



PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 18 DECEMBER 2018

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.

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

4. Minutes of the Meetings Held on:

4.1 Minutes of the meeting held on 6 November 2018 5 - 20

4.2 Minutes of the Meeting held on 27 November 2018 21 - 30

5. Development Control and Enforcement Matters

5.1 18/00469/FUL - British Sugar Oundle Road Woodston Peterborough 31 - 66

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Committee Members:

Councillors: A Iqbal, G Casey (Vice Chairman), L Serluca, C Harper (Chairman), P Hiller, J Stokes, S Martin, Bond, R Brown, Nawaz and B Rush

Substitutes: Councillors: C Hogg, M Jamil and Warren

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

CASE OFFICERS:

Planning and Development Team: Nicholas Harding, Lee Collins, Mike Roberts, Janet Maclennan, David Jolley, Louise Simmonds, Vicky Hurrell, Sundas Shaban, Amanda McSherry, Matt Thomson, Michael Freeman, Jack Gandy, Carry Murphy and Joe Davis

Minerals and Waste: Alan Jones

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

NOTES:

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

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 6 NOVEMBER 2018
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Shaz Nawaz, Martin, Hiller, Rush, Stokes, Bond and Serluca

Officers Present: Lee Collins, Development Management Manager
Amanda McSherry, Principal Development Management Officer
Bryan Clary, Tree Officer
Karen Dunleavy, Democratic Services Officer
Chris Gordon, Planning Solicitor

Others Present:

24. APOLOGIES FOR ABSENCE

There were no apologies for absence.

25. DECLARATIONS OF INTEREST

There were no declarations of interest received.

26. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

Councillor Hiller declared a non-pecuniary interest in item 18/01101/R3OUT - Land North Of Thistle Drive Stanground Peterborough by virtue of being a Director of Medesham Homes and would leave the room before the item was debated or voted on.

27. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were no representations to make declarations as Ward Councillor.

28. MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE MEETING HELD ON 16 OCTOBER 2018

The minutes of the meeting held on 16 October 2018 were agreed as a true and accurate record.

1:31pm At this point Councillor Hiller stepped down from the Committee for item 18/01101/R3OUT - Land North Of Thistle Drive Stanground Peterborough.

At this point the Committee agreed to extend the speaking scheme from five to ten minutes for item 18/01101/R3OUT - Land North Of Thistle Drive Stanground Peterborough

28.1 18/01101/R3OUT - LAND NORTH OF THISTLE DRIVE STANGROUND PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to an application which sought planning permission for outline planning permission, with all matters (access, appearance, layout, scale, and landscaping) reserved for future applications, for the erection of up to 20 dwellings.

An indicative plan had been submitted in support of the application, which illustrated one possible way that 18 x dwellings each with two off-street parking spaces could be accommodated on site. However, Members were not being requested to determine the layout at this stage. In addition Members were informed that the site was often referred to as 'Tenter Hill'.

The Development Management Manager introduced the report and update report. Issues highlighted within the update report included, residents' concerns about the loss of open space and the impact it may present to health and wellbeing, issues with alteration and closure of the bridleway, over development in the area, highway issues and school space availability. It was confirmed by the Development Management Manager that all issues raised would be dealt with under reserved matters should the outline application be granted.

Councillors Hogg and Whitby, Ward Councillors addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There would be a detrimental loss of open space in the area for residents.
- There seemed to be a lack of affordable housing applied to the application.
- Issues that may arise with parking in the area if the proposal was accepted.
- It was felt important for residents of all ages to have access to a recreation area.
- The land had been designated as common ground previously, however changes in land registry had meant that the land transferred to Council ownership.
- The land was regularly used by Stanground and Fletton residents and in particular the local Scout Group whose club hut adjoined the land.
- The ward had been 5.7 hectares deficient in park area and Planning Policy (PP)14 would be sufficient reason to refuse the application.
- The proposal had not been included in the forthcoming draft Local Development Plan.
- There were only four dwellings being offered as social housing for the proposed site, which had raised questions about why there had not been more allocated given the current housing shortage in Peterborough.

- Parking had been a current issue with access to the site restricted for residents attending clubs such as gymnastics, Therefore, building extra homes would exacerbate the issue.
- There had been a further online petition of over 230 signatures.
- Paragraph 97 of the planning and conservation act in relation to existing open spaces and recreation land outlined that an assessment should be carried out to investigate whether the land was surplus to requirements and for this reason the application should be rejected.
- Families could be found playing games, picnicking and enjoying the calm and peaceful area.
- Tenter Hill had appeared in the local plan previously as a bio-diversity site.
- The area was used by elderly residents from Kingfisher Court.
- Councillors were expected to promote active lifestyles for residents and Tenter Hill was the only place in the area that could provide the opportunity to them.
- There would be extra pressure on local services, such as doctor surgery and schools created if the development was to be approved.
- There would be an increase in traffic which may cause hazards for the community centre and create pollution.
- Emergency vehicles had recently struggled to gain access to Wessex Close, which was close to Tenter Hill at Thistle Drive and this would be exacerbated by further houses being built. Therefore local road access was inadequate for the proposal.
- The development was too small to impact the housing need.
- Developments should have a positive impact on local residents and the proposal was negative.
- There had been 2,000 residents on various petitions in objection to the planning application, which was a good representation for the area.
- There were two further green space areas near the proposed development side, one at Chapel Street and the other at South Street, however, Children would have to cross the road to access them.
- Some of the area was unusable due to flooding, however had been good for dog walking.
- The only other open area was a floodplain and small sections adjacent to the proposed site.
- The proposals was granted, it would reduce parking for the clubs that take place in the adjacent building.
- The number of houses available for social rent outlined in the proposal would be four houses.

Pete Lumley, Scout Leader Third Nene Scout Group, Pat Corcoran, Roz Wright, Rachel Fisher and Simon Wright local residents addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Paragraph 97 of planning policy detailed that existing open space should not be built on unless an assessment had been conducted to confirm that the land was surplus to requirements.

- The proposed site was used by 100 Scouts meetings during each weekday evening and many outdoor activities were held on on the proposed site. If granted, the proposal would impact on Scouting activities in the future.
- When part of the area was designated as a bio-diversity area, 850 square metres had been set aside and regularly maintained by the Council in order for the activities to continue. There had been no mention within the proposal how the loss of space would be replaced as per paragraph 97 of the planning policy.
- There were currently drop of and collection traffic issues in the area, which would worsen with a reduction of road space.
- There had been no notice or publication of the proposed development placed in 2012 on the western boundary or in Stanground as a whole.
- The field flooded on the western boundary regularly and Anglian Water could be found pumping 32,000 gallons of water through the backwater that lead to Cambridge. If this area was to be blocked it could cause further flooding issues.
- The lock keeper would have no access to and from her property if the bridleway was to close during construction. It had been advised by the PCC Officer that a traffic order would be required and diversion provided and checked regularly during construction. However, a Highways engineer had recently advised that any diversion should be free of traffic and should be three metres wide. The revised proposed development plan had shown no allocation of bridleway and the entire length and width appeared to propose a highway.
- Parents, children, the elderly and cyclist use the Wessex Close Road regularly for access onto the bridleway and the site proposal would create extra traffic, which could cause a hazard for these users. There were 188 cyclist who used the bridleway each day.
- Tenter Hill had been designated common land since the 1700s, the land was registered to Peterborough City Council in 1995 and residents felt that this was to keep it in trust and not to be sold off.
- The Community Secretary had recently commented that local authorities should manage finances more effectively and not sell off parts of small green open spaces.
- Tenter Hill was a hill that dropped by six metres with the bottom of it flooding on a regular basis.
- There had been no notification received by residents in writing that the land had been designated for development within the 2012 Local Development Plan Document.
- There should be no development as there had already been a number of buildings placed in Cardea and Hampton further reducing open space in the city.
- The current lock keepers family had been living in the area since 1921. The basin previously used to graze farm animals had become a rubbish dump over time and would be contaminated land.
- The nearby appleyard had been donated to Stanground residents as compensation.
- The Scout Leader confirmed that there were activities such as compass training, team building and tent pitching and the Tenter Hill area was used for these activities. There would be no alternative open space available in the area to safely include 6-8 year old Beavers in the scouting activities.

- Scout meetings were held during term time and the Scout hut was also used as headquarters to prepare for camping events and had been used as a polling station.
- Access to the bridleway would be hindered during and after construction if the proposed development was granted. The bridleway was also used by organisations such as natural England and emergency vehicles.

Phil Blythe the agent, and Peter Hiller the Director for Medesham Homes addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposal had aimed to provide much needed housing for the City, particularly in relation to affordable and shared ownership. The proposal was for up to 20 homes and had been approved in the Local Development Plan.
- There would be six houses allocated for affordable accommodation
- The application had been reduced slightly from the original allocation of 30 homes.
- Highway access to the development site would be submitted in a reserved matters application, which would be considered by Members at a later Planning Committee meeting.
- There had been a survey conducted at the time of site allocation before it had been included in the Local Development Plan and there had been no objections raised at the time of consultation.
- Paragraph 11 of National Planning Policy Framework had promoted approval of sustainable development without delay.
- The Authority's highways expert had not objected to the proposals.
- The bridleway would be retained under condition 15 of the officers recommendation for approval either alongside a future access road or separate arrangement.
- Waste collection would be accommodated under condition 16 of the officer's recommendation, whereas there would be a turning circle created within the proposed development.
- There had been no objection made by organisations such as Natural England or the Wildlife Trust.
- The site had already been approved for development and therefore public open space would not be a strong reason for Committee refusal. There would however, be open space accommodated through a section 106 agreement.
- The proposed site was not a protected open space and therefore, paragraph 97 of the NPPF was not relevant. There had been significant consultation undertaken on the Local Development Plan Document through Cabinet and Council in 2007, which had received over 4,000 comments, which had been a four year process.
- Parking would be considered under reserved matters and the scheme had demonstrated how parking would be accommodated for 18 dwellings.
- None of the comments received following consultation of the DPD had included concerns about the Tenter Hill site, however, it would be difficult to pinpoint comments made directly about the proposed site in the inspectors report.

- Medesham Homes would provide a minimum of six affordable homes and could possibly include the whole site.

2:32pm At this point Councillor Hiller left the room.

The Planning and Environment Protection Committee debated the report and in summary, key points raised and responses to questions included:

- There had been no objections received regarding the inclusion of the proposed development site in the DPD despite two exhibitions held in the Stanground area in 2008 and 2010. The main discussion at those meetings were made in regards to a rail freight proposal.
- There had been no information to identify what development sites Medesham Homes would apply for in the future. However, the land north of Thistle Drive was selected because it was Council owned.
- The Open Space Officer had objected to the proposed site in principle on the grounds of the loss of open space. Even though PP14 and NPPF 97 had been identified as a reason to object, Tenter Hill was an allocated site which had outweighed these reasons.
- Reserved matters would be applied for at the next planning stage. This application had been to propose the site for development in principle.
- A reserved matters application for the proposed development site would focus on the design and materials used to construct the dwellings and Members would approve the scheme, which would be in keeping with the area.
- The Authority had liaised with Natural England in order to mitigate any ecological impact on the Nene Wash area and £25,000 had been set aside to facilitate the provision.
- An assessment on the loss of open space would not be required as the site had been allocated as part of the Local Development Plan process.
- In other circumstances the loss of open space would be a material consideration and such an application would be refused, however the land was approved in principle during the DPD stage.
- There was no procedure to remove an allocated site from the DPD. The only way to do this would be not to include it in a future DPD.
- Medesham Homes would commission a survey to ensure that the proposed site was suitable for development. There would be conditions put in place through the planning process to ensure that land was not contaminated.
- The DPD consultation meetings were held in Stanground in 2008 and 2010, however the main public interest at that time was in relation to the railfreight interchange proposal.
- There had been no reasons why the proposed site had not been included in the emerging DPD, however, the Committee would be required to reach a decision based on site allocation in the adopted within the document.
- There was an archaeological condition attached to the planning application, which meant that the applicant would be required to undertake exploration test in the form trial drenching in the area. If the land was found to have archaeological significance, such as a Roman settlement, then the site allocation would be reviewed.

- The bridleway (known as bridleway three) leading up to the lock was maintained by the Authority and was not adopted highway. The bridleway formed part of the Greenwheel and should remain on its existing route. If there was a requirement to reposition the bridleway then the Town and Planning Country Act or a Highways act s118 and s119 would be invoked to modify the public right of way.
- The bridleway three route was in use for access to the lock, pumping station cottages and the Scout hut, however these were grant of access routes and not adopted highway. The nearest access route would be located on Daffodil Grove and Wessex Close. Vehicles currently parking in the area were doing so on private road.
- Emergency vehicles were able access the private road leading to the lock keepers cottage, however there would be potential to improve access via Wessex Close, to widen the road, which was owned by the Authority.
- The bridleway had crossed Wessex Close, however, the final access arrangements would be considered under reserved matters.
- A s106 agreement would provide for provision for the loss of open space at Tenter Hill, however it would not mitigate the overall deficiency of open space in Stanground.
- Tenter Hill was an historic site, which dated back to 1800 century and was a valuable open space for the residents who had outlined the importance of its use for many recreational activities.
- Some members felt that despite the proposed site being included in the DPD residents views should be taken on board particularly in regards to the loss of open space. The construction of 20 dwellings had not seemed to be more important than the loss of open space.
- Some Members commented that if the Committee were minded to oppose the officers recommendations, then such a decision would likely be appealed. However, if a decision to go against officers recommendation was approved, then it was hoped the inspectors would appreciate the public opinion in respect of the loss of space and the fact that the site had not been included within the emerging DPD.
- Members had sympathised with the public objection over the proposed development application, however, there had been a stronger case in respect of planning policy not to oppose officers recommendations, despite the fact the allocation had not been included in the emerging DPD.
- Members commented that the reasons for objection in respect of open space, wildlife protection, access and parking had been addressed through officers responses. The confirmation of affordable housing provision had also been clarified within officers and the applicant's response.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendations and **REFUSE** the application. The Committee **RESOLVED** (6 for and 4 against) to **REFUSE** the planning permission.

