westgate Development, if implemented, would be a positive contribution for the city centre, providing city centre housing and so on. However, the location of the QSC for the cinema is considered to be sustainable in that it would be accessible by a variety of transport modes. Furthermore, the provision of a cinema and restaurant quarter would contribute to the sustainability of the city centre in terms of job creation and input to the local economy.

The letter goes on to refer to planning policies CS4 of the Core Strategy which gives support for the redevelopment of North Westgate, and policy CC3 of the City Centre Plan which states that proposals which would prejudice the comprehensive development of North Westgate Opportunity Area will not be permitted. Furthermore, Queensgate does not benefit from a policy allocation and the adopted Development Plan makes no reference to the expansion of leisure facilities within the QSC. Given the policy priority afforded to North Westgate, which is allocated and offers the delivery of significant planned investment in the City Centre, it is imperative that planning permission is refused for a cinema at Queensgate.

There are numerous shopping centres with food courts/quarters and cinemas and it is clear that this provision is lacking for the QSC. In addition the city centre faces increased competition from out of centre retail parks such as the Brotherhood Retail Park and Serpentine Green District Centre and in order to remain viable the city centre as a whole has to reinvent itself to be a place where people want to visit. One of the objectives of the Core Strategy is to regenerate the city centre in order to maintain viability and enhance vitality so that it remains at the top of the retail hierarchy in the East of England region.

It is accepted that there are no policies within the development plan for the redevelopment of Queensgate per se however, policies CS4 and CC3 state that development that encourages trips into the city centre for shopping, leisure (including cinema), social and cultural purposes will be supported to strengthen the area the city centre core area.

It is considered that the proposal for a cinema accords with the vision for the City Centre and the

associated planning policy. Policy CC3 of the City Centre Plan talks about the need for a cinema within the city centre core however, it does not state that the cinema has to be on the North Westgate site.

Both applications will be considered on their merits and in accordance with relevant planning policy. As discussed above the proposal for a cinema on the QSC would accord with relevant planning policy.

It would not be reasonable to refuse the application on the basis that the approval of the QSC would prejudice the development of North Westgate. It is the case officer's view that the meaning of the policy within CC3 that *'individual proposals that would prejudice the comprehensive redevelopment of this area will not be permitted'* is to prevent a development within the site that would compromise the comprehensive redevelopment of the allocated site. It is not applicable to sites outside the allocation.

In addition there is no guarantee that the North Westgate Development would be delivered. As stated in the objection letter, the North Westgate Opportunity Area was allocated for redevelopment in the 1971 City Centre Plan and there is still a pending application dating back to 2007. On the other hand Invesco has indicated that it expects to implement the scheme early next year and the operator for the Cinema is confirmed as 'Odeon'.

### Design and Visual Amenity

The existing centre is a large block and forms the back drop to the finer urban grain of the historic streets of Westgate and Cowgate. The existing material palette is simple, primarily comprising buff brick, lead mansard roofs and glazing. Due to the existing substantial mansard roofs most of the extensions would be screened by the existing roof structure. The retained lead mansard on the north block restricts visibility of the majority of the new cinema volume. It would be clad in matching material to blend into the mansard rather than contrast and draw attention to the increased volume. The cinema is set back from the existing elevation edge providing space between the mansard and the cinema's façade. The southern block would be more visible but the western façade would be in the most part, screened by the Bus Station and multi storey car parks. This element would be finished in light grey cladding panels with dark grey aluminium framing strip.

The massing of the extension would be broken up into 3 blocks with public spaces between them provided by the glazed malls. The variation in materials punctuates the otherwise continuous bulk and mass of the extension on the west façade of the building. Glazing to the mall elevation and roof is a clear glass curtain wall – the glass will restrict solar glare and unwanted heat. The glass is self-cleaning and low emissivity. The restaurant courtyard is also glazed the same as the mall.

It is proposed that the varying heights of the blocks create a rhythm on the roofline and this is accepted.

The west mall is main point of connectivity from the Bus/rail station and people's first impression of the city. Current low ceilings lack natural lighting resulting in an uninviting environment. The introduction of the glazed west mall has provided a visual enhancement to this entrance to the QSC and creates a more legible route to the rest of the centre and upper floor uses.

The Peterborough Civic Society recognises the proposal's potential to enhance the attraction of Queensgate through the introduction of a cinema and the inclusion of a food court and welcomes the increase in public accessibility. However concern is raised regarding the proposal. It is considered that the bulk of the cinema rising above the bus station is inappropriate and that the design and materials are out of keeping with the elevation treatment of the existing centre.

It is acknowledged that the elevational changes to the western façade are substantial however as stated above the majority of view of this elevation would be screened by the multi storey car parks. With regard to the design and use of materials, the existing building is a simple and bulky design

with a variety of roof heights and the materials are limited to buff brick, lead mansard roof and some glazing aspects to the entrances. The existing centre is also described as 'inward facing'. It is considered that the proposed materials aluminium cladding, glazing and buff brick to match the existing would complement and harmonise with those used in the existing building.

In addition it is considered that the design of the entrance to the western mall would provide a more welcoming experience for visitors to the centre.

It is considered that whilst the roof top extensions would result in an addition to the height and mass of the building the design of the extensions and appropriate use of materials would harmonise with the proportions and appearance of the existing building and would not detract from the character and appearance of the city centre as a whole. Hence the proposal accords with policy PP2 of the Adopted Peterborough Planning Policies DPD, policy CS16 of the Adopted Peterborough Core Strategy DPD and section 7 of the NPPF.

#### Impact on the conservation area and heritage assets

A Townscape, Visual and Heritage Impact Assessment has been submitted in support of the application. There are no listed or locally listed buildings within the application site however part of the site is situated within the city centre conservation area boundary and the Park Conservation area is to the north. There are a number of listed and locally listed buildings nearby. The study assessed three elements: an assessment of the likely effects on the character and quality of the townscape; the effects of the development on the significance of heritage assets; and an assessment of the effect of development on views, viewers and their visual amenity. Twenty-one key representative views were selected. It is noted that due to the low lying nature of the site and the dense development of the city, street level views of the scheme are well contained to the immediate vicinity of the site. The proposed development would, however, be seen together with the wider roofscape of Peterborough from the elevated view locations of the Cathedral Tower and bridges across the railway line.

The extension is located to the north-west of the QSC roof, furthest from the historic core of Peterborough. This means that the majority of the views from where the extension is visible are away from the sensitive townscape elements and particularly the Cathedral. The change to the view from the Cathedral tower is likely to be neutral in the context of the existing townscape character and acceptable. In terms of the remaining views, all effects are either negligible or neutral (minor to moderate).

The Conservation Officer has considered the assessment and identified that the more evident part of the extension will be viewed from Crescent Bridge roundabout / Bourges Boulevard. In this context the proposed development sits broadly within the massing of the existing roof elements and the proposed materials would match existing roof top materials, and so is visually acceptable.

In addition, the shopping centre is, or forms, the backdrop to various listed buildings. The bulk of the building currently has a small adverse impact on the setting of some listed buildings (e.g. Wortley Arms Houses, former Royal Hotel, Westgate). There will be some minor visual impact on long distance views towards and from the Cathedral. In many locations in views of listed buildings and parts of the Park and City Centre Conservation areas the proposed extension will not be visible. In other locations the development will be seen and this will vary depending on position of the viewer. The extension will be set back from the northern elevation to Westgate.

The Conservation Officer recommends the application be approved and considers that the work will only have a slight adverse impact on the setting of certain listed and locally listed buildings but overall would accord with section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990. Also, it is considered that the work will preserve the character and appearance of the City Centre and The Park Conservation Areas in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the



## National Planning Policy Framework (Heritage considerations)

Officers agree with the conclusions of the applicant that the extension would have a negligible effect on surrounding townscape character. The increase in height to the north-western part of the QSC roof would not alter the key characteristics or setting of the identified townscape character areas surrounding the site. The greatest townscape changes would be to the transport corridor character area (around Bourges Boulevard) but due to the poor quality townscape of this area and the height precedent already set by the shopping centre, the effect to the character of this area as a whole would be negligible.

Historic England has made representation on the application and considers that the bulk and massing of the alterations to the Queensgate centre would result in a modest level of harm to both the character and appearance of the adjacent conservation area and to the significance of listed buildings along Westgate through impact on their setting. Historic England has referred to para 134 of the NPPF that the Local Planning Authority will be required to weigh that harm against wider public benefits that would be delivered by the proposal.

It has been noted in the above report that the existing QSC comprises a large mass of buff brick and as a consequence has some impact on the setting of some listed buildings which lie to the forefront of the building. Consideration therefore is limited to the additional impact on the listed buildings resulting from the rooftop extensions. It is considered that whilst extension would add large volumes to the existing building these would not be apparent at the street level and would only be visible from views further from the site where, given the scale and mass of the existing building, they would appear proportionate.

The impact is measured against the benefits of the proposal which would be improved vitality and viability for the city centre through the likely increase in visitor numbers through cinema and restaurant offer, increased dwell times, employment opportunities improved night time economy, and improved pedestrian connectivity outweighs the negligible adverse harm caused by the extension.

Historic England have stated that the improved connectivity in the city would go some way to offset the harm resulting from the proposal however have requested that active frontages are provided to the elevations fronting King Street.

The potential to open up the ground floor elevation to King Street was considered under a previous scheme for the Primark extension. At the time of the application it was considered that this was a flaw in the original consent for the QSC and it would not be 'possible to turn back the clock'. It is considered that this part of the centre is not included in the changes and due to the internal layout of this element of the QSC it would not be reasonable to request this. It is considered that the improved connectivity from the city centre through the QSC to the Bus/Rail stations provided by the Queen Street and Cumbergate entrances would be a significant improvement on the existing connections for the city centre.

As per paragraph 134 of the NPPF, the development will result in less than substantial harm to the significance of the designated heritage assets, and this limited harm needs to be weighed against the public benefits of the proposal, namely an enhancement to the vitality and viability of the existing city centre, economic benefits, and improved city centre pedestrian access. Therefore the less than substantial harm is outweighed by the benefits of the scheme and hence the proposal accords with policy CS17 of the Adopted Peterborough Core Strategy DPD, policy PP17 of the Adopted Peterborough Planning Policies DPD and section 12 of the NPPF.

### Highway Implications

A LHA is content with the information provided within the Transport Statement.

There are 4 multi-storey car parks directly to the west of the QSC and in total there are 2,300 parking spaces. It is not proposed that there would be any additional car parking provided, however the car parks would be open later into the evening for users of the cinema. It is likely that the cinema will

increase the demand for parking however the peak time for cinema goers is likely to be in the evening, outside the core shopping hours when there is likely to be spare capacity.

**Cycle parking:** It is considered that there are insufficient staff cycle parking spaces available and further provision would be secured by condition. There would be provision within the 'click and collect' area.

There is customer cycle parking around the city centre in numerous locations. The LHA considered that further cycle parking should be proposed or at least the existing covered to encourage more trips by cycle. However, subsequent to the information as originally submitted the applicant has provided an assessment of provision and whether these are fully utilised. The LHA is satisfied that there are ample spaces around the entrances to the centre for visitor cycle parking.

**Car parking:** It is accepted that the existing car parks will open later to accommodate the proposed opening hours for the Cinema and associated restaurants. It is accepted that the existing car parking provision within the centre accords with the adopted parking standards under policy PP13 of the Adopted Peterborough Planning policies DPD.

**Traffic impact:** A 10% discount rate has been applied to the cinema trips to take into account linked trips with the shopping centre or other retail uses. However, the LHA are of the opinion that cinema trips are highly unlikely to link with an existing shopping trip and that the 10% discount is somewhat unrealistic. It is noted that the peak hours of use for a cinema are however generated outside the highway network peak hours on both a weekday and Saturday.

In respect of A1, A3-A5 trips these are more likely to be linked to the cinema during the evening or possibly shopping trips during the day. The application of a discount rate to these trips is therefore acceptable.

There would be a positive impact of the new proposals as the area of A1 retail floorspace is reduced which in turn would lead to a reduction in traffic to and from the shopping centre. The Transport Statement shows that overall because of this there would be a decrease in overall traffic during the Saturday network peak hours and a small increase in the weekday peak.

The LHA have however, stated that the 10% discount applied to the cinema trips is unrealistic and therefore the cinema trips for the network peaks have been recalculated to remove the discount. The result of this is that there is an increase in trips in both weekday and Saturday peaks as a result of this proposal. This increase is however, not significant being 16 trips and 13 trips respectively.

TRACK plots have now been submitted for the revised 'click and collect' area for the John Lewis store which the LHA consider to be acceptable.

It is noted that there are concerns regarding likely disruption that could be caused by the construction. The team will work closely with the centre management and local authority to develop and coordinate the construction methodology and plan any logistical operations that may impact on access to the centre and schedule these for out of hours working as appropriate to mitigate disruption. A Construction Management Plan will be secured by condition.

#### Travel Planning

A workplace travel plan has been submitted which has been developed with the Peterborough City Council Travel Choice Team. The submission of a Travel Plan is welcomed and it is hoped that the plan will encourage alternative methods of travel to work which would reduce the pressure on staff car parking, reducing the number of single occupancy car journeys along with the environmental benefits. The plan includes targets and an action plan and will be continuously reviewed and improved. Revisions to the TP initially submitted were requested by the Travel Choice Officer and these have been taken on board. However, undated survey information for 2015 is missing therefore the details would be secured by condition.

It is not considered that the proposal would unduly impact on the highway network and measures would be put in place to encourage alternative modes of transport. Hence the proposal accords with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD and policies CS14 of the Adopted Peterborough Core Strategy DPD.

