

08/01471/FUL: PHASE 1 OF THE REGENERATION OF THE WERRINGTON CENTRE COMPRISING: DEMOLITION AND ALTERATION OF EXISTING BUILDINGS INCLUDING REMOVAL OF PETROL FILLING STATION, ERECTION OF NEW SUPERMARKET, SHOP UNITS AND PUBLIC HOUSE; ALTERATIONS TO CAR PARK AND ACCESS TOGETHER WITH LANDSCAPING AND OTHER ANCILLARY WORKS (INCLUDING OFF SITE HIGHWAY WORKS: NEW ROUNDABOUT AT THE JUNCTION OF DAVIDS LANE AND STANILAND WAY) AT WERRINGTON CENTRE, STANILAND WAY, WERRINGTON, PETERBOROUGH

VALID: 1 DECEMBER 2008

APPLICANT: HPG DEVELOPMENT LIMITED

AGENT: SAVILLS

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: IMPACT OF THE DEVELOPMENT ON THE SURROUNDING AREA

DEPARTURE: NO

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of Development
- Highways and Access
- Design, Layout and Car Parking
- Impact on Neighbour Amenity
- Landscape Impacts
- S106 Planning obligation

The Head of Planning Services recommends that the application is APPROVED subject to conditions and the prior completion of a Planning Obligation.

2 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.

Development Plan Policies

The Peterborough Local Plan (First Replacement)

Notation Part of the Werrington District Centre

R1 Retail Development within District and Local Centres
 Indicates that planning permission would be granted for new retail development within District and Local Centres provided it would not put at risk the retail strategy or city centre strategy, it would be appropriate in scale and function of the centre and its catchment and it would not be more appropriate in another area.

- T1 The Transport Implications of new Development
Supports development that would provide safe and convenient access to, from and within the site for all user groups and would not result in an unacceptable impact on any element of the transportation network.
- T3 Accessibility to Development – Pedestrians and those with mobility difficulties
States that planning permission will only be granted for new development if it is safely and easily accessible by pedestrians and those with mobility difficulties. Provision should be made for new connections and improvements to pedestrian routes, where they are directly related to the proposed development.
- T5 Accessibility to Development – Cyclists
Indicates that planning permission will only be granted for development which has significant transport implications if it provides safe and convenient access for cyclists.
- T7 Public Transport Accessibility to Development
States that planning permission will only be granted for development which has significant transport implications if it is well served by public transport or if infrastructure/service improvements are to be made to create safe and convenient access to the development by public transport.
- T9 Cycle Parking Requirements
Requires development to provide high quality off street cycle parking.
- T10 Car and Motorcycle Parking Requirements
Indicates that planning permission will only be granted for car and motor cycle parking outside the city centre where it is in accordance with the standards set out in the Local Plan.
- T11 Motorists with Mobility Difficulties
Requires development to provide disabled spaces in accordance with the standards set out in the Local Plan.
- DA1 Townscape and Urban Design
Indicates that planning permission will be granted for development if it is compatible with or improves its surroundings in respect of buildings, spaces and longer views, creates and reinforces a sense of place and does not create an adverse visual impact.
- DA2 The Effect of Development on the Amenities and Character of an Area
Indicates that planning permission will only be granted for development if its density, layout, massing and height can be satisfactorily accommodated on the site, would not adversely affect the character of the area and would have no impact on the amenities on occupiers of nearby properties.
- DA7 Design of the Built Environment for Full Accessibility
Requires new development to make provision for the needs of people with disabilities in terms of access into and within that building and the provision of appropriate facilities.
- DA11 Design for Security
Indicates that planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.
- DA12 Light Pollution
States that Planning permission will not be granted for a development unless vulnerability to crime has been satisfactorily addressed in the design, location and layout of the proposal.

LNE9	Landscaping Implications of Development Proposals Requires development to make reasonable provision for the retention and protection of trees and other natural features that make a positive contribution to the local environment and provides adequate provision of landscaping as part of the new development.
LNE10	Detailed Elements of Landscaping Schemes Indicates that the City Council will require a landscaping scheme suitable for the type of development proposed including provision for the future protection and management.
U1	Water supply, Sewage disposal and Surface water drainage Requires the provision of adequate water supply facilities are provided which would not be detrimental to the environment.
IMP1	Securing satisfactory development Indicates that planning permission will not be granted for any development unless provision is secured for all additional infrastructure, services, community facilities and environmental protection measures, which are necessary as a direct consequence of development and fairly and reasonably related to the proposal in scale and in kind.

Peterborough Core Strategy- Preferred Options (2008)

Section 6.10 (Retail) refers.

Relevant Regional Guidance is found in The East of England Plan (RSS) May 2008

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

Central Government Guidance, relevant to this application, is found in:-
 Planning Policy Statement 1 (2005) 'Delivering Sustainable Development';
 Planning Policy Statement 6 (2005) 'Planning for Town Centres';
 Planning Policy Guidance Note 13 (2001) 'Transport';
 Planning Policy Statement 23 (2004) 'Planning and Pollution Control'
 Planning Policy Guidance Note 24 (1994) 'Noise';
 Planning Policy Statement 25 (2006) 'Flood Risk'.

ODPM Circular 05/2005 "Planning Obligations". Amongst other factors, the Secretary of State's policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development)
- iv) fairly and reasonably related in scale and kind to the proposed development;
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

There is no relevant guidance in the City Centre Framework or Village Design Statements.

3 DESCRIPTION OF THE SITE AND SURROUNDINGS

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

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

The eastern part of the site is characterised by single storey retail units, including a 2845 square metre supermarket (now occupied by Tesco), a public house, a petrol filling station and a two storey office building (Olympus House) which has its own parking area comprising 44 spaces. An additional 26 space car parking bay lies to the south of the units. At the rear (further east) of the retail units is a bus lay-by accessed from Goodwin Walk and a dedicated bus lane. Within the western part of the site there are two retail car parks comprising of approximately 350 spaces and another two storey office building (Sundance House) with its own 49 space parking area. Access to Sundance and Olympus Houses, the car park and the petrol filling station is from Staniland Way.

