

**APPLICATION NO: 11/01321/OUT CONSTRUCTION OF NEW FOODSTORE (A1) WITH CAR AND CYCLE PARKING, RECYCLING FACILITIES, WIND TURBINE, HIGHWAY IMPROVEMENTS AND PARK AND CYCLE SCHEME INCLUDING A NON-FOOD RETAIL UNIT AT MASKEW AVENUE, NEW ENGLAND, PETERBOROUGH**

**APPLICANT: RAVENSIDE INVESTMENTS LTD**  
**AGENT: CHASE & PARTNERS**  
**REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES**  
**REASON: DEPARTURE**  
**CASE OFFICER: NICK HARDING**  
**TELEPHONE NO. 01733 453475**  
**E-MAIL: simon.machen@peterborough.gov.uk**

## **1 DESCRIPTION OF THE SITE AND SURROUNDINGS**

The application site is located at Maskew Avenue to the north west of Peterborough City Centre and is 'brownfield' in nature. The 3.5 hectare rectangular site is situated immediately to the south of a retail park comprising B & Q, Matalan Argos and 8 other retail units and alongside the East Coast Main line railway corridor which defines its south-west boundary. Maskew Avenue defines the opposite long boundary on the north-eastern side and provides access to the site. Along Maskew Avenue there are a number of relatively small commercial buildings and to the south of the site are a series of redundant rail tracks. The site previously contained the Royal Mail Parcel Force sorting and distribution centre. A cycle/pedestrian route running adjacent to Maskew Avenue links the townships of Werrington, Walton and Bretton with Millfield and the city centre.

Within the existing Peterborough Local Plan (First Replacement) 2005 and soon to be adopted Site Allocations DPD the site is allocated as a General Employment Area. In addition the site is adjacent to a proposed Minerals and Waste Transport Zone and falls within a proposed Minerals and Waste Transport Safeguarding Area. (The principles of Transport Zones and Transport Safeguarding Areas have been established through the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (CPMWCS) policy CS23, and are supported by Minerals Policy Statement 1 and the emerging National Planning Policy Framework). The site is in an 'out of centre' location based on the definition contained in Annex B of PPS4.

## **2 SUMMARY OF THE PROPOSAL**

Outline Planning permission is sought for a Class A1 foodstore of 6,912 sq metres gross, 4806 sq metres net (the net floor space will comprise 2884 sq metres of convenience space and 1922 sq metres of comparison floor space) served by 490 parking spaces (including provision for disabled and mother & child facilities) and with associated access and servicing. The scheme also includes cycle parking, a wind turbine, solar panels and recycling facilities. The application is in outline, with only siting and means of access submitted for approval at this stage. The proposals also include a 'park and cycle' facility, including a small ancillary retail unit of 275 sq. metres.

In order to mitigate the impacts of the additional vehicles generated by the proposals the applicant's consultants propose the following:

- Signalisation of the two Bourges Boulevard north and south approach arms at the Bourges Boulevard/Maskew Avenue roundabout (Junction 42).
- A new signalised junction on Maskew Avenue where the new site access is to be located.
- Adjustments to the existing signals on the Bourges Boulevard/A47 roundabout (Junction 18).

The Local Highway Authority and also the Highways Agency (HA) have requested additions to those proposed above and these are:

- A queue loop (or 'hurry call') on the westbound slip road off the A47 at junction 18 (the purpose of these loops is to ensure that queuing traffic does not tail back, when the loops are triggered by a queue they will instruct the traffic signals to give priority to the queuing traffic and 'flush' that traffic through the junction.)
- A queue loop (or 'hurry call') on Maskew Avenue on the exit from junction 42

In addition to the above the developer proposes contributions to mitigate the impact of the development towards:

- Strategic Infrastructure, Public Realm improvements within the city centre
- Sustainable Transport Infrastructure
- Community Infrastructure
  - a) Open space & retail regeneration projects within the local vicinity
  - b) Job creation, skills and training for local community (primarily based within the Central Ward)
  - c) Sustainable Environmental Improvements

The main considerations are:

- Principle of a food store on site allocated for general employment
- Retail implications of the development
- Transportation impact
- Ecology
- S106 planning obligation
- Investment and job creation

### **3 PLANNING HISTORY**

No recent relevant planning history. The Council has previously been asked to comment on whether the proposed development should be the subject of an Environmental Impact Assessment EIA. The conclusion reached was that an EIA was not required, however that a planning application should include a transport assessment, bio-diversity report, flood risk assessment, construction management plan, a retail assessment and archaeological assessment.

### **4 PLANNING POLICY**

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

#### **National Planning Policies**

National Planning Policy Framework (NPPF) Consultation Draft (2011)

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

Supplement to Planning Policy Statement 1 (PPS1): Planning and Climate Change (2007)

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth

- Policy EC10 – Determining planning applications for economic development
- Policy EC15 – The consideration of sequential assessments for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan
- Policy EC16 - The impact assessment for planning applications for main town centre uses that are not in a centre and not in accordance with an up to date development plan
- Policy EC17 – The consideration of planning applications for development of main town centre uses not in a centre and not in a accordance with an up to date development plan.

Planning Policy Guidance 13 (PPG13): Transport (2011)

Planning Policy Statement 22 (PPS22): Renewable Energy

Planning Policy Statement 23 (PPS23): Planning and Pollution Control

Planning Policy Statement 24 (PPG24): Planning and Noise

Planning Policy Statement 25 (PPS25): Development and Flood Risk

### **Regional Policy**

Cambridgeshire and Peterborough Minerals and Waste Core Strategy  
CS23 - Sustainable Transport of Minerals and Waste

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

**Policy CS3 – 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.

**Policy CS4 – The City Centre** - Promotes the enhancement of the city centre through additional comparison retail floor space especially in North Westgate, new residential development, major new cultural and leisure developments and public realm improvements, as well as protecting its historic environment.

**Policy CS10 – Environment Capital** - Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK

**Policy CS11- Renewable Energy** - Opportunities to deliver on site or decentralised renewable or low carbon energy systems will be supported on appropriate sites where there are no unacceptable impacts.

