

Application Ref: 13/01722/WCPP

Proposal: Variation of conditions C5 (Drawings) and C34 (Floorspace) of planning permission 12/00290/OUT - Construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping

Site: Peterborough Garden Park, Peterborough Road, Eye, Peterborough
Applicant: Garden Parks (Peterborough Two) Limited

Agent: Mr Mark Underwood
 Deloitte LLP

Referred by: Director of Growth and Regeneration
Reason: Previous application was a member decision
Site visit: 28th November 2013

Case officer: Mr A P Cundy
Telephone No. 01733 453470
E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site and Surroundings

The site is located on the edge of Peterborough, positioned between Dogsthorpe and Parnwell to the south, and Eye village to the north east.

The site is bounded to the north by the landfill site, and to the south the Paston Parkway dual carriageway and Junction 8 roundabout. The existing Garden Park retail development is located to the west and the petrol filling station, KFC restaurant to the east. The site is accessed via the Garden Park vehicle access from Eye Road.

The site covers an area of 4.32ha, and currently forms part of the adjacent Garden Park retail development. The site is made up of car parking, wooded area and some unused land.

Proposal

On the 21st February 2013 outline planning application ref: 12/00290/OUT for construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping was granted permission by members of the Planning and Environmental Protection Committee. As part of the planning permission there were conditions limiting the amount of gross floor space and a limit on the amount of convenience/comparison.

This revised scheme before committee has been devised to facilitate the specific requirements of a foodstore operator with whom the developer are in advanced negotiation. This Section 73 application seeks to vary Conditions 5 and 34. Specifically this current application seeks to make the following changes to the outline planning permission:

- Relocation of the proposed store to a position away from the end of the existing retail terrace, so that it is closer to the existing Petrol Station on Eye Road – this relocation will take place within the original application site boundary
- An increase in the gross floor area of the food store from the consented upper limit of 6,040sq metres to 7,060 sq metres (the increase in gross floor area relates solely to an increase in the 'back of house' storage area)
- Net sales area to remain at 4,227 sq metres, albeit the total floor space given over to the sale of comparison retail goods will increase from 25% (as capped by the extant planning permission) to 41% of the total retail floor area.

The remainder of the scheme is unchanged from the existing scheme.

2 Planning History

Planning application ref: 12/00290/OUT for Construction of a retail foodstore (Class A1), training and skills centre (Use Classes B1/D1), a cycle facility (Use Class D1/ancillary A1), children's play barn (Class D2) with associated open air play area, access, associated car and cycle parking, servicing and hard and soft landscaping was granted by members at their meeting on the 14th August 2012. Attached to this permission were 36 conditions. Condition 5 and 34 as listed below are relevant to the subject application.

C 5 The development hereby approved shall be carried out in accordance with the following approved details:-

Site Location Plan (10/030 / P-01 Rev C)
 Existing Block Plan (10/030 / P-03 Rev A)
 Proposed Masterplan – Indicative (10/030 / P-05 Rev B)
 Parameters Plan - (10/030 / P-06 Rev B)
 Parameter Plan Building Siting (10/030 / P-07 Rev C)
 Proposed access (ITM 7068-GA-004 Rev B)
 Tree Constraints Plan (7816/01 Rev A 1/2)
 Landscape Strategy Proposals (CLD/223901 Rev A)
 Tree Retention and Removal (CLD/223902)
 Design and Access Statement
 Planning and Retail Assessment
 Air Quality Assessment Report
 Ground Investigation Report Ref: C12090 + C12581
 Extended Phase 1 Habitat Survey
 Flood Risk Assessment
 Sustainability Statement
 Transport Assessment
 Framework Travel Plan

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

C 34 The proposed A1 foodstore shall comprise a maximum 6,040 square metres Gross External Area (4,227sqm total net sales floorspace (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) of which 3,170 sqm is convenience goods and 1,057 comparison goods).