REASON FOR THE DECISION:

The proposal would result in the loss of open space that was available within the ward, which was deficient in open space, and had been contrary to Paragraph 97 of the NPPF (2018).

At this point Councillor Hiller returned to the room.

28.2 18/01129/HHFUL - MOUSE COTTAGE 1 NORTH FEN ROAD GLINTON PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to an application which sought planning permission for the demolition of the existing flat roof double garage and utility room, the erection of a two storey side extension; a double carport building and store to the front of site, and the conversion and extension of the barn to the rear of site.

The proposed two storey side extension would be constructed on the east elevation of the dwelling and would be an overall depth of 7.9 metres. The proposed front elevation would measure 4.3 metres in width. The highest point of the proposed roof would be 5.1 metres above ground level, with the eaves height on the frontage to be 3.6 metres high above ground level. The eaves height at the rear would measure 4.4 metres above ground level. Two dormer windows were proposed on the south roof slope, to serve 'Bedroom one'.

The single storey extension to the rear of the two storey extension would project approximately 8 metres in depth. Its overall width was 6.7 metres, though this would narrow to 3.3 metres at its furthest rear point. A mono-pitched roof had been proposed over the utility, hallway and kitchen, with a maximum height of approximately 4.1 metres above ground level and 2.4 metres to eaves height. A dual-pitched roof was proposed over the porch, with a ridge height of 3.3 metres and eaves height of 2.4 metres. Finally, the flat roof / first floor balcony over the remainder of the kitchen/patio area would measure approximately 2.2 metres above ground level.

At the front of site, a double carport building with store was proposed. The carport would be an overall width of approximately 7.8 metres and a depth of 5.9 metres. The adjoining store would encompass a footprint measuring 3.3 metres by 3 metres. A pitched roof was proposed, with the ridge height measuring approximately 3.9 metres above ground level and the eaves height 2.7 metres. The proposed pitched roof of the store would be lower with a ridge height of approximately 3 metres above ground level, and eaves height of 2 metres.

The existing barn to the rear of the site was proposed to be extended to both the north and south.

To the south, a timber structure (with 'open' sides) would project approximately 4.5 metres in depth and would measure 4 metres in width, to create a covered patio area. The proposed roof would be hipped, with an approximate ridge height of 4.4 metres and eaves height of 2.7 metres.

To the north, a one and a half storey and single storey extension was proposed. This would include an overall depth of 10.3 metres and an overall width of 4.1 metres. At its shortest point, the width had been proposed to be 3.5 metres. The proposed extension would provide a games room, bathroom and tractor store at ground floor. For the one and a half storey games room extension, the ridge height would measure approximately 5.6 metres above ground level, with an eaves height of 3.8 metres. The roof height dropped down to over the single storey tractor shed and bathroom extension, where the proposed ridge would drop down to 4.2 metres with eaves at 2.7 metres.

The originally submitted drawings of the proposed extensions and garage had been amended following advice from the Conservation Officer, along with corrections made to previous errors on the plans.

The proposed tree survey has also been revised, following the advice of the Tree Officer, to accurately represent the tree works proposed.

The Principal Development Management Officer introduced the report and update report. The main issues highlighted were in relation to the impact on the conservation area, street scene the size of the proposed extension and garage, use of the barn conversion, concerns raised in respect of the neighbours Sycamore tree and the building materials proposed. The applicant had provided additional solutions with the aim to address the Glington Parish Council's concerns.

Glington Parish Clerk John Haste addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mr John Haste was speaking on behalf of Glington Parish Council who was opposed to the application in relation to the scale, building materials, impact on streetscene and disregard of planning policy.
- The Mouse Cottage was a non-designated heritage asset in a conservation area and had been used previously as a farm labourers cottage, which was converted into a single dwelling in 1972.
- The proposed application would increase the footprint of the property by 60-70% and not 15% as outlined by the applicant. The barn would also increase in double the size and the garage and carport proposal was also of significant size. For that reason, Glington Parish Council had considered the application would result in over development of the area.
- Although the garage would be located at the back of the property, it would be seen by neighbours, therefore affecting the streetscene.
- Part of the proposed development, which would be constructed with the undesirable building materials, would be seen by neighbours.
- The planning officers assessment particularly on page 30 of the policy, which had stated that building materials used should be sympathetic to neighbours and the surrounding area and it had been felt that this had not been addressed by the applicant. Some concerns raised had been addressed by planning officers and Glington Parish Council would support the conditions recommended by officers such as C4 C5 C6 and C7.

- The proposed development would be visible to number three North Fen Road particularly the existing garage.
- There were barns in the area, such as the one attached to Manor Farm that were built from stone and not wood shiplap as proposed for the Mouse Cottage conversion.

Ian Hopkins the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mr Hopkins and his family had lived in Ginton since 2002 and owned three properties. The family were not however, property developers.
- Mouse Cottage was an old building which required substantial maintenance to rectify issues such as poor insulation, rising damp and old electrics issues.
- Great care had been undertaken when the application was prepared for submission. The applicant had consulted many architects, builders, the planning department and local residents to provide an acceptable proposal.
- Regretfully the applicant had not engaged with Ginton Parish Council sooner and felt that they may have been more sympathetic to the proposal if consultation with them had been undertaken.
- The farm labourers cottage ceased to be a cottage in 1972 and had been converted into a single dwelling.
- The footprint increase to the main house was 15% and would ordinarily be permissible under planning rules. The increase in area alluded to by Ginton Parish Council would be in relation to other areas of the site, such as the garage.
- The southwest elevation of the building would be fitted with door placement changes to ensure that it retained the workers cottage appearance as per officers recommendations.
- The original proposed development of the southwest side of the building had been abandoned due to the conservation officers concerns.
- The property was dwarfed by neighbouring buildings, that had already been extended beyond their original status.
- A pre-planning application process had been undertaken, which removed many of the original plans such as installation of dormers and a reduction in ridge height in order to accommodate the conservation officers recommendations.
- There seemed to be confusion over the streetscene comments raised regarding the garage and obstruction of the house, however, the proposals would not impact on the view of the house. It had also been felt that the garage proposal would hide the appearance of cars on the driveway thus enhancing the appearance of the property.
- There would be no loss of privacy to the adjacent properties.
- The two neighbouring properties were in support of the application once adjusted through the pre-planning process.
- The applicant would be in agreement to review and change material choices with planning officers and where possible, old material would be restored and utilised.

Mr Robert Johnson objector addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Mr Johnson was a resident at number five North Fen Road and was in opposition.
- Mr Johnson's property abutted the back of the proposed extension.
- The extension of the barn would affect the tree roots.
- The condition had not mentioned the root protection of trees off site, which should be reviewed by officers.
- Extensions should be made from matching materials should be the same and not yellow ochre as per planning policy.
- A similar application in the area had insisted that original building material had to be used.
- The neighbour that lived at number three had not objected and the property at number five that abutted the land had not been consulted. The property either side of the proposal had been consulted.

The Planning and Environment Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The planning policy 1-7 alluded to in the Glington Parish Council representation had been referenced on the last page of the report, however had not covered PP10 as this related to outside the conservation area and the proposal had made been for inside.
- Page 51 of the officer's report had outlined a plan to accommodate the impact on the neighbouring trees, which included a Sycamore and a condition had been attached to request a method statement on how the applicant would protect the roots during construction.
- Although planning policy had been specific about building material matches, in some cases that had not been possible. It had been felt that the site was quite well screened. The front extension would be built from reconstituted stone and rendered at the rear, however the building material condition could be reviewed by officers if Members felt that would be appropriate.
- The site could accommodate the alterations and extensions proposed.
- Although the application proved to be sensitive due to being located in a rural area, the owner had thoroughly researched and consulted on his proposals throughout the process to ensure that the extension would be acceptable.
- The building materials for the extension construction could be reviewed to ensure that they were sympathetic to the neighbour's and Parish Council concerns. In addition building materials to be used should be reviewed to ensure that the streetscene would definitely not be impacted.
- The applicant was in agreement to review the building material proposed for the extension work.
- Exceptional attention to detail had been paid by the applicant throughout the process.
- This was a family home to accommodate their needs and had not appeared to be extending with a view to rent out any part of the property.
- Consultation with the neighbour at number five could have been more effective.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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:

- On balance, the proposal would not unacceptably harm the character and appearance of the site (including the non-designated heritage asset) and the surrounding Glington Conservation Area. The proposal was in accordance with Section 72 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012) and Policies LP16 and LP19 of the emerging Peterborough Local Plan (Submission Stage) (2018).
- It was not considered that the amenity of surrounding neighbours would be adversely impacted upon by the proposed development, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policy PP3 of the Peterborough Planning Policies DPD (2012) and Policy LP17 of the emerging Peterborough Local Plan (Submission Stage) (2018).
- The proposed development would not unacceptably impact upon the trees on-site or immediately off-site, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011), Policy PP16 of the Peterborough Planning Policies DPD (2012) and Policy LP29 of the emerging Peterborough Local Plan (Submission Stage) (2018).

28.3 18/01495/HHFUL - 40 BROAD WHEEL ROAD HELPSTON PETERBOROUGH PE6 7EE

The Planning and Environmental Protection Committee received a report in relation to an application which sought planning permission for the following: The application sought planning permission for a single storey front and side extensions . It would project to the side by 5.8 metres and have a front projection of between 1.3 metres and 2.3 metres. The extension would encompass two gable ends to the front with a small recessed section in the middle. The overall height would be 5.1 metres (2.4 metres to the eaves). A new 1.80 metre high fence was also proposed.

All external materials were proposed to match the existing dwelling.

It should be noted that the proposal had been amended with the first floor element initially proposed omitted.

The Development Management Manager introduced the report and update report. The updated report included a revised plan, which officers were in agreement with and would implement and condition appropriately if the Committee felt that the planning permission should be granted.

At this point the Committee agreed that Councillor Over would be permitted to speak as ward Councillor on the application.

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

- The proposal was a village concern and had been found to be acceptable to all residents, which had also included the Parish Council.
- The applicant wished to undertake the extension proposed in order to care for her elderly parents.
- The proposal had defined rural and village lives.
- Helpston had experienced lots of development and people had relocated to the area to enjoy village life.
- The application was a moral and social imperative and there was no reason to believe that the building would be sold or split into two properties.

Heather Birch, the applicant addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The applicant had lived in Helpston Village in 2000 and had raised her family in the house.
- The applicant's mother was wheelchair bound due to multiple sclerosis and her father had terminal Cancer. The bathroom design had been made into a wet room to accommodate the applicant's parents care needs.
- The applicant's wishes had been for her parents to live comfortable lives with the provision of their own rooms.
- The officer report had suggested a change to the front extension however, it would not accommodate for wheelchair requirements and was a fire risk to the applicant's parents.
- The annex and bathroom required to accommodate the applicants parents needed to be fully wheelchair and hoist compliant design with no lips or steps, and the officers recommendations had been contrary to this.
- Medical beds were required in the rooms and for that reason the size could not be reduced.
- Hoists and wheelchairs could not be store in the main house as they were required for use at all times of the day.
- The proposal submitted had allowed for the accessibility and care needs of the applicants parents as well as their independence, privacy and emotional wellbeing.
- An extra room for carers would be required if the applicant's parents lived in social housing, however there were no plans to apply for one.
- Planners had agreed to a 1.8 metre fence in order to obscure the street view.

- The applicant welcomed a condition to be placed for the property could never to be subject to subdivision.
- The neighbours and Parish Council were fully supportive of the proposals.
- To extend at the back of the land would cause significant drainage issues.
- It was intended that the applicant's grown children would live in the main house if the applicant had relocated to the annex in later years.
- The original two story extension was withdrawn due to planning officers concerns and the ground floor extension would accommodate the applicant's parent's needs.
- An award winning architect had been commissioned to draw the planning application together.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- A condition in respect of subdivision was not required as this would be undertaken through separate planning processes such as enforcement if necessary.
- Personal circumstances were not a planning consideration.
- The application had not been objected to by the Ward Councillor, neighbours or the Parish Council despite its proposed size.
- The application had not been detrimental to the streetscene.
- The original plan to also extend on the first floor had been amended by the applicant.
- The planning officers concerns had been considered.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendation and **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

The application had not appeared to be detrimental to the street scene. There had also been no objection to the application for Ward or Parish Councillors. The revised drawings had also been an acceptable amendment to officers.

28.4 18/00002/TPO - 291A THORPE ROAD PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to an application which had sought planning permission for the following: A provisional Tree Preservation Order (TPO) 18/00002/TPO at 291A Thorpe Road, Peterborough, PE3 6LU had been served following a 211 Notification (17/02082/CTR) which

requested the removal of t1 Sycamore. The provisional TPO had been the subject of public consultation and as an objection was received, the Committee were required to determine the application in accordance with para 2.6.2.2 (f) of the Council's Constitution.

The main considerations were:

- Was the tree worthy of inclusion into a TPO in terms of public visual amenity value?
- Was the proposal reasonable and justified having regard to the objections raised?

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The tree had added purpose to the area and would do so in the future and therefore a TPO was appropriate.
- The owner would not be prohibited in maintaining the tree and this would be undertaken through a planning application process, which would be subject to no fee to the applicant.
- The tree predated the building and was around 30 years old.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

T1 Sycamore Tree was a mature and attractive tree. It was in good health and conservatively had 20-40 years lifespan. The tree made a positive contribution to the amenity value of the area.

The proximity of the Sycamore Tree to the dwelling at 291A Thorpe Road was not deemed a major concern and with regard to shading and seasonal nuisances these were no more than to be expected by any other tree subject to a Tree Preservation Order and therefore were not considered appropriate reasons for the tree's removal.