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

To the west of the application site and separated from it by Foxcovert Walk footpath/cycleway, are a library, sports centre and the Ken Stimpson Community School. The library and sports centre form part of the District Centre. These facilities have no separate parking areas. School staff and visitors use the Werrington Centre car park. Delivery access to the school is via Staniland Way.

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

4 DESCRIPTION OF THE PROPOSAL

This application proposes the demolition of a number of the existing buildings including the supermarket (2845.5 sq.m), some of the retail units, the petrol filling station and the public house.

Permission is sought for the construction of a new supermarket comprising some 7014 square metres gross floor space on the western part of the site, a new public house with a floor area of 395 square metres and a new retail unit comprising 237 square meters of floorspace. The new unit and the public house would be located adjacent to Goodwin Walk off which the service access is proposed. A group of retail units to the south side of the site would be retained.

The proposed store would have a maximum depth of 80 metres, a width of 95 metres and maximum height of approximately 10 metres. The section of the building adjacent to Goodwin Walk would have a length of 65 metres.

In connection with these works alterations are proposed to the layout of the main car park and the car parking areas for Sundance and Olympus Houses. This would result in an overall on site increase in the available car parking provision to 673 spaces. The alterations would include the consolidation of the retail parking element into one area comprising 537 spaces (an increase of 187 spaces), a 45 space car park for Sundance House (a reduction of 4 spaces) and a 65 space Olympus House car park (an increase of 21 spaces). Access to the car park and these office buildings would continue to be from Staniland Way. The 26 bay element will be retained. In addition 8 motorcycle spaces and 104 cycle spaces would be provided.

The bus lay-by on the eastern side of the site would be removed with new bus stops incorporating real time information and a zebra crossing provided on Goodwin Walk.

A new roundabout is also proposed at the junction of Staniland Way with David's Lane in order to accommodate the predicted traffic flows to the centre.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
08/00232/FUL	Specialist car parking spaces, trolley stores and gates	06.05.2008	Conditional consent
08/01471/FUL	Phase 1 of the regeneration of the Werrington Centre comprising: Demolition and alteration of existing buildings including removal of petrol filling station, erection of new supermarket, shop units and public house; alterations to car park and access; together with landscaping and other ancillary works (including off site highway works: new roundabout at the junction of David's Lane and Staniland Way.	26.09.08	Refused

The planning history for the Werrington Centre includes a number of applications for various alterations to the centre. These applications are not considered to be relevant to the determination of the current application and are, therefore, not listed.

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Head of Transport and Engineering

No objections subject to provision of:

- . David's Lane roundabout,
- . 3 new bus stops (including RTI Boards),
- . Zebra crossings in Goodwin walk and Staniland Way,
- . Management Plan for delivery access via Skaters Way / Goodwin Walk including time restrictions and temporary use expiry date.

CCTV Manager-

Require provision of CCTV equipment including 2 cameras, wireless transmission to connect to existing PCC camera and control room, the upgrade of the transmission equipment of the existing equipment and at the control room. Position of trees should be agreed to ensure that they do not impact on the CCTV.

Travel Plans –

- . Cycle Parking bays should be covered
- . Smart targets are required which should be based on identified trip generation and a study of staff
- . A travel plan co-ordinator should be appointed
- . Cycle parking should be installed as per guidance
- . Measures to encourage cycling, walking and car sharing should be implemented
- . Travel information should be provided for staff and customers on boards and bus stops
- . Shower and changing facilities should be provided

Waste Management -

The recycling facilities are currently situated below Sundance House – will this remain?

Planning Policy –

No objection to the re-development of the Werrington Centre – The quantum of retail floor space proposed is acceptable considering the increases that have taken place in the Orton and Bretton District Centres. Werrington is the smallest District Centre and is in need of regeneration and the opportunity should not be missed under the current economic climate.

Rights of Way Officer and Local Access Forum – Note the increased traffic and the resultant provision of a roundabout at Davids Lane / Staniland Way junction. Note that there is not provision for improving the adjacent crossing – This should be monitored and the crossing improved if necessary.

Senior Engineer (Drainage)- Has not yet replied

Historic Environment Officer (Archaeology) – Has not yet replied

Pollution Team - Has not yet replied

Cycleways Officer - Has not yet replied

Management Group - Has not yet replied

Neighbourhood Investment Officer - Has not yet replied

EXTERNAL

Senior Police Architectural Liaison Officer –

No objection in principle –

- . Require demarcation on licensed and non-licensed areas with 1.5m fence (with hedge)
- . Any additional trees do not affect the operation of any CCTV
- . Bollards should be placed at the Foxcovert Road end of the footpath and in the area between the car park and the superstore
- . Recommend anti-ram bollards around the school
- . Advice on CCTV requirements including suggested condition
- . The surface of the angled planter and seating element should deter skateboarders
- . The Pub service area should be secure
- . Landscaping must take into account the impact on CCTV
- . requests consultation over lighting scheme.

Environment Agency – Has not yet replied

Anglian Water –

No objections subject to informatives.

Werrington Neighbourhood Council –

- . Supports the redevelopment of the Werrington Centre
- . Remain of the view that the superstore is too large and is likely to generate traffic and demands for car parking at peak periods which will conflict with other users of the centre leading to traffic being deflected into surrounding residential areas to the detriment of residents.
- . Its operation outside of normal working hours will create significant additional traffic and other noise for neighbouring residents.
- . Lack of evidence of need for additional floor space means loss of residential amenity is not justified.
- . At the time of the original designation of the Centres there were no out of town shopping centres within the catchment area of the Werrington Centre. This is no longer the case.
- . If application is to be accepted means of mitigating the problems should be sought.
- . Welcome reduction in height of store but it is important that mature landscaping is established as soon as possible to soften impact.
- . There should be controls on hours to limit disturbance.
- . Future construction of additional floor space should be controlled by condition.
- . Contribution towards additional car parking welcomed – it is essential that this contribution is sufficient to ensure that the courts and skate park are adequately replaced. It should be open outside of school hours and brought into use prior to the occupation of the store.
- . Car park should remain available without charge to all which should be made legally binding on the developers / owners.
- . Welcome commitment to provide a roundabout at the junction of Davids Lane and Staniland Way
- . Concern that residents are already experiencing difficulties in getting out of Crowhurst at peak times – would like to see traffic management measures to ease problem.