Reason: The information submitted to support the application is based on a maximum 6,040 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

Other applications

07/00011/OUT	Erection of garden centre comprising plant area (8915sqm), garden centre building with restaurant (8000sqm), cafe/kiosk (250sqm), car parking, landscaping, service area and recycling collection together with improvements to access road and access to Eye Road, new bus stops and associated footway/cycleway access	Application Permitted	31/03/2008
08/00989/REM	Reserved matters application for the appearance only of the garden centre development pursuant to outline planning application 07/00011/OUT, and alterations to the approved subdivision as per C6 of 07/00011/OUT	Application Permitted	30/09/2008
09/00062/WCPP	Variation of Condition 5 of Planning Permission Ref: 07/00011/OUT amending the range of goods and services permitted on site	Application Permitted	04/06/2009
08/01586/REM	Reserved matters application for the landscaping only of the garden centre development pursuant to outline planning application 07/00011/OUT	Application Permitted	26/06/2009

3 Planning Policy

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

National Planning Policy Framework (NPPF) (2012)

- Paragraph 187 and 197 - Advocates a positive approach to supporting sustainable economic development
- Paragraph 24 and 26 - Retains the key tests set out in the previous PPS4 i.e. the sequential approach and impact

Cambridgeshire and Peterborough Minerals and Waste Development Plan DPD 2012 SSP W8Q Dogsthorpe Waste Consultation Area

Peterborough Core Strategy DPD (2011)

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.

Minerals & Waste Core Strategy DPD 2011

CS28 - Waste Minimisation, Re-use, and Resource Recovery

Developers are encouraged to minimise waste, re-use and recover resources.

CS30 - Waste Consultation Areas

Development will only be permitted where it is demonstrated that this will not prejudice existing or future planned waste management operations.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP03 - Impacts of New Development

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

PP09 - Development for Retail and Leisure Uses

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

PP16 - The Landscaping and Biodiversity Implications of Development

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

PP19 - Habitats and Species of Principal Importance

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

PP20 - Development on Land affected by Contamination

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

4 Consultations/Representations

PCC Archaeological Officer - No objection - No further archaeological work is deemed necessary in this area.

PCC Drainage Team – No objection

PCC Landscape Officer – No objection – The officers asks for a condition to secure a replacement landscape scheme and 5 year maintenance programme

PCC Minerals And Waste Officer (Policy) - Objection - The application site is within the Waste Consultation Area (WCA) due to the sites location adjacent to the active landfill site. Whilst the proposal acknowledges the presence of the landfill site it does not fully assess what the likely impacts of the landfill will be on the proposed development due to its close proximity. The indicative layout proposes little by way of mitigation between the two sites e.g. landscape screening etc. The proposal would benefit from a landscaping scheme to provide a buffer between the two uses. Future areas of landfill working are permitted in very close proximity to the site boundary, and there are likely to be considerable amenity issues for future users of the proposal should the proposal be granted in such close proximity with little, if any additional mitigation.

PCC Planning Obligations – No objection – Agree a POIS contribution of £397,125, a further £642,625 towards public realm improvement works in existing centres including the city centre, £300,000 towards Sustainable Transport Projects (including those within the Local Transport Plan (LTP)), £30,000 towards PECT Forest, an on site skills centre or £500,000 for training within the local community and finally £3,750 towards travel plan monitoring

PCC Pollution Team – No objection – Subject to conditions with regards to contaminated land

PCC Strategic Planning - Deloitte LLP are justifying the original proposal for 4,227 sqm (net) of retail floorspace and the increase in comparison retail floorspace. The Strategic Planning officer is not convinced why such a large storage area is required on site considering as most stores are able to programme their deliveries to reduce the need for storage space. However the officer advises that if minded to approve this application, it must be conditioned that the additional 1,020 sqm of floorspace shall be used for storage only and not as retail floorspace for selling goods.

PCC Transport & Engineering Services – No objection – The highway engineers accept that the new floor area will not increase the traffic generation to the site and would raise no objections to the variation of condition subject to a restriction on the overall retail floor area. Further the highway engineers have no objection to the car parking levels staying as per the original application given that it is accepted that there will be no increase in traffic generation.