Chairman
1.30pm – 5:29 pm

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**MINUTES OF THE PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE
MEETING
HELD AT 1:30PM, ON
TUESDAY, 27 NOVEMBER 2018
BOURGES/VIERSEN ROOM, TOWN HALL, PETERBOROUGH**

Committee Members Present: (Chairman) Harper, (Vice-Chair) Casey, Councillors, Brown, Amjad Iqbal, Jamil, Martin, Hiller, Rush, Stokes, Bond and Serluca

Officers Present: Nick Harding, Head of Planning
Dan Kalley, Senior Democratic Services Officer
Stephen Turnbull, Planning Solicitor
Simon Ireland, PCC Highways

Others Present:

29. APOLOGIES FOR ABSENCE

There were apologies for absence received from Councillor Shaz Nawaz. Councillor Jamil attended as substitute.

30. DECLARATIONS OF INTEREST

Councillor Hiller declared a non-pecuniary interest in item 4.1 by virtue of having several meetings with the developers of North Westgate, but had no-predetermination with regards to the application being put forward.

Councillor Jamil declared an interest in item 4.1 by virtue of being a Ward Councillor, however he had not been pre-determined.

31. MEMBERS' DECLARATION OF INTENTION TO MAKE REPRESENTATIONS AS WARD COUNCILLOR

There were no representations to make declarations as Ward Councillor.

The Committee agreed to alter the running order of the agenda and hear item 4.4 of the agenda first.

32.1 18/01758/FUL - EYE POST OFFICE, 30 HIGH STREET, EYE, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to a proposal for the installation of metal security shutters, painted white. These would cover the two windows and door on the principle elevation facing the High Street.

In correlation with the dimensions for the two windows, the shutters measure 1.7m x 2.5m. The shutters for the door measure 2.5m x 1m.

The Head of Planning introduced the item and highlighted key information from the report and the update report. Members were made aware that the application was in a Conservation area and was deemed inappropriate in this context. There had been five incidents in the past four years with regards to the property being broken into. Of these incidents only three were through the doors where the shutters were placed. In addition a letter of support had been received from Eye Parish Council.

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

- There was support for the the protection of Conservation areas, however the guidelines were too rigid and did not allow for any flexibility.
- The shutters were well designed and and would not be detrimental to the local area.
- Eye village had seen an increase in Anti-Social Behaviour of the past few years. It was the right of the business owners to protect their property. It was essential that the residents of Eye had a fully functioning Post Office service.
- The proposal to have internal shutters were not practical. They would be a nuisance and not viable to the building structure.
- The shutters in place would be hidden from 7am to 6pm Monday to Saturday and for an hour between 12pm - 1pm on a Sunday. Therefore during the day the shutters would not be visible.
- The Parish Council and local community valued the facility and understood the value of the service to the community.
- There were similar shutters in front of other premises on the High Street. These were more detrimental to the street scene than the ones in the current proposal.

Mr Patel and Chris Collier, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The owners decided that after the last break in more security was needed. Police were unable to assist with enquiries as to who the perpetrators were.
- The business had suffered as a result of this. Post Office head office were keen for the business to have shutters to secure the building.
- The applicants did not realise that planning permission was needed to put shutters up as they had been informed by the company installing the shutters that no permission was needed.
- Other buildings in the village had shutters in place which prevented incidents taking place at those premises.
- No complaints had been received by owners from local community.
- There had been no break-ins since the shutters had been installed.
- Installed shutters as these were recommendations from the Post Office. They seemed appropriate for the building and did not impact the local scene.
- They were in keeping with the local scene. Understand that should have asked for planning permission.

- This was part of the local community and don't want to see any further shops or businesses close. This was a vital service for the elderly residents of the village.
- If closes then the nearest post office would be in Thorney.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- |In terms of crime figures and the standard applied, this was about the typical crime figures the Police saw in similar high streets. It was stressed that out of the five incidents only three had been committed using the doors where the shutters were placed.
- It was important to understand that as a business five incidents in four years was still too high.
- The rules around building in the Conservation area needed to be upheld, however more flexibility needed to be shown in certain circumstances.
- The shutters were not unattractive and blended into the area well.
- The owners had been in business for 25 years, suffered crime and they were doing everything they could to prevent crime from happening.
- Parish Council are supportive of what trying to achieve in this application.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendation and to **GRANT** the application. The Committee **RESOLVED** (Unanimously) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

32.2 18/01374/OUT - NORTH WESTGATE DEVELOPMENT AREA, WESTGATE, PETERBOROUGH

The Planning and Environmental Protection Committee received a report in relation to outline planning permission sought for a mixed use scheme of up to 57,000sqm to include:-

- 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)
- Non-residential institutions (Class D1)
- Leisure (Class D2)
- 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 former Westgate Church building, 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.

The Head of Planning introduced the report and update report. The Committee were informed that a number of roads would be demolished to make way for the development. The applicants were keen to establish active frontage usage to make the area more attractive to businesses and people looking to buy residential space. The buildings at the back of the Church were to be demolished, however those occupants would get the opportunity to keep a presence in the new development. The application resulted in the loss of 310 car parking spaces, however these would be replaced with car parking schemes around the site. In terms of CIL and S106 only part to CIL was if there were any supermarkets proposed. In terms of S106 this would be in relation to affordable housing. A viability report had been produced and the conclusions were relatively weak for the scheme and it would be unreasonable on that basis to seek S106.

Reverend Lesley Mosley addressed the Committee and responded to questions from Members. In summary the key points highlighted included

- The Church site had been present in westgate since the middle of the 18th century and had taken central role in providing community services.
- While waiting for the development to happen things had diminished. The Church needed to sell the building and with the proceeds purchased various

buildings to provide a community service. These were now providing a valuable community resource.

- In addition to community resource there were a number of other organisations using the premises including the Peterborough Association for the Blind and the local disability forum to name a few.
- There were close links being created with the As well as Church committee (four in total) also have peterborough association for the blind which are run from the premises as well as disability forum.
- The older population were also catered for in the premises being used. It was important to note that the facility had easy access which enabled large parts of the community to take advantage of the premises and services being offered. In addition it was noted that a number of people from the Muslim community also used the services.
- There had been discussions over the offering of alternative premises on Lincoln Road by the developers, however it was unlikely that these premises would be easily accessible.
- The Church premises themselves were not user friendly and a number of repairs would need to be completed for it to be re-used for the wider community.

Craig O'Brien and Peter Breach, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The work the Church carried out was valuable to the local community. The applicants were willing to work with the Church to try and find suitable alternative accommodation.
- The scheme was going to place the Church at the centre of the development along with a central piazza area. Surrounding this would be high grade offices near the city centre and train station. In addition there would be a number of high quality residential blocks appealing to professionals who worked in London.
- The scheme was viable and deliverable. A lot of work over the last two decades had gone into developing North Westgate.
- Savills had an excellent track record on delivering planning on sites such as this. They had full confidence in the scheme. It was important that the Council was fully supportive of the application and scheme.
- The site had been allocated for development since 1971 and remains part of the local plan and needed to be developed.
- There had been objections raised by internal or statutory bodies to the scheme.
- A number of jobs would be created during the construction phase and after when the buildings were let.
- A new public square would be created and be used by local residents and businesses.
- There were a few options that could be considered in terms of assisting the Church to relocate. Assurance was given that communication would be kept open between all parties.
- Church takes centre place of the application and creation of piazza and walkway is important and want to create an area of place to the application.

- In terms of community assets, there was planned a health centre. It was important that the types of accommodation created attracted professionals who would most likely use the station to commute to London.
- In terms of the flow between Queensgate and North Westgate this was to be decided and looked upon nearer the final stages of planning.
- Major investors would be interested in the site once it comes to the next stage of planning. Funding for this is not likely to be an issue.

The Planning and Environment Protection Committee debated the report and in summary, key points raised and responses to questions included:

- This was not a new proposal, this had been part of the local masterplan for many years.
- The area was in desperate need of regenerating. This proposed scheme would deliver the vision of the city and help with the regeneration of the local area.
- This would play an important role in being a new gateway into the city.
- It was important that communication with the Church was kept open and that viable alternatives were looked into.

At this point Councillor Brown left the room.

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (unanimous) to **GRANT** the planning permission.

REASON FOR THE DECISION:

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, Policy CS4 of the Core Strategy and Policies LP46 and LP6 of the emerging Local Plan.
- 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 and LP13 of the emerging Local Plan.
- 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, Policy PP17 of the Planning Policies DPD, and LP19 of the emerging Local Plan.

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, Policies CS17, CS21 and CS22 of the Core Strategy and Policies LP28, LP29, LP32, and LP33 of the emerging Local Plan.

At this point Councillor Brown returned to the meeting

32.3 18/01436/HHFUL - 7 LATHAM AVENUE, ORTON LONGUEVILLE, PETERBOROUGH, PE2 7AD

The Planning and Environmental Protection Committee received a report in relation to Permission is sought for the construction of a two storey extension to the rear of the dwelling, along with alterations to the existing dwellinghouse:

- i) Two storey extension - The existing rear conservatory and pitched-roof extension, together measuring 5 metres in depth, would be demolished. The proposed two storey extension would have an overall depth of 7.2 metres from the original rear elevation of the dwellinghouse. The extension would measure approximately 5.7 metres in width. The roof to this extension would be hipped, with the ridge line proposed to measure 5.9 metres from ground level and the eaves to be 4.4 metres high above ground level. Four rooflights would be installed onto this elevation, with three rooflights proposed to the north-facing roof elevation and one rooflight to the south-facing elevation.
- ii) Alterations - To the existing front facing dormer, the central double-hung window would be replaced with two top-hung windows and the adjacent panel to the front door would be replaced. The internal wall separating the existing living and dining room would be removed to allow a larger living room, amongst over layout changes.

The Head of Planning introduced the report and update report. The proposal removed the lean-to conservatory and raised the roof and extended outwards. Members could grant authority to seek an amended plan to change the juliette window.

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

- Not adverse of people extending their property, but in this instance the extension being proposed was too large.
- This was the only two storey property in the street and it already stuck out compared to the other properties.
- Properties in the area had not seen any changes to the landscape for many years. This was a major change which would impact the local residents.
- The original drawings were refused planning permission. A recommendation was suggested from the planning department for the extension to be reduced

by 1.5m and roof by 0.5m, neither of the plans had done this. In essence the plans had only been reduced by 1m and 0.3m.

- The development would have a detrimental impact on the local area. This was going to be the largest property in the cul de sac.
- In terms of consultations, no letters had been received in support and two were against the proposal.
- 60% of the neighbours garden would be overlooked, creating an invasion in privacy.
- Had the applicant agreed to the original recommendations then the proposal might have been more acceptable. The Juliette window at the front of the property was unacceptable.

Mr and Mrs Reed addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The reason for building the extension was to create a family home. The property needed renovating and therefore required development.
- The windows at the rear were 4.7metres away from the boundary of the neighbours property and were considered sufficient by planning officers.
- There was no evidence to support that neighbouring properties would be devalued due to the extension.
- The building was already different to neighbouring properties in the street and therefore would not impact any further the street scene.
- The Juliette window was orientated to the rear of the property and was positioned so that the impact to the neighbours to the rear was minimal.
- Recommendations from the planning officers had been adhered to. The plans had changed from the original set and the depth and height of the plans had been reduced significantly.
- A good rapport with the neighbours had been built up over the years and had contributed actively to the local community.
- It was stressed that the Juliette windows were angled away from neighbouring properties and would not impact the neighbours dramatically.

The Planning and Environment Protection Committee debated the report and in summary, key points raised and responses to questions included:

- It was suggested that the reduction in the size of the Juliette windows might make the application more acceptable.
- The Committee were informed that a dormer window in the roof line of the development would not need any planning permission and would still overlook the neighbouring properties.
- There concerns raised over the Juliette window especially as this would overlook the neighbouring properties.

RESOLVED:

The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to go against officer recommendation and to **REFUSE** the application. The Committee **RESOLVED** (6 For, 4 Against and 1 Abstention) to **REFUSE** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

The proposed development has a Juliette style window on the rear elevation. This will give rise to an unacceptable level of overlooking and loss of privacy to the rear garden area of 8 Latham Ave. The proposal is therefore contrary to Local Plan Policy PP3 of the Peterborough Planning Policies DPD 2012.

32.4 18/01675/FUL - 339 EASTFIELD ROAD, EASTFIELD, PETERBOROUGH, PE1 4RA

The Planning and Environmental Protection Committee received a report in relation to a change the use of the building from a 6 bedroom HMO (C4) to a 7 bedroom Hotel (C1). It is proposed to access the site from the adjacent access of 241 Eastfield Road, which gives access to the parking area to the rear, which exits to Briar Way

The Head of Planning introduced the report and update report.

Nicola Curtis addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There were objections to the proposals, especially as these were in conjunction with neighbouring properties. The guesthouse had been extended over the years and was now growing at a rapid rate.
- This property was providing accommodation to a number of homeless residents.
- This had caused a number of anti-social behaviour issues around the local area. Members of the local community had raised a number of objections to the proposals.
- Previous applications had been refused by officers, however these had then been overturned by the planning inspector.
- Even though there were businesses in the area, most of the buildings were used for residential purposes.
- The applicant was receiving large sums of money from the Council to provide provision of temporary accommodation.
- The community was close knit and this was being put in danger by the application. Although the house was currently a HMO the plans would increase the number of potential residents.
- There were concerns that a number of further applications would come forward to increase the number of units for temporary accommodation.
- People from the current property were climbing over the fence and had been verbally insulting towards local residents.
- There had been noticeably higher levels of anti-social behaviour over the past few years due this development.

- There was to be a loss of green space due to this development, including row of trees that would have to be taken down.

Tim Slater addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- Endorse this recommendation, this was to change the use only of the building. The application does not affect the character of the local area.
- The planning inspector in October 2018 overturned a refusal for a similar development and application. There was a high demand in Peterborough for temporary accommodation. There was no evidence to suggest that anti-social behaviour was down to the residents of the building.
- The applicant had a number of CCTV's in place which the police could access. There were strict rules on occupancy and the applicant was within his rights to remove any residents that were troublesome.
- No complaints had been made by the Council over the use of the property or on any issues relating to behaviour.