**Policy CS12 – 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.

**Policy CS13 – Developer contributions to infrastructure provision** - Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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.

**Policy 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 Site Allocations DPD**

**SA11 – Bourges (GEA1)** – Allocated the application site as suitable for B1, B2 and B8 use.

### **Peterborough Local Plan (First Replacement) (2005)**

**OIW1.01 – General Employment Areas** - Identifies areas where B1, B2 and B8 will be permitted subject to no loss of amenity and access via a range of transport modes

**OIW6 - Non Employment Uses in General Employment Areas** - Will not be permitted unless there is no unacceptable impact on amount/quality of employment land, there are no adverse traffic impacts and where appropriate it accords with the sequential test principles.

**T6 – Development affecting the Primary public transport corridor** - Permission will not be granted for development which would adversely affect this identified corridor.

**T8 – Connections to the existing highway network** - Permission will only be granted if the access is onto a highway whose design/function is appropriate for the level of traffic which would be using it.

**T9 – Cycle Parking Requirements (Outside the City Centre)**

High quality off street cycle parking to be provided in accordance with the identified standards.

**T10 - Car and Cycle Parking Requirements (Outside of the City Centre)**

Parking should be provided in accordance with the identified standards.

**LNE9 – Landscaping implications of development proposals** - Adequate provision should be made for the retention/protection of trees and other natural features and for new landscaping.

**IMP1 - Securing satisfactory development**

**Community Infrastructure Levy (CIL) Regulations 2010/**

**Circular 05/2005: Planning Obligations**

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

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

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

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

**5 CONSULTATIONS/REPRESENTATIONS**

**INTERNAL**

**Head of Transport and Engineering** – No objection - The modelling in respect of the proposals for signalling the Maskew Avenue Roundabout and the Site access demonstrate that the road network will operate satisfactorily. The planning layouts for these are acceptable subject to detailed design planning stage. Further the internal layout may all be dealt with via suitably worded conditions given that this is an outline application.

**Pollution Control** - No objection subject to the following conditions

- The rating level of noise emitted from the site shall not exceed 40db - a scheme for the control of noise should be submitted
- Submission of a construction working method statement
- Contamination - remedial work shall be detailed in a verification plan
- Lighting shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the institution of lighting engineers document

**Landscape Officer** - No objection - recommend conditions requiring submission of a strong landscape plan and a management scheme.

**Wildlife** – Satisfied with assessment of the impact on protected species with the exception of reptile which has not been adequately addressed in the assessment. Specifically 1 - the report makes no reference to the presence of the Rail Corridor High Grade Brown-field site which is located along the western boundary of the proposed development and is likely to contain populations of reptiles which may have moved onto this abandoned site 2 – the site itself contains areas of shrubs, hedgerows and ruderal vegetation and basking areas which may be considered suitable for reptile habitat. Recommend that the applicant carries out a reptile presence/absence survey/mitigation proposal prior to the issue of any consent.

**Archaeology** - No objection subject to a condition requiring a watching brief being imposed.

**Minerals and Waste** - No objection - The site is adjacent to a proposed Minerals and Waste Transport Zone and falls within a proposed Minerals and Waste Transport Safeguarding Area. The site layout and design need to be assessed from the perspective of minimising potential noise and odour impacts from adjoining proposed Transport Zone. The proposal must not prejudice the use of the access/egress of HGV's onto the public highway from the proposed Minerals and Waste Transport Zone.

**Planning Obligations** – No objection – Agree contribution of £2,483,750 towards Strategic Infrastructure, Public Realm improvements in the city centre, £250,000 towards a park & cycle hub facility or towards Sustainable Transport Infrastructure, £450,000 towards Community Infrastructure specifically covering the following areas a) Open space & retail regeneration projects within the local vicinity b) Job creation, skills and training for local community (primarily based within the Central Ward) c) Sustainable Environmental Improvements. Finally £3,750 towards travel plan monitoring

### **EXTERNAL**

**Highways Agency** - No objection – Directs that conditions be imposed in relation to: the provisions of hurry loops on the westbound off slip road of J18 of the A47, restrict the maximum footprint of the store, restrict the total number of car and cycle spaces

**Environment Agency** - No objection subject to contamination and surface water conditions being imposed

**Anglian Water** - No objection subject to a surface water strategy condition being imposed

**Architectural Liaison Officer** – No objection subject to a condition requiring the submission of measures to minimise the risk of crime

**Fire and Rescue Service** - No objection subject to a condition requiring provision of fire hydrants

**Peterborough Civic Society** – Objection

- Proposal would severely aggravate the present traffic difficulties at the Maskew Avenue Roundabout
- A food store in this location would undermine the viability of the Millfield shopping area. Millfield has general food shops appealing to the general population. These could be severely affected with a consequent reduction in the facilities available to the local resident, especially the elderly and others without access to the private car.

### **NEIGHBOURS AND INTERESTED PARTIES**

One letter of support has been received raising the following issue:-

- Great to have a cycle hub scheme in the city to rent bikes for day trippers that want to use the green wheel.

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

- Poor consultation by developer and city council.
- The proposals do not accord with provisions of National Planning Policy Guidance contained in PPS4 and would be contrary to adopted planning policy. Further the site is not identified for retail development in the Site Allocations DPD.
- New retail development is encouraged within the City Centre in the first instance in accordance with the recommendations of the Council's retail study.
- The applicant's sequential assessment is flawed on the basis that it fails to correctly analyse the availability, suitability and viability of sequentially preferable sites. Specifically the ING site being available, suitable and viable is sequentially preferable. There are also other sites within the Station Quarter which have not properly been assessed - car parking area at the corner of Bourges Boulevard and Crescent Bridge, the Station itself and the area to the South of the Great Northern Hotel are better located. In addition the applicant's planning and retail statement states

that the only way a major food store could be accommodated in Orton Centre would be through occupation of the QD store or through demolition and comprehensive redevelopment and that there is no combination of units or available site which may be suitable or viable for a major foodstore. This is inaccurate given the advance pre-application discussions with the Council and the support received to date in relation to a new food store in Orton