PCC Wildlife Officer – No objection

SAB Trial - Anglian Water - No comments received

Environment Agency – No objection

North Level District Internal Drainage Board - No comments received

The Wildlife Trusts (Cambridgeshire)

No comments received

Local Residents/Interested Parties

Peterborough Civic Society – Objection - The society consider that the building is separated to an unacceptable degree from other retail elements of the site and needs to be moved in order to properly integrate with them. The civic society are also opposed to the increased proportion of comparison good floor space proposed which they consider is contrary to the legitimate planning objective of maintaining viability and vitality both of the Garden Park development itself and of Peterborough City Centre.

Werrington Neighbourhood Council - No comments received

Councillor C D Ash

No comments received

Councillor A Miners

No comments received

Councillor C Saltmarsh

No comments received

Councillor D Sanders

No comments received

Councillor McKean – No objection – However asked that if the developers are intending to increase the size and number of vehicles going to the site then it would be useful if further S106 monies be made available to improve the right turn entrance to the site and Junction 8 Capacity when approach from Eye and for vehicles exiting from the site. Further Councillor McKean stated that it would be in their interest and beneficial to traffic flows if delivery vehicles arrived and left via junction 8.

Eye Parish Council – Objection – We have concerns with the traffic flow caused by the parking of 600 vehicles at the proposed supermarket and the impact that this may have on Eye village.

Local Residents/Interested Parties

Initial consultations: 70

Total number of responses: 3

Total number of objections: 3 (The objections are listed above and are from Cllr McKean, Eye Parish Council and Peterborough Civic Society)

Total number in support: 0

5 Assessment of the planning issues

The main issues are:-

- Principle of Development
- Retail implications of the development
- Transport
- Drainage
- Landscape and ecology

- Landfill
- Design
- S106

1. Principle of Development

As indicated above, this application seeks consent for amendment to condition 5 of the original outline planning permission to allow for the re-siting of the supermarket away from the end of the existing retail terrace, for amendment to condition 34 to allow for an increase in the gross floor area of the food store from the consented upper limit of 6,040 sq metres to 7,060 and to increase the floor space given over to the sale of comparison retail goods from 25% to 41%.

In this instance permission is sought for the above changes to facilitate the specific requirements of a food store operator with whom the developer are in advanced negotiation. No other changes are proposed to the approved scheme.

The principle of a food store at Peterborough Garden Parks is established. The only issues which can, therefore, be taken into consideration in determining this application are those that relate directly to the impact of the siting of the food store, the increase in gross floor space and the change to the convenience/comparison split.

Since the outline application was granted the Peterborough Local Plan (First Replacement) has been replaced by the Peterborough Planning Policies DPD (2012) which in line with the Peterborough Core Strategy DPD (2011) and National Planning Policy Framework (NPPF) places stronger emphasis upon supporting economic growth through the planning process. The Local Planning Authority are now also in receipt of the GVA Retail Study Update (see section 2 below) This application if granted, would allow the submission of a detailed scheme (reserved matters application) by the food store operator and subject to this being acceptable, for work to commence on site thereby creating both construction jobs and permanent jobs once the facility is opened.

Given the context, this application can only be resisted if it is concluded that if the changes outlined above would have an adverse impact and if this 'harm' outweighs all other considerations, particularly economic ones. The impacts are assessed below.

2. Retail implications of the development

The proposed revised scheme would increase the gross floorspace by 1,020 sqm and increase comparison goods floorspace from 1,057 sqm (25%) to 1,733 sqm (41%) and reduce the convenience floorspace from 3,170 sqm (75%) to 2,494 sqm (59 %) while maintaining the same net sale area of 4,227 sqm. The proposed increase in floorspace of 1,020 sqm will be for 'back of house' storage area.

Core Strategy Policy - CS15, Planning Policies DPD –PP9 and NPPF para 24 to 27 are particularly applicable to this application. These policies require a robust sequential approach and impact assessment to support this subject out of centre retail proposal.

Sequential Approach

The purpose of the sequential test is to demonstrate whether there are other, sequentially preferable sites which could accommodate the proposed uses. 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. The applicant has submitted an updated sequential test.