- . Would like to see weight limits on Fulbridge Road and David's Lane to prevent service vehicles using them – possible extension of 30mph restriction to all of Fulbridge Road.
- . Welcome the replacement of the Pub – should be built as part of first phase to reduce time with no facility.
- . Details of the design should keep as much potential disturbance to the store side of the building to minimise impacts on surrounding neighbours.
- . Welcome provision of CCTV – details of design, layout and signage and the location of seating and other features are crucial to allow use without fear of crime.

National Grid- Has not yet replied

Cambridgeshire Fire & Rescue Service –

No objection subject to condition / S106 requiring provision of fire hydrants following a risk assessment.

Opportunity Peterborough- Has not yet replied

Drivas Jonas - Has not yet replied

EDF Energy - Has not yet replied

Environment Agency - Has not yet replied

Green Grid - Has not yet replied

Stage Coach - Has not yet replied

Sport England - Has not yet replied

NEIGHBOURS

Consultation Exercise

At the time of writing the report 26 letters of representation had been received:

Objections:

- . Noise, disturbance and disruption to surrounding residents - from lorries in particular as they would be refrigerated which can not turn off their engines – combined with 24hour deliveries – increase in cars will also have a negative impact
- . Size of the plans seem excessive for the areas needs
- . Excessive traffic
- . Surrounding houses have poor sound insulation
- . Delivery area would cause direct loss of amenity to surrounding neighbours – if allowed a good acoustic barrier around the area should be provided – access through Olympus House car park may be better
- . Concern over phases 2 and 3
- . Why is the petrol station being removed? Should be retained
- . Concern over loss of free parking and parking for community facilities and school
- . Loss of outlook and direct sunlight
- . Concern over use of Goodwin Walk for deliveries – dangers to cyclists and pedestrians
- . Concern over noise and dust pollution during demolition
- . Height of store still excessive – materials and size out of keeping
- . A single entry and exit point for the new car park will be dangerous – could be adapted to provide single entry and exit point and one way system
- . Siting of Public House near to bus stops could cause danger to bus users
- . Store will use increased energy and mean greater carbon dioxide usage
- . Siting of proposed additional car park on tennis courts and skate ramp represents a loss of amenity – will cause dangers to cyclists and pedestrians
- . Site is not large enough to sustain a building of this size
- . insufficient car parking spaces for retail units and community facilities
- . What will happen to the Health Centre and dentist?

- . Tesco's will put smaller retailers out of business – local retailing should be encouraged
- . Access to public toilets is reliant upon store opening times
- . Increased dangers to school children
- . Opening hours and delivery times should be limited
- . Design of pub is poor – no outside area – smoking area should be designed into scheme
- . Busses should be laid on to take residents to other stores during construction
- . There are already 4 superstores within a 10 minute drive
- . Problems associated with the proposed Davids Lane roundabout as it would create 2 roundabouts within 50 yards of each other causing congestion at rush hour
- . Store too large for catchment area – the concept of a local supermarket is to reduce unnecessary travel especially by car

Support:

- . New store needed as currently vacant units make centre appear run down – need benefits of larger store and associated improvements to the area
- . Area is expanding quickly – a camera on Davids Lane would reduce speeds
- . Improved facilities for residents
- . Will give Werrington a great boost

Peterborough Liberal Democrats:

- . The new application does not reduce concerns over the amount of traffic travelling along Staniland Way or the impact of the developments on surrounding households in particular those to the north east of the site such as Uplands, Hedgefields and the Pastures.
- . Only shows one crossing point over the junction of Staniland Way immediately prior to the new car park which would be particularly dangerous to school children in the early morning and late afternoon – suggest lollypop person (ideally funded by the developer).
- . Concerns that there is no clear cut clarification in respect of delivering the roundabout and much needed infrastructure.
- . Still believe that the +50% in the supermarket is too great – existing size is optimum.
- . The existing designed to benefit the local community and neighbourhood and should remain a local centre – the latest application is clearly designed to attract shoppers from much further a field.
- . The application reduces the provision of small local retail units by almost 50% - popular shops have already relocated away from the centre and the size of the pharmacy has been reduced by 50%.
- . The demolition of the petrol station will be a loss of a valuable facility for local residents – it will mean local residents will have to travel an additional distance to get petrol increasing emissions and green house gasses.
- . Opposed to the loss of the public toilets which is another useful facility.
- . Concerned over the proposed 2 hour limit on car parking which will not be long enough for customers to combine their shopping trip with visiting the surrounding community facilities or the new restaurant.
- . Concern that the increased parking provision will not be sufficient for shoppers and users of the school and community facilities – the developers should have provided at least 50 designated spaces for the users of these facilities.
- . Do not consider it fair or reasonable for the school to lose part of its facilities and to be faced with (part of) the costs for the new car park merely to allow the developer to designate more spaces in the (once) public car park for its own customers use.
- . The developer should fund a bus service from Gunthorpe and around the Werrington areas as a service to OAPs.
- . No HGV deliveries should be permitted before 8am or after 7pm to reduce noise and disturbance to residents living along Staniland Way.
- . Massive scale of the supermarket façade on the west side of Goodwin walk and is out of keeping with the character of the area – in particular the size of the houses on the opposite side of the road – ideally the development should have been set back from the edge of the footpath to allow the provision of a landscaping strip.
- . The proposed development should have included positive environmental elements in its design.
- . Oppose provision of a restaurant within the store as it would be in direct competition with the existing public house which may result in the closing of this facility.
- . Question whether the reduction in the floor space of the health care facility (as part of phase 3) is in the interests of the local populous.

History:

The application is a revised resubmission following a previous refusal of an application for the redevelopment of the Werrington Centre by the Planning Committee on the 9th September 2008. The current scheme has attempted to address some of the concerns that resulted in the refusal of the previous application relating to the size and design of the superstore building and the potential loss of parking for users of the surrounding community facilities and the school.

The proposal has revised the design of the store by replacing the previous single arched roof by a 3 span roof which reduces the height by around 2m to below that of the adjacent Olympus House.