- The Council's retail consultants state that the application should be refused.
- The proposed store's trading area (4,806 sq metres) is significantly larger than that proposed by ING (3,000 sq metres) which is less than two-thirds of the size. In the absence of a named operator the applicant has assumed that 60% (or 2,884 sq metres – equivalent to the total sales area of the ING proposed food store) would be used for convenience goods and the remainder (1,922 sq metres) for comparison goods. This represents over twice the amount of comparison goods sales floor space, in a more distant location from the city centre.
- If permission is granted this would prevent the first phase mixed use investment occurring at the Station Quarter.
- Out of centre retail proposals threaten the future success of Peterborough city centre and should be resisted by the Council.
- ASDA could relocate from the city centre if a store of a sufficient sized could be secured – the Maskew Avenue proposal could offer this with serious consequences for the convenience shopping offer in the city centre.
- The impact assessment needs to be reassessed in order to understand fully the impact of this out-of centre proposal on Orton District Centre.
- The development of the site represents a lost opportunity for more traditional (B Class) employment land uses, particularly given the lack of any mix of proposed uses.
- Support regeneration but not at the expense of Millfield District Centre. Millfield District Centre will be decimated if this store opens – the shops will not be able to compete with the economies of scale that the large store will have.
- Millfield District Centre serves a number of elderly residents in the area who are without transport. These elderly residents would struggle to get to the proposed new store.
- Assume that the store would apply for and obtain a licence to sell alcohol – there is already over 70 premises selling alcohol in the area and we do not need any more, particularly a supermarket with its cheap deals
- The applicant figures suggest that 63% of their business is not new business but going to come from other supermarkets. Would indicate that a food store is not required.
- How many jobs will be lost when the other stores make people redundant because of the loss of customers? The net gain to Peterborough employment is likely to be minimal
- The applicant has not provided sufficient evidence to show that the proposed improvement to the highway network will suitably mitigate for the impact that will be caused by their proposed food retail development
- Proposal would severely aggravate the present traffic difficulties at the Maskew Avenue Roundabout
- Although the store claims to be green and will be promoting bus and cycle use, the store is aimed at the big shop. Only a tiny percentage will not come by car.
- Concerned that the proposed cycle access to the retail unit is poor quality and inconvenient.
- That the cycle parking at the retail unit is poorly located
- Not convinced that there will be a demand for the park and cycle facility – the success will be dictated by the parking policies

## **6 ASSESSMENT OF THE PLANNING ISSUES**

### **6.1 Introduction**

6.1.1 The key planning issues are set out under headings below. This is a finely balance case with on the one hand policies seem to restrict retail investment to the city and district centres and on the other a scheme which offers significant regeneration and employment opportunities in an area of high deprivation, consistent with emerging national planning policy.

### **6.2 Principle of food store on site allocated for general employment** Introduction

- 6.2.1 The former use of the application site was as a Royal Mail sorting/distribution office. It is identified within the Peterborough Local Plan (First Replacement) (2005) as a 'General Employment Area' (Policy OIW1.01) and this is carried forward in the Peterborough Site Allocations DPD (Submission 2011) which has been found sound, subject to changes, at Public Examination and will be adopted in April 2012.
- 6.2.2 Policy OIW6: Non-Employment Uses in General Employment Areas of the Peterborough Local Plan (First Replacement) (2005) requires proposals to:
- Not reduce employment land and premises available to a level below that which is required in the Plan period;
  - Not unacceptably inhibit or prejudice the activities of an existing or future employment use; and
  - Not lead to the loss of an employment site that is of particularly high quality.

#### Employment Land Supply

- 6.2.3 The Bourges General Employment Area (GEA) is considered suitable for a full range of employment uses: offices, research and development, light and general industrial, and storage and distribution – Use Classes B1(a), B1(b), B1(c), B2 and B8. The area is well located and benefits from rail, road, cycle and footpath access and is close to a relatively high density residential area. There are both local and district retail centres in close proximity. As such, the site offers a potential opportunity for local employment generation. Given this, the site should be considered as good quality general employment land. However it has remained vacant for a significant number of years and needs to be considered against the core strategy approach of locating significant new employment on the periphery of the city.
- 6.2.4 The Peterborough Site Allocations DPD (Submission version) makes provision in Table 2 for 119.41 hectares (ha) of new employment land, in addition to the 117.28ha of existing commitments (those sites with planning permission as of 31 March 2007). Whilst the application site is within the Bourges General Employment Area (GEA1), it is not identified as either a new allocation or an existing commitment. Taking into account that the site is only 3.5ha, should the 3.5ha site be lost to another use it would not represent a significant loss in terms of supply.
- 6.2.5 As detailed in Policy CS3 of the Peterborough Core Strategy DPD (2011) much of the land that comprises either 'existing commitments' or 'new allocations' is located within urban extension locations. As such, some of this land is not readily available in the short term, which has the effect of constraining supply more so than the above total supply figures suggest. However, even taking this matter into account, the future availability of other sites and vacant premises elsewhere in Peterborough, particularly the Urban Area, indicates that the loss of this employment land cannot be considered significantly detrimental in employment land supply terms at this time.
- 6.2.6 Further paragraph 75 of the Draft National Planning Policy Framework states that planning policies should avoid the long term protection of employment land or floorspace, and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses.
- 6.2.7 The conclusion is therefore, that the loss of the land to retail use would not be detrimental to the supply of employment land

#### Compatibility with other uses in the General Employment Area

- 6.2.8 As stated above, the application site is located within an identified General Employment Area, (GEA) which also covers the Matalan/B&Q site to the north and extends to the south as far as the Mayor's Walk Railway Bridge. The GEA is bound to the west by the East Coast main railway line and to the east by Bourges Boulevard. Beyond the GEA to the north lies Brotherhood Retail Park which is occupied by several non-food retail stores.
- 6.2.9 The application proposal will clearly be compatible with the neighbouring retail uses to the north. It is acknowledged that there are a number of vacant sites within the remaining area of the GEA,

including areas immediately further to the south. It is considered that the use as a food retail unit will not give rise to any issues of compatibility given its close relationship to other retail premises and the nature of the employment use to the south.