As required by the NPPF (and reflected in Local Plan policy) the applicant, in agreement with the Council, again identified seven sites/opportunities. The sites assessed were Millfield District Centre, Werrington District Centre, Paston Reserve Local Centre (proposed) North Westgate, Rivergate, Station Quarter and Royal Mail Sorting Office, Bourges Boulevard.

In permitting the earlier outline application members agreed with officers that there were no sequentially preferable sites. The updated submission has been assessed. Officers are satisfied that the situation has not changed.

Retail Impact

As required by national planning policy and reflected in local plan policy the applicant has submitted an updated report which assesses the impact that the revised development would have on existing retailing in the city centre and on nearby district centres. The assessment assumes the net floor space will comprise 2494 sq metres of convenience space and 1733 sq metres of comparison floor space.

The GVA 2009 retail study (updated in Jan 2013) states that between 2008 and 2026, assuming that none of the committed developments come forward, there will be capacity for up to 43,252 sq metres of new comparison floor space in the city. If the committed developments are implemented there would be capacity for 33,444 sq. metres. This represents a fall of 64,556 sq metres on the previous study and thus the figures quoted in the earlier committee report. This fall has been caused by the recession and reduced spending power.

Officers are still of the view that the proposed scheme at 1733 sq metres would not result in an excess of comparison floor space being provided.

GVA 2009 retail study (updated in Jan 2013) stated that between 2008 and 2026 there will be no capacity for convenience floor space in the city. This is a reduction of 7000 sq metres on the figures quoted in the earlier study and committee report.

Notwithstanding the subject application proposes 676 fewer sq metres of convenience floor space than that approved under the outline and for this reason it would be wrong of officers to refuse the current application because of the lack of capacity.

The applicant estimates that 12.5% of the store convenience turn over of 40.82 million (total turnover 2018) would be diverted from the existing Sainsbury's at Oxney Road a further 12.5% from Morrisons on Lincoln Road. In addition there will be an impact on the food stores anchoring existing centres notably the applicant estimates 10.25% from Werrington District Centre 3.4% from Bretton Centre, 7.5% from Tesco, Serpentine Green, 3.55% from Peterborough City Centre and 3.5% from Millfield District Centre.

Members need to be aware that the cumulative convenience impact (that is if every supermarket permission is implemented) there would be a 37.56% on Morrisons, Lincoln Road, 37.21% on Sainsbury's Oxney Road, 19.1% on Peterborough City Centre, 22.4% on Bretton District Centre, 27.9% on Werrington District Centre, 14.29% on Tesco, Serpentine Green, 7.5% on Orton District Centre and 8.07% on Millfield District Centre.

Whilst officers continue to have concerns about the impact of trade draw from a number of retail locations, a number of matters should be noted:

1. There have again been no objections raised against the proposal from any of the existing supermarket operators in the City. If they considered the proposal a significant threat, then one would presume they would have objected to the proposal.
2. Neither the Morrisons store or the Sainsbury Store are located in local or district centres and so the impact on these stores would not impact on the functioning of any wider local / district centre function
3. Whilst the impact of trade draw on the City Centre and the Bretton Centre at first appears to be significant, it should be remembered that food retail is not at the core business of the City Centre (it is in the main a comparison shopping destination) and that the bulk of food shopping is most likely to be by those living close to the city centre or by those undertaking linked trips. In the case of the Bretton Centre, this development is made up of three food stores and five large (high street multiple) non-food retailers. Visits to this centre will be made up of a combination of food store only trips, comparison store only trips and linked trips involving both. It will be the same situation for the Garden Park Development and so trade diversion is going

to be influenced by the offer presented by the high street names occupying the existing units on each development.

4. Serpentine Green accommodates the City's largest supermarket and a number of high street multiples in what can be described as a 'mini-shopping mall'. Consequently the site draws customers from the whole city. Given this and the fact that future development at Hampton and Great Haddon will continue to feed customers to the centre, officers do not consider the Garden Park proposal would prove to be significantly detrimental to Serpentine Green.