In addition the developers have offered a contribution towards the creation of an off site car park which could be used by the school and users of the community facilities. The car park would not be provided by the developers and would come forward as part of a separate application for planning permission.

Principle of Development

It is considered that the principle of the development remains the same as the previous application given the limited time that has elapsed between the refusal of the previous scheme and the re-submission of the revised application. This is based on the fact that the floor space of the store and new units remains the same. It was not therefore considered necessary to get a further response from the Council's retail consultant.

Retail provision in Peterborough is via a hierarchy of centres, at the top of which is the city centre (which acts as the principal shopping destination) followed by the District Centres then the local centres.

The application site is located within the boundary of the Werrington District Centre as defined in the Local Plan (First Replacement). Any proposal for retail development should, therefore, be considered in the context of policy R1 (Retailing Development within District and Local Centres) of the Local Plan and PPS 6 'Planning for Town Centres'. Regard should also be had to emerging national policy guidance (e.g. proposed changes to PPS 6).

Policy R1 of the Local Plan states that retail development within district and local centres will only be permitted if certain criteria are complied with:-

(1) Compatible with Retail Strategy/City Centre Strategy

The City Council periodically undertakes retail studies to view the retail situation in Peterborough. These studies form the basis of the Council's retail strategy, the basic objective of which is to protect and strengthen the retail offer available within existing retail centres by permitting appropriate retail development within them. Previous retail studies (i.e. 2000, 2004, 2006) have identified the need to regenerate the Werrington Centre. The current proposal would achieve this objective and is not, therefore, considered to be contrary to the city's Retail Strategy in principle, subject to the other requirements of policy R1 also being complied with.

The proposal has also been assessed within the context of the City Centre Strategy which seeks to enhance the retail offer within it and also to protect it from inappropriate retail development elsewhere within the city. It is not considered that the current application would be contrary to the objectives of this strategy. It should also be noted that no objections to the application have been received from the potential developer of North Westgate.

(2) Appropriate Scale

Peterborough has 5 District Centres; Serpentine Green, Bretton Centre, Orton Centre, Millfield and the Werrington Centre. The purpose of these centres is to meet the food and other convenience needs of their surrounding residential areas.

The Werrington Centre is currently the smallest of the District Centres with a floor space of some 4204 square metres. It is approximately half the size of Millfield (8040 square metres) and less than half the size of the Bretton Centre (13 425 square metres) and the Orton Centre (17 418 square metres).

With the exception of Millfield these District Centres were constructed at different phases of Peterborough's expansion, the most recent being Serpentine Green. Both the Bretton and Orton Centres have recently undergone or are undergoing building/refurbishment works to regenerate them. These works have included substantial increases in their retail floor space (an additional 4 246 square metres in the case of Bretton and 6960 square metres for Orton). These increases in retail floorspace were considered appropriate to promote the vitality and viability of these centres in order that they could continue to meet the needs of their neighbouring residents.

This application proposes an additional 3816 square metres of retail floor space at Werrington (taking into account the units to be demolished). Most of this floor space would take the form of a new supermarket.

Some 1743 square metres of the new floor space would be used for the sale of comparison (i.e. non-food) goods, most of which would be within the new supermarket. The Council's Retail Strategies forecast that between 50-60 000 square metres (net) of additional comparison floor space (excluding North Westgate) is required by 2013. This application proposes a modest increase in comparison floorspace which would not result in any adverse impact upon the city centre. The remaining retail floor space (some 4352 square metres) within the new supermarket would be used for the sale of convenience (i.e. food) floor space.

At present, the existing supermarket in the Werrington Centre is relatively small (some 2 845 squares gross). This compares to 6090 square metres at the recently redeveloped Bretton Centre, 5560 square metres on Lincoln Road (Morrisons), 6573 square metres on Viersen Platz (Asda) and 6855 square metres on Oxney Road (Sainsbury's). The applicant has argued that the existing foodstore cannot compete effectively with these other stores in terms of its retail offer, and that as a result a number of local residents shop elsewhere. This application proposes a 7014 square metre supermarket which would make it comparable to other supermarkets within the city.

As the site falls within the boundary of the District Centre, there is no requirement for the applicant to identify 'need' for the proposal. However, information in respect of this has been provided in order to enable consideration of the scale of the proposed retail store. 'Need' can be both quantitative (i.e. in terms of expenditure capacity) and qualitative (in terms of the social and economic factors). The retail assessment submitted in support of this application concludes that there would be sufficient expenditure capacity to support the proposal by 2016. It also argues that there is qualitative need for the development as it would bring regeneration to the centre.

Some concerns have been raised regarding the scale of the proposed supermarket. The applicant has argued that a supermarket of this size is required in order to bring about the regeneration of the Werrington Centre and to compete with other supermarkets. It is accepted that a supermarket of this size would help to regenerate the centre by enhancing the quality/ range of the retail offer thereby enabling the surrounding residents to meet their food and other convenience needs locally as intended.

(3) Appropriately Located

The only location within the retail hierarchy higher than a District Centre is the city centre, which serves the shopping needs of the whole of Peterborough rather than a designated local area. With the possible exception of Tesco's at Serpentine Green which is substantially larger than any other supermarket within the city, none of the other foodstores within District Centres have city wide catchments. It is not, therefore, expected that the new supermarket proposed by this application would have. As such there is not considered to be any justification for locating the new foodstore within the city centre.

Summary of Retail Issues

It is not considered that the proposal would have any significant adverse impact upon the retail strategy or put at risk proposals for the city centre. Neither is it considered that the proposal would be more suitably located within the city centre.

The main retail consideration is whether the new superstore would be of an appropriate scale for the Werrington Centre. Werrington is currently the smallest of the District Centres and its floor space is substantially below that of the other District Centres.

The proposal would enhance the viability of the centre via an improved retail offer, reducing the number of trips to other centres or shopping areas, thereby promoting its regeneration. In view of the qualitative benefits which would result from the scheme, the scale and location of the current proposal is, on balance, considered to be acceptable in accordance with policy R1 of the Local Plan.