6.2.10 It is concluded that the proposed use would be compatible with adjacent uses.

### 6.3 Retail Implications of the development

#### Introduction

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

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

6.3.2 The strategy defines the City Centre as being the 'Primary Shopping Area' (PSA) and lists the District and Local Centres that form the retail hierarchy. The geographical extent of each centre is currently identified in the 2005 Adopted Local Plan though it should be noted that the boundaries to the District and Local Centres are also shown in the soon to be adopted Site Allocations DPD and the emerging Planning Policies DPD.

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

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

6.3.4 The site is in an 'out of centre' location based on the definition contained in Annex B of PPS4. National and local planning policies require out of centre schemes such as this to be assessed by looking at:

- whether there are sites available/suitable for the use in or closer to the city centre/or other existing centres (known as the sequential test)
- the retail impact that the proposal would have

#### Sequential Approach

6.3.5 Policy CS15 sets out the Council's stance on the sequential approach. It identifies the sequence of appropriate locations before this out-of centre location can be considered for retail development. The sequence is City Centre sites, District Centre sites, Local centre sites and then out of centre sites in locations that are accessible by a choice of means of transport.

6.3.6 As required by national planning advice in PPS4 (and reflected in local plan policy) the applicant, in agreement with the Council, identified seven sites/opportunities. The sites assessed were North Westgate, Station Quarter, Werrington Centre, Orton District Centre, Units available in Queensgate Centre, Former Furniture Land and Brotherhood Retail Park. The applicant's retail assessment has been independently assessed by the city council's retail consultant GVA Grimley and retail officer. (GVA also provided independent advice on the recent station quarter application) (see table below). (It is important to note that GVA were commissioned only to consider the retail impact of the store and sequential test. They were not commissioned to consider the wider economic benefits of the proposal)

Site	Outcome of Sequential Test	GVA comments	Officer comments
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North Westgate	Not currently available, suitable and viable for a food store development. Contrary to policy CC10 which seeks comprehensive redevelopment	The focus of North Westgate is on delivery of comparison rather than convenience floor space. The site would not be available for redevelopment.	The focus of North Westgate is on delivery of comparison rather than convenience floor space. The site would not be available for redevelopment.
Station Quarter	No support in policy CC12 for major food store. Exception where food store would support wider regeneration. Available but not suitable – contrary to policy	2008 brief does not preclude retail development on this site. Suitable location in policy terms and sequentially preferable.	Planning application ref 10/01461/OUT for Redevelopment of site to provide office (Use Class B1) and retailing use (Use Classes A1, A3 and A4) was granted by the Planning and Environmental Protection Committee on 21 <sup>st</sup> February 2012. Site is, therefore, no longer available and would be too small for size of store proposed
Werrington Centre	Work to implement consent will commence shortly – no site available	Agree	Agree
Orton Centre	No suitable site for size of store available	Agree	Agree
Queensgate	7 units available – none considered suitable to accommodate food store	Agree	Agree
Furniture Land	Not available – NHS walk in on ground floor – Offices on first and second floor	Agree. Multiple floor nature of building unsuitable as a food store.	Agree. Multiple floor nature of building unsuitable as a food store.
Brotherhood Retail Park	Not considered sequentially preferable to Maskew Av	Agree. Brotherhood is further away from city centre and permitted scheme is currently being implemented.	Agree. Brotherhood is further away from city centre and permitted scheme is currently being implemented.

6.3.7 To summarise GVA are not convinced that there are no sequentially preferable sites which could be regarded as suitable, viable and available within a reasonable timescale to accommodate a similar scale of development to the application proposal, specifically the station quarter site. The proposed development at Maskew Avenue is regarded as out-of centre in policy terms. Neither the adopted development plan, nor emerging development plan documents provide support for a large food store in this location. Planning application ref 10/01461/OUT for Redevelopment of site to provide office (Use Class B1) and retailing use (Use Classes A1, A3 and A4) with associated vehicular access/egress, car parking and landscaping at Former Royal Mail Sorting Office, Bourges Boulevard was granted by the Planning and Environmental Protection Committee on 21<sup>st</sup> February 2012. GVA considered that this edge of centre site represents a sequentially

preferable location and that the subject application fails against Policy EC15 of PPS4. The proposal for out-of-centre retail development would thereby be contrary to the principle of CS15 of the Adopted Peterborough Core Strategy and EC15 of PPS4. Notwithstanding the above it is important to note that the GVA advice pre dates the decision on the Station Quarter site. Planning officers consider that as members have resolved to grant planning permission on the Station Quarter, that the site is no longer available. In addition your officers consider that the proposed store is too large for the site. Officers consider that there are no sequentially preferable sites.

#### Retail Impact

6.3.8 As required by national planning advice in PPS4 (and reflected in local plan policy) the applicant has submitted a report which assesses the impact that the development would have on existing retailing in the city centre and on nearby district centres. The assessment assumes the net floor space will comprise 2884 sq metres of convenience space and 1922 sq metres of comparison floor space.

6.3.9 GVA 2009 retail study (updated in April 2010) stated that between 2008 and 2026 there will be capacity for up to 98,000 sq metres of new comparison floor space in the city. Taking into account that the city has since (through change of use or demolition) lost 10,355 sq metres of retail floor space the true figure would stand at 108,355 sq metres. The table below shows what has been approved since 2009.

Site	Floor space (comparison) sq metres
Orton District Centre	1,875
West Lake Local Centre Hampton	521
Paxton Road, Orton	256
Keyline site, Newark Road	3,703
Werrington Centre	1,157
Mezzanine floor at Unit 3 Serpentine Green	910
Mezzanine floor at Gap	790
Focus garden centre, Boongate	688
Brotherhood	2,822
Stanground South	1,029
Queensgate - Primark	1,562
ING (resolved to be approved)	900
Total	16,213

The table shows that given the identified capacity for new retail development is 108,355 sq metres only 16,213 has been taken up by approved/resolved to be approved development schemes. The proposed scheme would therefore not result in an excess of comparison floor space being provided.