Notwithstanding the above, it is accepted that whilst the revised proposal would not have a catastrophic impact on existing centres, there would be some impact. It is considered that this harm could be mitigated through a S106 contribution towards infrastructure and public realm improvement works, job creation and training and sustainable environmental improvements. This matter is dealt with in more detail in the Section 106 section of this report.

The NPPF advocates a positive approach to supporting sustainable economic development. 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 (creation of up to 300 new permanent jobs for local residents + creation of up to 150 jobs during construction of the proposed store)
- contribute towards triggering regeneration within the city centre and district centres

It is considered that the proposal would indeed support economic growth in the widest sense.

Notwithstanding it is accepted that most visitors to the site will be by car and it can be questioned whether this customer dominated use is in indeed within a sustainable location. The applicant is, however, offering £300,000 toward sustainable transport projects and £30,000 towards PECT Forest in Peterborough. Officers consider that any harm caused by car trips to this destination would be offset by the two contributions.

Conclusion

Your officers have determined that:

1. there are no sequentially preferable sites
2. the 2,494 convenience floor space proposed, whilst lower than that approved under the outline, will use up considerable retail capacity for convenience floorspace to 2026
3. the proposed development would have a moderate rather than a catastrophic impact on the city centre and district centres and that these impacts can be mitigated against.
4. the proposal would:
 - provide additional employment opportunities in a deprived area of the city
 - contributes towards the regeneration of District Centres
 - Contributes towards regeneration of the city centre
 - provide people in the locality and wider Peterborough with an alternative food shopping option

Transport

The proposal to increase the floor area of the store would under current guidance require the submission of a revised Transport Assessment to determine the impact of the additional trips generated by the development. The developer would then be expected to provide measures to mitigate the impact of these trips. In this case the proposal is to increase the Gross Floor Area of the store but not the actual retail floor area. It is accepted that as a larger percentage of the floor area is to be used for comparison goods rather than convenience goods that there would be additional storage requirements.

The applicants have stated in their Transport Assessment addendum that trips to the store would reduce given the new mix of comparison/convenience goods however robust evidence has not been submitted to support this. The Council's highway engineers consider that the impact of the new floor area will not increase the traffic generation to the site and would raise no objections to the variation of condition subject to a restriction on the overall retail floor area. Condition 34 is recommended accordingly.

Further the highway engineers have no objection to the car parking levels staying as per the original application given that it is accepted that there will be no increase in traffic generation.

Drainage

The original outline application for food store was supported by a flood risk assessment. The site is in a low flood risk area (zone 1) and so there is no concern with the principle of the development, particularly as the surrounding sites have already been developed. The Environment Agency and the Council's drainage engineers raise no objection to the changes proposed.

Landscape and ecology

The landscape impacts of the proposed development were considered when the original planning permission was granted and found to be acceptable (subject to conditions). Subject to the reimposition of the relevant conditions the proposal is considered to accord with policy CS21 of the adopted Core Strategy and policy PP16 of the adopted Planning Policies DPD

A Phase 1 Habitat Survey was prepared in support of the previous application. It concluded that all habitats within the site had low value to nature conservation at the local level. Therefore the impact on the ecological integrity of the local area was deemed to be insignificant. The changes proposed would not have any impact upon the conclusions of this survey which remain valid. The Council's wildlife officer has no further comments to that raised on the outline application

Landfill site

The principle of a food store on this site has already been approved. This was approved in the knowledge that the site lies immediately to the south of and abuts the boundary of Dogsthorpe landfill site. Whilst the current application and specifically the resiting of the store has not explicitly assessed the impact of the proposal on the landfill site, the adjacent Garden Park retail development and neighbouring commercial land uses already co-exist in close proximity with the existing landfill site. It is therefore considered that this together with the fact the proposal is in outline only at this stage, and the specific layout and buffer landscaping to mitigate negative impacts can be dealt with at future reserved matters stage that refusal on the basis of harmful impact on the landfill site could not be substantiated.