The Planning and Environmental Protection Committee debated the report and in summary, key points raised and responses to questions included:

- The one way system around the application would make it easier for cars to come in and out of the parking area. The parking provision allowed for vehicles to be able to turn around in the car park to leave by the exit.
- There were to be no alterations to the existing building.
- The planning inspector had already overturned a previous refusal making it more difficult to refuse the application in front of Committee.

RESOLVED:

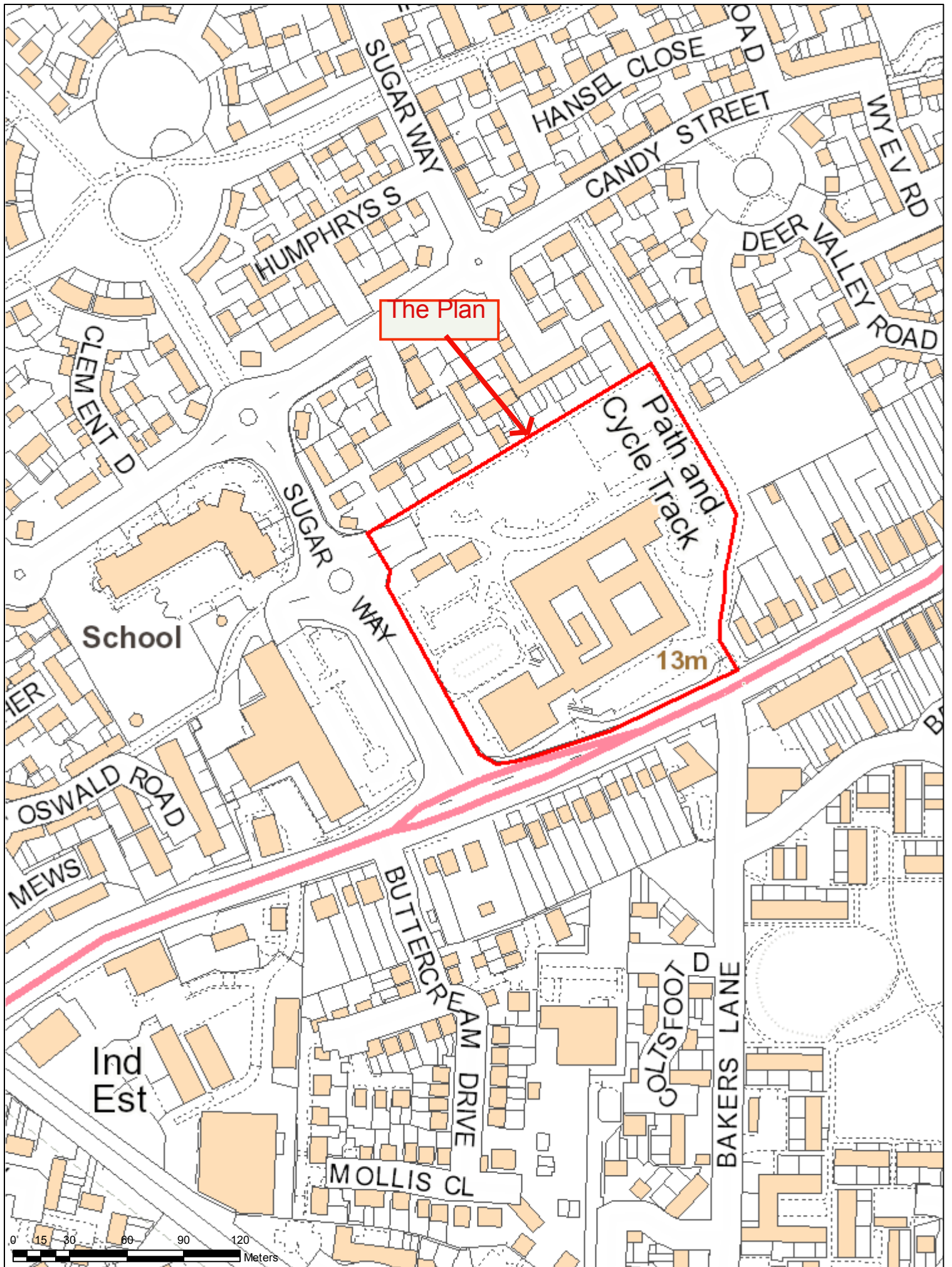
The Planning Environment Protection Committee considered the report and representations. A motion was proposed and seconded to **GRANT** the application. The Committee **RESOLVED** (5 for, 4 against, 2 abstentions) to **GRANT** the planning permission subject to relevant conditions delegated to officers.

REASON FOR THE DECISION:

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 proposal will not unacceptably harm the character of the area, the amenity of the occupiers of neighbouring dwellings or highway safety; in accordance with policy CS14 and CS16 of the Peterborough Core Strategy (DPD) 2011, policies PP2, PP12 and PP13 and policy LP13 and LP16 of the Peterborough Local Plan (Submission).

Chairman
1.30pm – 4.30pm



Committee Location Plan 18/00469/FUL British Sugar



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Item No: 5.1

Planning and EP Committee 18 December 2018

Application Ref: 18/00469/FUL

Proposal: Full application for the erection of a Lidl food store (Class A1) with associated car parking, landscaping, infrastructure and access alterations. Outline application (with all matters other than access reserved) for up to 74 residential dwellings (Class C3). Demolition of existing buildings on site.

Site: British Sugar , Oundle Road, Woodston, Peterborough

Applicant: n/a

British Sugar Plc

Agent: Mr Richard Huteson

Rapleys LLP

Referred by: Cllr Dowson

Reason: Need for foodstore in this area, too many houses, insufficient facilities, doctors, schools, proper landscaping, re-use of building, parking, impact on residents.

Site visit: 28.03.2018

Case officer: Miss A McSherry

Telephone No. 01733 4501733 454416

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

Recommendation: **GRANT** subject to resolution of the Drainage Objection and relevant conditions and securing of S106 legal agreement.

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

Site and Surroundings

The application site is located within the Urban area boundary of Peterborough. It is positioned on Oundle Road which is one of the major arterial routes into the city centre. It is sited on the corner of Oundle Road and Sugar Way, opposite the Valley Park Local centre. The Valley Park Local centre consists of a parade of shops, anchored by Budgens foodstore. To the north of the Local Centre is the Nene Valley primary school. To the north and east of the site is residential housing. A path/cycle track separates the application site with the housing to the east.

The existing site covers an area of 2.57 hectares and currently comprises the British Sugar headquarter offices with associated car parking. Its vehicle access is taken off the roundabout on Sugar Way.

Proposal

This is a hybrid planning application seeking:-

1. Full planning permission for the demolition of the existing buildings on site, and redevelopment of the site to provide a new foodstore (Class A1), with associated car parking and landscaping on part of the site (Phase 1) ; and
2. Outline planning permission on the remaining part of the site (approx. 1.57 hectares) for up to 74 new residential units, with all matters reserved, apart from access (Phase 2).

2 Planning History

Reference	Proposal	Decision	Date
17/00001/SCREEN	Proposed foodstore with associated car parking and landscaping and 70 residential units (outline)	Comments	08/05/2017

3 Planning Policy

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

National Planning Policy Framework (2018)

Paragraph 80 - Building a strong, competitive economy

Significant weight should be placed on the need to support economic growth and productivity.

Paragraphs 86/87 - Sequential Test

A sequential test should be applied to applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available) should out of centre locations be considered. When considering edge of centre or out of centre locations preference should be given to accessible sites which are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale.

Paragraph 89 - Impact Assessment

An impact assessment should be applied to retail and leisure uses outside of town centres, which are not in accordance with an up to date Development Plan. The default threshold is 2500 sqm if no local threshold is set.

Paragraph 108 - Transport Impacts

Any significant impacts from development on the transport network (capacity and congestion) or on highway safety should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Paragraph 122 - Making Effective Use of Land

Decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development and the availability of suitable land, local market conditions and viability, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change and the importance of securing well-designed, attractive and healthy places.

Paragraph 163 - Flood Risk - Site Specific FRA

In determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a Site Specific Flood Risk Assessment. Development should only be allowed in areas of flooding where in lighting of the assessment (and the sequential test and exceptions test as applicable) it has been demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk, unless there is an overriding justification, the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems unless inappropriate, any residual risk can be managed and safe access and escape routes are included as appropriate.

Paragraph 175 - Biodiversity Enhancement

Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 180 - Pollution

New development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life, identify and protect tranquil areas which have remained relatively undisturbed by noise and limit the impact of light pollution from artificial lighting on local amenity, intrinsically dark landscapes and nature conservation.

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.

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.

CS13 - Development Contributions to Infrastructure Provision

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

CS14 - Transport

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

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The 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.

CS19 - Open Space and Green Infrastructure

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

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.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP09 - Development for Retail and Leisure Uses

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan took place in January and February 2018. The Local Plan was submitted to the Secretary of State on 26 March 2018 who will appoint a Planning Inspector to examine the Local Plan to establish whether it is 'sound', taking all the representations into consideration.

Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making progress, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At this final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP12 - Retail and Other Town Centre Uses

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

LP14 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development. Developers will be expected to contribute toward the delivery of relevant infrastructure.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered. Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits

of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - 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.

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

- Conserving and enhancing the historic environment (2018)
- Ensuring the vitality of town centres (2014)
- Noise (2014)
- Travel plans, transport assessments and statements (2014)
- Planning Obligations (2016)
- Viability (2018)

4 Consultations/Representations

PCC Peterborough Highways Services

No Objection – Subject to the imposition of conditions. The trip rates and modelling details have been queried and further clarification has been provided. On the basis of all the information submitted the conclusions of the report are now accepted and as a result no junction mitigation works are required. It would be appropriate to seek the installation of a new bus shelter, to replace the current one, on the Sugar Way side of the Oundle Road, eastbound. This should be installed and in operation prior to the foodstore opening. Cycling improvements – in 2016 Atkins produced a Cycling Infrastructure Plan, which made various suggestions for improvements. Some of these suggested improvement works should be considered as part of this development. There was also a walk-friendly action plan carried out. It suggested removing the guardrails and straightening the crossings across Sugar Way. This should be considered as part of this development. No clear route for pedestrians is shown between the food store and the residential site. It would be useful for pedestrian friendly routes within the car park. Whilst the residential site is indicative, a link to the adjacent cycle track is needed at the back of the site. This is important because the nearest play area for children is along Candy Street and the walking route to it could be made without crossing any roads, a definite safety improvement. In the housing site, the parking provision is below the Council's parking standards. This needs to be addressed as they are minimum standards and need to be adhered to. The convoluted footway alignments shown on the indicative residential are not acceptable.

PCC Travel Choice

No comments received

PCC Pollution Team

No Objection – Subject to the imposition of conditions. The amended noise information including the relocation of the plant to the foodstore roof is considered to be acceptable subject to the imposition of a fixed plant maximum noise level condition. Noise from deliveries is only considered to be acceptable subject to conditioning the delivery times. On site lighting for the foodstore should be in accordance with the institute of lighting engineers guidance, this can be secured by condition. Conditions in respect of contamination and construction management are required.

PCC Strategic Housing

To comply with Policy CS8, 30% of the proposed dwellings on site (22 units) would be required to

be affordable. Only 7 affordable units are proposed, this equates to 10.6% provision, this is therefore contrary to Policy CS8. The tenure split we would expect to see is 70% affordable rented and 30% intermediate tenure, this would equate to 15 affordable rented homes and 7 intermediate. This could be provided as 15 x 2 bed flats for affordable rent and 7 x 3 bed for Intermediate. In addition 20% of the total units should be built to the Lifetime Homes standard (15 units) and 2% Wheelchair housing (1 unit). If the developer can prove that the provision of 30% affordable housing would render the scheme unviable, we would still like to pursue securing 30% affordable housing on site. Prior to commencement the developer should approach the Council to enquire about the availability of grant funding to facilitate the delivery of 30% affordable housing on site at no financial detriment to the developer.

PCC S106 Planning Obligations Officer

No Objection – A viability assessment was submitted and assessed. The conclusion reached was that sufficient evidence was provided to justify that the scheme could not afford to provide 30% affordable housing. The figures behind the originally proposed 10% affordable housing (7 units) were queried and the applicant has been able to increase the on-site provision to 15% (11 units)

Waste Management

No Objections – In relation to the retail proposal, the operator will need to arrange waste collections from their own preferred waste collection contractor. In relation to the residential proposal the indicative layout proposed does not show an acceptable arrangement to allow the waste collection vehicle to enter and leave the site. It also does not show a layout that accords with the RECAP Waste Management Guidelines, in respect of bin drag distances for both collectors and residents, and ensuring there is sufficient manoeuvring and turning spaces for collection vehicles on site. Sufficient bin collection points, in accordance with the RECAP guidelines will need to be designed in. As the current residential application is in Outline only, all the details of bin storage, collection and access for collection vehicles will need to be fully addressed through the future detailed reserved matters application.

Landscape Technical Officer

No Objections – Subject to securing contributions for off-site Open space improvements to cover neighbourhood parks, children's play, allotments and nature green space

Archaeological Officer

No Objection – Subject to securing an evaluation by trial trenching targeted on the areas of least disturbance, by way of a planning condition. This is given the potential for the existence of prehistoric and Anglo-Saxon remains, and in particular in relation to burials. Whilst the site has had development in the past 18 with the construction of the office building in the 1970's, there is potential for remains in the undisturbed areas of land on site.

Lead Local Drainage Authority

Objection – When reviewing the drainage strategy plan (724-002 rev B) and the Flood Risk Assessment it appears that they do not correlate. The FRA suggest that permeable paving will be used in the parking bays for the entire site. However the Drainage Strategy Plan does not show where the permeable paving is being utilised. In respect of the residential scheme, a box culvert would not provide any water treatment function. However the FRA specifies permeable paving for parking bays, this is a more sustainable way to manage the treatment and attenuation of surface water drainage. The 30% climate change figure used needs to be 40%, this needs to be addressed in the proposal. In respect of the Foodstore, the FRA states permeable paving in parking bays, however there is no information of this provided in the drainage strategy plan. The drainage plan shows an area of flood exceedance storage, it needs to be confirmed what this area is.