6.3.10 GVA 2009 retail study (updated in April 2010) stated that between 2008 and 2026 there will be capacity for up to 7000 sq metres of convenience floor space in the city (7000 sq metres is at the top end of the capacity range, the capacity range depends on whether the existing commitments are implemented, 7000 sq metre assumes that none of the commitments taken into account in the GVA study will be implemented). The table below shows what has been approved since 2009.

Site	Floor space (comparison) sq metres
Stanground South	1,728
ING (resolved to be approved)	2100
Total	3,828

The table shows that given the identified capacity for new retail development is 7000 sq metres 3,828 has been taken up by approved/resolved to be approved development schemes. These figures confirm that there is capacity for the proposed development, however implies that between now and 2026 the local planning authority could only allow a further 288 sq metres of convenience floor space based upon the existing study.

- 6.3.11 The applicant estimates that 17% of the store turn over of £48 million (worst case) would be diverted from the existing Morrisons on Lincoln Road and a further 14% from Sainsbury at Oxney Road. In addition there will be an impact on the large food stores anchoring existing centres notably the applicant estimates 13% from Sainsbury, Bretton Centre, 10% from Tescos, Werrington and 6.9% from Tesco, Serpentine Green. The Millfield District Centre is not particularly well served with existing convenience shopping facilities but it is considered that there may be some impact on the existing businesses along Lincoln Road. Notwithstanding this a new food store would provide additional choice and quality of main food shopping provision. In addition any harm caused by the development could be off set by a S106 contribution towards the regeneration of primarily the central ward area, specifically targeted towards open space and retail regeneration projects, job creation and training and sustainable environmental improvements. Officers do not consider that the Maskew Avenue proposals will prejudice the existing district centres to a significant level which warrants refusal of this planning application.
- 6.3.12 With regards to the city centre, the council's retail consultant GVA Grimley advises that Peterborough is generally healthy and successful. GVA advise that the overall impact in the city centre would be limited. Notwithstanding there is the concern that a new food stores on Station Quarter and one on Maskew Avenue could undermine the case for further investment and improvement at Rivergate, specifically ASDA. The impact on convenience turnover in the city centre is likely to be more significant than the levels estimated by the applicants (as expenditure from out of centre stores is considered to be overestimated), particularly in the case of ASDA.
- 6.3.13 Notwithstanding the above officers consider that any harm caused to ASDA would be mitigated by a S106 contribution towards investment in Strategic Infrastructure and Public Realm improvements within the city centre.
- 6.3.14 Policy EC10 of PPS4 implies that Local Planning Authorities should adopt a positive and constructive approach toward planning applications for economic development. Specifically planning applications that secure sustainable economic growth should be treated favourably.
- 6.3.15 In accordance with policy EC10.2B the proposal is accessible by a choice of means of transport (specifically by bus and cycle), impacts positively on the economic and physical regeneration of the site, the local neighbourhood and city centre and it creates jobs.
- 6.3.16 Paragraph 13 of Draft National Planning Policy Framework (NPPF) states that *significant weight should be placed on the need to support economic growth through the planning system. Taking into account that the proposal would*
- Provide for new investment and development of an under used site and would provide for additional new employment
  - contribute towards triggering regeneration within the city centre

It is considered that the proposal would indeed support economic growth. The final draft of the NPPF is expected imminently.

### **Conclusion**

- 6.3.17 Your officers accept that there are no sequentially preferable sites however advise that the proposal will use up considerable retail capacity for convenience floorspace to 2026 and there is potential for some impact on the city centre and district centres. However the proposal would:
- provides for new investment and development of an under used site
  - provide additional employment opportunities in a deprived area of the city
  - contributes towards the regeneration of Millfield and New England
  - Contributes towards regeneration of the city centre

- provide people in the locality and wider Peterborough with an alternative food shopping option (in essence the very thrust of what the Draft National Planning Framework is seeking to instigate) it is considered on balance that any harm caused by the proposed development is outweighed by the wider benefits it will generate.

## **6.4 Transport**

### Impact on the A47 Trunk Road

- 6.4.1 The applicant proposes the installation of queue loops or 'hurry calls' along the westbound off slip road of J18 of the A47. The purpose of these loops is to ensure that queuing traffic does not tail back either onto the A47. When the loops are triggered by a queue they will instruct the traffic signals to give priority to the queuing traffic and 'flush' that traffic through the junction. The detail of the design and siting of these hoops are to be secured via planning condition. It is considered that the proposal will not adversely impact on traffic flows or capacity on the A47 trunk road. The Highways Agency raises no objection to this application.

### Impact on the highway network

- 6.4.2 The applicant proposes to signalise the Maskew Avenue Roundabout and site access. The highway engineers are now satisfied with the model and raise no objection to the highway solution.
- 6.4.3 It is considered the proposal will not adversely impact on the capacity of the adjoining strategic highway network. The access is considered to be acceptable to accommodate HGV and cars. The amended proposal is therefore is considered to be in accordance with Policies CS14 of the Core Strategy and Policies and T8 of the Local Plan.

### Impact on the Minerals and Waste Transport Safeguarding Area

- 6.4.4 The site is adjacent to a proposed Minerals and Waste Transport Zone and falls within a proposed Minerals and Waste Transport Safeguarding Area. (The principles of Transport Zones and Transport Safeguarding Areas have been established through the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (CPMWCS) policy CS23, and are supported by Minerals Policy Statement 1 and the emerging National Planning Policy Framework). Officers are satisfied that the development can be designed so as to not impact on the zone or safeguarding area.

## **6.5 Ecology**

- 6.5.1 The application is accompanied by an extended Phase 1 Habitat Survey. Officers are satisfied with the report's assessment of impacts on protected species, with the exception of reptiles which have not been adequately addressed in this report. Specifically (1) - the report makes no reference to the presence of the Rail Corridor High Grade Brown-field site which is located along the western boundary of the proposed development and is likely to contain populations of reptiles which may have moved onto this abandoned site (2) - the site itself contains areas of shrubs, hedgerows and ruderal vegetation and basking areas which may be considered suitable for reptile habitat. The wildlife officer recommends that the applicant carries out a reptile presence/absence survey. The applicant advises that this work is now underway and members will be advised of the latest position in the update report to committee.