### Ecology

An Ecological Assessment of the site has been undertaken and has identify any potential constraints to development. Due to the urbanised nature of the site and the lack of semi natural habitats the supporting value to the site in terms of flora and fauna is therefore limited and the impact on the wider environment as negligible. This report identifies the biodiversity features present which tend to be opportunist bird species that utilise building fabric including feral pigeon and gulls and the specially protected black redstart was identified in the wider area with the variety of levels and vertical habitats (rooftop plant and ventilation ducts) potentially offering suitable habitat. The building does not contain features associated with bat roosting. The report goes on to identify mitigation measures that should be followed to minimise impacts including avoiding construction work during the bird nesting season and undertaking surveys works.

The Wildlife Officer is satisfied with the conclusions of the report. The Officer's view is that as the building is likely to support nesting birds including the black redstart which is a UK BAP Priority Species and is listed under Schedule 1 of the Wildlife and Countryside Act (as amended) a condition should be appended to the decision notice requiring black Redstart surveys are carried out every two weeks in May & June and monthly in July and August during the construction period by a suitably qualified ecologist, as recommended in the Ecology report. Should evidence of their nests being found, then appropriate measures should be put in place to ensure this species is not disturbed. worded condition.

The Wildlife Officer has also recommended that a number of bird nesting and bat roosting features are provided to enhance the development for biodiversity. These details would be secured by condition.

With the recommendations being fully incorporated into the approved scheme the development would provide a net gain in biodiversity and accords with policies PP16 of the Adopted Peterborough Planning Policies DPD.

### Statement of community involvement

The applicant has undertaken a programme of community consultation prior to the submission of the application in order to gain the views of key stakeholders and members of the public and to inform the scheme on areas of concern. Pre-application discussions were undertaken with the Local Planning Authority and the Local Highways Section.

An evening reception was held on the 14<sup>th</sup> May where local Councillors and key stakeholders were invited to attend a preview of the public exhibition.

A briefing was also given to Members of the City Council on the 3<sup>rd</sup> July following the submission of the application.

A public exhibition was held on the 15<sup>th</sup> and 16<sup>th</sup> May at the QSC which was open to local employees, residents and the general public. It was attended by representatives of the development team to provide opportunity for customers to ask questions and offer comments. The event utilised paper questionnaires and exhibition stands. 290 people attended the event and over 304 responses were received either from the event or by post. 98% of respondents indicated that they were in favour of the proposals.

### Sustainability

The proposal includes measures to reduce the development's energy demand, consumption and associated CO2 emission include:

- Maximising internal comfort conditions by passive means
- Improving U-values for opaque and transparent elements over building regulations requirements
- Utilising energy efficient lighting systems with automated controls
- Maximising daylight use
- Enabling natural ventilation in the glazed façade to exhaust air from the space
- Building management system to monitor mechanical systems

It is considered that the proposal would make a contribution to Peterborough City Council's aspiration to become an environment capital in accordance with policy CS10 of the Adopted Peterborough Core Strategy DPD.

## 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 principle of a city centre cinema and restaurant provision with additional retail provision for the city centre is acceptable. This is in accordance with the vision for the City Centre, Policy CC3 of the City Centre DPD and Policy CS4 of the Core Strategy,
- the scale, proportions, design and use of materials would harmonise with the existing centre. This is in accordance with Policy CS16 of the Core Strategy and Policy PP2 of the Planning Policies DPD.
- it is accepted that the resultant bulk and mass of the extension would have a negligible adverse effect on the setting of some listed buildings and the City Centre conservation area. However this is outweighed by the benefits of the scheme to the vitality and viability of the city centre through the likely increase in visitor numbers through cinema and restaurant offer, improved night time economy, employment, and improved pedestrian connectivity. This is in accordance with the NPPF and Policy CS17 of the Core Strategy and Policy PP17 of the Planning Policies DPD.
- the site is accessible by a choice of means of transport and the proposal is supported by a transport statement and travel plan and will not result in any adverse highway implications. This is in accordance with Policies CS14 of the Core Strategy and Policy PP12 of the Planning Policies DPD.

## 7 **Recommendation**

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 No development shall take place until details of the materials to be used in the external elevations of the extensions hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012). This is a pre-

commencement condition because it is important to ensure that the appropriate materials will be available at the time the above ground building work takes place given the proximity to the Conservation Area.

C 3 Prior to the commencement of the development hereby approved, a detailed Construction Management Plan (CMP) shall be submitted and approved by the Local Planning Authority. The details of the CMP shall include the following:

- Parking turning and loading/unloading for construction traffic taking into consideration access/parking requirements for surrounding building occupiers
- Method of ensuring that mud/debris is not carried on to the adjacent public highway including wheel/chassis cleansing (where applicable)
- Management of the manoeuvring of large construction vehicles including details of the types of vehicles being used in the construction process

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

Reason: In the interests of highways safety in accordance with Policy PP12 of the Adopted Peterborough Planning Policies DPD. This is a pre-commencement condition as the details will need to be approved before any work commences on site to avoid disruption to the adjacent highway network.

C 4 Prior to the extensions being brought into use additional cycle parking for staff shall be provided, the number and location of which are to be agreed in writing by the Local Planning Authority. The cycle parking shall be secure and covered and once implemented be thereafter maintained for the parking of cycles only.

Reason: In the interests of promoting travel by non-car modes and in the interests of highway safety and in accordance with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

C 5 Prior to the extensions being brought into use a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall contain SMART targets to encourage the reduction of car trips to the Queensgate Centre and promote the use of non-car modes instead and details of a review mechanism. The Travel Plan shall be implemented in accordance with the approved details.

Reason: In the interests of promoting travel by non-car modes and in the interests of highway safety and in accordance with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD and policy CS14 of the Adopted Peterborough Core Strategy DPD.

C 6 Details of the numbers, locations and design of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details prior to the extensions hereby approved being brought in to use.

Reason In order to provide biodiversity enhancements for the site and in accordance with policy PP16 of the Adopted Peterborough Planning Policies DPD.

C 7 In the event that construction works are undertaken during the months of May to August targeted Black Redstart surveys shall be carried out every two weeks in May & June and monthly in July and August during the construction period by a suitably qualified ecologist,

as recommended in the Ecology report. Should evidence of their nests being found, then appropriate measures should be put in place to ensure this species is not disturbed.

Reason: To protect features of nature conservation importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

- C 8 Notwithstanding the details hereby approved the opening times for the car parks and connective routes through the Queensgate Centre shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented when the extensions are brought into use and shall be maintained in perpetuity.

Reason: In order to provide connectivity, particularly in the evenings to and from the city centre, bus station and railway station and in accordance with policy CC3 of the Adopted Peterborough City Centre Plan, and policies CS4 and CS18 of the Adopted Peterborough Core Strategy PDP.

- C 9 The development hereby permitted shall be carried out in accordance with the following approved plans:

- Elevation - BNY-SA 08 LL03 Rev B01
- Click and Collect – BNY-SA 08 AL07 Rev B01
- Click and Collect - BNY-SA 08 AL08 Rev B00
- Floor Plan – BNY-SA 1002 Rev B01
- Floor Plan – BNY-SA 08 002 Rev B01
- Proposed site plan – BNY-SA 08 LL93 Rev B01
- Elevation – BNY-SA 08 LL02 Rev B01
- Floor Plan – BNY-SA 08 B102 Rev B00
- Roof Plan – BNY-SA 08 5002 Rev B00
- Floor Plan – BNY-SA 08 2002 B00
- Section – BNY-SA 08 LL13 Rev B00
- Location Plan – BNY-SA 08 LL90 Rev B00
- Elevation – BNY-SA 08 AL06 Rev B00
- Service yard and section – BNY-SA 08 LL16 Rev B00
- Floor Plan – BNY-SA 08 3002 Rev B00
- Elevations – BNY-SA 08 LL04 Rev B00
- Floor Plan – BNY-SA 08 4002 Rev B00
- Section – BNY-SA 8 LL15 Rev B00
- Section - BNY-SA 8 LL14 Rev B00
- Section – BNY-SA 08 AL05 Rev B00

Reason: For the avoidance of doubt and in the interest of proper planning.

8<sup>th</sup> September 2015

pcc080915ltcob



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**By E-mail only**

Dear Mrs MacLennan

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

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

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

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

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



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

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

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

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

### Planning Policy Context

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

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

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

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

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

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





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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

### Conclusions

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

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

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

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

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

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

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



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

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

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

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

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

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

Yours sincerely

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

**Craig O'Brien BA (Hons) BTP MRTPI**  
**Director**





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Date 24 July 2015  
Our ref 13906/02/JF/HFo/9635502v1  
Your ref 15/01013/FUL

Dear Janet

### **Peterborough City Council: Queensgate Shopping Centre LPA Ref. 15/01013/FUL**

On behalf of our client, IREEF Queensgate Peterborough Propco S.á.r.l, we write to respond to the consultation responses received from Peterborough's Civic Society, Local Access Forum and River Island in respect of the above planning application at Queensgate Shopping Centre (QSC). We deal with each in turn.

#### **1. Peterborough Civic Society**

We welcome the support of the Civic Society on the provision of additional retail and leisure facilities and improvements to permeability through QSC and the wider city centre. These are significant planning benefits of the scheme.

We note three areas of concern they raise and respond to each below.

##### *1) Design and Materials*

The design and materials of the extension have taken into account the existing design and materials of QSC so the extension merges, rather than contrasts, with the existing building. For example, the new extension incorporates grey and aluminium framing and cladding to complement the existing lead mansard. The glazed boxes reflect the use of glazing elsewhere on the QSC (such as the corner of the north elevation). The aluminium cladding and glazed boxes, are therefore characteristic of the centre and in-keeping with the existing materials. In regards to the design of the west elevation, the use of boxes of grey cladding and glazing reflects the existing block structure on this elevation formed by the mansard roofs, and bays at ground floor level created by glazing and details in the brickwork. The design for the new extension on the west elevation provides an active and varied façade rather than a blank elevation. The design and



materials are therefore considered to be in-keeping with the design of the existing elevation and are appropriate for this development.

### *2) Massing and Bulk*

Although there is inevitably an increase in bulk on the west elevation fronting the bus station, this forms an infill between the existing lead mansard roofs. The design of the extension, such as the stepped roof level and the introduction of grey clad boxes and glazed boxes, is intended to break up the massing. It is therefore considered that the extension forms an addition to the centre which would not appear either incongruous or uncharacteristic in its context. We have demonstrated through the Townscape and Visual Impact Assessment which accompanies the planning application that the extension forms an acceptable addition to QSC.

### *3) North Westgate*

The statutory development plan supports both development at QSC and redevelopment at North Westgate. City Centre Plan Policy CC3 explicitly refers to a cinema being provided within the city centre core, outside of the North Westgate Opportunity Area, and the QSC development directly responds to this policy aspiration. Further, the supporting text to this policy, which sets out the vision for the City Core states that “there will be new retail and leisure provision, particularly further improvements to QSC and the North Westgate Opportunity Area”.

There is policy support for both schemes and the mix of uses proposed at QSC is entirely in line with the statutory development plan. We are providing a ‘main town centre use’ in a city centre location within the existing city centre core.

We note the request by the Civic Society for the applicant to provide illumination to Crescent Bridge through a planning obligation, if planning permission is granted. Seeking such a contribution, in our view, would fail the tests set out within the National Planning Policy Framework (paras . 203 and 204) which apply to Local Planning Authorities considering whether planning obligations are required. The proposed development does not have an unacceptable impact on the surrounding townscape and such an obligation is not necessary to make the development acceptable in planning terms. Furthermore the request is not directly related to the development or fairly or reasonably related in scale or kind; there is no planning justification for this request.

## **2. Peterborough Local Access Forum**

We note at the outset that this consultation response relates to both QSC and North Westgate schemes. Whilst considering these comments we reiterate that the QSC planning application does not create or alter the existing vehicular or pedestrian access points into the site. It does, however, deliver a number of benefits to pedestrian access by providing an access through the centre during the evening which will help improve accessibility through the city centre more widely. We demonstrate in the Design and Access Statement how the QSC will connect to the railway station and wider city centre.

On the basis of the above, from a highways perspective the North Westgate scheme must ensure it can work with the existing arrangements for QSC which remain unchanged as part of our proposals. In this respect, it is also important to note that the redevelopment of North Westgate will only be acceptable in planning policy terms if it integrates fully within the existing retail area and provides improvements to pedestrian connectivity between the site and railway station (as set out



in the City Centre Plan Policy CC3) . We understand an amended scheme has been submitted for the North Westgate site which seeks to address the concerns raised by the Local Access Forum.

### 3. River Island

Turley has submitted comments on behalf of River Island, who operates a store within QSC. It does not raise an objection but expresses concern regarding the consultation undertaken with operators within the centre and potential disruption during construction.

Invesco and its asset manager, Lend Lease, are committed to consulting with its tenants on the development proposals. As part of the public consultation event at QSC in May, a preview event was held on the 14 May to which all managers of all the stores within QSC were invited.

In addition to this, QSC Centre Management issue monthly newsletters to all stores which provides updates on the proposed development and holds monthly Queensgate Centre Association meetings which all managers are invited to attend. There have therefore been opportunities for the River Island store manager to discuss the proposed development with the team.

We confirm that Invesco and Lend Lease will be seeking to minimise disruption to the ongoing operation of QSC during the construction works and we would be pleased to offer up a Construction Management Plan before development commences. .

We hope the above assists your consideration of the comments raised. In If you require any further information from us in respect of the above please contact Oliver Yeats or me.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Hannah Fortune'.