Highways and Access

General

The Highways Authority has assessed the proposal and raised no objections subject to the provision of;

- . A roundabout on the junction of Davids Lane and Staniland way to mitigate against the additional traffic flows that will result from the development;
- . 3 new bus stops within Goodwin Walk including the provision of real time information boards, shelters, raised curbs and electrics;
- . Zebra crossings in Goodwin walk and Staniland Way,
- . CCTV and monitoring
- . Management Plan for delivery access to the new Public House and retail unit via Skaters Way / Goodwin Walk including time restrictions and temporary use expiry date (suggested 5 years).
- . The submission of a Travel Plan. It is considered that a Travel Plan should be a requirement of the development, in order to reduce the number of car borne journeys to the site. A framework plan has been submitted as part of this application. If permission is granted, the full travel plan will be secured via the associated planning obligation.

The above would be secured by way of a Section 106 Planning Obligation.

In addition to the above conditions requiring a construction and demolition management plan and the submission and approval of the roundabout details have also been requested. The objective of the construction and demolition management plan is to minimise the impact upon residential amenity during the construction period and also to ensure that there is no adverse impact upon highway safety. It should, therefore, address matters such as the hours of operation and deliveries to the site, the control of construction noise, the provision of car parking for contractors and the provision of wheel wash facilities.

Works to Goodwin Walk

The proposal would result in the loss of the existing bus lay-by on Goodwin Walk. Amendments to the routes of a couple of services will be required in response to this. Minor alterations will also be required to the junction of Goodwin Walk to Skaters Way. No objections to this have been raised by the City Council's Passenger Transport Section.

The amended layout proposes new bus stops on Goodwin Walk (on the north bound and south bound sides). Tracking has been provided to demonstrate that sufficient space would be available for buses to pass others parked at the stops. A new zebra crossing is also proposed to facilitate the safe movement of pedestrians to the Werrington Centre from the southbound bus stop and neighbouring housing area.

Service access to the new public house and retail unit is proposed in phase one of the redevelopment of the centre via Goodwin Walk which is a dedicated bus route. It is envisaged that this would be a temporary situation until phases 2 and 3 come forward whereby delivery access to these facilities from Skaters Way would be required.

Concerns were raised by the Head of Transport and Engineering that this proposal could result in abuse of the bus way and its opening up to general traffic. A robust management plan will be required, via the associated planning obligation, to address this issue. It is envisaged that the plan will include provision for CCTV in conjunction with a limitation on delivery hours. Should these measures not provide sufficient control, the management plan would require the introduction of physical barriers at the junction of Goodwin Walk with Staniland Way to the north and with Skaters Way to the south.

Design, Layout and Car Parking

Design/Layout

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

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

The applicant has indicated that the new store would be covered with cladding with an aluminium seam roof. Similar external materials are proposed to the new public house whilst the retained retail units would also be refurbished.

Concerns have been raised that the design of proposed buildings would be out of keeping with the surrounding area which is residential in character. The site is, however, part of the District Centre which has a very different function to the neighbouring residential properties. As such, and in order to promote its District Centre function, it is considered appropriate for these buildings to be of a different design. The proposed new buildings would be contemporary which will help update the centre and, in turn, promote its regeneration. Furthermore the revised roof structure and the resultant reduction in height would reduce the prominence and perceived mass of the building reducing its height to below that of the adjacent Olympus House which lies within the site. As such, this element of the proposal is considered acceptable.

Some concerns have also been raised that reflection from the proposed materials would result in glare to the neighbouring properties. It is considered that this concern could be addressed via careful selection of the external materials to ensure that this situation does not arise. A condition in respect of materials is recommended on any planning permission.

With regards to the public house this has been designed to include external provision for smokers. The applicant proposes to create a smoking area under the canopy at the front of the building. This public area would be separated from the surrounding open space by a removable fence or other means of enclosure.

Security

The Police Architectural Liaison Officer has not raised any objections to the proposal subject to appropriate demarcation of the outside area associated with the public house (please see above comment), lighting and CCTV provision. It is considered that these matters can be satisfactorily addressed via a condition on any planning permission or through the associated planning obligation.

Parking

There are currently some 447 car parking spaces within the Centre. This includes 49 spaces solely for the use of Sundance House and 44 for the use of Olympus House. At present the main retail car park, comprising of 350 spaces spread over two areas, is available to all other users of the centre and also to the Ken Stimpson School. The larger of the two areas provides 296 spaces. Additional car parking is available at the south of the centre (26 spaces) close to the retained units. This is accessed from Skaters Way. The application proposes an increase in the number of car parking space to 671. This includes 45 spaces for Sundance House and 65 spaces for Olympus House and the retention of the 26 spaces to the south edge of the site. In terms of the main retail parking area for the retail elements within the site the revised scheme would increase the number of parking spaces from 350 spaces to 537 spaces, an increase of 187 spaces.

Concerns have been raised that this parking provision would be insufficient to meet the needs of the development. Whilst remaining within the standards set out within the Local Plan, the available car parking provision on site has been maximised. Although the car park would have a number of different users it is considered that the parking pressures are likely to spread out over different times of the week thereby minimising competition for spaces. The Werrington Centre is also in a sustainable location, accessible by range of transport. Furthermore the production of a Travel Plan would be a requirement of any planning permission. The transport assessment submitted as part of the application predicted a maximum parking accumulation of 82% compared to an existing capacity of 81%. The submission concludes that the proposed parking provision would be adequate to accommodate the predicted traffic associated with all users of the redeveloped centre. On the basis of all these factors, the proposed parking provision is considered to be acceptable, a view supported by the Highways Authority.

The submitted transport assessment also identified that on average approximately 100 spaces per week day are being taken up by users of the school and the community facilities. Given the concern expressed over the potential loss of available parking for these facilities at the previous committee the developer has offered a contribution towards the provision of an off site car park for these users. The contribution will be incorporated into the Section 106 Planning Obligation. The developer will not be providing the car park which will have to come forward by way of a separate application. A site has been identified within the school grounds in the current location of three tennis courts and a skate ramp. It will be imperative that the facilities will be replaced as part of any proposal for the new car park. The provision of the car park would be brought forward by the school in conjunction with the City Council. In an attempt to further reduce the amount of car parking required it is proposed to encourage the school to assess and implement a travel plan of its own which was required as part of a recent expansion to the school.