Design

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 a 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

S106 considerations in respect of the Garden Park application

As a new planning permission would be created there is also a requirement for a new S106 Agreement to be entered into to secure the obligations sought as part of the previous application with amendments as necessary to take into account the increased gross floor space. In the main the S106 will replicate the original agreement. The only areas where a contribution has changed

are:

- POIS increased from £339,750 to £397,125
- Additional £42,625 towards Infrastructure and public realm improvement works in existing retail centres including the city centre
- S106 monitoring increased from £35,470 (£25,470 if skills centre provided on site) to £37,395/£27,395 respectively

As with the previous application the S106 offered by the applicant is structured in 2 parts. Part 1 Planning Obligation Implementation Scheme (POIS) Contribution, Part 2 Mitigation Package. Applying the Council's Planning Obligations Implementation Scheme (POIS) to the proposed floor space, a contribution requirement of £397,125 is generated and the applicant has offered this full amount.

In order to ensure transparency of decision making, it is essential that any package on mitigation can be linked directly to the identifiable (planning) impacts of the development, and those impacts are set out above in this report. In addition to the full POIS contribution, the applicant has offered the following mitigation package and your officers consider that this can be legitimately defended:

- A S106 contribution of £642,625 to fund infrastructure and realm scheme for enhancements or improvements in allocated centres including Peterborough City Centre
- A S106 contribution of £300,000 towards sustainable transport projects including those within the Council's Local Transport Plan
- A S106 contribution of £30,000 to support PECT Forest in Peterborough project
- A S106 contribution of £500,000 towards specific training and skills opportunities or provision of a skills centre

To summarise the S106 will require contributions in respect of the following:

- £397,125 - POIS
- Travel Plan including £3,750 contribution towards monitoring
- £642,625 - Infrastructure and public realm improvement works in existing retail centres including the city centre
- £300,000 - Sustainable transport projects
- £30,000 - PECT Forest in Peterborough
- Provide an onsite skills centre or if not provided on site provide a £500,000 contribution to the two colleges City College Peterborough and Peterborough Regional College for training within the local community to up skill local people to take on jobs created by the proposal
- £27,395 (if skills centre is provided on site) / 37,395 - Monitoring fee

These requirements accord with both national and local policy the Tesco / Witney principles and 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

Other matters

If planning permission is granted then a new planning permission for the whole food store development would be created. As such it will be necessary to re-impose all previous conditions with any appropriate alterations.

6 Conclusions

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

the development plan and specifically:

The proposal

- a) Cannot be reasonably accommodated within 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) 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
- g) Would not result in a detrimental impact on protected species or related habitat
- h) Represents significant investment and employment creation

And is therefore considered to be in accordance with Core Strategy Policies CS4, CS10, CS11, CS12, CS13, CS14, CS15, CS16, CS21, CS22, with Peterborough Planning Policies PP01, PP03, PP09, PP12, PP13, PP16, PP19, PP20, Minerals & Waste Core Strategy Policies CS28 and CS30 and the Peterborough Planning Obligations Implementation Strategy SPD,

7 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 completion of a Section 106 Planning Obligation
- the following conditions:

C 1 Approval of the details of the siting, design and external appearance of the building(s), 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.

C 2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the landscaping of the site, 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.

C 3 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).

C 4 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).

C 5 The development hereby approved shall be carried out in accordance with the following approved details:-

Site Location Plan (10/030 / P-001 Rev D)
Topographical Plan (10/030 / P-002 Rev B)
Existing Block Plan (10/030 / P-003 Rev B)
Existing Site Sections (10/030 / P-004 Rev A)
Proposed Masterplan – Indicative (10/030 / P-005 Rev C)
Parameters Plan - (10/030 / P-006 Rev C)
Parameter Plan Building Siting (10/030 / P-007 Rev D)
Proposed Site Sections – (10/030 / P-008 Rev A)
Proposed access (ITM 7068-GA-004 Rev B)
Tree Constraints Plan (7816/01 Rev A 1/2)
Tree Constraints Plan (7816/01 Rev A 1/2)
Landscape Strategy Proposals (CLD/223901 Rev A)
Tree Retention and Removal (CLD/223902)
Design and Access Statement dated November 2013
Planning and Retail Assessment dated 11th November 2013
Air Quality Assessment Report
Ground Investigation Report Ref: C12090 + C12581
Extended Phase 1 Habitat Survey
Flood Risk Assessment
Sustainability Statement
Transport Assessment
Framework Travel Plan

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

C 6 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.