**Hannah Fortune**  
**Associate Director**

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Date 15 September 2015  
Our ref 13906/02/JF/HFo/9729945v2  
Your ref 15/01013/FUL

Dear Sir/ Madam

### **Peterborough City Council: Queensgate Shopping Centre LPA Ref. 15/01013/FUL**

On behalf of our client, IREEF Queensgate Peterborough Propco S.á.r.l, we write to respond to the consultation response received from Hawksworth Securities plc (Hawksworth) in respect of the above planning application at Queensgate Shopping Centre (QSC), dated 8 September 2015.

The letter raises a number of issues which are very general in nature and draws selectively from planning policy to justify a position that cannot be in any way justified from a full and proper assessment of the statutory development plan. Some of the comments Hawksworth make and conclusions reached are inaccurate or plain wrong. We provide our response to the letter below.

The starting point for the determination of the planning application at QSC must be the policies contained within the Statutory Development Plan (SDP). Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that planning applications must be determined in accordance with the policies contained within the SDP unless material considerations indicate otherwise.

The Planning Statement we prepared to accompany the planning application assesses the development proposals at QSC against the policies within Peterborough's SDP (comprising the Core Strategy (2011), Planning Policies (2012) and the City Centre Plan (2014) Development Plan Documents). It concludes that the development is in accord with the policies within these documents.

The nature of the proposed development at QSC directly reflects the specific policy wording of Policy CC3 in the City Centre Plan. This policy relates to the City Core Policy Area, of which QSC is an integral part. This area also includes North Westgate.

To fully consider the policy requirements for this area it is important to read Policy CC3 as a whole. The first part sets out what all new developments within the City Core should achieve to be

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acceptable in planning policy terms. In line with this, the development at QSC is high quality and will strengthen the area as the retail and leisure focus of Peterborough. As demonstrated in the application submission, the development also protects views of the Cathedral, preserves the heritage assets of the area and enhances the existing retail provision of the primary shopping area of the city centre- all requirements of this policy which must be applied where appropriate; the other elements not being applicable to our scheme.

The policy then goes on to identify sites allocated for residential use and identifies two Opportunity Areas for mixed use development: North Westgate and Northminster. The policy states that within North Westgate planning permission will be granted for a comprehensive mixed use development including retail, housing, office and leisure. Policy then states that individual proposals that come forward within this Opportunity Area which would prevent its comprehensive redevelopment will not be permitted.

The policy then moves on to discuss its expectations for sites **elsewhere** in this City Core policy area i.e. not within the two opportunity areas, or on the sites allocated for housing. QSC falls within this element of the policy. This states that elsewhere the council will “*expect and support*” development which, inter alia, “*encourages trips into the city centre for shopping, leisure (including a cinema)<sup>1</sup>, social and cultural purposes*”.

This element of the policy is important to the consideration of our scheme and the position is clear. There is an expectation within adopted policy that a cinema will be provided on a site elsewhere within the city core and that this will be supported by the Council.

This expectation of the council doesn't necessarily preclude a cinema coming forward elsewhere, possibly including the North Westgate site, but the support for a cinema elsewhere in the city centre including at QSC is explicit in the wording.

Hawksworth's view that there is a policy priority for a cinema at North Westgate has no basis in policy and is flawed. It is against the council's policy expectation that a cinema would be provided elsewhere in the city centre that the range of uses for North Westgate is set out in policy CC3. In light of this it is perverse of Hawksworth to seek to justify an objection to the QSC proposal because it includes a cinema, when our proposal delivers precisely what the council is seeking within its adopted policy.

It is noteworthy that the City Centre Plan states that there will be new retail and leisure provision within the City Core Policy Area with particular focus on “*further improvements to QSC and the North Westgate Opportunity Area*” (paragraph 5.2.12). The SDP supports development at QSC and North Westgate. The Plan considers both sites should be developed for leisure and retail purposes to contribute to the vision of the plan to enhance the vitality and viability of Peterborough City Centre so it fulfils its sub-regional role. There is no preference in planning policy terms for one site to be delivered over the other.

The QSC scheme will not undermine the regeneration of North Westgate in line with its allocation in the SDP; Policy CC3 allows for a wide range of uses on North Westgate and the application is submitted in outline where other leisure uses could come forward on this part of the site (or alternative uses introduced). We fully support the regeneration of North Westgate. Invesco owns

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<sup>1</sup> NLP emphasis.



two significant parcels of land within this area and is keen to see development brought forward to further enhance the vitality and viability of Peterborough City Centre, and is willing to work with Hawksworth and the Council to realise the regeneration potential of the site.

We note Core Strategy Policy CS4 does state that priority will be given to the delivery of additional comparison retail floorspace only on the North Westgate site; not the provision of other uses or the delivery of this wider regeneration site. This policy was formulated back in 2010/2011 against the backdrop of significant retail capacity figures for Peterborough (which have since been reduced), and the historic schemes on the site which were retail led. The same policy states that the City Centre Plan will identify areas where there are opportunities to concentrate development of a particular use. It is this later plan that includes Policy CC3 and the requirements and expectations it sets out about providing a cinema, as set out above.

Given the policy support for the proposed mix of uses at QSC in Peterborough's SDP, specifically City Centre Plan Policy CC3, the proposed uses must be supported in principle unless material considerations indicate otherwise; there are none in this case. In this respect we note that Hawksworth has incorrectly referenced an element of Policy CC3 which states that individual proposals which would prejudice comprehensive redevelopment of North Westgate will not be permitted. This wording clearly relates to individual proposals within North Westgate, not elsewhere within the city centre. This is noted by Hawksworth in the Planning Statement prepared by Savills (para. 8.8) when it is seeking to justify including only part of the land at North Westgate in its planning application.

In its letter Hawksworth refers to what it considers to be the limited and notable failings of our scheme; this is a disappointing comment which reflects the commercial based nature of its objection and one which lacks any kind of objectivity in planning terms. Our scheme represents a very significant investment in the city centre which has many planning benefits. The planning application is presented in full, the key occupiers are already committed to the scheme and our client is preparing to implement any planning permission straight away.

The planning application at QSC is entirely in accordance with the Statutory Development Plan. In accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 it should be granted planning permission.

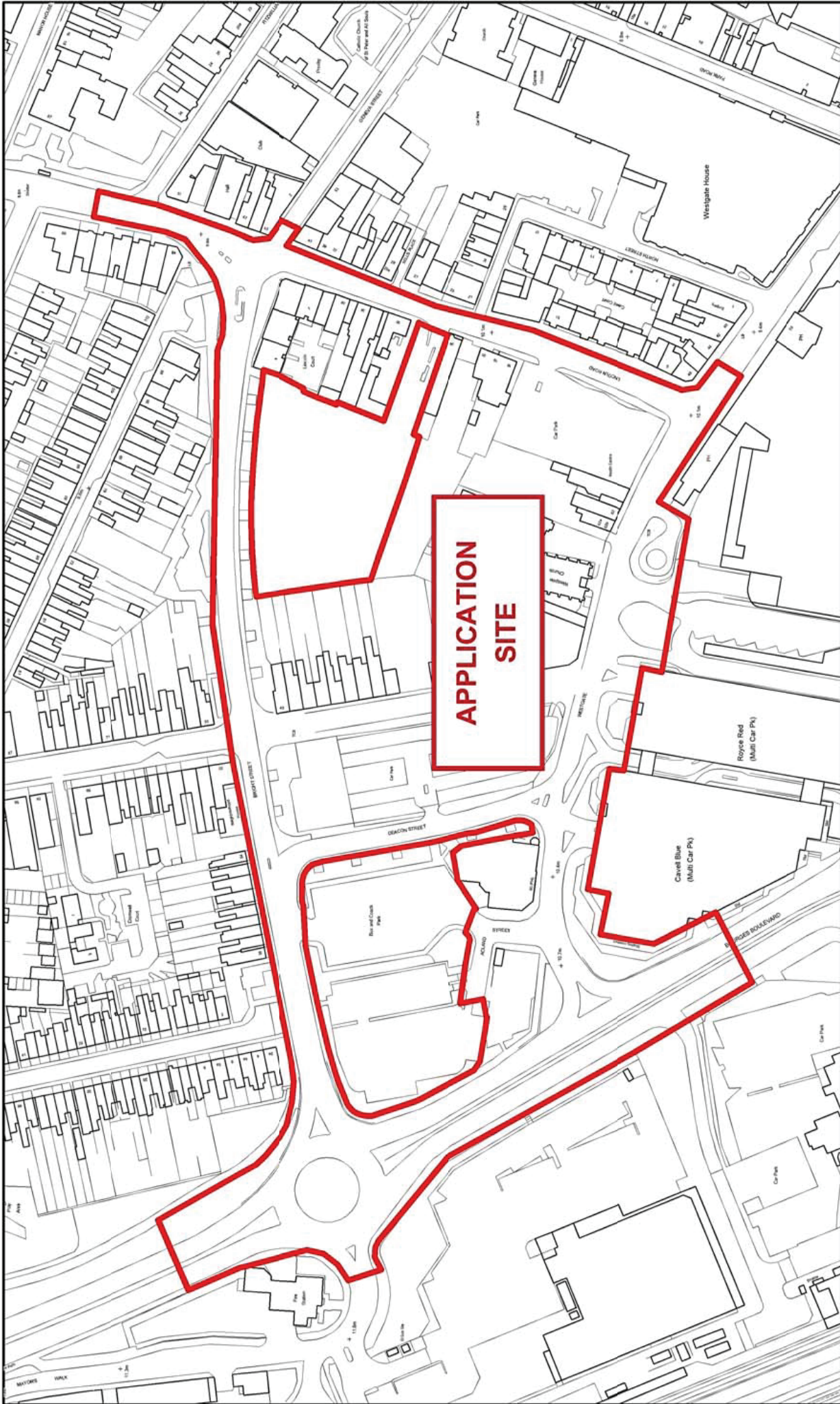
Yours sincerely

A handwritten signature in blue ink, appearing to read 'Hannah Fortune'.

**Hannah Fortune**  
**Associate Director**

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**LOCATION PLAN 15/01041/OUT**

North Westgate Development Area, Westgate, Peterborough

**Scale NTS    Date 15/9/2015    Name MKB    Department Planning Services**

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**PCC GIS**



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## Planning and EP Committee 29 September 2015

**Application Ref:** 15/01041/OUT

**Proposal:** Outline application (with all matters other than access reserved) for a mixed use scheme, to include, a cinema (Class D2), restaurants and cafes (Class A3), retail units (Classes A1, A2) a food hall (Classes A1, A3, A4, A5), office space (Class B1a), a hotel (Class C1), community and health care facilities (Class D1), residential (Class C3), together with associated car parking, vehicular access, servicing arrangements, public realm works and landscaping. The demolition of all buildings, excluding Westgate Church, the Brewery Tap, 16-18 (in part), 30-36 Lincoln Road and Lincoln Court

**Site:** North Westgate Development Area, Westgate, Peterborough,

**Applicant:** Hawksworth Securities PLC

**Agent:** Miss Chloe Clark

Savills (UK) Ltd

**Site visit:** 03.07.2015

**Case officer:** Ms A McSherry

**Telephone No.** 01733 454416

**E-Mail:** amanda.mcsherry@peterborough.gov.uk

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

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

#### Site and surroundings

The site covers an area of approximately 4.6 hectares, and is located within the City Centre, adjacent to but not within the City Centre Conservation Area. It is positioned between the Queensgate shopping centre/associated multi storey car parks and the bus station to the south, and the residential area of Millfield to the north. The site is bounded to the west by the A15 (Bourges Boulevard) beyond which is the new Waitrose store and railway station. Bright Street bounds the site to the north, Lincoln Road to the east, and Westgate to the south. The application site excludes two parcels of land, within the allocated North Westgate Opportunity area, in the north west and north east corners of the site (0.45ha and 0.37 ha respectively) they are within the landownership Invesco, the owners of the Queensgate shopping centre.

The application site is a relatively flat site. It contains 4 surface level car parks that are within the applicant's ownership. It has a row of terraced residential properties on Cromwell Road, between Bright Street and Westgate, which is severed in the middle by a car park, following the demolition of former buildings. There is a 3 storey empty office building Frobisher House on the corner of Cromwell Road and Westgate. The site also contains Westgate Church and its two associated outbuildings, which are used for community activities and a book shop. Adjacent to the church there is a private hire taxi business and café at ground floor with residential accommodation above. There is a Locally Listed Building of importance 16-18 Lincoln Road. The site also contains the Brewery Tap public house.

There are no Listed Buildings within the site, the closest is the Wortley Almshouses, located on the opposite side of Westgate to the south east corner of the site.

#### Proposal

Outline planning permission is sought for a mixed use scheme of up to 50,000sqm to include:-

- A cinema (Class D2)
- Restaurants and cafes (class A3)
- Retail units (Classes A1 and A2)
- A Foodhall (Classes A1, A3, A4 and A5)
- Office space (Class B1a)
- A hotel (Class C1)
- Residential (Class C3)
- Community and health care facilities (Class D1), including a Church Hall, health centre, worship and community rooms
- Car parking, new access arrangements for vehicles, pedestrians and cyclists, public realm improvements and landscaping.

Under this outline planning application all matters, with the exception of access, are reserved for future applications and consideration. Therefore Members are being asked to consider the principle of the proposed development, the acceptability of the masterplan principles and the key parameters within the Parameter Plans e.g. maximum floorspace, building heights, block locations etc. An illustrative masterplan has also been submitted to help illustrate one possible way the site could be redeveloped. It also shows a potential layout of how the two excluded parcels of land might also be redeveloped in future. This is to demonstrate that redevelopment of the current application could be achieved without prejudicing the comprehensive redevelopment of the wider Opportunity area. The Council's aspiration would be for the 2 excluded parcels of land to also be redeveloped in future, to give cohesive regeneration to this part of the city centre. The access and highway works have been submitted for approval under this outline application and are not reserved for consideration in future.