Concern has been expressed over the possible future restriction on parking within the Werrington Centre. The site is in private ownership and restrictions could be implemented by the owner at this time. It is therefore not considered that possible future restrictions can form a reason for refusal. There are no controls over the car park which give a right to users of the community facilities to park in the car park. The control of the car park is therefore at the owner's discretion. The provision of an offsite car park, as outlined in the previous paragraph, offers the best long term security for the users of the community facilities.

A number of the disabled spaces have been located to the eastern part of the car park so that they are available for the users of the sports centre and library. The proposed parking provision also includes parent and child spaces and spaces for motorbikes.

84 visitor cycle spaces are proposed centrally within the centre. It is intended that most of these would be undercover. A further 20 covered spaces for staff are proposed adjacent to Olympus House. Additional cycle stands are also proposed for staff of the new store in its service yard (accessed via a designated pedestrian gate). Although the cycle provision would be below the provision set out in the Local Plan, it is considered that a good provision in qualitative terms is more significant i.e. the stands proposed would be well located within the site and would, therefore, be used. There are also opportunities for the provision of additional cycle parking should there be a demand. As such, this element of the scheme is considered to be acceptable. It is recommended that a condition be imposed upon any permission requiring the approval of the cycle stand details.

Impact on Neighbouring Amenity

Impact of Buildings

The proposed new store would be some 65 metres in length adjacent to Goodwin Walk. The roof height would range from some 7.2 metres at the eaves to some 10 metres at the highest part of the roof. The new store would be located approximately 25 metres from the nearest neighbouring residential properties on Crowhurst.

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

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

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

Delivery Access

It is proposed that the new store would have a service yard accessed from Staniland Way. This would be of sufficient size to accommodate two vehicles at any time.

The Noise Assessment submitted with the application concludes that with an appropriate noise barrier there would not be any significant adverse impact upon the amenity of the neighbouring residents. On request the proposed operator, Tesco, has provided a Best Practice Note in respect of how it would manage the service yard to minimise disturbance, particularly during the night time period. The height of the acoustic barrier has also been increased to three metres. On the basis of the information which has been provided, it is considered that the activities in the service yard could be managed in an acceptable way without significant adverse impact upon the amenity of the neighbouring residents.

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

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

Opening Times

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

Landscape Impacts

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

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

Miscellaneous

Drainage/Flood Risk

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

Anglian Water has raised no objection the proposal subject to a number of informative statements

Contamination

An assessment of the site, excluding the existing petrol filling station, has been submitted with this application. This concludes that the risk of contamination is low. The comments of the Council's Environmental Health Section are awaited. No objections were raised to the previous scheme.

However, further investigation of the area currently occupied by the petrol filling station and the adjacent land will be required. It is considered that this matter can be adequately addressed via a condition on any planning permission. In addition, a general condition requiring the reporting and remediation of any previously unidentified contamination which may be uncovered during development is recommended.

Archaeology

The site has been heavily disturbed by past development. It is considered that the proposed works are unlikely to affect significant archaeological remains. The comments of the Council's Archaeological Officer are awaited.

Recycling Facilities

The Head of Environmental Management has advised that adequate provision should be made within the layout for recycling facilities. The applicant has confirmed their agreement to this in principle. It is considered that the details of the facilities to be provided can be addressed via a condition or the associated planning obligation.

Loss of Petrol Filling Station

Concern has been raised regarding the loss of the petrol filling station. Whilst these concerns are noted, there are no policies in the Local Plan which promote the provision of petrol filling stations within the District Centres or which seek to guard against their removal. As such it is not considered that the application could reasonably be resisted on this basis.

Phases 2 and 3

A number of the public representations comment on potential proposals for later phases of the Werrington Centre redevelopment. The drawings in respect of phases 2 and 3 are, however, indicative only at this stage and not for detailed consideration. As such no comment is offered in this report regarding the acceptability of the submitted information nor should it prejudice due consideration of the current application.

S106 Planning obligation

Policy IMP1 of the Local Plan requires that provision be made for all additional infrastructure, services, community facilities and environmental protection measures that are necessary as a direct consequence of the development and reasonably related to the proposal in scale and kind.

Government Circular 05/2005 – 'Planning Obligations' describes the principles underlying their use. It says that the use of planning obligations must be governed by the fundamental principle that planning permission may not be bought or sold.

It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

The Council's final requirements must accord with both national and local policy and comply with the 5 tests set out in DETR Circular 05/2005 (i.e. i) necessary; ii) relevant to planning; iii) directly related to the proposed development; (in the Tesco/Whitney case the House of Lords held that the planning obligation must at least have minimal connection with development) iv) fairly and reasonably related in scale and kind to the proposed development; and, v) reasonable in all other respects).

In this case, the development triggers a requirement for:-

- Monitoring Fee
- Travel Plan including monitoring payment to allow the traffic implications of the development to be assessed.
- Bus stops on Goodwin Walk including provision of real time information boards to provide increased public transport facilities for visitors to and from the development.
- CCTV and monitoring and maintenance for the security of the site and users of the facilities.
- Off site highway works (if not addressed via conditions) to address the traffic implications of the development.
- Public Art to improve the amenity of the site
- A Management Scheme for Goodwin Walk in relation to delivery access to ensure the safety of pedestrians to and from the site and the amenities of surrounding residents.
- Recycling Facilities (if not addressed via conditions)
- Contribution towards provisional additional off site community car park to offset the potential displacement of existing users of the car park.