C 7 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 policy CS21 of the adopted Peterborough Core Strategy DPD

C 8 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 policy CS21 of the adopted Peterborough Core Strategy DPD.

C 9 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 policy CS21 of the adopted Peterborough Core Strategy DPD.

C10 In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of twelve months from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work);

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority;

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012)

C11 No removal of tree/hedgerows or 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.

C12 Prior to the commencement of the development 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

C13 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:-

1. Details of any flood flow routes, where flooding occurs on site and to what depths.
2. Details of the proposed attenuation pond.
3. All microdrainage calculations – which support the information already submitted as part of the FRA.
4. Options to maintain the volume of attenuation but reduce the size of tank 6.
5. Confirmation as to who is to maintain the surface water system for the lifetime of the development.
6. Confirmation that runoff will not be increased post-development.
7. New surface water to be installed prior to the removal of tanks 4 and 5 (or diversion of the same).
8. Full design details of the proposed deep storage tank.
9. The proposed new ditch requires to be in place prior to the removal of the existing ditch and the 0.6m diameter culvert as shown on drawing no 1686-D-2.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of these.

C14 No development shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

C15 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

C16 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 3 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

C17 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

An assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority in accordance with the requirements of condition 7.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority in accordance with condition 8.

Reason: To ensure all contamination within the site is dealt with in accordance with National Planning Policy Framework.

C18 Prior to occupation of any part of the development the permanent space within the site as shown on the approved plans shall be provided to allow all vehicles visiting the site to park, turn, load and unload clear of the public highway.

Reason: In the interests of highways safety in accordance with Policy CS14 of the Peterborough Core Strategy and Policy PP12 Peterborough Planning Policies DPD (2012)

C19 Prior to occupation of the development hereby permitted, the developer shall fully implement (to issue of First Provisional Certificate under the Section 278 Agreement) the off-site highway improvement works as shown in the approved plan.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy and Policy PP12 Peterborough Planning Policies DPD (2012).

C20 Prior to commencement of that part of the development involving works to the public highway, details of the detailed design of the proposed signalised junction shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include traffic signals and associated equipment, lighting, construction, drainage, safety fencing, street furniture, kerbing, signing and lining and a Stage 2 Safety Audit. The works shall be implemented in accordance with the approved details prior to occupation of the development.

Reason: In the interests of highways safety in accordance with CS14 of the Peterborough Core Strategy and Policy PP12 Peterborough Planning Policies DPD (2012)

C21 Prior to the occupation of the development the access roads, parking areas, footways, turning areas and loading and unloading areas shall be constructed to surface course level.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the

Peterborough Core Strategy.

C22 Prior to the commencement of the development unless otherwise agreed in writing with the Local Planning Authority, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- a scheme for the control of dust arising from building and site works;
- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;
- a scheme of working hours for construction and other site works;
- a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
- a scheme for parking and turning of contractors vehicles;
- a scheme for access and deliveries including hours.

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

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

C23 Within 3 months of the date of this consent a Stage 1 Road Safety Audit together with the designer's response having been through an iterative process for the new junction including all approaches (as shown on plan ITM7068-GA-004B) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

C24 Notwithstanding the layout shown on Plan ITM7068-GA-010, prior to commencement of development, the detailed design of the layout to prevent right turn manoeuvres in to the site along with a Stage 2 Road Safety Audit that has been through an iterative process with the designer shall be submitted to and approved in writing by the Local Planning Authority. The new junction will be continuously monitored by the developer for a period of one year post substantive completion (Issue of First Provisional Certificate under the Section 278 Agreement). If there is any evidence of queues forming on a regular basis from the new junction up to and on to Junction 8 of the A1139, the developer must install a water barrier system within one week from that date to prevent right turn manoeuvres in to the site and within 6 months from that date implement the fully detailed and approved scheme currently shown in sketch form on Plan ITM7068-GA-010, subject to detailed design and a road safety audit.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

C25 Lighting shall be arranged so that no danger or inconvenience is caused to users of the adjoining public highway. Details of the proposed lighting shall be submitted to the Local Planning Authority and approved in writing prior to its first use.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy CS14 of the Peterborough Core Strategy.