PCC Tree Officer

No comments received.

PCC Wildlife Officer

No Objection – Subject to the imposition of conditions. The conditions should cover agreeing the external lighting of the future residential scheme to ensure the lighting is baffled downwards away from the retained boundary vegetation to ensure no detriment to foraging/commuting bats. A bird nesting informative should be imposed to ensure any vegetation removal will not disturb nesting birds. Bird nesting boxes should be secured by condition to mitigate for any potential loss of nesting habitat. A condition to provide means of escape of construction trenches for hedgehogs is required together with allowing gaps under new fencing to allow movement of such mammals. There is evidence of large mammal holes on site, therefore a condition requiring the requiring the site to be checked for large mammal activity before any ground works by an ecologist is required. Should such animals and their young be found on site, then there tunnels will need to be protected until the animals have safely left the site. Rhododendron and Wall Cotoneaster have both been found growing on the site. They are invasive non-native species, listed on Schedule 9 of the Wildlife & Countryside Act, and it is an offence to cause them to spread. Care would need to be taken during any works involving the removal, management or disturbance of these plants to ensure no offence is committed. Information can be sought from the Environment Agency regarding statutory obligations on their disposal. Existing boundary trees and hedgerows are retained and strengthened wherever possible, and native trees and shrub species should be secured in any landscaping scheme. A financial contribution should be sought to assist in the mitigation of additional visitor pressure this development will have on the nearby Woodston Ponds Local Nature Reserve.

Environment Agency

No Objection – Subject to the imposition of conditions in respect of contamination and infiltration of surface water drainage.

Natural England (NE)- Consultation Service

No Objection – NE are satisfied that the development will not damage or destroy the interest features for which the Nene Washes SSSI has been notified. The SSSI does not therefore represent a constraint in determining this application. In respect of impacts of development on Protected species you should refer to NE Standing Advice. If any local site were to be impacted upon you should ensure sufficient information is provided to understand what the impacts are.

The Wildlife Trusts (Cambridgeshire)

No comments received

Anglian Water Services Ltd

No Objection – There are Anglian Water assets within or close to the site, which may affect the layout or have to be diverted at the developer's expense. The sewerage system at present has capacity for these flows. The preferred method of surface water disposal is to a sustainable drainage system. The surface water strategy/flood risk assessment submitted with the application relevant to Anglian Water is acceptable.

Police Architectural Liaison Officer (PALO)

No Objections – In respect of crime and disorder, it is considered that the immediate area around this location is one of low vulnerability to the risk of crime. The layout of the retail premises looks acceptable and good lighting is proposed. No ATM is proposed, if this were to change we can advise on the correct security measures needed. When the detailed layout of the housing is proposed we would like to comment on the proposed lighting, boundary treatments, and surveillance of car parking areas. We would be happy to advise the applicant on mitigation measures to reduce the vulnerability to crime, and discuss Secured by Design 2016, SBD Commercial and any Security Needs Assessment they may require to meet BREEAM standards.

Cambridgeshire Fire & Rescue Service

No Objections – Subject to adequate provision for fire hydrants being secured by condition. Access and facilities for the Fire Service should be provided in accordance with the Building

Peterborough Cycling Forum

No Objection – Regarding the retail development the Cycle Forum is pleased to note the public cycle parking will be stainless steel hoops, under cover, and conveniently positioned in relation to access routes and the store entrance, giving high level of natural surveillance. The cycle parking for employees will be secure, covered and within the warehouse. This is in line with best practice.

In respect of the residential development, we would like to see 2 improvements regarding cycle access to and from the residential area. 1. The planned access path between the residential area and the adjacent footpath/cycleway should have a minimum width of 2 metres. This route will be heavily used by pedestrians and cyclists. 2. An additional access path is provided between the residential area and the adjacent footpath/cycleway at the northern corner of the development, again of a minimum 2m width. This will satisfy the strong demand for pedestrians and cyclists to travel north on the footpath/cycleway to Candy Street from which there is a safe and almost entirely traffic free route to the city centre and railway station.

Twentieth Century Society

Objection – This application causes substantial harm to a non-designated Heritage Asset, which the Society considers to be worthy of national recognition. In particular, we object to the loss of the fronting office and hexagonal link block dating from 1971-5 and designed by Arup Associates. The building is an elegant glass box, connected to the existing building via a glazed bridge and glass-lanterned octagonal building. The building featured the most up to date environmental technology, using a double skin which fulfilled the brief for noise reduction and also features a buffer against external temperature change. The design won a commendation in the 1975 RIBA regional awards. The Society consider the building to be of considerable interest for its innovation and design and that its destruction would be a great loss to Peterborough's twentieth century architectural heritage. The Council needs to be mindful of paragraph 135 of the NPPF (2012), which requires the careful consideration of the effect of development on undesignated heritage assets. Buildings of this type are adaptable to alternative uses, and the proposed supermarket operator has re-used industrial buildings in other locations. There is no adequate reason to doubt that the building remains fit for purpose and could be re-purposed. The applicant's justification for the replacement of the building fails to consider the value of this non designated heritage asset and the sustainability of adaptation and continued use. Re-using the building is a more sustainable solution as it preserves the embodied energy in the building. Demolition and reconstruction not only causes the loss of embodied energy, it uses considerable quantities of new resources unnecessarily. The factory building behind the building are not of the same quality and could provide a site for the proposed phase 2 residential scheme without the loss of the heritage significance of the Headquarters Building.

Peterborough Civic Society

Objection – On the grounds of the demolition and loss of the Arup buildings on site. These, the smoked glass corner building with its so-called Arup Link to the later Colin Brooks designed main buildings, is of exceptional quality and design. We recall that it won an RIBA architectural award in the mid 1970s. A well-balanced composition, it is a memorable and unique focal point on this main road approach into Peterborough City Centre. As such the building was recommended by the Society for inclusion in the List of Buildings of Local Importance that eventually was incorporated in the City Council's Planning Policies DPD adopted in 2012. Sadly, between submission to the Planning committee in December 2010 and formal adoption, this entry was deleted. This does not alter the fact that the building is of exceptional quality and design and as such we urge that the comments of the Twentieth Century Society are sought before this application is determined. In our view this quality must be taken into account in assessing the current application against Local Plan policies. The proposal is contrary to Policy PP2, and Policy LP16 of the emerging Local Plan. The loss of the Arup buildings and replacement with a Lidl store of unexceptional design would degrade the quality of the built environment and not make a positive contribution towards it. We object to the loss of employment space. The Council refers to a shortage of employment land in the city. In light of this and generous provision of convenience retail space, there is strong argument for

retaining the Arup office building for employment use. Whilst the society has no objection to the principle of residential development on site. It considers the layout unimaginative, and inconsistent with the character of the area. It is considered the layout is cramped at this important entrance point to the development.

Councillor Alan Dowson

Objection – Referred the application to Planning Committee. I and a number of residents have serious concerns in respect of this application.

The majority of residents are opposed to the application. There is a question over the need for another food store in the area. The traffic situation will create a large problem. The plan for 70 houses is too large for the site, and will create problems for local facilities, such as doctors, schools etc. The issue of proper landscaping has not been dealt with. No consideration is given to the possibility of using the main and attractive office building as the shop. What will be visible will be the normal Lidl box building, which can be viewed at the other sites in the town for comparison. The numerous documents need to be properly examined to see if they are a true representation of facts e.g. traffic survey, environmental data. There are a list of other concerns I have, especially over the number of car parking spaces requested, and the impact on the housing close by e.g. Cunningham Road and Saunders Close which will lose their privacy because of the different land levels (3ft lower than the possible new housing).

Local Residents/Interested Parties

Initial consultations: 450

Total number of responses: 67

Total number of objections: 64

Total number in support: 3

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

- Concerns about traffic and pollution in close proximity to the school;
- Concerns about traffic levels at the roundabout with the school, crèche and doctors surgery, where there are a lot of parents and children, and the increased likelihood of accidents;
- The existing office use only generates traffic during the working week, and at office start and finish times. This will generate traffic throughout the day, 7 days a week, and will increase congestion for residents;
- There will be traffic problems on Oundle Road, which already struggles at peak times. There will be severe disruption with construction traffic;
- Adequate adjustments are needed to be made to the traffic control onto Oundle Road, as it is not currently suitable for this additional housing and a supermarket;
- Current traffic density along Oundle Road appears high, what is the projected traffic density from this development;
- There is only one road in and out the estate, which currently has traffic problems, this will make it worse.
- The Transport Assessment has only considered traffic to and from the supermarket and not the additional 74 dwellings aswell. Has the Fletton Quays traffic been taken into consideration? A full Transport Assessment is needed to ensure current residents are not stuck in the misery of trying to leave the estate;

- The extra housing will increase the number of cars that will be parked throughout the estate which is already a problem;
- Other existing Aldi and Lidl stores currently have parking over spilling into surrounding areas. As the surrounding areas are residential, if this happens here it will cause problems for residents.
- Unnecessary as there are plenty of supermarkets close by, Bugden's, Nisa, Tesco Extra and Co-Op on Oundle Road;
- We have a Lidl already only 1.4 miles away (PE3), and 2 Aldi's 1.6 and 1.8 miles away, and a massive Tesco at Hampton, Asda, which are all easily accessible from our estate.
- If the Lidl supermarket is built is this the end of Bugden's, and what would happen to that empty unit;
- Despite the information submitted with the application saying that Lidl do not draw their customers from a wide area, I think they will and this will cause traffic problems.
- The site is not allocated for retail in the adopted or emerging plan.
- Impact on the businesses in the Valley Parade precinct. At present this provides a vibrant retail service to the area. If Bugden's were to fail this could lead to the loss of other shops aswell, with boarded up shops, dereliction, anti-social behaviour and graffiti.
- We believe the retail catchment should have included the Orton Centre. We consider the Orton Centre to be sequentially preferable to this site. The Centre has vacant floorspace that could accommodate this supermarket. It is considered this development will draw expenditure away from the Orton Centre, adversely impacting on the vitality and viability of this centre. The proposals if allowed would threaten the ongoing investment of the Orton Centre. The proposal is contrary to Policy SA11.
- I have experience of living on a new build estate that introduced a Tesco express in an out of the way location on the estate. Within 7 months there were robberies at the store, increased police presence, increased neighbourhood break ins, and the store car park attracted the skateboard posse. I know you might think this has nothing to do with this retailer, but in that case the police found the thieves were from the estate. All circumstantial I know but this cannot be a coincidence.
- Is there not a market for high quality office accommodation in a location close to the city centre with generous parking? Could the Council not make British Sugar market the site for office use?
- It is difficult for children on the estate already to get places at the Nene Valley school, some have to travel to other schools, and this development will make that situation worse.
- I understand these houses will be eligible for school places at the Nene Valley primary. There is no way to increase capacity at the school and this will result in people on the estate not being able to get places at the school and having to travel a greater distance to another school.
- This will be more temptation for children to buy cheap sugar filled food and drinks on their way to and from school. Children on the estate attending Nene Park Academy already walk past two supermarkets on their way to school.
- Could this site be better utilised as a new junior school to enable Nene Valley to be the infants only.
- Getting an appointment at the Botolph Bridge doctors surgery is already difficult more housing will make this worse.
- I don't see any benefit to the local area in this plan.
- I understand multi-let housing requires licensing from the Council, I hope the Council will control this situation on any new housing development;
- The British Sugar site is well landscaped with shrubs and trees that are now well matured. Much of this seems to be lost, with the proposed development lacking in open space and landscaping.
- Have adequate environmental impact assessments been undertaken?
- Pollution levels will increase. What is the current level of pollution on Oundle Road and how much more pollution will result from this development?
- What impact will this development have on air quality/pollution in and around the school and nursery?

- Concerns about increased pollution and traffic density for nearby residents, the school and nursery;
- Why not build a resident's car park. Where trade vehicles could be parked so as to reduce congestion throughout the estate. Or perhaps some parkland with a trim trail to promote health and fitness.
- Object to the location of houses on plots 1-4. They are tight on the boundary, with no garden between the house and the boundary. The windows of the new houses will overlook our houses and gardens. The ground height of the site is several metres above our ground level, therefore these houses will tower over our properties reducing our light as well as privacy. There needs to be further separation distance between the new housing and the boundary, or at the very least a limit on the height of new houses, perhaps single storey if built on the boundary.
- I bought my house because it was private no windows/houses facing the back of my property. It is south facing, full sun/daylight, minimal/no noise location. This will change if this development goes ahead as the back of my home is on the boundary of this site. The housing layout shows houses at the bottom of my garden. This development will cut daylight to my house. This is compounded by the application site being 1m higher than neighbouring sites. My right to light and privacy will be compromised. 18-24 months construction will cause noise and disturbance for me affecting my wellbeing.
- The houses have been designed with white render which looks great when first built, but over time becomes dirty. I would suggest brick would be more in keeping with the estate.
- The initial proposal was for 70 dwellings this has increased to 74.
- I object to the housing density, there are too many dwellings. It is contrary to Policy LP37.25 of emerging Local Plan.
- Officers expressed concern that 70 dwellings was too high for the site at pre-application stage.
- I am concerned the proposal includes flats, this is not in keeping with the surrounding area. There are no flats in this part of the estate, and this would alter the character of the estate in a negative way.
- There is no green/play areas for residents, which will place greater demand on established facilities. Perhaps the developer could sacrifice some profit and reduce the number of houses to include some.
- If this proposal was only for housing I would have no objection.
- The introduction of social housing is not in keeping with the rest of the estate which is 100% privately owned.
- Concerned this development will have a detrimental effect on the current residents of the estate.
- Can we have more green space in the area?
- Impact of this development on fire response times. As parking restrictions are already unenforced on Candy Street, fire (and ambulance response times are falsely optimistic. I do not have any confidence that the local authority will stop bad parking creeping out of this new area onto other areas of the estate, further endangering the lives of residents.
- In the documentation, I saw no notice of declared conflicts of interest.
- Some residents have not received notification or leaflets put through their doors.
- Can the existing building not be used in a more beneficial way for the community
- Could the building be used for the University
- I believe this is a money making decision for some and not in the best interest of the community.
- This development will generate more noise and disturbance for residents from the extra vehicles, freezer/chiller machinery, deliveries, door/boots slamming etc.
- Lidl are not coming because of a local need, but because they have assessed the city can sustain another store and this is their preferred location.
- Overdevelopment
- The existing award winning British Sugar office as designed by Arup should be retained. It is the only Peterborough Building of this type and quality in Peterborough.
- Devaluing of property prices from the Lidl Supermarket

- There are a family of foxes on this site, what is being done to protect them.
- The change from offices to supermarket will extend the use of the site from 5 to 7 days per week, with extended opening hours into the evening. The movement of people to and from the site will also be extended over a longer period aswell.
- Statement of Community Involvement. It is disappointing that the application has not been amended despite the concerns of locals raised at the pre-application consultation stage.
- There is only standing room on the Number 1 bus, and it is a double decker, people will use this service to shop at Lidl.