8 CONCLUSIONS

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

- a) The principle of retail development is considered to be acceptable in accordance with PPS6 and Policy R1 of the Peterborough Local Plan (First Replacement).
- b) The highways impacts arising from the proposed development can be acceptably mitigated. The proposal is therefore acceptable in terms of highway safety and convenience. The site is also a sustainable location accessible by a range of transport modes and a Travel Plan will be secured. As such the proposal accords with policies T1, T3, T5, T7 and T8 of the Peterborough Local Plan (First Replacement).
- c) The proposed car parking provision is acceptable in accordance with the maximum standards set out in policy T10 of the Peterborough Local Plan (First Replacement).
- d) Although the design of the proposed new buildings would be different from the surrounding residential dwellings this distinction is considered to be appropriate given the District Centre function of the site. The design details are also acceptable. As such the proposal is considered to accord with policy DA1 of the Peterborough Local Plan (First Replacement).
- e) Given the proposed mitigation measures (e.g. noise management plan) it is considered that the development can be satisfactorily accommodated without significant adverse impact upon the amenity of the neighbouring residents. The proposal therefore accords with policy DA2 of the Peterborough Local Plan (First Replacement).
- f) The proposed layout allows for the protection and retention of higher quality trees on the boundaries of the site. A detailed landscaping scheme will also be submitted. The proposal therefore accords with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).
- g) The community needs arising from the development would be met by the planning obligation in accordance with policy IMP1 of the Peterborough Local Plan (First Replacement).

9 RECOMMENDATION

The Head of Planning Services be authorised to grant planning permission subject to:-

- a) The prior completion of a Planning Obligation under the provision of Section 106 of the Town and Country Planning Act 1990 in respect a monitoring fee, Travel Plan including monitoring payment, bus stops on Goodwin Walk including provision of real time information boards, CCTV and monitoring, Off site highway works (if not addressed via conditions), Public Art, A management scheme for delivery access, Recycling Facilities (if not addressed via conditions) and a community car park contribution;
 - b) The following conditions, incorporating any necessary additions or modifications including those that may arise during negotiations on the proposed planning obligation;
- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 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 works ;
- a scheme for construction and demolition access from the Parkway 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 working 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 and residential amenity in accordance with policies T1 and DA2 of the Peterborough Local Plan (First Replacement).

C3 No development shall commence within the area currently used as a petrol filling station and the land immediately adjoining it (the extent of which should be agreed in writing with the Local Planning Authority), until:-

(a) A desk top study has been carried out which shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Unless otherwise agreed in writing with the Local Planning Authority this should include a diagrammatical representation (Conceptual Model) of all potential contaminant sources, pathways and receptors;

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

- A risk assessment to be undertaken relating to human health and ground / surface waters associated on and off the site that may be affected;
- A refinement of the Conceptual Model in appropriate;

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

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

e) Upon completion of the remediation detailed in the Method Statement, unless otherwise agreed in writing with the Local Planning Authority, a report shall be submitted to and approved in writing by the Local Planning Authority. This shall provide verification that the required decontamination has been carried out in accordance with the approved Method Statement(s). Unless otherwise agreed in writing with the Local Planning Authority, post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).

C4 If contamination not previously identified is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the affected area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved.

The development shall thereafter take place in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).

- C5 Prior to the commencement of any development other than site clearance or earth moving, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in full before any part of the redeveloped centre opens, unless otherwise agreed in writing with the Local Planning Authority.**

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

- C6 Notwithstanding the submitted information, prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, samples of the materials to be used in the construction of the external surfaces of the new buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.**

Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement) and Planning Policy Statement 1 'Delivering Sustainable Development'.

- C7 Unless otherwise agreed in writing with the Local Planning Authority, no development or other operations shall commence on site until:-**

(a) a scheme (hereinafter called the approved protection scheme) which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, has been submitted to and approved in writing by the Local Planning Authority; no development or other operations shall take place except in complete accordance with the approved protection scheme;

(b) No operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place;

(c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme;

(d) Protective fencing shall be retained intact for the full duration of the construction period hereby approved, and shall not be removed or repositioned without the prior written approval of the Local Planning Authority;

Reason: In order to protect and safeguard the retained trees in accordance with policies LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C8 No development or other operations shall commence either on site or off site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling/pruning specification (Treework Specification) has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, all tree felling and pruning works shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (1989) Recommendations for Tree Work.**

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

C9 No development or other operations shall commence either on site or off site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, or soil moving) until a detailed Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no development or other operations shall take place except in complete accordance with the approved Method Statement. Such method statement shall be applied to the trees identified for retention in the approved scheme and include full details of the following:

- Implementation, supervision and monitoring of the approved Tree Protection Scheme;
- Implementation, supervision and monitoring of the approved Treework Specification;
- Implementation, supervision and monitoring of all approved construction works within any area designated as being fenced off or otherwise protected in the approved Tree Protection Scheme.

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

C10 No demolition or works to vegetation (defined as trees, scrub and hedgerows) shall be carried out on site between the 1 March and 31 August inclusive in any year unless the absence of nesting birds is established through a survey submitted to and agreed in writing by the Local Planning Authority, or any further amendment to these procedures is agreed in writing with the Local Planning Authority, after the commencement of the works.

Reason: To protect features of nature conservation importance, in accordance with policy LNE19 of the Peterborough Local Plan (First Replacement)

C11 Notwithstanding the submitted information, prior to the commencement of development details of the hard and soft landscaping works and other minor structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, unless otherwise agreed in writing with the Local Planning Authority, the following elements:-

- i) a landscape management plan including long term design objectives, management responsibilities and maintenance schedule;
- ii) planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants, plant sizes and densities;
- iii) all means of enclosure including removal fencing to the public house;
- iv) cycle stand and cover detail;
- v) an impact study detailing the position of any new trees to be planted within the site and their impact on the effective operation of the CCTV system.

The hard landscaping work shall be undertaken in accordance with the approved details prior to the opening of the new supermarket to the public and the soft landscaping works in accordance with the approved proposals and implementation plan , unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance and to provide replacement planting in accordance with the approved plans in accordance with policies DA2, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

C12 If within a period of 5 years from the date of the planting of any tree or shrub that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity, in accordance with policies DA2, DA11, LNE9 and LNE10 of the Peterborough Local Plan (First Replacement).