C26 Any security gates will need to be located off the existing or any proposed public highway areas.

Reason: In the interests of highways safety and in accordance with Policy CS14 of the Peterborough Core Strategy.

C27 Development shall not commence before fully operational vehicle-cleaning equipment has been installed of a specification and in a position to be approved in writing by the Local Planning Authority. All vehicles leaving the site shall pass through the cleaning equipment before entering the public highway. In the event of the approved vehicle-cleaning equipment being inoperative, development operations reliant upon compliance with this condition shall be suspended unless and until an alternative equally effective method of cleaning vehicles has been approved by the Local Planning Authority and is operational on site.

Reason: To prevent mud and debris being brought onto the public highway, in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy.

C28 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.

C29 Prior to the commencement of any development hereby approved, full details of car parking and cycle parking layouts shall be submitted to and approved by the Local Planning Authority, the details of the car parking shall include signing, lining access/egress points and the details of the cycle parking shall accord with Peterborough City Council Cycle Parking Guidelines. The car and cycle parking shall be laid out in accordance with the approved details 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

C30 Prior to the commencement of development, detailed contoured plans and cross sections shall be submitted to and approved in writing by the Local Planning Authority, to show existing and finished levels of the land and shall indicate the level of the ground floor of any building to be constructed. These details shall also include the levels of adjoining land and any building within 15m of the boundary of the application site. The development shall thereafter be carried out strictly in accordance with the slab levels shown on the approved drawing(s).

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Core Strategy DPD 2011.

C31 The "approach" to the principal entrance to the buildings, being the entrance that would be used by visitors arriving by car, shall be level (with a gradient of no steeper than 1 in 15), unless otherwise agreed in writing by the Local Planning Authority.

Reason for decision: In order to meet the needs for access for all in accordance with Policy CS16 of the Core Strategy DPD 2011.

C32 Prior to the commencement of development unless otherwise agreed in writing with the Local Planning Authority, a scheme for the provision of fire hydrants to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of general amenity and fire safety, in accordance with Policy CS16 of the

Core Strategy DPD 2011.

C33 The development hereby approved shall have a target emissions rate 10% lower than required under building regulations at the time that building regulations approval is sought for the development.

Reason: To facilitate the City Council's Environment Capital agenda and to comply with Policies CS10 & CS11 of the Peterborough Core Strategy Development Plan Document.

C34 The proposed A1 foodstore shall comprise a maximum 7,060 square metres Gross External Area (4,227sqm total net sales floorspace (defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) of which 2,494 sqm is convenience goods, 1,733 sqm comparison goods)

Reason: The information submitted to support the application is based on a maximum 7,060 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

C35 There shall be no subdivision of the retail unit and no insertion of mezzanine floors, without the prior approval of the Local Planning Authority.

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

C36 A maximum 288 sqm GEA Skills Centre, 390 sqm GEA Cycle hub facility (with a maximum of 25% of the net floorspace for ancillary sale of bicycles and cycling goods), and 360 sqm GEA Children's Play facilities shall be provided by the development. The detailed layout of the development shall be submitted to and approved in writing as part of the reserved matters application. The skills centre, cycle hub and children play facilities hereby approved shall only be for those purposes only and no other, and apart from the ancillary retail sales element of the cycle hub, shall not be used for any A1 retail use.

Reason: To enable the Local Planning Authority to control the amount of development on this site and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD

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 CS12 of the Peterborough Core Strategy Development Plan Document.

Copies to Councillors D Sanders, D McKean

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