3 letters of support have been received:-

- Fully in support and want to know when a decision will be made
- Very much in support of the proposed building and see no possible use for the existing British Sugar Building.
- Excellent plan for change of use for this site, completely appropriate to the local area for both housing and supermarket uses. Look forward to construction commencing.
- New housing and foodstore will make this a more attractive place to live and work. I believe businesses like Lidl are good for our area. We need more housing near the city centre. More people that can spend money in and around the city centre, will attract more investment. If this development makes it possible to improve bike and pedestrian access to the city centre then that would be great. I don't think the current British Sugar Building would be suitable for anything else other than an office. If its empty is should be knocked down to prevent it being used by squatters like Aqua House was.

5 Assessment of the planning issues

1. The Principle of Development

Loss of employment land

The application site is not a designated employment site, however it has been used by British Sugar as their Headquarters B1 (a) for a number of years. The office use was originally part of a wider British Sugar site, associated with the company's former factory, but that land was subsequently redeveloped for the housing that is now known as the British Sugar housing estate. Only the office use of British Sugar's remained on the site. British Sugar considered that the office building on the site, which dated from the 1970's, was no longer fit for purpose. They needed more modern, flexible and energy efficient office space, which their existing office could no longer provide or be converted to provide. Therefore British Sugar, in their commitment to remaining in Peterborough, secured planning permission on a designated employment area within Hampton in Cygnet Park on which to build their new office building. This building is currently under construction and would provide them with a new modern, flexible office space to meet their current and future business needs. The finance from the disposal of this current application site will be used to finance their new offices. Therefore given that this project involves the relocation of the existing office space and not the loss of it, and the fact that this site is not a designated employment site, it is considered that the principle of the loss of employment land can be supported by Officers in this instance.

Loss of building on site

The existing office building on site is not a Listed or a Locally Listed Building. The site is not located within a Conservation Area. Objections have been received to the loss of the existing office building on site. This includes objection on these grounds from the Twentieth Century Society and Peterborough Civic Society. They consider that the proposal causes substantial harm to a non- designated Heritage asset, which they consider to be worthy of national recognition. They object to the loss of the fronting office and hexagonal link block dating from 1971-5 and designed by Arup Associates. They consider the building is an elegant glass box, connected to the existing building via a glazed bridge and glass-lanterned octagonal building. The building featured

the most up to date environmental technology, using a double skin which fulfilled the brief for noise reduction and also features a buffer against external temperature change. The design won a commendation in the 1975 RIBA regional awards. The Society consider the building to be of considerable interest for its innovation and design and that its destruction would be a great loss to Peterborough's twentieth century architectural heritage. The building was recommended by the Civic Society for inclusion in the List of Buildings of Local Importance that eventually was incorporated in the City Council's Planning Policies DPD adopted in 2012. However between submission to the Planning committee in December 2010 and formal adoption, this entry was deleted. The Civic Society are still of the view that the building is of exceptional quality and design, and a focal point on this main road approach to the city centre. The Twentieth Century Society consider the building could be re-purposed, and insufficient justification has been given for the loss of this non designated heritage asset or consideration of the sustainability of adaptation and re-use.

Paragraph 197 of the NPPF (2018), requires 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Officers acknowledge that the building was innovative in its construction and design when built and that it won an award in 1975. However the significance of the building was considered through the Locally Listing process of the Planning Policies DPD, and it was not chosen to be on this list of Locally Listed buildings which are judged to be non-designated heritage assets. It is Officers view that the significance of this building is not of such importance and quality, that its loss could be resisted. It is considered that the harm caused by its loss would not outweigh the benefits of new retail and residential development. Members, in reaching their decision, should also carry out this balancing exercise about the significance and importance of the building and the scale of harm that would result by its loss.

In respect of the re-use rather than loss of the building Officers consider it difficult to see what other viable uses the building could be put to. It is not considered that the building could easily be converted into a supermarket use. The fact that the existing offices are moving out of the building as they consider it not to be fit for their modern flexible office space requirements suggests that it may be difficult to find another office occupier willing to take on this 1970's building. It does not appear to be easy to convert it into a residential use. Therefore whilst the reuse of buildings should be encouraged, it is considered unlikely in this instance that the re-use of the building could be a realistic option, and it is not considered that the quality or significance of the building is such that its loss would cause significant harm and could be resisted.

Residential development

The site is located within the urban area boundary of Peterborough, where in principle residential development is considered to be acceptable. The site is also located within a predominately residential area, which the adjacent Local centre of shops and primary school serves. Therefore the principle of redeveloping the site for residential use is considered to be acceptable and compatible with the surrounding land uses. Residential development on this site would also help to support the Government's Objective of significantly boosting the supply of homes, in line with paragraph 59 of the NPPF.

2. Retail

Full planning permission is sought for a proposed foodstore that would measure approximately 2,206sqm gross external area (GEA) and 2,125sqm gross internal area (GIA). The net sales area proposed would be 1,325sqm, 80% of which (1,060sm) would be for convenience goods and 20% (265sqm) comparison goods. In addition to the proposed retail floorspace a 555sqm warehouse would be provided, and staff welfare facilities, customer toilets, utility space, freezer and bakery.

The proposed store would employ up to 40 staff, and would have 1 or 2 dedicated deliveries per day. During deliveries it is company policy that vehicle engines are switched off to reduce noise and disturbance.

A retail assessment has been submitted in support of the application. This identifies that the proposed occupier would be Lidl and they are classed as a 'deep discount' operator who operate on selling a limited range of primarily own brand products at extremely competitive prices. The fact that Lidl and Aldi offer a different retail offer to the main convenience retailers such as Tesco, Asda, Sainsbury, Morrison's etc was recognised by the Competition Commission in its 2008 'Grocery Market Investigation'. The Glossary to the investigation report refers to Lidl as a 'Limited Assortment Discounter' or 'LAD' which is defined as:

'Limited Assortment Discounters (LADs) (i.e. grocery retailers offering noticeably lower prices than a conventional supermarket but which stock a limited range of products).

Sequential Test

The retail assessment includes a Sequential Test for the site selection as required by the NPPF and Policies CS15 Core Strategy, PP09 Planning Policies DPD and LP12 of the emerging Local Plan. The site is not located within a designated retail centre, it is separated from the adjacent Valley Park Local Centre by the Sugar Way road and therefore it is considered to be an edge of centre site.

The sequential test follows a hierarchy approach where new retail development should firstly be directed to retail centres, then edge of retail centre locations and then lastly out of centre sites.

An 8 minute drive-time catchment has been used, and all retail centres within this catchment have been assessed to see if there are any in centre sites that would be capable of accommodating the proposed foodstore. This catchment area included the City centre, Hampton District Centre (Serpentine Green), and 11 local centres. It did not however include the Orton District Centre, as it is understood this is approximately a 9 minute drive, 1 minute outside the catchment boundary. However it is considered that to exclude the Orton Centre, due to its relative close proximity and 9 minute drive time would be wrong. Officers therefore expressed their view to the agent that the Orton Centre could represent a sequentially preferable site, as it had vacant units that could be reconfigured/redeveloped to accommodate this proposed foodstore.

An objection was received on behalf of the Orton Centre on the grounds that due to their vacant units they offered a sequential preferable site, and that the impact of this development would cause significant harm. However in mid November it was confirmed by the Orton Centre's planning agent that the vacant units SU20-23 have now been let and are no longer available. They also confirmed that there are no other units, or units which could be amalgamated to provide a larger unit, that are available or likely to be available within a reasonable period to accommodate the Lidl proposal, even after applying reasonable flexibility on issues such as format and scale. In respect of site SU56 (opposite Starbucks) this site is only 0.3 ha in size and so was discounted by the agent as being too small and so unsuitable for this proposed development, even though it is also an edge of centre site. Officers agree that due to the location, size and configuration that this site does not easily lend itself to a new foodstore, even assuming flexibility on issues such as format and scale. Therefore despite Officers original concern that the Orton Centre did offer a sequentially preferable site, as it now does not have any units that are available (or likely to become available within a reasonable period), it is concluded that the proposal does now satisfy the sequential test.

Retail Impact Test

In accordance with Policy LP12 of the emerging Local Plan, a retail impact assessment was required in order to provide a robust assessment of the proposals impact on nearby retail centres.

Officers considered that the economic assessment of the original submitted retail assessment did not fully detail the likely trade draw, trade diversion and impact on the convenience, comparison and total turnovers of the existing centres identified (i.e. city centre, defined District and Local Centres). A subsequent retail addendum (August 2018) was submitted to address this.

The turnover rates submitted have been assessed on the basis of a proposed 'deep discounter' only, and such rates could be significantly higher for any other A1 food retailer. Therefore, if approved, Officers recommend conditions be imposed in respect the scale, mix and type of goods/services for the proposed foodstore. Most of the trade draw assumptions made in the assessment appear reasonable. The proposed trade draw on the City Centre and Hampton District Centre are not of a level that would result in a significant adverse impact on either centre, such as to seriously threaten their future viability and vitality, including any existing, planned or committed investment in these centres.

The main concern was in respect of the forecasted trade diversions and impacts on the Orton District and Valley Park Local Centres.

The revised 2018 NPPF (paragraphs 89-90) do not prescribe what constitutes a "significant adverse impact" when assessing applications for new retail floorspace. There is no set "quantitative impact threshold" above which impact is identified as being "significantly adverse", and conversely there is no threshold below which it can be assumed that impact is acceptable. The scale of impact and the potential implications for centres therefore has to be considered and judged on a case-by-case basis. Reference to the PPG on this matter is helpful, as it states that a judgement as to whether the likely adverse impacts are significant "...can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact". This requires a more rounded assessment of the impact on the centre as a whole.

With respect to the impact on the Valley Park Local Centre, Bugden's is the anchor store and critical to the overall vitality and viability. This store, in accordance with the 2016 Peterborough Retail Survey, is trading significantly below its predicted benchmark turnover.

It was Officers initial judgement that given the proximity of Bugden's and the Local Centre to the application site, and the fact that Bugden's is also principally targeted at the value-end of the food shopping spectrum, that the proposed Lidl store with free (and unrestricted) surface parking (parking at Valley Park is restricted to 1½ hours) would have a greater trade draw and impact on Bugden's than forecast in the submitted Retail Assessment.

This was because, in general terms, the strength and degree of linked trips between locations is dependent on there being good, convenient and safe pedestrian routes. However in this case Sugar Way separates the local centre from the application site and was likely to act as a barrier to easy pedestrian movement between the two sites. Officers were also not convinced that many people parking and carrying out their main and/or top-up food shopping at Lidl will choose to cross Sugar Way and supplement their shopping at Bugden's as part of the same trip. As stated above, Lidl and Bugden's sell a similar range of food and convenience products (albeit branded differently), predominantly targeted at the value and discount end of the food shopping spectrum. Officers considered their offer would largely overlap rather than complement each other, and were not convinced that the critical mass and attraction of Bugden's would generate significant linked trips from Lidl thereby resulting in significant benefits for the existing store. In our view shoppers will choose to carry out their food shop at either Lidl or Bugden's, but not both as part of the same trip.

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

Furthermore, Officers were not convinced by statements in the assessment that Lidl would generate significant linked trips to offset any forecast trade diversion and impacts.

With respect to the impact on the Orton District Centre, the 2016 Peterborough Retail Study identified this shopping centre to be performing relatively poorly. The study referenced dated retail stock, high vacancy rates, and convenience turnover to be significantly below its predicted benchmark level. Since this study was published Iceland, Starbucks, B&M, Anytime fitness and Sue Ryder tenants have been secured. These complement the existing Co-op, Wilko, Greggs, and QD stores. However there are still vacancies within the centre. An objection has been received from the Orton Centre. Officers therefore concluded that this Lidl would have a significant adverse impact on the existing, committed and planned investment in the centre by its owners, and specifically their ability to secure key operators.

Therefore it was Officers judgement that the proposal failed the impact test. Paragraph 90 of the 2018 NPPF advises that: "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused."

Further retail information was then submitted by the agent to respond to the above conclusion, that there would be a significant adverse impact on the vitality and viability of the Orton and Valley Park Centre.

The agent argued that the survey methodology underpinning the evidence base of the Peterborough Retail Study (2016) was not robust and so the predicted baseline turnover for Bugden's which said it was significantly underperforming was not realistic. Officers disagree with this and consider that the survey methodology was based on standard and accepted approaches and so is robust. Therefore the 2016 survey results do in Officers view provide a reasonable and realistic baseline position for assessing current shopping patterns and trading performance, including that of Bugden's. No alternative and updated survey evidence have been by the agent to support their view that the market shares and turnovers informed by the 2016 survey are not robust and cannot be relied on, particularly in respect of Bugdens.