The proposed development will involve the demolition of all buildings on the application site, except Westgate Church, the Brewery Tap, 16-18 Lincoln Rd (in part), 30-36 Lincoln Rd and Lincoln Court. It will also include the stopping up and diversion of some highways within the site, along with the creation of new streets and highway works. The highway works include the stopping up of Deacon Street and Cromwell Road, and restricting the movement of cars on Westgate between Lincoln Road and Bourges Boulevard.

The applicant will seek to acquire the sites not currently within their ownership, within the submitted Phase 1 red line application site boundary, to deliver the development, but Compulsory Purchase may need to be considered should agreement not be reached with existing landowners.

## 2 Planning History

Reference	Proposal	Decision	Date
15/00004/SCREEN	EIA screening opinion	Comments	29/06/2015
14/00007/SCREEN	EIA screening opinion	Comments	18/11/2014
07/01463/OUT	Comprehensive redevelopment for a mixed use scheme to include the demolition of existing buildings and structures, the construction of new buildings and structures, the stopping up, diversion and alteration of public highways and the internal and external alteration and change of use of buildings and structures to be retained on site to provide: (i) retail uses (Classes A1, A2, A3, A4 and A5), offices (Class B1), residential (Class C3), community uses (Class D1) and leisure uses including a cinema (Class D2) to the east of Bourges Boulevard;(ii) hotel (Class C1), offices (Class B1) or residential (Class C3) to the west of Bourges Boulevard; together with ancillary and associated development, pedestrian circulation and car parking (including two new multi-storey car parks), vehicular access, servicing facilities, highway works, plant and machinery, landscaping, a new bus lay over and bus station incorporating 19 stands, bus station facilities and all necessary enabling works	Pending Consideration	
03/00141/OUT	Redevelopment to provide mixed uses including retail, residential, leisure, healthcare, parking and ancillary facilities	Withdrawn	10/07/2015

## 3 Planning Policy

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

### **Planning (Listed Building and Conservation Areas) Act 1990**

#### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

#### **Section 72 - General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

### **National Planning Policy Framework (2012)**

#### **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 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 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

#### **Section 11 - 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.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

#### **Section 11 - Contamination**

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

#### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or



total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

### **Peterborough Core Strategy DPD (2011)**

#### **CS02 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

#### **CS03 - Spatial Strategy for the Location of Employment Development**

Provision will be made for between 213 and 243 hectares of employment land from April 2007 to March 2026 in accordance with the broad distribution set out in the policy.

#### **CS04 - The City Centre**

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

#### **CS08 - Meeting Housing Needs**

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

#### **CS10 - Environment Capital**

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

#### **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 loss of village shops will only be accepted subject to certain conditions being met.

#### **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.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

#### **CS18 - Culture, Leisure and Tourism**

Development of new cultural, leisure and tourism facilities will be encouraged particularly in the city centre.

#### **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.

#### **CS22 - Flood Risk**

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

## **Peterborough Planning Policies DPD (2012)**

### **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, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

### **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.

### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

### **PP20 - Development on Land affected by Contamination**

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

## **Peterborough City Centre Plan (2014)**

### **CC1 - Presumption in Favour of Sustainable Development**

Development should contribute to the City's Environment Capital ambition and take steps to address key principles of sustainable development.

### **CC2 - Retail**

Proposals for retail development will be determined in accordance with Policies CS4 and CS15 of the Peterborough Core Strategy DPD. Within Primary Retail Frontages, development within use



classes A1 and A3 will, in principle, be acceptable.

### **CC3A - City Core Policy Area**

The Council will seek development of the highest quality which strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region. New development must: improve the quality of the public realm; protect important views of the Cathedral; preserve or enhance the heritage assets of the area; and protect and enhance existing retail areas. The Council will also support development which results in a net increase in dwellings, improved connectivity, employment, conservation of historic shop fronts and development which encourages trips into the City Centre.

### **North Westgate Opportunity Area**

Planning permission will be granted for comprehensive mixed-use development including retail, housing, office and leisure. This must also include improvements to the connectivity with the railway station and be integrated with the existing retail area.

Individual proposals which would prejudice the comprehensive development of this area will not be permitted.

### **CC11 - Transport**

Within the area of the City Centre Plan, all development which has transport implications will be expected to make a contribution to the delivery of the City Centre Transport Vision.

The provision of additional car parking spaces will be resisted within the City Core Policy Area.

Elsewhere in the City Centre new residential development within classes C3 and C4 will be expected to make provision for car parking in accordance with Policy PP13 of the Planning Policies DPD. There will be no minimum requirement for car parking spaces in association with any other type of development. Additional spaces will only be allowed if the development has provided a fully justification.

### **CC10 - City North Policy Area**

Development will be acceptable provided that it respects the character and form of the surrounding area. Housing proposals must assist in improving the quality of the housing stock and the residential environment. Residential intensification through sub-division or the creation of HMOs will not be supported.

Development will be supported in principle where it:

- Involves replacement dwellings (subject to a density control)
- Improves the mix of uses, including especially open space and community facilities
- Complement/support community regeneration projects
- Improve pedestrian/cycle connectivity to the city core, especially to North Westgate.

The Stanley Recreation Ground will be protected and enhanced. Proposals for adjoining development should help to reconnect it and enhance the sense of safety.

### **Planning practice guidance (PPG) – Department for Communities and Local Government (2014)**

- Conserving and enhancing the historic environment
- Design
- Ensuring the vitality of town centres
- Travel plans, transport assessments and statements in decision-taking
- Viability

## **4 Consultations/Representations**

**PCC Transport & Engineering Services**

No objections – Subject to the imposition of conditions.

**PCC Conservation Officer**

No objections

**PCC Archaeological Officer**

No objections – An archaeology desk based assessment, geophysical survey and trial trenching has taken place. None of these archaeological investigations uncover any significant heritage assets. Therefore subject to a watching brief archaeological condition, no further archaeological investigation works are required.

**PCC Lead Local Drainage Authority**

No objections – Subject to the imposition of a surface water drainage condition.

**PCC S106 Planning Obligations Officer**

As this is an outline application, the liability notice confirming the amount of CIL that is due will not be issued until after receipt of the reserved matters details.

**PCC Tree Officer**

No objections - Mitigation planting has been identified for the unavoidable tree loss due to the proposal. It is noted that the majority of the trees that would be removed are low quality or have little long term retention value.

At reserved matters a Finalised Tree Protection Plan and an updated Method Statement to identify the exact RPA infringements and associated methodologies to reduce any potential impact would be required. In addition full and detailed landscape details would be required along with implementation and maintenance plans.

**PCC Wildlife Officer**

No objections - Subject to the imposition of conditions in respect of further detailed surveys of buildings for bats prior to demolition, lighting design to minimise impact on bats, provision of a range of bird boxes. The inclusion of green roofs, rain gardens, storm planters, reed-bed technology and trees as part of the development are to be welcomed. Details of which will be secured at the reserved matters stage. The landscaping scheme should include native plant and shrub species.

**PCC Pollution Team**

No objection – Subject to the imposition of conditions in respect of noise mitigation for proposed residential properties, dust management during construction/demolition works, and contamination.

**PCC Minerals And Waste Officer (Policy)**

No objection - The proposals do not affect any allocated mineral and wastes or designated areas. The developer should be encouraged to maximise the re-use, recycling and recovery of inert waste streams from construction and demolition operations.

**Highways England**

No objections

**Sustrans**

Object – Sustrans would not object if there were restrictions on cycling in some areas, as well as at least one good high quality east-west and one good north-south route through the development but they object to an outright ban on cycling in the site. For the east-west route they feel the minimum requirement would be a high quality coherent route available 24 hours per day and linking the Waitrose Crossing of Bourges Boulevard with the Westgate/ Lincoln Road junction. And for North-South they suggest a route along the Cromwell Road alignment that links well with the Bus Station and new residential area and with Cromwell Road (North of Bright Street). In principle

they think this is a good location for development, but believe that the current proposal needs to be changed to one that favours sustainable transport and is in line with Council policies.

### **Peterborough Cycling Forum**

Object – The scheme makes inadequate provision for cyclists. Closes off existing cycle routes, and is therefore is a barrier to sustainable transport modes. Undermine the new Toucan crossing on Bourges Boulevard. Good design will allow pedestrian safety with cyclists. Local Transport Plan encourages strong enhancements to pedestrian/cycle routes. The scheme increases car parking and bans cycling.

### **Historic England**

No objections - General observations:- the permanent severance of Westgate should be approached with caution. [Officer comment – The severance is no longer proposed.] The amount of car parking in this central location is questioned, and if needed active ground floor frontages on its eastern elevation should be proposed to give activity to the new pedestrian route. It is not clear how much of the locally listed building 16-18 Lincoln Road is to be retained. It is recommended that the portion of the building to be retained relates to the plan of the building and includes the principal rooms.

### **Peterborough Civic Society**

Supports the general nature of the scheme, and looks forward to new homes, shops, restaurants, offices and hopefully a cinema. Concerned numerous land ownerships could lead to delays in delivery of Phase 1 and there may be a need for Compulsory Purchase Orders. Agree with Historic England's concerns about the permanent severance of Westgate [Officer comment – The severance is no longer proposed], the need for ground floor activity on the eastern side of the car park/cinema block along the new pedestrian street and the retention of a coherent amount of No.16-18 Lincoln Road rather than just its façade. Concerned about the difficulty in achieving a satisfactory juxtaposition between the retained 16-18 Lincoln Road and the new Foodhall, they feel it is currently overbearing. Concerned about the lack of an open east-west 24 hour public pedestrian route north of the foodhall to link up with Lincoln Road and North Street. Disappointed that there will be a ban on cycling through the site, feel that there should be an east-west and north-south route provided for cyclists. The provision of cycle parking facilities should be conditioned. Viewpoint 13 shows a harsh closure to the existing Cromwell Road through the site. The north elevation of the cinema will have to be designed to minimise any overbearing impact. Feels the scale of buildings on Westgate is overbearing, too high, too uniform, and that the storeys should be set back from the frontage above 3<sup>rd</sup> storey level. No account appears to have been taken of views from the Railway for travellers approaching Peterborough from the north.

### **Environment Agency**

No objections – Subject to the imposition of conditions in respect of contamination, foul and surface water drainage.

### **Anglian Water Services Ltd**

No objections - Subject to the imposition of conditions in respect of foul and surface water drainage.

### **Police Architectural Liaison Officer**

No objections – For 'Access Only', with all other design matters reserved. The Design, Access and Planning Statements, cover all necessary elements detailing the applicant's aspirations in terms of adequately addressing Community Safety and Vulnerability to Crime for the future development of this site.

### **Natural England - Consultation Service**

No objection – The proposed development is not likely to have a significant effect on the interest features for which the Nene Washes SSI, Ramsar Site, SAC and SPA have been classified. An appropriate Assessment is not required. Natural England has Standing Advice on protected species. Measures to enhance the biodiversity of the site should be secured.

**Network Rail - Eastern**

No observations to make.

**Peterborough Local Access Forum**

There appears to be problems of potentially conflicting movements between vehicles, cycles, buses, pedestrians on Westgate. The new shared/improved space on Westgate will need to accommodate vehicles from Queensgate, buses, taxis and pedestrians. There is a lack of connectivity between Queensgate and North Westgate. Queensgate appeared to have turned their back on the public open space outside their site. The wind/microclimate report submitted does not take into account the increased height of the Queensgate extension.

**British Transport Police**

No comments received

**Cambridgeshire Fire & Rescue Service**

No objection – Subject to the imposition of a planning condition to secure fire hydrant provision.

**Stewart Jackson MP**

Support – The regeneration offered by this proposal is important and needed. The public engagement and consultation undertaken by the applicant has been strong, which demonstrates their interest in the future of the area. Concerned that this proposal will be considered at the same time as the Queensgate extension proposal, and that the financial viability of this scheme may be undermined by this other application.

**Gladstone Connect (Community Group)**

Support – Our area has suffered planning blight for 15 years or more. We might not agree with every detail of the scheme, but we want development to proceed as soon as possible. If the further development proposals at the Queensgate were to threaten the viability of this North Westgate scheme, then we would oppose them. We would like conditions applied to prioritise employment opportunities for local people. Perhaps new apprenticeships in the building trade for the young people of the Gladstone Area.

**Local Residents/Interested Parties**

Initial consultations: 576

Total number of responses: 31

Total number of objections: 22

Total number in support: 3

23 letters of objection have been received raising the following issues:-

- No need to duplicate the provisions of cinemas in this or the Queensgate site, nor the amount of restaurants. Better to provide more residential uses to bring life back to the city.
- Inconsistency between the application form and demolition plan.
- The plans should be adapted to retain Frobisher House on site, which is earmarked for demolition. This building offers good quality space, in a relatively new building.
- Routes for cyclists should be prioritised so cycling is actively encouraged in the city.
- Object to the cycling ban proposed and general anti-cycling stance. This is at odds with the Environment Capital agenda.
- Cycling is not prohibited in Cathedral Square and Cowgate
- There should be good cycle access from the station, west and north.
- Signage should be used to make clear that Westgate and Lincoln Road are for use by cyclists, as well as other transport modes.
- The development should provide access for cycles, and allow the site to be used as a through route for cyclists.
- No allowance for cycling is contrary to the Local Transport Plan.