- C13** Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme of external lighting and CCTV shall be submitted to and approved in writing by the Local Planning Authority. The approved CCTV and lighting scheme shall be provided prior to the occupation of the superstore building.
Reason: In the interests of community safety and amenity in accordance with policies DA2 and DA11 of the Peterborough Local Plan (First Replacement).
- C14** Prior to the commencement of any development details of existing and proposed site levels, including finished floor levels, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, prior to the opening of the redevelopment centre to the public unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of visual amenity and residential amenity in accordance with policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).
- C15** Notwithstanding the submitted information, prior to the commencement of the development details of the 3 metre high acoustic barrier to the service yard of the new supermarket, including the vehicle and pedestrian gates, shall be submitted to and approved in writing by the Local Planning Authority. The approved barrier and associated gates shall be erected prior to the first deliveries of the new supermarket and thereafter not be removed.
Reason: To safeguard the amenities of the surrounding locality by ensuring a satisfactory noise environment is maintained in accordance with Planning Policy Guidance Note 24 'Noise'.
- C16** No materials or equipment, except for that shown on the approved site layout plan shall be stored in the service yard of the supermarket or the delivery area serving the new public house and shop unit.
Reason: In order to ensure that this area is available for the loading and unloading of delivery vehicles in the interests of residential amenity and highway safety in accordance with policies DA2 and T1 of the Peterborough Local Plan (First Replacement).
- C17** The service yard of the new supermarket hereby approved shall be operated in accordance with the measures specified in the Best Practice Note unless the written approval of the Local Planning Authority is given to any variation.
Reason: In order to protect and safeguard the amenity of the neighbouring residents particularly during the night time period in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- C18** Notwithstanding the submitted information, no deliveries shall take place to the supermarket hereby approved outside of the hours of 7am to 11pm Mondays to Saturdays and 9am to 5pm on Sundays and Bank Holidays.
Reason: In order to protect and safeguard the amenity of the area, in accordance with policy DA2 of the Peterborough Local Plan (First Replacement).
- C19** The rating level of noise emitted from all fixed plant including stationary vehicle refrigeration noise sources, shall not exceed 45 dB LAeq, 1 hour between 0700 and 2300 and 38 dB LAeq, 5 minutes at any other time. The noise levels shall be determined at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS:4142:1997.
Reason: To safeguard the amenities of the surrounding locality by ensuring a satisfactory noise environment is maintained in accordance with Planning Policy Guidance Note 24 'Noise'.
- C20** *Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re enacting that Order with or without modification), no mezzanine floors shall be inserted into the permitted building other than those expressly authorised by this permission.*
Reason: *An increase in the retail floorspace 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).

- C21 Notwithstanding the submitted information, prior to the commencement of development a detailed design of the new roundabout at the junction of Staniland Way and David's Lane shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved scheme prior to the opening of the new supermarket to the public, unless otherwise agreed in writing with the Local Planning Authority.**

Reason In the interests of highway safety and convenience in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

- C22 Visibility splays measuring 2.4 metres by 39.5 metres and 2.4 metres by 41.5 metres shall be provided from the service yard of the new supermarket onto Staniland Way. These splays shall be provided prior to the service yard being brought into use and thereafter maintained free from obstruction over 600mm in height, unless other agreed in writing with the Local Planning Authority.**

Reason: In the interests of highway safety and convenience in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

- C23 Prior to the commencement of development details of the kerb realignment on Staniland Way adjacent to Olympus House, including the visibility splays from the Olympus House access onto Staniland Way shall be submitted to and approved in writing with the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, these works shall thereafter be carried out prior to the acoustic barrier to the new supermarket service yard being erected and the approved visibility splays from the Olympus House access onto Staniland Way maintained free from obstructions over 600mm in height.**

Reason: In the interests of highway safety and convenience in accordance with policy T1 of the Peterborough Local Plan (First Replacement).

- C24 Prior to the commencement of development, details of the radii at the junction of Skaters Way and Goodwin Walk shall be submitted to and approved in writing by the Local Planning Authority. The alterations to the radii shall thereafter be carried out prior to the first use of the delivery access for the new public house/shop unit. The radii shall be returned to its current alignment in accordance with a scheme of works to be submit to and approved in writing by the Local Planning Authority when the use of this delivery access ceases.**

Reason: In the interests of highway safety and convenience and to protect the integrity of the bus lane when use of the delivery access ceases in accordance with policies T1, T7 and T8 of the Peterborough Local Plan (First Replacement).

- C25 The new zebra crossings on Staniland Way and Goodwin Walk shall be installed in accordance with the approved site layout plan prior to the opening of the new supermarket to the public.**

Reason: In order to allow safe pedestrian access to the site in accordance with policy T3 of the Peterborough Local Plan (First Replacement).

- C26 Notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking or re-enacting that Order) or the Town and Country Planning (Use Classes) Order 1987 (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) the supermarket hereby approved shall be used primarily for the sale of convenience (food) goods and no more than 40% of the retail floor space shall be used for the sale of comparison (non food) goods at any time.**

Reason: To ensure that the District Centre continues to provide for the day to day needs of the local community in accordance with policy R1 of the Peterborough Local Plan (First Replacement).

C27 Prior to the first opening of the new supermarket to the public, unless otherwise agreed in writing with the Local Planning Authority, the parking area shall be laid out in accordance with the approved plans.

Reason: To ensure that adequate car parking is available in accordance with policy T10 of the Peterborough Local Plan (First Replacement).

C28 Notwithstanding the submitted plans details of the outside area for the public house shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of the development. The agreed scheme shall include details of the boundary treatment and awning and shall be implemented prior to the occupation of the public house.

Reason: In the interests of the amenities of the area in accordance with Policies DA1 and DA2 of the Peterborough Local Plan (First Replacement).

C29 Notwithstanding the submitted details, a management plan for the stores service yard, which includes methods to reduce noise and disturbance from the day to day operations of the service yard, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The scheme shall be implemented thereafter in perpetuity.

Reason: To ensure that the proposal does not harm the residential amenities of the neighbouring occupiers of the neighbouring properties in accordance with Policy DA2 of the Peterborough Local Plan First Replacement.

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

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

Informatives

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

2. The applicant's attention is drawn to the response of Anglian Water, particularly the need for S185 Diversion applications. Early discussions with Anglian Water are recommended. Please contact Anglian Water's Developer Services on 01480 323 808 and quote reference number DS/W/17484.

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

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

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

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

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

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

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

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

7. (NR&SWA 1991)

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

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

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

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

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

11. Highways Act 1980 - Section 149

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

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

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