In addition the agent disagrees that the impact on Bugdens will be higher than they have predicted because they believe that the proposed Lidl will lead to the overall betterment of the adjacent Local Centre. This betterment they believe will result because of:

- The complementary trading nature of Bugden's and Lidl due to their different retail offer (Bugden's is not a discounter and will not compete on a 'like for like' basis)
- The existing good health of the adjacent Valley Park Local Centre, which means it is likely to withstand the competition brought by Lidl
- The likelihood of improved attractiveness of the Local Centre overall as a result that Lidl will enable local residents to do more of their shopping close to home
- The provision of additional car parking capacity to accommodate increased demand
- The improved expenditure capacity in the local area as a result of new residents following implementation of the adjacent housing scheme
- The strong potential for linked trips

To support their view of strong potential for linked trips they draw on the findings of research carried out by Walsingham Planning for Lidl in 2009 and updated in 2013. The report is called 'The impact of Lidl Supermarkets on Defined Retail Centres' (Nov 2013). This study examines the impact of 6 Lidl stores on existing centres, and the degree to which they generate linked trips to other shops and services within the adjacent centres. A degree of caution has to be applied when considering case study research, and the degree to which its findings can be specifically be applied to forecast the impacts of this proposed Lidl in this case. The sample size is also considered to be too small to draw any robust or meaningful conclusions on impact. This research was also commissioned by Lidl, and so the independent nature of the research and the specific case studies selected is questionable. Furthermore no two locations are ever the same, in terms

of their catchment populations and profiles, the existing provision and location of stores, the level of competition from neighbouring centres and stores, the strength of the retail, services and other uses in the centres etc. Therefore whilst the contents of this research are noted, there are some questions on its overall robustness and whether its findings are directly comparable to this proposal.

However Officers do accept that due to the proximity of the Lidl to the Valley Park Local Centre, and in light of the research referred to above, there are likely to be some linked trips and 'spin-off' expenditure to the other shops, services and facilities, including Bugden's. There is however no standard or accepted methodologies for quantifying the likely linked trips and expenditure generated by edge of centre stores. A bespoke model was used to help quantify the benefits of linked trips argued by the agent. Three scenarios were tested on the potential for this proposed Lidl to generate linked trips with the adjacent centre, specifically Bugden's. These scenarios were 5%, 10% and 20% of linked trips generated. These scenarios showed that the proposed Lidl could generate between £25,000 and £100,000 of 'linked trip' expenditure to the Bugden's store. The most likely scenario is to be between £50,000 and £100,000. The Retail Assessment said that there would be a trade diversion of £40,000 from Bugden's, Officers believed that this would be higher at between £80,000 and £100,000. Therefore based on scenarios 2 and 3 (10% and 20% linked trips) would effectively mean that Lidl would have a 'neutral' impact on the current turnover of Bugden's. Therefore if there was to be any overall net diversion of trade to Lidl it is Officers view that this would likely to be relatively modest.

Therefore notwithstanding the reported poor trading performance of the Bugden's store (as informed by the 2016 Peterborough Retail Study), taking account of the bespoke assessment of the potential for linked trips, in addition to the Case Study Research, it is now considered that there is substantive evidence to clearly demonstrate that the proposed Lidl would not have a 'significant adverse' impact on the turnover of Bugden's; such as to potentially lead to its closure and harm to the wider integrity, vitality and viability of the local centre. Officers therefore on balance consider that the proposal does satisfy the impact test.

In respect of the previous conclusions that there would be a significant adverse impact on investment in Orton District Centre, this was related to the fact that there were vacant units in the shopping centre that could accommodate the proposed store. This is however no longer the case. The owners of the Orton Centre have already invested heavily in the centre and have secured some major recent lettings. This investment and the lettings have occurred in the full knowledge of this Lidl application. Although Officers fully understand the concerns of the owners of Ortongate Shopping Centre with regard to the impact of new out-of-centre retail floorspace, the position has changed and there are no vacant units that can now accommodate Lidl. Therefore Officers do not consider there is substantive hard evidence to clearly demonstrate that the proposed Lidl on the edge of Valley Park Local Centre would have a significant adverse impact on the overall vitality and viability of Orton District Centre, including on existing, planned and committed investment.

Therefore in retail terms, the proposal subject to the imposition of conditions, is considered to be in accordance with the NPPF, and Policies CS15 of the Core Strategy, PP09 of the Planning Policies DPD and LP12 of the emerging Local Plan.

3. Highway

Access is being committed and considered under this current housing outline planning application, and will therefore not be a future separate Reserved Matters application. The foodstore application is a full application therefore access to it is also being considered under this application. A Transport Assessment, and Retail Travel Plan have been submitted in support of the application.

The existing access to the office site is from the roundabout on Sugar Way. Access to the new foodstore site would similarly be taken from the Sugar Way roundabout, via a reconfigured access road. This access road would have a priority junction to the proposed foodstore, with a secondary access taken from it, to serve the proposed residential site. Priority is to be given to the foodstore

to help prevent queuing back to the Sugar Way roundabout from cars trying to access the foodstore. The specific details of the access will be secured by condition, however Officers consider that an access in this location similar to that serving the existing office development is acceptable in highway terms and could be designed to sufficiently accommodate the level and nature of traffic generated by both the retail and residential land uses.

Traffic modelling has taken place at both the site junction with Sugar Way and the Oundle Road – Sugar Way junction, comparing the existing scenario of the office use on site and the existing surrounding development, with the proposed scenario of the new foodstore and residential development. The figures and assumptions of this modelling has been robustly assessed. Whilst the new uses will have different traffic patterns and flows to the existing office use in highway terms, it is considered that they can still be sufficiently accommodated within the existing highway network. The highway impacts of the proposed development do not result in the need for any junction alterations or highway safety improvement works.

The Transport Assessment included an analysis of the personal accidents in the vicinity of the site, and this has not identified any major road safety issues that this proposed development would need to address.

Therefore the proposal is considered to be in accordance with the NPPF, and Policies PP12 of the Planning Policy DPD.

Parking

The foodstore is proposed to be served by 145 car parking spaces, including 9 disabled and 8 parent and child spaces. Dedicated pedestrian access is proposed from Oundle Road and Sugar Way. This is considered to be acceptable and in accordance with Policies PP12 and PP13 of the Planning Policy DPD.

The housing development is an outline proposal so the level of car parking is not to be fixed by this development, and will be dealt with by any future detailed reserved matters proposal. It should be noted however that the parking provision on the indicative plan is below the Council's parking standards and as these standards are minimum standards this would not be accepted should it be proposed at the Reserved Matters Stage. It should be noted that the number of residential units may have to be reduced at the reserved matters stage to ensure a policy compliant car parking provision is proposed.

Cycling

Peterborough City Council commissioned Atkins in 2016 to produce the Peterborough Infrastructure Action Plan. Within this plan the Oundle Road corridor was assessed and numerous recommendations were made to suggest improvements to cycling facilities in the area. These suggestions were put to the agent, but in view of the viability issues with the development the agent could not commit to carrying out any specific cycling improvements.

The Peterborough Cycling forum would like to see 2 improvements regarding cycle access to and from the residential area. 1. The planned access path between the residential area and the adjacent footpath/cycleway they would like to have a minimum width of 2 metres. This route will be heavily used by pedestrians and cyclists. 2. An additional access path is provided between the residential area and the adjacent footpath/cycleway at the northern corner of the development, again they would like this to be a minimum 2m in width. This will satisfy the strong demand for pedestrians and cyclists to travel north on the footpath/cycleway to Candy Street from which there is a safe and almost entirely traffic free route to the city centre and railway station.

There is an existing cycle path that bounds the site to the east. It is agreed that the future layout plan for the housing development at Reserved Matters Stage should include good connections to this existing footpath/cycleway. A condition can be imposed to require the Reserved Matters

application to provide details of the proposed cycle path linkages to be submitted to and agreed in writing by the Local Planning Authority.

Bus Stop Improvements

The current bus stops adjacent to the site are in need of upgrading to provide greater encouragement of sustainable travel to and from the shop and houses. For new shopping trips, shelters each side of the road would be required to improve the environment for shoppers. Similarly commuters living on the housing site will benefit from shelters whether they work in the city centre or towards the employment areas at Orton Southgate and Lynch Wood.

The development at the former Johnston Press site opposite was required to complete the upgrades to the westbound bus stop but no proposals were put forward for the eastbound (towards the City) stop as part of that development.

It would be appropriate therefore to seek the installation of a new shelter (to replace the current one) on the Sugar Way side of the road as part of this development and require that it is operational before the food store is brought into use.

In view of the viability issues with this scheme, as per section 6 of this report, a fixed amount of money only has been able to be secured and this will not be enough to fund all the requests for improvement works to this scheme. Therefore Members/Officers will have to prioritise these requests and determine what infrastructure improvements will be of greatest importance to meet the needs of future residents and allocate the relevant funds accordingly. Therefore a new bus shelter may not be able to be secured.

4. Design, layout, and impact on neighbours

Foodstore

It is considered that the proposed foodstore is acceptably positioned on site, with the car parking to the side and frontage. The existing planting along the Sugar Way boundary will help provide soften the appearance of the car parking in the streetscene. The design of the foodstore is typical of the other Lidl foodstores, with a large amount of glazing to the Oundle Road frontage and large amount of render and cladding to the elevation with Sugar Way. Whilst the proposed building appearance is not of any great architectural quality or design it is not considered it would be visually harmful to the character and appearance of the surrounding streetscene. It is not considered that the proposed foodstore would result in any unacceptable impact on any surrounding neighbouring sites.

Housing

Outline planning permission is being sought for up to 74 residential units, this works out to be a density of 47 dwellings per hectare, which is considered to be a relatively high density development. For comparison the development approved at Johnson's Press site nearby was 42 dwellings per hectare.

The indicative housing layout plan submitted in Officers view does not represent an acceptable housing layout in terms of the proposed amenity for future occupiers, car parking numbers, and in terms the impact on neighbouring site that bound the application site to the north. At pre-application stage the agent was advised that Officers did not consider the site could acceptably accommodate the proposed number of 70 dwellings. The number of residents units is not fixed by this Outline consent, it is an up to figure therefore if by addressing all the impacts on neighbours, amenity issues for future residents, parking provision, noise and amenity issues from the adjacent Lidl store, and drainage issues, at the Reserved Matters stage a lesser number of units could only be achieved then this would have to be accepted by the developer.

The principle of residential development is considered to be acceptable on this site, and it will be for the Reserved Matters application to propose an acceptable layout which addresses all the site issues and constraints to achieve a number of residential units of up to 74.

5. Noise

A noise assessment was submitted in support of the application. This considered the noise impacts from the proposed Lidl foodstore on both the existing and proposed residential properties, and the noise impacts from the existing road traffic noise on the proposed residential properties. Noise surveys were undertaken to assess the current noise levels of the area. In respect of noise from the foodstore, this is mainly to consider noise from mechanical services/plant, noise from car park activity and noise from delivery activity. In respect of noise from plant, it was established that due to the predicted sound from the plant, it would be necessary to mitigate the noise from the plant. A 3.5m high acoustic screen was proposed to provide this mitigation. Due to the unacceptable visual appearance of such a high acoustic screen the plant was relocated from the ground to the roof of the proposed foodstore building. Officers consider that this is now an acceptable solution in terms of both achieving acceptable noise levels for surrounding residents and an acceptable visual appearance to the development.

In respect of the noise impacts from car park activity on residents, the predicted noise levels are significantly below the World Health Organisation guidelines. Therefore it is concluded that the noise from the customer car park would not have a significant adverse effect on the health and quality of life of nearby noise sensitive receptors. Similarly in respect of proposed residents it is not considered noise levels would have a significant impact on future residential properties.

In respect of the proposed delivery noise levels, predicted noise levels have been compared with the World Health Organisation guidelines and it has been concluded that deliveries to the foodstore could take place between 0700 and 2200 without causing unacceptable noise impacts on local residents. In respect of the impact of deliveries on proposed residents, this will depend on the final layout and design of the residential site. However the indicative site plan does show properties that would be closer than the existing noise sensitive properties in Saunders Close. Predicted noise levels at these properties would potentially cause a significant adverse impact to future residents. Noise mitigation would be required to ensure acceptable noise levels are achieved, this could be incorporated into the design of these homes, including layout, and/or the erection of an acoustic screen adjacent to the loading bay. It should be noted however that this could also affect the site layout and the number of residential units that can be acceptably accommodated on the site.

Subject to restricting delivery times to the foodstore, it is considered the proposal would not cause significant adverse noise impact to surrounding and proposed residents.

In respect of the proposed residential development overlooking Oundle Road, it is recommended that all windows should be provided with an alternative means of ventilation to enable windows to be kept closed to reduce the impact of road traffic noise. As this is an outline proposal a condition is recommended to ensure acceptable glazing levels and mechanical ventilation for the proposed housing where required to protect against external noise levels.

On the basis of the above noise mitigation conditions, delivery time restrictions, and the designing of an acceptable housing layout at the detailed design reserved matters stage to achieve acceptable noise levels for future residents, this proposal is considered to be in accordance with the NPPF and Policies CS16 of the Core Strategy, PP03 of the Planning Policies DPD, and LP17 of the emerging Local Plan.

6. Viability

A viability assessment was submitted in support of the application. This initially proposed a 10% on site affordable housing provision. However after some further work into the submitted values and costs etc contained within the appraisal, it was established that it would be viable to provide a 15% on site affordable housing provision. Whilst this 15% level of affordable housing provision is not in compliance with the policy requirement of 30%, Officers consider that sufficient financial viability information has been submitted to demonstrate that a policy compliant position, or anything above a 15% provision would not be viable. The Cambridgeshire and Peterborough Combined Authority (CPCA) are providing grant funding to help deliver more affordable housing for schemes such as this where the full policy provision would render the scheme unviable.