- Other cities e.g. Copenhagen, manage to incorporate cyclists in streets with a café culture, in cycle lanes or shared spaces, without issue.
- Anti-cycling stance of Peterborough City Council.
- Excludes cycling from Westgate and Lincoln Road, where it is currently permitted
- The proposal includes 500 parking spaces, and so encourages cars, but discourages cycling.
- Good quality cycle parking proposed is applauded. However it is unlikely people will get off their bikes and walk their bike through the site, and this will lead to conflicts.
- Manual for Street 2 and TAL 9/93 say that cyclists should be allowed in new pedestrian areas from the outset and only if problems arise should they be restricted.
- Impact on bus services. The closure of Westgate proposed will add time and mileage to existing bus services making them less attractive to passengers and more costly for Operators. [Officer comment – The closure of Westgate is no longer proposed.]
- The surfacing and design of the stretch of road on Westgate between the bus station and Lincoln Road needs careful consideration, due to the weight and frequency of bus movements using this stretch of road. It needs not only to look nice, but to be able to practically accommodate the bus traffic using it.
- Unacceptable high density/overdevelopment of the site
- Overbearing, out of scale with the character of the existing residential development in the area
- Unacceptable impact on the residential amenity of surrounding sites, in terms of noise, disturbance, overlooking, loss of privacy and overshadowing
- Car parking is already a problem in neighbouring residential areas, this will make the situation worse
- Adverse effect on highway safety and convenience of road users.
- I will have to move from the area, as the increase in people will lead to further increases in anti-social behaviour. I already have problems from anti-social behaviour in the car park on Cromwell Road, which is poorly managed and has no security cameras. Increase in littering, and noise pollution in evenings. The Brewery Tap already causes problems with people loitering, and being drunk and disorderly. This scheme will have a direct impact on my quality of life and those of fellow residents.
- Object to any further traffic loading on Bright Street. Bright Street is a very congested road, therefore entrance/exits to a car park, and provision of a supermarket goods delivery point on it are poor.
- Shoppers should have easy access for carrying their goods to transport points e.g. car parks, bus/train stations and taxi rank. Therefore the proposed Foodhall and supermarket should be moved closer to these points. This could also make deliveries easier.
- Concern raised about the detrimental impact of the proposed 100 bed hotel on the nearby Great Northern Hotel.
- Concerned about the impact on existing roads. The removal of cars along Westgate. Access to Queensgate car parks only from Bourges Boulevard. Removal of Deacon Street. The loss of the taxi business on site, for travellers. No drop off/pick up point for cars near bus station.
- Should block all motorised vehicles (apart from deliveries), and make the area a pedestrian and cycle friendly environment only.
- The proposal will result in the demolition and loss of an existing successful mini cabs taxi business, which relocated to the site in 2011. This site should be excluded from the proposals, or an alternative location for it found. Dedicated pick up/drop off points are required, taxi waiting/parking point, and on site taxi call office.
- It was thought that No.60 Westgate would be retained, when redevelopment proposals were planned for the area. Therefore considerable investment was made in the last 3 years to convert the ground floor into an A3 restaurant use, with 4 x 1 bed flats above.
- The Queensgate application should be given priority, as that is the only one guaranteed to happen. The city does not need another promise to develop land that doesn't happen. The redevelopment does not take account of staff parking, and takes away existing staff parking for the city centre.

9 letters of support have been received:-

- The area needs regeneration and forms a logical footfall route from train station to the centre of town
- Delighted this proposal has at last come forward, as the area has been in decline for quite a number of years. It is vital for the city that the scheme proceeds and that the Council provides all necessary support.
- A much needed development for Peterborough, and will bring additional venues which are much needed.
- This will improve the arrival experience, first impressions of Peterborough
- This scheme should not fail because of Queensgate's proposal. The anchor cinema is needed on this site, not in Queensgate. This scheme will bring community benefits, the Queensgate proposal will not.

## **5 Assessment of the planning issues**

The main issues are:-

### a) Planning History

An outline planning application, reference 03/00141/OUT, was submitted by Hawksworth in 2003 for the redevelopment of the site to provide mixed uses including retail, residential, leisure, healthcare, parking and ancillary facilities. This application was not progressed and was recently withdrawn, on submission of this current application.

A further outline planning application, reference 07/01463/OUT, was submitted in 2007 by the then owners of the Queensgate shopping centre, for the comprehensive redevelopment of the site for a mixed use scheme to include the demolition of existing buildings and structures, the construction of new buildings and structures, the stopping up, diversion and alteration of public highways and the internal and external alteration and change of use of buildings and structures to be retained on site to provide: (i) retail uses (Classes A1, A2, A3, A4 and A5), offices (Class B1), residential (Class C3), community uses (Class D1) and leisure uses including a cinema (Class D2) to the east of Bourges Boulevard;(ii) hotel (Class C1), offices (Class B1) or residential (Class C3) to the west of Bourges Boulevard; together with ancillary and associated development, pedestrian circulation and car parking (including two new multi-storey car parks), vehicular access, servicing facilities, highway works, plant and machinery, landscaping, a new bus lay over and bus station incorporating 19 stands, bus station facilities and all necessary enabling works. There has been no activity on this planning application for quite a number of years, and it remains undetermined at the agent's request.

### b) Proposed uses

#### Residential

The scheme proposes up to a maximum of 15,000sqm of C3 residential floorspace which, dependent on the final mix of units proposed could be in the region of about 150 to 200 residential units. Policies CS2 and CS4 of the Core Strategy promotes the city centre as a location for substantial new residential development of a range of different densities depending on their location, to deliver 4,300 additional dwellings. Policy CC3 of the City Centre Plan seeks also to broaden the range of uses within the city core, and to include more city centre living. The North Westgate CC3.5 allocation under this Policy, identifies indicatively that around 200 dwellings could be accommodated on the site. Therefore what is proposed as part of this planning application would be considered acceptable and in accordance with the development plan policies CS2 and CS4 of the Core Strategy and CC3 of the City Centre Plan. There would also be scope for further residential accommodation to be provided on the excluded Invesco land as part of a future phases of redevelopment, should the Landowners wish to pursue this as an option in the future.

In accordance with Policy CS8 of the Core Strategy 30% of the residential units proposed should be affordable, with the tenure split 70% social rented and 30% Intermediate housing. The applicant has submitted a viability appraisal for consideration as they have calculated that the scheme could not be delivered if this level of affordable housing was required as it would not be financially viable. The financial information is currently being considered and Members will be notified of the Officer's recommendation in respect of affordable housing and the scheme's financial viability in the Update report.

### Offices

Up to a maximum of 5,000sqm of B1 Office floorspace is proposed. The Core Strategy Policies CS3 and CS4 seek to encourage mixed use development (horizontally or vertically) which incorporates employment development, with an emphasis on B1 or service sector development, together with residential, leisure and/or retail, on sites, and in particular on sites within the city centre. Policy CC3 of the City Centre Plan also encourages mixed use developments, which integrate well within the existing retail area. The office development proposed is therefore considered to be acceptable and in accordance with the development plan policies CS3, and CS4 of the Core Strategy and CC3 of the City Centre Plan.

### Cinema

The City Centre DPD identifies that there is a need to attract new leisure/cultural facilities, such as new built leisure uses, particularly a centrally located cinema. It is considered that a city centre cinema will help to improve the evening economy. Policy CC3 of the City Centre Plan seeks to support development that encourages trips into the city centre for shopping, leisure (including a cinema), social and cultural purposes. The North Westgate area is identified as being suitable for a mixed use development including retail and leisure uses. The inclusion of a Class D2 Cinema of up to a maximum of 5,000sqm (approximately an 8 screen multiplex), is therefore considered to be acceptable on this site and in accordance with Policy CC3 of the City Centre DPD and Policy CS18 of the Core Strategy. Under the previous 2007 planning application reference 07/01463/OUT a cinema was proposed.

### Hotel

A C1 Hotel, of up to a maximum of 8,000sqm is proposed. The actual number of bedrooms proposed would depend on the operator and final floorspace proposed under any reserved matters application, however this could be in the region of between 100 and 200 bedrooms. The masterplan submitted for illustrative purposes only shows the provision of a 120 bedroom hotel. It is considered that a hotel would be an acceptable use as part of this mixed use city centre site, and would accord with Policy CC3 of the City Centre Plan. Business competition between this proposal and existing city centre hotels is not a material planning consideration that could be taken into consideration in the determination of this planning application.

### Retail/Restaurants/Cafés and Foodhall

The development proposes:-

1. Retail (Class A1/A2) up to a maximum of 7,000sqm, and
2. Restaurants and cafes (Class A3) up to a maximum of 5,000sqm, and
3. Foodhall (Mixture of Classes A1, A3, A4 and A5) up to a maximum of 2,000sqm

The site is located within the city centre where the principle of retail, restaurants and cafes uses is acceptable. Many of the restaurants and cafes will complement the proposed cinema, as well as providing facilities for the wider city and local residents. Policy CS4 of the Core Strategy looks to expand the provision of retail floorspace within the city centre, with priority given to the expansion within North Westgate site. Smaller format retail units with mezzanine floors are likely to be proposed to complement the existing retail offer within the city centre. The new Foodhall concept

is considered to be appropriately sited within this mixed use city centre site. These proposed uses are therefore all considered to accord with the requirements of policy CC3 of the City Centre Plan and CS4 of the Core Strategy.

### Community facilities

To compensate for the loss of the 2 church outbuildings which currently provide community spaces and a book shop, it is proposed to provide up to a maximum of 3,000sqm of Class D1 to provide a Church Hall, Worship/Community Room and Health centre. The main church building is being retained. These D1 uses are considered to be acceptable for the site, in accordance with policies CC3 of the City Centre Plan and CS4 of the Core Strategy.

#### c) Masterplan

The applicant's vision for the redevelopment of the site is to create a new city quarter that expands the existing active boundary of city centre and brings a new mixed use development of leisure, retail, employment and residential to the site, which is currently under used and in need of regeneration.

The main focus of the masterplan is the creation of a new civic square around the Westgate Church. This is to give both space and prominence to the valuable Locally Listed Church building, and to create a new public space to act as a focal point to the site. Radiating out from the square would be new pedestrianised streets to give east-west and north-south linkages through the site. The mixture of uses throughout the site is intended to add to the vibrancy of the newly created public realm and create both daytime and evening activity on site. The development would provide improved urban connections between the railway station and city centre, and between the residential community to the north and the city centre. An integrated sustainability strategy is proposed, to incorporate greenery, planting and water into the public realm.

The masterplan submitted with the planning application is illustrative only and represents one way in which the site could be developed. As with any outline proposal the exact details of the scheme will be submitted as part of future reserved matters applications, at which point the scheme may have evolved and changed. Therefore eight general masterplan principles have been identified, to form the basis of all future reserved matters applications for this outline proposal. These are:-

1. Urban Regeneration and Mixed use development
2. Delivering sustainable development
3. Design and Landmark buildings
4. Connectivity and accessibility
5. Civic spaces and public realm
6. City centre living
7. Key views and landmarks
8. A managed development process.

Not only does the illustrative masterplan show one possible way in which the application site could be redeveloped, it also shows one possible way in which the two excluded parcels of Invesco land could be redeveloped and incorporated into a comprehensive masterplan for the whole North Westgate Opportunity Area designation. This is considered to be key because Policy CC3 of the City Centre Plan states '*Individual proposals which would prejudice the comprehensive redevelopment of the Opportunity Area will not be permitted.*' Therefore whilst the illustrative masterplan demonstrates only one possible way in which the application site and the 2 excluded parcels of land could be redeveloped comprehensively, it does give Officers sufficient comfort that recommending approval of this application would not prejudice the comprehensive redevelopment of the whole of the Opportunity area. The proposal in this respect, would therefore be in accordance with the requirements of Policy CC3 of the City Centre Plan.

#### d) Parameter Plans



The application seeks approval of a range of Parameter plans on which subsequent reserved matters applications will be based. The parameter plans set out an overarching framework to inform the future detailed design of the scheme. They cover issues such as maximum building heights, the general locations of the buildings footprints, the minimum widths of proposed streets etc. The Parameter Plans give developers an agreed set of parameters from which to work to, when designing the final detailed scheme.

#### Parameter Plan 01 – Site Boundary Plan

This plan sets out the land that is included within the application site boundary.

#### Parameter Plan 02 - Demolition Plan

This plan identifies the buildings within the application site that will be retained and those that are proposed for demolition. None of the buildings to be demolished are listed. The Local Listed Building, 16-18 Lincoln Road is to be retained in part. The exact details of the amount of building to be retained and demolished will be secured by way of a Planning condition to ensure the parts of the building worthy of retention are suitably retained. The Conservation Officer raises no objection on this basis and it is considered this would address the comments of Historic England and the Civic Society in this respect.

#### 03 – Lower ground level

It is proposed that car parking will be excavated down to a maximum of 7m Above Ordnance Datum (AOD), which is approximately 3.3 -3.6m below existing ground level. The principle of basement car parking in the location shown on the Parameter Plan is considered to be acceptable in principle, and will reduce the overall height of the building on Bright Street. The technical reports in respect of contamination and water table level might dictate the actual depth of excavation and the technical solutions needed to ensure the basement is water tight.

#### 04 – Active frontages

This parameter plan sets out the location of active frontages, semi-active frontages and non-active frontages within the application site. On the whole, active frontages are proposed on most public elevations on the new blocks of accommodation throughout the scheme. All the proposed frontages around the church and new public square are to be active, together with the new east-west pedestrianised street through the site known as 'The Causeway'. The amount of active frontage on the proposed eastern elevation of Block C on the north to south route between blocks A and C is limited. This has been raised as a concern by Historic England and the Civic Society as active frontages add to the quality of streets and public routes. Whilst this concern is understood, it has not been possible for the applicant to provide activity along this frontage due to the car parking and cinema uses proposed behind this elevation. Active and semi frontages are proposed along the opposite side of this new pedestrianised route. Therefore on balance whilst not ideal, due to the nature of the uses proposed, and the total level of active, non-active and semi active frontages along this new route it is considered to be acceptable. At the reserved matters the design and materials of the external elevations of these buildings, particularly in the areas of non and semi active frontages will be key to the quality and success of this streetscene.