## **6.6 Design**

- 6.6.1 The application is only an outline application and so the appearance of the development is a matter that will be the subject of a future submission. However the amount of development is known in terms of floor space and indicative plans have been submitted that show a basic layout. Officers are satisfied that:
- the proposed floor space can be accommodated on the site
  - the indicative height and design demonstrates that supermarket can be designed so as to not adversely harm the character of the area
  - that there will be opportunities around the buildings to provide purposeful public realm and

landscaping

## 6.7 S106 considerations in respect of Maskew Avenue application

6.7.1 Applying PCC's Planning Obligations Implementation Scheme (POIS) to the proposed floorspace a contribution of £501,120 would be sought in respect of the application.

6.7.2 Circular 05/2005 paragraph B3 states that 'Planning Obligations are intended to make acceptable development which would otherwise be unacceptable in planning terms'. To mitigate the impact the proposal will have on the City Centre and within the vicinity of the site Officers have negotiated a range of contributions which on one hand satisfies POIS but in addition to the general POIS requirements mitigates the harm that may be caused by the development to the City Centre (as the core retail area) and the local area (within the vicinity of the site).

6.7.3 POIS is underpinned and informed by PCC's Integrated Development Programme (IDP). Its purpose is to provide a single delivery programme for strategic capital-led infrastructure which will allow for appropriately phased growth and development in the period to 2031. This document builds on the previous version of the IDP completed in April 2008. The purpose of the IDP is to:

- Summarise key strategies and plans for Peterborough, highlight their individual roles and demonstrate how they complement one another.
- Set out what infrastructure and support Peterborough needs for the next 15 years, why it is required, who will deliver it, and what it might cost. For a variety of audiences, it shows, and gives confidence to them, that PCC have a coordinated plan of action to deliver the infrastructure required to support the City's growth.
- Form the basis for bidding for funding, whether that be from Government, Government Agencies, lottery and other grants, charities, private sector investment and developer contributions (s106 and potentially CIL).

6.7.4 In this context, the IDP is the fundamental bedrock supporting two adopted policy documents of the City Council; the Core Strategy (CS) and the Planning Obligations Implementation Scheme (POIS). The IDP identifies key strategic priorities and infrastructure items which will enable the delivery of the City's growth targets for both jobs and housing identified in the Core Strategy and other policy documentation.

6.7.5 The investment packages that are identified – and within them, the projects that are proposed as priorities for funding – are not unstructured 'wish-lists', but are well evidenced investment priorities that will contribute in an unambiguous manner to enhancing the area's economic performance, accommodating physical growth and providing a basis for prosperous and sustainable communities. Projects at the neighbourhood level will be consistent with the priorities of the emerging community action plans.

6.7.6 The IDP is holistic. It is founded on a database for infrastructure provision that reflects delivery by the private sector, the City Council and a range of agencies and utilities. This late 2009 review adds to the programme for Peterborough; all partners are committed to developing the IDP's breadth further through engagement with a broader range of stakeholders, including those from the private sector.

6.7.7 A negotiated S106 will contribute to the following:

Head of terms	£	Likely Projects	Link to Planning Application
Strategic Infrastructure and Public Realm improvements in the city centre	£2,483,750	Local Transport Plan (LTP), Integrated Development Plan (IDP), City Centre	To mitigate + compensate against harm caused by trade draw of the

		Area Action Plan (CCAAP)	out of centre supermarket by contributing to the regeneration of the city centre with regards to any impact on retail provision
The Park & Cycle Hub facility proposed in the application or a payment of 250,000 towards Sustainable Transport Infrastructure	£250,000	a) LTP, IDP, CCAAP (projects could include the identified, bus priority and improved cycle links in the locality and on Bourges Boulevard, Bourges Boulevard pedestrian crossings, crescent bridge pedestrian and cycle bridge, bridge from railway station to Midland Road) b) projects in the emerging community action plans	To mitigate + compensate against harm caused by out an out of centre supermarket by contributing to the regeneration of the city centre and locale  Off set the supermarkets carbon footprint by environmental transport initiatives to support policy CS10
Community Infrastructure a) Open space & retail regeneration projects within the local vicinity b) Job creation, skills and training for local community (primarily based within the Central Ward) c) Sustainable Environmental Improvements	£450,000	a) IDP (projects could include grants to local businesses along Lincoln Road to improve shop frontages i.e. local public realm improvements)  b) Contribution to support local employment initiatives including working with key stakeholders to develop proactive initiatives to work with local young people i.e. Not in Employment, Education or Training (NEET)  C) IDP (projects could go towards retro fitting of energy saving features to poorly performing housing stock)  d) projects in the emerging community action plans	To mitigate + compensate against harm caused by contributing to the regeneration of the adjacent neighbourhoods  Off set the supermarkets carbon footprint by environmental improvements to support policy CS10
Travel Plan Monitoring	£3,750		CS14
S106 Monitoring	£62,500		
TOTAL =	£3,250,000		

6.7.8 These requirements accord with both national and local policy and comply with the tests and the principles set out in ODPM Circular 05/2005 – Planning Obligations (see Section 2 above), the

Tesco / Witney principles are regulation 122 of the Community Infrastructure Levy Regulations (2010) in that each element of the obligation is:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

## **7 CONCLUSIONS**

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

The proposal

- a) Cannot be reasonably accommodated with the city centre (more specifically within the central retail area) or district centres within the short to medium term
- b) Will not result in a significant material impact on the City Centre or Districts centres as a consequence of trade draw either individually or in conjunction with other recent developments, planning approvals or schemes under construction
- c) Any impact caused to the city centre will be offset via a S106 obligation, with monies towards Strategic Infrastructure and Public Realm Improvements in the city centre.
- d) Is located on the edge of an existing retail park so there is likely to be link trips to the other units within the retail park
- e) Would not result in an unacceptable impact on the local road network or compromise highway safety
- f) Provides an appropriate level of parking and gives opportunity for travel by public transport, walking and cycling particularly due to its good location.
- g) Can be controlled by condition in respect of design and layout, crime and disorder, environment capital/renewable energy, infrastructure / infrastructure provision, transport, biodiversity, flood risk and archaeology
- h) would not result in a detrimental loss of employment land
- i) would not result in a detrimental impact on protected species or related habitat
- j) represents significant investment and employment creation in one of the most deprived parts of Peterborough

And is therefore considered to be in accordance with Core Strategy Policies CS3, CS4, CS10, CS11, CS12, CS13, CS14, CS15, CS16, CS21, CS22, the Peterborough Planning Obligations Implementation Strategy SPD, Local Plan Policies OIW1.01, OIW6, T6, T8, T9, T10, LNE9, IMP1.