It is understood that discussions have taken place with Cross Keys Homes and the CPCA to see if the grant funding could be secured for the scheme. Therefore it is Officers recommendation that any S106 Legal Agreement secured should require an on- site provision of 30%, 15% of which would be reliant on securing grant funding. If grant funding could not be secured within an agreed set period and it could be demonstrated that all reasonable attempts had been made to secure such funding then in line with the viability appraisal a 15% provision would be accepted. The onus is on the developer to continue such discussions with the CPCA and Cross Keys Homes, and seek Officer advice and assistance when necessary to help secure the relevant funding.

In addition to the above the viability appraisal demonstrated that the scheme could afford to pay a fixed amount towards any S106 requirements generated by the development including a contribution towards open space. Officers have agreed that as no on site open space/play space is proposed to be provided that an off site financial contribution could be sought to enhance existing local provision to meet the needs of future residents. In addition to this there has been a request for Highways Officers for a new bus shelter, and some footpath/cycle path improvements, and the Wildlife Officer has requested a contribution towards the additional visitor pressure that would be generated by the development on the nearby Woodston Ponds Local Nature Reserve. The financial appraisal submitted has demonstrated that it would not be viable for the scheme to provide for all of the above issues. It is Officers view that the enhancements to open space provision in the area is the key area where the money should be spent for the benefit of future residents, with the other issues less essential and therefore only funded if there is sufficient money remaining to do so.

The proposed housing and supermarket uses are both CIL liable development. However as the proposed floorspace is less than that of the existing floorspace on site there will not be a CIL charge.

On the above basis the proposal is considered to be acceptable subject to securing the relevant S106 Legal Agreement.

7. Drainage and Flood Risk

A flood risk assessment was submitted in support of the application. The site is located in Flood Zone 1, which is land with a low probability of flooding. The proposed foodstore and residential uses are both appropriate types of use to be located within this Flood Zone.

Sustainable Urban Drainage Guidance requires in the first instance the surface water drainage to be dealt with on site rather than piped to an existing surface water sewer. If the ground proves inadequate for infiltration of the sites water, evidence needs to be provided to the Lead Local Flood Authority and Anglian Water. Percolation tests for this site have shown that the soil has low infiltration rates. Therefore soakaways are not possible in this instance due to ground conditions.

It is proposed therefore the surface water will be discharged into the existing Anglian Water sewer. The surface water outflow from the new development will exceed the allowable flow, therefore the

flow would need to be controlled and the excess water temporarily stored in underground tanks or oversized pipes.

Officers are not yet satisfied in respect of the proposed housing development that the use of sustainable drainage techniques has fully been considered or committed to. It appears that the indicative drainage scheme has been designed to fit around the proposed indicative layout and relies on underground tanks and oversized pipes. Whilst this is an Outline application and therefore the detailed drainage strategy does not have to be designed at this stage, a high level drainage strategy does need to be proposed which shows the commitment to incorporating and designing a suitable sustainable urban drainage scheme. On this site permeable paving and swales are likely to be appropriate sustainable urban drainage methods and the reasons given for discounting swales are not considered to be acceptable. Therefore presently there is a drainage objection to the residential housing element of this scheme, as an acceptable high level sustainable drainage scheme has not as yet been proposed.

At the time of writing this report further drainage information had been submitted for consideration. Members will be given an update on whether or not the amended scheme is now acceptable to Officers in the Update Report. Should the Objection remain and Members are minded to approve the application, Officers would ask Members for delegated authority to allow Officers to work with the developer to try and overcome this technical objection. However if Members are minded to refuse the application and this issue has not been resolved, it would also have to be a reason for refusal.

In respect of the proposed foodstore site, Officers consider the use of permeable paving in the car parking bays to be acceptable, and are satisfied that a sufficient sustainable urban drainage methods have been proposed to drain this site.

Therefore presently the foodstore proposal is considered to be in accordance with Policy CS22 of the Core Strategy and emerging Local Plan Policy LP32. However the residential proposal is considered to be contrary to Policy CS22 of the Core Strategy and emerging Local Plan Policy LP32.

8. Ecology

A Phase 1 Habitat survey was submitted in support of the planning application.

Designated sites

In respect of the impact of the proposed development on designated nature sites, the site is located approximately 500m from Woodston Ponds Local Nature Reserve, The proposed housing is likely to result in an increase in visitor numbers to this site adding to the pressures and impacts upon it. The Wildlife Officer therefore recommends that a financial contribution be sought by way of a S106 Legal Agreement to assist in mitigating this additional visitor pressure.

Bats

Officers are satisfied that the site is unlikely to support any roosting bats, however it is considered likely that the site boundary features may support foraging/commuting bats. The detailed lighting scheme for the foodstore appears acceptable, similar for the residential development external lighting should be baffled downwards away from the retained boundary vegetation. This could be secured by condition.

Nesting Birds

The proposal involves the removal of vegetation which may support nesting birds. The removal of vegetation should therefore be carried out outside of the bird nesting season, or the site must be

checked by a suitably qualified ecologist to ensure no nesting birds are on site. To mitigate for the loss of potential habitat, a range of bird nesting boxes should be secured by condition.

Hedgehogs

Suitable habitat is present within the application site to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principal Importance under s41 of the NERC Act 2006. A condition should be imposed to ensure construction trenches are covered overnight or a means of escape is provided for hedgehogs and other small mammals, and impenetrable barriers are avoided by allowing gaps under new fencing.

Mammals

Evidence of large mammal holes (possibly foxes) was found within the food store site. Mammals, including foxes, are protected under the Wild Mammals Act 1996 from crushing, asphyxiation etc. Given that site clearance works may inadvertently cause such suffering, it is recommended that a condition is imposed requiring that the site is checked for signs of large mammal activity immediately prior to any ground works starting. If animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.

Non Native Invasive Plants

Rhododendron and Wall Cotoneaster have both been found growing on the site. They are invasive non-native species, listed on Schedule 9 of the Wildlife & Countryside Act, and it is an offence to cause them to spread. Therefore as stated in the report, care would need to be taken during any works involving the removal, management or disturbance of these plants to ensure no offence is committed. Relevant information can be sought from the Environment Agency regarding statutory obligations on their disposal.

The proposed development is therefore considered to be in accordance with Policies CS21 of the Core Strategy and PP16 of the Planning Policies DPD.

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 residential use on this site is considered to be acceptable and compatible with the surrounding land uses. The quantum of development achievable on this site will be determined at the detailed reserved matters stage, the figure applied for is an up to figure and therefore is not a fixed figure. The proposal is therefore in accordance with Policies CS2 of the Core Strategy and Policy LP03 of the emerging Local Plan.
- The proposal has passed the sequential test in relation to retail site selection, it has been demonstrated that there are no sites higher in the search hierarchy. In terms of retail impact the greatest impact will be on the adjacent Valley Park Local Centre. There will be an impact on the Budgens store which anchors this centre. However on balance it is not considered that the impact would be significantly adverse, and therefore the proposal passes the impact test in accordance with the NPPF, and Policy LP12 of the emerging Local Plan.
- The quality and significance of the building on site to be lost is not considered to be so high, that the harm caused by its loss justifies the prevention of the proposed redevelopment of this site for housing and retail use.

- The proposed access arrangements and traffic impacts are considered to be acceptable. There are no highway safety concerns with the development proposed. The car parking for the Lidl store is acceptable and the parking for the residential scheme will be determined at the reserved matters stage. The development is therefore considered to be in accordance with Policy PP12 of the Planning Policies DPD and LP13 of the emerging Local Plan.
- The proposed drainage of the retail site is acceptable. The objection to the proposed drainage of the residential site, still needs to be overcome.
- The reduced provision of affordable housing has been justified on viability grounds. Grant funding may be available to ensure a policy compliant provision. Only if such funding cannot be secured will the 15% on site provision be acceptable and in accordance with Policies CS08 of the Core Strategy, and LP08 of the emerging Local Plan.
- The impact on neighbouring sites is considered to be acceptable in accordance with Policies CS16 of the Core Strategy and PP03 of the Planning Policies DPD.

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions and securing a S106 Legal Agreement, and to the satisfactory resolution of the outstanding drainage objection:

For the Proposed Residential development:-

- 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 Prior to the first occupation of any residential unit 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.

- C6 20% of all residential units shall be constructed to meet Building Regulations Part M (Volume 1) Category 2 (the lifetime home standard), and 2% Part M (Volume 1) Category 3 (Wheelchair Housing). 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 maintained as such.

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

- C7 Prior to the commencement of development, 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.

- C8 Prior to the commencement of development or any phase of 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/demolition.
- 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 measures
- 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.

Reason: In the interests of highway safety and environmental protection in accordance with Policies PP12 and PP16 of the Planning Policies DPD.

- C9 Prior to the commencement of development hereby permitted, full details of the vehicular access from the Sugar Way roundabout shall be submitted to and approved in writing by the local planning authority. Thereafter these works shall be implemented on site in accordance with the approved details prior to first occupation. The works shall thereafter be maintained as such.

Reason: In the interests of highway safety in accordance with Policy PP12 of the Peterborough City Council Planning Policies DPD, 2012.

C10 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C10 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because contamination must be adequately remediated prior to construction works taking place to prevent risks of pollution during the ground works and construction process.

C11 On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C12 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C13 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for trial trenching in the areas of least disturbance has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

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 investigations will be required to be carried out before development begins.

C14 All construction trenches must be covered overnight or a means of escape is provided for any hedgehogs (or other mammals) that may have become trapped. Impenetrable barriers should be avoided by allowing adequate gaps under any new fencing to allow the passage of mammals.

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

C15 Immediately prior to the commencement of any groundworks, the site must be checked for any large mammal activity. If any animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.

Reason: To ensure the survival and protection of a protected species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

For the Proposed Lidl Foodstore:-

C1 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).

C2 The materials proposed shall be as per plan 7492B-05 Rev C, unless alternative details are submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved material details.

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).

C3 The development shall be carried out in accordance with the following approved plans and documents:-

- Proposed Elevations – 7492B-05 Rev C
- Proposed Floor Plan – 7492B-04 Rev B
- Proposed Roof Plan – 7492B-06 Rev C
- Proposed Site Layout – 7492B-07 Rev F
- Location Plan – 7492B-01 Rev D
- Proposed Overall Site Plan – 7492B-08 Rev C

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

C4 The proposed A1 foodstore shall comprise a maximum 2,206 square metres Gross External Area (1,325sqm total net sales floorspace)(defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) with a 80% convenience and 20 % comparison goods split in the net sales floorspace, as per site plan 7492B-07 Rev F. It shall be used solely as an A1 Foodstore, and no other purpose within Classes A1, A2, A3, D2 of Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (or any statutory instrument revoking or re-enacting these Orders).

Reason: The information submitted to support the application is based on a maximum 2,206 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

C5 The food retail store shall not be open for trading except within the following specified hours, between the hours:

0800 to 2200 Mondays to Saturdays
1000 to 1700 on Sunday and all Bank Holidays.

Any store deliveries shall also be restricted to between the following hours:

0700 to 2200 Mondays to Saturdays
1000 to 1700 on Sunday and all Bank Holidays.

Reason: In the interests of residential amenity, in accordance with PP3 of the Planning Policy DPD.

C6 Prior to the commencement of the development , a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- a noise management plan including a scheme for the monitoring of construction noise;
- a scheme for the control of dust arising from building and site works;
- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;

- a scheme of working hours for construction and other site works;
- a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
- a scheme for parking of contractors vehicles;
- a scheme for access and deliveries including hours.

The development shall thereafter be carried out in accordance with the approved plan, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policies CS14 of the Adopted Peterborough Core Strategy DPD and PP12 of the Adopted Peterborough Planning Policies DPD.

- C7 Within 2 months prior to the first occupation of the development a full travel plan shall be submitted to and thereafter approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Retail Travel Plan 31.01.2018 and 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.

- C8 The rating level of noise emitted from the site should not exceed 45 dB $L_{Aeq, 1 \text{ hour}}$ between 07:00 and 23:00hrs and 40dB $L_{Aeq, 15 \text{ minutes}}$ at any other time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy PP3 of the Peterborough Planning Policies DPD.

- C9 The use of the columns for lighting the food store (Lidl) shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E3 in the Institution of Lighting Engineers document "*Guidance Notes for the Reduction of Obtrusive Light GN01:2011*".

It is recommended that the applicant be required to demonstrate compliance with the condition, e.g. by measurement or calculation, in circumstances where reasonable concern arises from resultant lighting levels.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy PP3 of the Peterborough Planning Policies DPD.

- C10 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site

investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C11 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because contamination must be adequately remediated prior to construction works taking place to prevent risks of pollution during the ground works and construction process.

C12 On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C13 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C14 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. In the interests of preventing contamination in accordance with policy PP20 of the adopted Planning Policies DPD (2012).

C15 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for trial trenching in the areas of least disturbance has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

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 investigations will be required to be carried out before development begins.

C16 All construction trenches must be covered overnight or a means of escape is provided for any hedgehogs (or other mammals) that may have become trapped. Impenetrable barriers should be avoided by allowing adequate gaps under any new fencing to allow the passage of mammals.

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

C17 Immediately prior to the commencement of any groundworks, the site must be checked for any large mammal activity. If any animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.

Reason: To ensure the survival and protection of a protected species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

C18 Prior to the commencement of development hereby permitted, full details of the vehicular access from the Sugar Way roundabout shall be submitted to and approved in writing by the local planning authority. Thereafter these works shall be implemented on site in accordance with the approved details prior to the foodstore being brought into use. The works shall thereafter be maintained as such.

Reason: In the interests of highway safety in accordance with Policy PP12 of the Peterborough City Council Planning Policies DPD, 2012.

C19 Prior to the retail store being brought into first use, the car parking spaces, cycle parking spaces, turning areas, loading and unloading areas shall be laid out in accordance with approved plan 7492B-07 revision F and be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and in accordance with Policy PP13 of the Peterborough City Council Planning Policies DPD, 2012.

C20 External lighting shall be arranged so that the source of illumination is not directly visible and no danger or inconvenience is caused to users of the adjoining public highway.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy PP13 of the Peterborough City Council Planning Policies DPD, 2012.

Cc: Cllrs Coles, Dowson, and Serluca

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