#### 05 – Ground level Plan

This plan has been submitted for approval to agree the general positions and footprints of the proposed blocks of accommodation on site. Horizontal limits of deviation for the proposed blocks positions are shown in order to give flexibility at the reserved matters stage. This plan also therefore seeks to agree the minimum width of the new streets and areas of public realm within the development.

During the course of the planning application amendments have been made to this plan to agree minimum distances between the proposed blocks of accommodation and the Church. This is to ensure sufficient separation distance between the new built form and the church and to respect and give prominence to the Church's setting. It is also to ensure there is sufficient space on site for the creation of a new public square and area of public realm. Officers consider that this plan demonstrates an acceptable relationship between the new blocks of accommodation and the Church.

This plan has also been amended during the course of the application, to agree minimum distances between the new blocks of accommodation for the two new pedestrianised streets through the development, both north to south and east to west. The north- south route will be a minimum width at Bright Street of 15m narrowing to a minimum of 9.5m at its most southerly point within the site. The positioning of this new street was also important in respect of trying as far as possible to align it with the existing Cromwell Road alignment to the north of the site. It has not been possible to provide the new route in exact alignment with Cromwell Road to the north. However the plan sets the parameters of its maximum east and west alignment to show what Officers consider to be the limits of an acceptable off set position to integrate the scheme into its surrounding urban context.

Officers consider the proposed 16m minimum width of the east-west route the site, 'The Causeway' to be acceptable, and sufficient to provide outdoor café seating areas, the landscaped rain garden features, and pedestrian circulation space.

This plan also shows the proposed 3m wide pedestrian/cycle link along the Westgate edge of the development.

The Building blocks positioning with the Locally Listed 16-18 Lincoln Road are considered to be acceptable and the exact extent of the retained part of the locally listed building will be secured by condition.

#### 06 – Vertical limits of deviation

This plan has been submitted to agree the vertical limits of deviation on the proposed building block and to agree the maximum heights of buildings in different areas of the site, on which any future reserved matters applications should be based.

This plan has been amended during the course of the planning application, to respond to areas where the heights were considered to be too great in relation to the two Locally Listed Buildings on site, the Church and No.16-18 Lincoln Road. This involved the reduction in height of part of Block D, immediately to the south of 16-18 Lincoln Road to improve the visual relationship and transition between this retained and proposed block. The detailed design of the proposed building, as part of any future reserved matters application, will be key to ensure a successful transition and visual relationship between these two buildings. The vertical heights of Block B have also been amended at Officers request to protect the setting of the Church, when viewed from Westgate and an acceptable relationship is now considered to be proposed. Again the detailed design of Block B, at reserved matters stage, will be key to safeguarding the setting of the church.

There are variable heights proposed on some blocks of accommodation within the scheme, however the maximum heights of each block proposed is Block A (adjacent to Deacon Street)– 21.5m, Block C (to north of the Church)– 23m, Block D (to east of church) – 21m, Block B (to west of church) – 21m, and Block E (adjacent to Acland Street) – 26.5m.

The maximum heights proposed in all parts of the scheme, and in particular on existing road frontages, and in relation to the existing surrounding built form is considered to be acceptable. Whilst the buildings proposed on site, would be higher than some of those of the surrounding streetscape, in particular on Bright Street and Lincoln Road, it is considered that the separation distances and relationships between them would be acceptable in this city centre urban setting.

## 07 – Pedestrian Access Plan

The pedestrian access plan shows the proposed pedestrian routes through the site and how these would connect to the existing pedestrian routes beyond the site. It shows good pedestrian links through the site and how these would logically connect to the existing pedestrian crossing and streets beyond the site. It also shows one possible way in which potential additional pedestrian linkages could be created in future redevelopment phases, if the two currently excluded parcels of land were also to come forward.

It is considered that the pedestrian links proposed are acceptable and will allow both ease of movement through the site and connection to the existing network of streets and pedestrian crossing points.

## 08 – Vehicle access/routes plan

The vehicle access plan shows how vehicles will manoeuvre around and access the site. It also shows how service vehicles can manoeuvre around the site. The Local Highway Authority considers this plan to be acceptable in highway safety terms and demonstrates how traffic routes can be acceptably achieved both around and within the site.

### e) Highway Implications

Access is a reserved matter that is being committed and considered under this current outline planning application. A Transport Assessment, and Workplace and Residential Travel Plans have been submitted in support of the application.

The site is located in a highly accessible city centre location, with the Peterborough bus station positioned immediately to the south of the application site, within the Queensgate shopping centre. The Railway Station is also approximately 250m to the west, linked to the site by the new at grade pedestrian/cycling crossing facilities across Bourges Boulevard. There is also a taxi rank opposite the site on Westgate, adjacent to the bus station.

The proposal involves the stopping up of Deacon Street and Cromwell Road. If planning permission is approved, this will be secured by a separate legal process. The application originally also proposed the stopping up of Westgate between the bus station and the Multi storey car parks, due to the siting of a new block of accommodation over the existing carriageway. The proposal has been amended and this block of accommodation reduced in size so that it no longer extends over the carriageway, therefore this section of Westgate is no longer proposed to be stopped up. Through the imposition of highway signage however it is proposed to alter the existing traffic flows along the section of Westgate between Lincoln Road and Bourges Boulevard. All traffic exiting the multi storey car parks on Westgate will have to turn left and leave via Bourges Boulevard, they will not be permitted to turn right and travel along Westgate. They will also have to enter the multi storey car parks from the north via Bourges Boulevard and Westgate, and will not be permitted to turn right at the bottom of Lincoln Road onto Westgate and travel westwards. Therefore the only traffic that will be able to travel westwards along Westgate having turned right at the bottom of Lincoln Road will be buses, taxis, cycles, and service delivery vehicles. Customers visiting the John Lewis Click and Collect service will be able to exit the facility onto Westgate, but will have to enter the facility from the Crescent Bridge roundabout to the south, rather than Westgate. At present such vehicles do have the option to enter for either Crescent Bridge roundabout or Westgate. The proposed highway works are considered to be acceptable in highway safety terms. There may be issues with the 3 lanes of traffic exiting the Queensgate car parks on Westgate and all turning left into one lane carriageway. It may therefore be preferable to narrow the 3 lanes down to a maximum of 2 to allow better integration and flow of traffic from the cars parks on to the highway. It is considered the exact details of this can be considered by way of a planning condition.

The proposed development due to its city centre location will be serviced as a 'street access' scheme, with service access to the site being managed as an 'out of hours' operation by a management and security team, usually during the hours of 6am and 10am. Tracking and plans have been submitted to demonstrate that suitable access and manoeuvring space could be provided on site to serve the proposed development. The exact service details arrangements will be agreed at the detailed stage. Concern was raised during the course of the planning application as to how the existing service/delivery vehicles that serve the existing sites on Lincoln Road would be able to turn and leave the area due to the proposed closure of Westgate. Alternative service routes using North Street and Park Road were explored but not fully resolved, hence why the scheme was amended to re-open the Westgate route for service vehicles. If the re-routing of existing service vehicles and bus routes was resolved in future, this would allow the applicant to re-consider the option of closure of Westgate.

The existing taxi rank adjacent to the bus station will be retained, and taxis will be permitted to travel in both directions along the full length of Westgate. Whilst the concerns of the mini cab taxi business in respect of the demolition and loss of their city centre premises is understood. The taxi business relocated to this Opportunity Area site about 4 years ago, knowing that the site was designated for redevelopment in the Peterborough Local Plan and that there were two live planning applications with the Council references 03/00141/OUT and 07/01463/OUT, which both proposed the redevelopment of the Opportunity Area, including the loss of their site. There is no requirement in planning policy terms for the retention of a mini-cab taxi business within the Opportunity Area or the wider City Centre. Therefore whilst the loss of this business is regrettable, its retention or re-provision with the scheme is not required in planning policy terms. The occupier is freely able to discuss securing a new premises on the site just as any other occupier that is displaced from their current location. The regeneration of this key city centre site and the significant public benefits it would bring should not be resisted on the basis of retention/re-provision of this or any other business within the site.

The trip generation and distribution as a result of the proposed development has been modelled. The impact of the proposed development will result in an average delay per vehicle on Thorpe Road of some 13.5 minutes per vehicle during the Saturday peak (1-2pm). The AM peak is capable of accommodating the proposed development, however the PM peak will result in additional queuing at the Crescent Bridge roundabout. Whilst the proposed development will result in additional traffic generation and queuing during the evening PM peak and the Saturday peak, it is expected that the wait times will be less than the model predicts as drivers will divert to alternative/more appropriate routes. The resultant impact on the highway network is not considered to be so harmful as to warrant refusal of planning permission on this key city centre regeneration site. Officers consider the regeneration benefits of the proposed redevelopment of this site would outweigh the harm to the city centre traffic flows in the Saturday and PM peak periods.

### Buses

As a result of Westgate no longer being proposed to be stopped up, there is now no longer a need to re-route any of the arrival bus services to the bus station. As a result of the closure of Deacon Street however the departure routes of the following bus services Citi 3, 101, 102, 201 and X1 will have to be re-routed. The options available for the re-routing of these bus services are considered to be acceptable and no objections or comments have been received from any of the bus operators.

### Parking

The existing 4 surface level car parks within the application site will be redeveloped as part of this proposed planning application, resulting in the loss of 220 car parking spaces. With the addition of the existing private car parking spaces on site, the total number of car parking spaces to be lost as a result of this development is 309. This outline planning application seeks permission for up to a maximum of 500 car parking spaces. Therefore a net increase of 191 spaces, should all 500

spaces be proposed. The illustrative masterplan submitted proposes around 300 car parking spaces, with a new multi-storey car park, which is accessed from Bright Street, with opening hours to serve the proposed new cinema. It is also envisaged that some dedicated car parking spaces would be required for the new residential development on site. A car parking condition is recommended to agree the exact details of the proposed car parking, and in particular those dedicated for the residential units.

### Cycling

The proposed development does not affect any designated cycle routes. Cyclists will still be able to use Bright Street, Lincoln Road and the newly improved Bourges Boulevard as cycle routes as they do presently.

A new 3m wide shared cycle/pedestrian footpath is proposed as part of this development on the northern side of Westgate to provide an improved east/west cycle route adjacent to the application site. This will provide an enhanced cycle route between the railway station and city centre, along Westgate.

As a result of the stopping up of Deacon Street and Cromwell Road within the site there will be no north to south vehicle routes through the site, and all routes within the site will be pedestrianised. The existing north to south routes along Lincoln Road and Bourges Boulevard around the site will still be available for cyclists. The applicant does not propose to allow cycling within the pedestrianized zones of the application site due to the potential conflicts and safety issues that arise between cyclists and pedestrians in busy city centre environments. The applicant welcomes cyclists to dismount and push their cycles through the pedestrianized zones when visiting or passing through the site, and proposes to provide secure cycle parking with CCTV coverage at key points within the site. Secure cycle storage areas will also be proposed for the new residential development and for the staff of the new businesses within the site.

It is always difficult to balance the needs of cyclists and pedestrians within pedestrian zones of city centre sites, however the safety of pedestrians should be given priority. The Government advice in Manual for Streets and TAL 9/93 does support the inclusion of cyclists in pedestrianised areas, however this advice is based on consideration of the context of the surrounding area and whether cycle routes are required through the development site. In view of the existing cycle routes around the application site and the proposed enhancement to the cycle route along Westgate, it is not considered essential that a cycle route be required through the site. Due to the pedestrianised nature of the routes through the site, the likelihood of outdoor seating areas, landscaping, public art etc, the space available for the movement of pedestrians and cyclists will be limited. Therefore in reality, particularly at busy times, cycling around the site rather than through it would be likely to be a quicker and easier option for cyclists. Therefore whilst the comments of objectors in respect of allowing cycling through the site have been considered, in this instance due to the potential conflicts between pedestrians and cyclists, and the provision of improved cycle routes around the site, it is not considered that cycling through the site is required, or could be insisted upon.

#### f) Public Realm

The applicant's public realm strategy for the site is based on the Stone Route and the Green Route proposed by Gordon Cullen in the 1970's. The Stone route runs between the Cathedral and St John's Church, and the Green route runs along Bridge Street and Long Causeway. It proposes to introduce a third route from Bourges Boulevard through the site called the Water Route. The pedestrian route through the site would incorporate the principles of Water Sensitive Urban Design to create a unique identity for the area, reduce flood risk, use water more sustainably, as well as promoting urban cooling. Rainwater could be used imaginatively within the streetscene to create attractive public spaces. As this is an outline proposal the exact details of the proposed public realm is not as yet known, therefore a public realm strategy to include the proposed street furniture, lighting, signage, CCTV, landscaping, water features, public art etc will need to be secured by condition.

#### g) Impact on the Historic Environment

There are no statutory designated buildings within the application site. However lying to the south of Westgate, opposite the site, there is the Grade II Wortley's Almshouses. Officers have considered the impact of the proposed development on the Listed Buildings within the vicinity of the site and concluded that the proposed development would not have an adverse impact on the character or appearance of any Listed Buildings.

The site is not located within a Conservation Area, however it is located adjacent to the City Centre Conservation Area, the boundary of which is Lincoln Road to the east of the site. Officers consider the proposed development would preserve the character and appearance of the adjacent part of the City Centre Conservation area.