## **8 RECOMMENDATION**

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

- reference to Government Office as a Departure application under the Town and Country Planning (Departures Direction) 1999 and as a Retail proposal under the Town and Country Planning (Shopping Development) (England and Wales) (No. 2) Direction 1993;
- the conclusion of a reptile presence/absence survey and mitigation proposed
- the completion of a Section 106 Planning Obligation
- the following conditions:

**C1 Approval of the details of the appearance of the buildings, scale and the landscaping of the site (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 of the buildings to be erected, scale and the landscaping, 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 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be carried out in accordance with the following approved details:-**  
**Site Location Plan (2577- PL 1100 Rev D)**  
**Existing Site Plan (2577- PL 1101 Rev C)**  
**Proposed Site Plan (2577- PL 1102 Rev D)**  
**Roundabout 190751-SK-001 Rev C**  
**Site access junction 190751-SK-006 Rev D**  
**Design and Access Statement**  
**Transport Assessment and Travel Plan**  
**Sustainability Statement + Ecological Assessment**  
**Flood Risk Assessment**  
**Retail Impact/Planning Statement**  
**Acoustic Review**  
**Air quality Review**  
**Geotech Enviro Phases 1 and 2**  
**Archaeological Assessment**  
Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting planning permission as set out above.
- C6 Prior to the commencement of development samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall thereafter be carried out in accordance with the approved details.**  
Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the adopted Peterborough Core Strategy.
- C7 The landscaping scheme to be submitted as a reserved matter shall include the following details:**  
**Proposed finished ground and building slab levels**  
- Planting plans including retained trees, species, numbers, size and density of planting  
- Boundary treatment  
- An implementation programme  
**The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or completion of development which ever is the earlier.**  
Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.



- C8 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed, become diseased or unfit for purpose (in the opinion of the LPA) within 5 years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the Developers or their successors in title with an equivalent size, number and species being replaced. Any replacement trees, shrubs or hedgerow dying within five years of planting shall themselves be replaced with an equivalent size, number and species.**  
Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.
- C9 A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the Local Planning Authority. The Plan shall include the following details:**  
- Long term design objectives  
- Management responsibilities  
- Maintenance schedules  
Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement) and policy CS21 of the adopted Peterborough Core Strategy DPD.
- C10 Prior to the commencement of the development, unless otherwise agreed in writing by the Local Planning Authority, external lighting details including the design of the lighting columns, their locations and LUX levels 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 prior to the first occupation.**  
Reason: In the interests of residential amenity, highway and community safety in accordance with policies DA2, T1 and DA11 of the Adopted Peterborough Local Plan (First Replacement).
- C11 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing.**  
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 Planning Policy Statement 5 Planning for the Historic Environment and Policy CS17 of the adopted Peterborough Core Strategy DPD.
- C12 Prior to commencement of development approved by this planning permission (or such other date or stage in development as maybe agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority.**  
1) A preliminary risk assessment which has identified all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site  
2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.  
3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.  
4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangement for contingency action

**Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved**

Reason: Further information is required in order to support the conclusions of the Phase II Report that the concentrations of organic contaminants do not pose an unacceptable risk to controlled waters

- C13 If, during development, contamination not previously considered is identified, then the LPA 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 LPA. 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 PPS23 Planning and Pollution Control.
- 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 approved details.**  
Reason: To ensure that infiltration systems such as soak ways do not increase the potential for contamination migration. Soakaways should not be located in areas of potential contamination.
- C15 Details of a surface water drainage strategy for the development (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented before any part of the development hereby permitted is first occupied.**  
Reason: In order to protect and safeguard the amenity of the area and of the water environment, in accordance with Policies U1 and U9 of the Peterborough Local Plan (First Replacement) 2005, and Policy CS22 of the Core Strategy DPD 2011.
- C16 The food store shall comprise a maximum 6,912 square metres Gross External Area (4806sqm total net sales floor space (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) There shall be no more than 2883.6 net sqm of convenience good floor space and no more than 1922.4 sqm net of comparison good floor space and shall be used for no other purpose (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1995 (or as subsequently amended).**  
Reason: The information submitted to support the application is based on a maximum 6,912 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 PPS4 and has been found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.
- C17 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no mezzanine floors shall be inserted into the food store or the retail terrace other than those expressly authorised by this permission.**  
Reason: An increase in the retail floor space could result in the development having an adverse impact upon the vitality and viability of other centres; it could also place increasing pressure on the car parking provision to the detriment of the surrounding area. This would be contrary to policies R1, DA2 and T10 of the Peterborough Local Plan (First Replacement).
- C18 Prior to the commencement of any development hereby approved, full details of the vehicular and pedestrian accesses to the site from the public highway shall be submitted to and approved by the Local Planning Authority. The accesses to the site shall be implemented in accordance with the approved plans prior to the occupation of the development.**

Reason: In the interests of the safety of all highway users in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

- C19 Prior to the commencement of any development hereby approved, full details of the proposed off site highway works shall be submitted to and approved by the Local planning Authority. The highways works shall be implemented in accordance with the approved plans prior to the occupation of the development.**

Reason: In the interests of the safety of all highway users in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

- C20 Prior to the commencement of the development hereby approved a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall included (but not exclusively) details of the following**

- **Site working hours**
- **Haul routes to and from the site**
- **Location of site compounds, welfare facilities and storage areas**
- **On site Parking, turning and loading/unloading areas**
- **On site vehicle cleansing facilities capable of washing the wheels and underside of the chassis of all vehicles leaving the site with hard standing provided between the facilities and the public highway**

**The construction of the proposed development shall be carried out in accordance with the approved CMP**

Reason: In the interests of the highways safety in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document.

- C21 Development shall not commence before a travel plan has been submitted to and approved in writing by the Local Planning Authority.**

Reason: In the interests of promoting the use of non car modes to travel to and from the site in accordance with Policy CS14 of the Peterborough Core Strategy Development Plan Document.

- C22 The level of noise emitted from the site shall not exceed 40 dB L<sub>Aeq</sub>, 5 minutes. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:1997. Before the development hereby permitted commences a scheme should be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. The development shall proceed in accordance with the approved scheme prior to first occupation.**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise), and Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C23 The level of noise emissions from the combined effect of the wind turbine when measured in accordance with part (a) below shall not exceed 45dB L<sub>90</sub>,10min at any inhabited property where the occupier has some financial involvement in the turbine and 35db (A) L<sub>90</sub>,110min at any other dwelling lawfully existing at the time of this consent (a) at the reasonable request of, and following a complaint to, the Local Planning Authority, the operator of the development shall measure and assess at its expense the level of noise emissions from the wind turbine generators (s) following the procedures described in “The Assessment and Rating of Noise from Wind Farms, ETSU-R-97 published by ETSU for the Department of Trade and Industry**

Reason: In order to protect and safeguard the amenity of the area, in accordance with Planning Policy Guidance (PPG24 Planning and Noise), and Policy CS16 of the adopted Peterborough Core Strategy DPD.

- C24 Prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, a scheme for the provision of fire hydrants shall be submitted to**

**and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

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

- C25 Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the application site and the development shall be implemented in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority**

Reason In pursuance of the Council's duty under Section 17 of the Crime and Disorder Act 1998 and CS16 of the Peterborough Core Strategy, to consider crime and disorder implications in exercising its planning functions to promote the well-being of the area pursuant to the Council's powers under Section 2 of the Local Government Act 2000 and to reflect government guidance set out in PPS1.

- C26 The development shall be constructed so that it achieves a Target Emission Rate of at least 10% better than building regulations at the time of building regulation approval being sought.**

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

- C27 Prior to the commencement of development, unless otherwise agreed in writing by the Local Planning Authority, details of the design and siting or a series of hurry loops along the westbound off slip road of J18 of the A47 shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development shall not be brought into use until the approved details have been implemented.**

Reason: To ensure that queues on the slip road do not tail back on to the live lane of the A47.

- C28 Unless otherwise agreed in writing by the local planning authority. The total number of car parking spaces shall not at any time exceed 490 spaces for the food store and 75 for the park and cycle facility.**

Reason: The traffic impact assessment is based on these figures and changes in these could result in different impacts which have not been accessed.

- C29 Unless otherwise agreed in writing by the local planning authority, there shall be a minimum of 92 cycle spaces for the food store and 150 cycle spaces for the park and cycle facility.**

Reason: The traffic impact assessment is based on these figures and changes in these could result in different impacts which have not been accessed.

- C30 Unless otherwise agreed in writing by the Local Planning Authority the proposed park and cycle facility shall be for the sale and hire of cycles only and for no other purpose (including any other purpose within Class A1 of the Schedule to the Town & Country Planning (Use Classes) Order 1995 (or as subsequently amended).**

Reason: The information submitted to support the application is based on a maximum 6,912 square metres of GEA floor space being taken up by a food store and 275sq metres of cycle hire and sale. The application has been considered in this light against the policies set out in PPS4 and has been found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

- C31 No construction/demolition/excavation works or removal of hedgerows/site clearance works shall be carried out on site between the 1 March and 31 August inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.**

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

- C32 Prior to the commencement of any development hereby approved details of improvements to the existing bus stop on the east side of Maskew Avenue and also details of the**

proposed bus stop on the west side of Maskew Avenue shall be submitted to and approved by the Local Planning Authority. The details shall include provision of new poles, shelters, real time information system and bus border kerbing. The new and improved bus stops shall be implemented in accordance with the approved details prior to the occupation of any of the development.

Reason: In the interests of promoting the use non car modes of transport to visit the site in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document.

**C33** Prior to the commencement of any development hereby approved details of the off site highways works based upon the principles shown on plans 190751-SK-001 Rev C and 190751-SK-006 Rev D. shall be submitted to and approved by the Local Planning Authority. The details shall include signal design (including queuing 'hurry call' loop on the Maskew Avenue exit from the roundabout), construction specification, lighting, signing, lining, street furniture and tying into existing highway infrastructure with the design being subject to the full safety audit process. The scheme shall be fully implemented in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the highways safety and providing adequate infrastructure to cater for the transport needs of the development in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document.

**C34** Notwithstanding the details shown on plan 2577-PL 1102, prior to the commencement of any development hereby approved, the internal site access and car parking layouts shall be submitted to and approved by the Local Planning Authority. The revised details shall include:

- An amended junction of the main internal access road with the cycle park & ride/service road to be located adjacent to the western boundary of the site.
- The removal of all parking bays on the main access road east of the relocated cycle park/service yard access.
- A revised service yard access road showing 'waiting areas' for vehicles to enter the main service yard.

The scheme shall be fully implemented in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of the highways safety in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document.

**C35** Notwithstanding the details shown on plan 2577-PL 1102, prior to the commencement of any development hereby approved details of the position and number of cycle parking spaces for customers and employees of the proposed retail units shall be submitted to and approved by the Local Planning Authority. The staff cycle parking shall be located sufficiently close to the units with which they are associated and shall be covered, overlooked and secure. The customer cycle parking spaces shall be sufficiently close to the unit to which they are associated, covered and overlooked. All stands and shelters shall accord with Peterborough City Council Cycle parking standards. The cycle parking shall be implemented in accordance with the approved details prior to the occupation of the development.

Reason: In the interests of promoting the use non car modes of transport to visit the site in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document.

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

**R1 A request has been made by the Local Planning Authority to secure a *S106 Obligation* however, no S106 Obligations have been completed and the proposal is therefore considered to be contrary to policy IMP1 of the Peterborough Local Plan (First Replacement).**

Copy to Councillors M Nadeem, M Khan MBE, M Jamil