Westgate Congregational Chapel/Church is located in the site, accessed from Westgate. It is a building of local importance, due to it forming an important part of the streetscene. Its scale, appearance and function serves as a local landmark.

16-18 Lincoln Road is the other building of local importance within the site, as it is well proportioned and retains most of its original features. It also has distinctive detailing and its size makes a significant contribution to the area, appearing as a local landmark.

The impact of the proposed development on the two locally listed buildings to be retained as part of this development is considered to be acceptable.

The impact of the proposed development on views of the Peterborough Cathedral and Conservation area has also been assessed. The assessment concludes that the proposed development will have no adverse impact on views of Peterborough Cathedral from the immediate area and only a marginal impact on longer distance views. Officers are in agreement with the findings of this assessment and are satisfied that no unacceptable adverse impact would result on the existing Cathedral views, or Conservation area. As per paragraph 134 of the NPPF, the development will result in less than substantial harm to the significance of designated heritage, and this harm needs weighed against the public benefits of the proposal, and this scheme will bring significant regeneration benefits to the city centre.

Therefore it is considered that the proposed development does not have an adverse impact on the character and appearance of listed buildings and would accord with section 66(1) Planning (Listed Buildings and Conservation Areas) Act 1990, and preserve the character and appearance of this part of the City Centre Conservation Area in accordance with Section 72(1), of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and would be in accordance with Peterborough Core Strategy DPD (2011), Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (Heritage considerations).

#### h) Contamination

A Phase 1 Environmental Assessment has been submitted in support of the application. The purpose of this report is to determine the potential land contamination liabilities or constraints associated with the development of the site.

The report recommends further intrusive investigation across the entire site, to give a clearer idea of contaminants within the soil and groundwater, and as a part of this further ground gas monitoring. Officers are satisfied that this ground investigation can be secured by way of a planning condition.

The site is underlain by a Secondary A Aquifer, which is classified as a controlled water by the Environment Agency and therefore requires protection from contamination. The proposed below ground level car parking area is proposed to be approximately 9m above ordnance datum (AOD),

which is approximately 1.5m below current ground level. From a report of previous groundwater levels, the finished floor level of the car park could be beneath the groundwater level. The recommended further intrusive investigation will provide more up to date information on the underlying groundwater regime, which will inform the car park design and construction.

Officers accept the findings and recommendations of this report, and are satisfied that the further intrusive investigation can be secured by condition, together with any necessary mitigation/remediation required as a result of the findings.

The proposal is therefore considered to be in accordance Policy PP20 of the Planning Policies DPD.

i) Drainage/Flood Risk

Flood Risk

A Flood Risk Assessment has been submitted in support of the application.

The site is located within Flood Zone 1, therefore in accordance with National Planning Policy Guidance all of the proposed uses are considered to be appropriate within this flood zone category, and the risk of flooding is low.

The risk of flooding from groundwater is considered to be low to moderate, though this is likely to be limited to subsurface development such as car parks and basements (which if constructed below the groundwater table, could potentially produce localised 'damming effects'). If planning permission is granted, further site investigation should be undertaken prior to construction to better quantify the risk of groundwater flooding to the site. If the results show that the groundwater flooding would be an issue for subsurface features e.g. car park, then suitable mitigation would be required e.g. installation of an impermeable lining etc.

Drainage

At this outline stage, the exact drainage design for the site is not known, and so will be subject to a planning condition. The applicant has however submitted an outline Sustainable Urban Drainage Strategy (SUDS) to demonstrate how surface water onsite could be managed sustainably, and how SUDS could be integrated into the proposed development layout.

The outline strategy proposes the use of Rills (open channels, covered with iron grating) to act as surface water conveyance features, which receive rainwater from the surrounding rooftops and paved surfaces on side streets. The rills drain into storm planters/rain gardens, which slow and cleanse the water along its route. It also proposes a mist pool water feature to attenuate surface water during significant storm events, but will be predominately dry or only contain shallow water at other times. Permeable paving in certain areas of the site is also proposed, green roofs and a designated flood storage area.

Officers agree with the principles set out in the Outline SUDS Strategy, and are satisfied that the exact details of the final drainage strategy proposed can be secured by way of a planning condition.

The proposal is therefore considered to be in accordance with the NPPF, and Policy CS22 of the Core Strategy.

j) Archaeology

The planning application is supported with an Archaeological Desk Based Assessment, an Archaeological Geophysical Assessment and some targeted Trial Trenching.

The desk based assessment identified that the redevelopment of this site had the potential to impact upon archaeological remains. Whilst the site is located outside the medieval nucleus, records indicate that human burials have been found in the vicinity of the site. The area has the potential for prehistoric, Roman, early-medieval and medieval remains. Some ground disturbance has been caused by 19<sup>th</sup> and 20<sup>th</sup> century foundations, utilities and service runs, however more deeply buried deposits may survive beneath this. As demolition, ground preparation and construction works may impact on archaeological assets, a geophysical survey (GPR) was undertaken.

The GPR survey results identified several anomalies that could belong to archaeological features, and relate to activity predating the composition of the city centre. There were several rectilinear features positioned on a different alignment to the modern town layout, which could belong to former human activity. Throughout the survey there were also several anomalies of weaker patterning detected. On this basis it was considered that further investigation was required to understand their archaeological significance. Therefore a programme of trial trenching was agreed and undertaken across all of the car park sites with Hawksworth landownership. No archaeological remains were found as a result of these archaeological digs. Therefore Officers are content the redevelopment is unlikely to impact on archaeological remains, however a Watching brief archaeology condition is recommended to monitor the proposed groundworks, as a precaution should any archaeological assets are uncovered during construction.

The proposed development is therefore considered to be in accordance with Policies CS17 of the Core Strategy and PP17 of the Planning Policies DPD.

#### k) Ecology

A Phase 1 Habitat survey, bat survey and breeding birds survey were submitted in support of the planning application.

Officers are satisfied with the assessments in respect of the proposed impacts on protected species. The Bat Report found no evidence of bat roosts being present within the site's trees or buildings. Overall bat activity around the site was low. However it is important to note that not all buildings that currently provide suitable opportunities for roosting bats were surveyed, due to lack of access. Therefore in line with the recommendations of the report, Officers recommend that:-

1. Further detailed internal inspections are carried out in all buildings identified as providing suitable opportunities for bats, prior to demolition;
2. That further surveys be carried out at Westgate Church should development affect this building; and
3. that proposed lighting is designed to minimise the disturbance to bats. These can be secured by way of a planning condition.

The bird survey found evidence of several Species of Principal Importance nesting within the site including Starling, Dunnock and House Sparrow, however no Black Redstart were found. Avoidance of works that could damage nests within the bird nesting season of 1st March until 31st August will be required, unless surveys can demonstrate that nesting birds are not present. As per the recommendations of the report, a range of nesting features to cater for Swift, House Sparrow and Starling should be incorporated within the development, the details of which can be secured by a planning condition.

The illustrative landscape masterplan submitted includes green roofs, rain gardens, storm planters, reed-bed technology and trees, which are welcomed. Opportunities for roofs to incorporate 'brownfield' features should also be explored given the potential for Black redstarts in the area. Soft landscaping should also include a range of native plant and shrub species. The exact details of the landscaping proposals will be secured at the Reserved Matters Stage.

The proposed development is therefore considered to be in accordance with Policies CS21 of the



Core Strategy and PP16 of the Planning Policies DPD.

l) Trees

An arboricultural assessment was submitted in support of the planning application.

It identifies that the development proposed will require the removal of 23 Category 'C' trees and 3 groups of trees. Category C trees are generally regarded as low quality trees and ones which are not considered to be significant constraint on development. Officers consider that the tree loss proposed is acceptable and that satisfactorily mitigation could be achieved by a scheme of new tree planting. A proposed Landscape Masterplan has been submitted with the application and whilst it is illustrative only at this outline stage, it does show a possible scheme that would mitigate for the proposed trees loss.

The assessment also mentions the need for works within the Root Protection Area (RPA) of nine offsite Category U trees. Therefore at the detailed reserved matters stage, a Finalised Tree Protection Plan and an updated Method Statement would be required, to identify the exact Root Protection Area infringements and associated methodologies to reduce any potential impact on the retained trees. In additional full and detailed landscape details would be required, along with implementation and maintenance plans.

The proposal is therefore considered to be in accordance with Policy PP16 of the Planning Policies DPD.

m) Noise

A noise assessment was submitted in support of the planning application. This assessment included assessing both the suitability of the site for the proposed uses, and the impact of the development on potentially sensitive receptors in the vicinity of the site.

The main source of noise impacting upon the site is road traffic noise, as the site is bounded by the A15 (Bourges Boulevard), Bright Street, Lincoln Road and Westgate. The noise impacts from the Brewery Tap public house on site were also considered in the assessment. The report concludes that in all bar one of the locations tested on site, acceptable internal noise levels could be achieved for the new residential properties with closed double glazing and a standard trickle ventilator. In one location on site, upgraded double glazing and ventilation would be required to secure acceptable internal noise levels. In addition to the types of glazing and ventilation that can be used to secure acceptable noise attenuation, the internal layouts of the properties can also be designed to have less noise sensitive rooms on facades facing the noise source etc. Therefore to ensure acceptable noise levels are achieved for the new residential properties, a noise mitigation strategy condition is recommended to agree the exact layout details and glazing/ventilation specifications etc proposed.

Any outdoor amenity areas for the residents proposed, should also similarly be designed in a way to help mitigate against the adverse impacts of noise.

The construction hours proposed of 8am to 6pm Mondays to Fridays, 8am to 1pm on Saturdays and no working on Sundays/Bank Holidays is acceptable and in line with Industry standards.

At this outline stage no details of the proposed building services plant are known. At the detailed design stage when the location, number and type of plant proposed is known, the design will have to ensure that it meets the relevant noise criteria in respect of maximum noise levels permissible in relation to the closest existing or proposed residential properties.

The proposed development would have an impact on traffic flows on existing roads in the area, both during construction and once the development is operational. The assessment considered the impact of this on existing residential properties located along surrounding roads and

considered that at worst the impact of traffic noise would be minor negative, and typically it would be negligible. Therefore it is considered that the increase in traffic as a result of this development would not unacceptably impact on the existing noise levels enjoyed by surrounding residential properties.

n) Air Quality Assessment

An air quality assessment has been submitted in support of the proposal.

It concludes that dust emissions from construction demolition can be adequately controlled using on-site management practices. With appropriate mitigation measures there would be a slight to negligible and no significant impact with respect to potential effects on health and amenity.

The impact of additional vehicle emissions on surrounding receptors has been modelled and it has found that the impact from the additional vehicle emissions of the proposed development on local air quality will be negligible and not significant.

Officers consider the findings of the assessment to be acceptable, and would impose a demolition/construction management plan condition to deal with the mitigation of noise and dust during the demolition and construction periods.

o) Community Infrastructure Levy (CIL)

Peterborough City Council now have an adopted CIL Charging Schedule. Peterborough City Council are obliged to collect the CIL from liable parties (usually either developers or landowners). All applications identified as CIL liable will incur a CIL charge. As this is an outline application we will not be able to issue a liability notice confirming the amount of CIL that is due until we receive reserved matters details. A CIL Questions form has been submitted by the applicant which sets out the proposed details of demolition and new build.

The proposed highway works, new public realm works (including pedestrian and cycle links), CCTV, public art, fire hydrants and implementation of travel plans will be secured by way of planning conditions, rather than a S106 Legal agreement.

p) Other Matters

- 1) Crime and Disorder – There is no evidence to suggest that the development in principle will result in significant crime and disorder in the locality.
- 2) Loss of Frobisher House – Whilst this building may have the potential to be re-used, it has no special architectural merit/qualities that would justify requiring its retention.

## **6 Conclusions**

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

- The principle of the mixed used retail, housing, office, leisure etc uses are considered to be acceptable on this city centre site. This is in accordance with Policy CC3 of the City Centre DPD and Policy CS4 of the Core Strategy.
- The masterplan principles identified, and maximum and minimum limits of deviation shown in the Parameter plans are considered to be acceptable, to form the basis of any future reserved matters applications.
- The proposed access arrangements, parking and traffic impacts are considered to be acceptable. There are no highway safety concerns with the development proposed. The development is therefore considered to be in accordance with Policy PP12 of the Planning Policies DPD.

- The proposed development would not result in substantial harm to the character and appearance or setting of any listed or locally listed buildings and would preserve the character and appearance of this adjacent City Centre Conservation Area. The limited harm arising is outweighed by the economic, social and environmental benefits of the scheme. This is in accordance with Policies CS17 of the Core Strategy and Policy PP17 of the Planning Policies DPD.
- Issues of impact on trees, ecology, archaeology, contamination and flood risk have all be considered and have not been found to be such that the development is inappropriate. The limited impacts can be mitigated by the use of planning conditions. The development is therefore considered to be in accordance with Policies PP16, PP17, and PP20 of the Planning Policies DPD and Policies CS17, CS21 and CS22 of the Core Strategy.

## **7 Recommendation**

The case officer recommends that Outline Planning Permission is

- C1 Approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

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

- C2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

- C3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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

- C4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

- C5 Planning permission is hereby granted is for a mixed use development of up to a maximum of 50,000sqm of floorspace. The exact quantum of floorspace for each particular use will be determined through the reserved matters submissions, however the following maximum floorspace parameters apply:-

1. Retail (Class A1/A2) up to a maximum of 7,000sqm
2. Foodhall (Mixture of Classes A1, A3, A4 and A5) up to a maximum of 2,000sqm
3. Restaurants and cafes (Class A3) up to a maximum of 5,000sqm
4. Office (Class B1) up to a maximum of 5,000sqm
5. Residential (Class C3) up to a maximum of 15,000sqm

6. Hotel (Class C1) up to a maximum of 8,000sqm
7. Church Hall, Worship/Community Room, Health centre (Class D1) up to a maximum of 3,000sqm
8. Cinema (Class D2) up to a maximum of 5,000sqm
9. Parking up to a maximum of 500 spaces

Reason: For the avoidance of doubt and in the interests of proper planning.

C6 The reserved matters applications to be submitted shall be in accordance with the following approved plans and documents:-

- Parameter Plan 01 – Site Boundary Plan – 0010 02
- Parameter Plan 02 – Demolition Plan – 0800 P02
- Parameter Plan 03 – Lower ground level below ground excavation – 0801 P03
- Parameter Plan 04 – Active frontages – 0802 P03
- Parameter Plan 05 – Ground level Plan – 0810 P03
- Parameter Plan 06 – Vertical Limits of Deviation – 0815 P04
- Parameter Plan 07 – Pedestrian access Plan – 0830 P02
- Parameter Plan 08 – Vehicle access/Routes – 0831 P02
- Highway Layout – NWPB-AEC-XX-XX-DR-HY-SKO1 Rev 1
- Site Location Plan – 0001 00
- Existing site plan – 0005 00
- Masterplan Principles June 2015

Reason: For the avoidance of doubt and in the interests of proper planning.

C7 Prior to each phase of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), no development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors and potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also

ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

- C8 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that any remediation that may be required at the site is verified as completed to agreed standards to protect controlled waters.

- C9 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner to protect controlled waters.

- C10 No building works which comprise the erection of a building required to be served by water services shall be undertaken in connection with any phase of the development hereby permitted until full details of a scheme including phasing, for the provision of mains foul water drainage on and off site has been submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the details as may be approved. No building shall be occupied until the works have been carried out in accordance with the approved scheme.

Reason: To prevent flooding, pollution and detriment to public amenity through provision of suitable water infrastructure.

- C11 No development shall commence until a surface water management strategy and detailed drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme should be based on the Surface Water Drainage Strategy June 2015 and Outline SUDS Drainage Strategy July 2015. The development shall be carried out in accordance with the approved strategy and scheme.

The details to be submitted in the strategy/scheme shall include (but not limited to) :-

- Full and up to date design details of the proposed drainage systems
- Confirmation of the extent of green roofs throughout the development
- Details of ground investigations
- Calculations associated with final drainage design
- Confirmation from Anglian Water that they are willing to accept the proposed runoff rates
- Confirmation of who will be maintaining surface water drainage systems serving the site if not adopted by the local authority, along with the proposed maintenance regime
- Confirmation of how overland flood flows will be managed
- Confirmation that drainage of the site will not be to the detriment of the drainage of

the adjacent land and buildings

Reason: To prevent environmental and amenity problems arising from flooding.

- C12 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that any infiltration systems, such as soakaways, do not increase the potential for contaminant migration. Soakaways should not be constructed in potentially contaminated ground.

- C13 Prior to the commencement of any development hereby approved, details of the proposed off-site highways works shall be submitted to and approved by the Local Planning Authority. The details shall include the following:

- Restrictions on traffic movements between the Royce Car Park access and the bus station access on Westgate and immediately to the west of Lincoln Road. To be implemented using CCTV/ANPR technology which shall include the initial system, monitoring regime and physical highway works and signing/lining.
- Alterations to the bus station access onto Westgate.
- Realignment and alterations to width, levels, surfacing and signage and lining (where appropriate) on Westgate.
- Alterations to the existing highway to close Deacon Street and Cromwell Road including removal of highway rights by the stopping up of the highway.
- Alterations to signage and lining in Lincoln Road and North Street.
- Alterations to the alignment of Bright Street Road, including the provision of loading bays, alterations to existing crossing facilities, signing, lining (where appropriate).

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012). This is a pre-commencement condition because the off site highway works are required to make the development acceptable and in addition to planning approval will require permission from the Highway Authority under the Highways Act.

- C14 Prior to the commencement of any development hereby approved, details of the proposed accesses to the site from the highways from Bright Street and Westgate shall be submitted to and approved by the Local Planning Authority. The details shall include the following:

- The service accesses to the site from Westgate including the access layout vehicle with visibility splays of 2.4m x 33m and pedestrian visibility splays of 2m x 2m being provided from the access points.
- The service accesses and car park access to the site from Bright Street including the access layout vehicle with visibility splays of 2.4m x 43m and pedestrian visibility splays of 2m x 2m being provided from the access points.

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012).

- C15 Prior to the commencement of any development hereby approved, details of the proposed junctions of the exit roads from the car parks onto Westgate shall be submitted to and approved by the Local Planning Authority. The details shall include the following:

- The exit from the 'Royce' car park being reduced to single lane where it meets the carriageway of Westgate.
- The exit from the 'Cavell' car park being reduced to 2 lanes where it meets the carriageway of Westgate including appropriate realignment of the carriageway, surfacing, signing and lining.

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012). This is a pre-commencement condition because the highway works are required to make the development acceptable.

- C16 Adequate space shall be provided within the site for all vehicles associates with the use of the site to park, turn and load/unload clear of the public highway and to enter and leave the site in forward gear.

Reason: In the interests of highway safety in accordance with policy PP12 adopted Planning Policies DPD.

- C17 Prior to the occupation of any phase of the development cycle parking shall be provided with details of the number and type of cycle parking spaces for each element of the proposal to be agreed with the Local Planning Authority. The cycle parking shall be implemented in accordance with the approved details prior to the occupation of any of the development to which they relate.

Reason: In the interests of highway safety and to encourage travel by sustainable modes in accordance with policy CS14 of the adopted Core Strategy.

- C18 A car parking strategy for each phase of the development shall be submitted to and agreed by the Local Planning Authority. This will provide full details and justification of the number of car parking spaces proposed and their associated use. The car parking shall be implemented in accordance with the approved details prior to the occupation of any of the development to which they relate, and maintained as such thereafter.

Reason: In the interests of highway safety and to encourage travel by sustainable modes in accordance with policy CS14 of the adopted Core Strategy.

- C19 Prior to the commencement of any development a Demolition/Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The D/CMP shall include details of (but not exclusively) the following:

- The phasing of the construction.
- Parking, turning and loading for construction vehicles.
- Location of all storage compounds and welfare facilities.
- Temporary Construction Access points.
- Management of delivery vehicles.
- Haul routes to and from the site
- Wheel washing facilities.
- Hours of working.
- Details of noise and dust management
- Temporary Traffic management including any proposed highway works.

The D/CMP shall be in place prior to the commencement of the demolition/development and shall be adhered to throughout the entire period of demolition/construction of the development.

C20 Within 3 months prior to the first occupation of any phase of the development a full travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be written in accordance with current industry best practice including guidance of the Department of Transport. The development shall thereafter be occupied/operated in accordance with the approved travel plan or a plan as subsequently modified and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and development in accordance with policy CS14 of the adopted Peterborough Core Strategy.

C21 No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority in order that the excavation may be observed and items of interest and finds recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because archaeological watching brief will need to be agreed before development begins, to ensure suitable care is taken during the construction works.

C22 Prior to the commencement of construction of any residential unit, in line with the Noise Assessment June 2015 full details of the proposed windows and means of ventilation shall be submitted to and approved by the Local Planning Authority in writing. This is to ensure that appropriate acoustic windows are proposed where needed on site, particularly in living room and bedroom windows to achieve acceptable noise levels and appropriate means of ventilation. Thereafter the development shall not be carried out except in accordance with the approved details.

Reason: To ensure acceptable noise levels and levels of residential amenity are achieved, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).

C23 The development shall be constructed so that it achieves a Target Emission Rate of at least 10% better than building regulations at the time of building regulation approval being sought.

Reason: To be in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011).

C24 Prior to the first occupation of any dwelling a scheme of bird boxes including details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. This shall include a range of nesting features to be installed within the site buildings that cater for Swifts, House Sparrow and Starling. The development shall therefore be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

C25 The development hereby permitted shall be carried out in accordance with the recommendations of the Bat Survey 2015-06-30, and in particular:

- Further detailed internal inspections are carried out of all buildings identified as providing suitable opportunities for bats, **prior** to demolition taking place.



- Further surveys are carried out at Westgate Church should development affect this building
- Lighting be designed to minimise disturbance to bats, adhering to the recommendations set out in Section 6.3.2 of the Bat Survey Report

Details of the above building inspections and surveys if required, shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter all works shall be carried out in accordance with the agreed inspections/surveys.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C26 If within 2 years from the date of this consent no development works have taken place, further updated ecological surveys will have to be undertaken and submitted to and approved in writing with the Local Planning Authority. Thereafter all works shall be carried out in accordance with the agreed surveys.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C27 Prior to the commencement of any demolition works affecting or associated with No.16-18 Lincoln Road. Full details of the amount of 16-18 Lincoln Road to be retained and incorporated into the scheme, including elevation and floor plans, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: In order to preserve the special architectural and historic character of the Locally Listed Building in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because the retention of a visually logical part of the Locally Listed building is integral to the design and appearance of scheme and surrounding Conservation Area setting.

- C28 Prior to the commencement of the development a Public Realm Strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall be based on the public realm principles set out in the Design and Access Statement, Water Route Landscape & Public Realm Strategy and Masterplan Principles Document. The Strategy shall include details of (but is not limited to) the following:

- Proposed materials
- Street furniture
- Public Art
- Lighting
- Signage
- CCTV and security/management measures
- Landscaping
- Water features and external SUDS features
- Site servicing arrangements, including refuse and recycling collection

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C29 Prior to the commencement of the development a Phasing Plan of proposed demolition and construction shall be submitted to and approved in writing with the Local Planning Authority.

Thereafter the demolition/construction will be carried out in accordance with the approved phasing plan.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C30 20% of all residential units shall be constructed as Lifetime Homes. The plans and particulars of each relevant reserved matters application to be submitted under condition 1 shall demonstrate compliance with these standards. The residential units shall thereafter be built in accordance with the approved details and thereafter maintained as such.

Reason: In order to meet housing need in accordance with Policy CS8 of the Adopted Core Strategy.

- C31 Prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the provision of fire hydrants 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: To ensure sufficient facilities for firefighting in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

- C32 As per Parameter Plan 05 – Ground level Plan – 0810 P03, the reserved matters applications to be submitted under condition 1, shall demonstrate compliance with the following criteria:-

1. The proposed east to west pedestrianised street between Blocks A and B shall be a minimum width of 16m,
2. The proposed north to south fully open pedestrianised street between Blocks A and C shall be a minimum width of 15m at its most northerly point adjacent to Bright Street, and a minimum of 9.5m at the most southerly point on site between these two blocks,
3. The maximum east and west alignments of the new Blocks A and C shall be within the horizontal deviations shown on this plan.
4. The minimum distances shown on the plan between Block D to Westgate Church.

Reason: For the Local Planning Authority to ensure a satisfactory built form and pleasant public realm, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

### **Informatives**

1. An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.”
2. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the

developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

3. It is an offence to take, damage or destroy the nest of any wild bird while it is being built or in use. Trees, scrub and/or structures likely to contain nesting birds between 1st March and 31st August are present on the application site. You should assume that they contain nesting birds between the above dates unless survey has shown it is absolutely certain that nesting birds are not present. Planning consent for a development does not provide a defence against prosecution. The protection of nesting wild birds remains unchanged even when planning permission is granted. For further information on surveys contact Peterborough City Council's Wildlife Officer ([wildlife@peterborough.gov.uk](mailto:wildlife@peterborough.gov.uk)).
4. The Council's Environmental & Public Protection Service has powers to control noise and disturbance during building works. Normal and reasonable working hours for building sites are considered to be from 8.00 a.m. to 6.00 p.m. Monday to Friday, from 8.00 a.m. to 1.00 p.m. on Saturday and not at all on Sunday. If any activities take place on the site beyond these times, which give rise to noise audible outside the site, the Council is likely to take action requiring these activities to cease. For further information contact the Environmental and Public Protection Services Division on 01733 453571 or email [eppsadmin@peterborough.gov.uk](mailto:eppsadmin@peterborough.gov.uk).
5. The development will result in the creation of new street(s) and/or new dwelling(s) and/or new premises and it will be necessary for the Council, as Street Naming Authority, to allocate appropriate street names and property numbers. Before development is commenced, you should contact the Technical Support Team Manager - Highway Infrastructure Group on (01733) 453461 for details of the procedure to be followed and information required. This procedure is applicable to the sub-division of premises, which will provide multiple occupancy for both residential and commercial buildings.

Please note this is not a function covered by your planning application but is a statutory obligation of the Local Authority, and is not chargeable and must be dealt with as a separate matter.

6. 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 who will supply the relevant application form, provide a preliminary indication of the fee payable and specify the construction details and drawing(s) required.
7. The development is likely to involve works within the public highway in order to provide services to the site. Such works must be licenced 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 Co-Ordinator on 01733 453467.
8. The development involves extensive works within the public highway. Such works must be the subject of an agreement under Section 278 of the Highways Act 1980. **It is**

**essential that prior to the commencement of the highway works**, adequate time is 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 Transport & Engineering - Development Team on 01733 453421.

9. The development involves the stopping up public highway. This must be the subject of an agreement under Section 247 of the Town and Country Planning Act 1990. The applicant will need to make an application to the Department for Transport for the order and application forms and guidance notes may be found online at the following address:

<https://www.gov.uk/government/publications/stopping-up-and-diversion-of-highways>