

Application Ref: 14/00501/FUL

Proposal: Erection of foodstore with associated car parking and landscaping

Site: Land Adjacent Haddon House, Brickburn Close, Hampton Centre, Peterborough

Applicant: ALDI Stores Ltd

Agent: Mr Alastair Close
Planning Potential Ltd

Referred by: **Cllr Seaton**

Reason: Regeneration, choice, economic benefit, public support

Case officer: Ms L Lewis

Telephone No. 01733 454412

E-Mail: louise.lewis@peterborough.gov.uk

Recommendation: **REFUSE**

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

The site is on the west side of the A15 London Road, just north of the junction with Clayburn Road. On the corner of Clayburn Road and the A15 is Haddon House, a residential facility for persons with autism, which is accessed off Brickburn Close, a small side road. Brickburn Close was put in as Haddon House was developed, in 2011. It divides after 20m into two spurs, one leading to Haddon House and one, currently unused, which the applicant proposes to use as access to their site.

The application site is undeveloped, and unallocated other than being part of the identified Urban Extension area. It is on high ground relative to the rest of Hampton, with open space and a play area to the west (rear), undeveloped ground to the north, and, beyond that, the recent development of a gym and restaurants.

The site includes an area of drainage ditch, and one tree which has not been assessed, but is to be retained.

On the opposite side of the main road is the allocated, but as yet undeveloped, area of Hampton Leys.

2 Planning History

The site is within the red line of the original Hampton outline consent, but the use is not within the terms of that consent.

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 2 - Retail Development Outside Town Centres

A sequential test should be applied to applications (except in relation to applications for small scale rural offices or other development). Proposals which fail the sequential test or would have an adverse impact should be refused.

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Peterborough Core Strategy DPD (2011)

CS05 - Urban Extensions

Promotes development at Hampton, Stanground South and Paston Reserve and new urban extensions at Great Haddon and Norwood subject to key criteria being met.

CS10 - Environment Capital

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

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.

CS13 - Development Contributions to Infrastructure Provision

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

CS14 - Transport

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

CS15 - Retail

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

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

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.

Peterborough Site Allocations DPD (2012)

SA01 - Urban Extensions

Confirms the location of the urban extensions in accordance with Core Strategy policy CS5 and any planning permissions in place at the time of adoption.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

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

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

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

PP09 - Development for Retail and Leisure Uses

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

PP11A - (a) Shop Frontages (including signage)

Permission will only be granted if the design is sympathetic, it would not harm the character and appearance of the street and advertisements are incorporated as an integral part of the design.

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.

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

Section 106 Officer (25.04.14)

Under the POIS, a contribution is required.

Transport & Engineering Services (03.07.14)

Objection.

The junction has not been designed for large HGVs, which cannot manoeuvre through the junction without encroaching on opposing lanes.

There is the potential for vehicles to queue back onto the A15 or park in unsafe locations on the junction as a result of inadequate on-site parking. The LHA do not accept the data that has been used to justify the under-provision of parking.

Pollution Team (03.07.14)

No objection.

The conclusions of the Air Quality Assessment are accepted.

The Noise Report conclusions are generally accepted, conditions re noise limits are recommended.

The report re contamination is accepted, conditions required to agree details and verification of remedial works.

Education & Childrens Dept - Planning & Development

No comments received

Archaeological Officer (01.05.14)

No objection.

The site was formerly used for clay extraction and the eastern section was obliterated by the construction of London Road. The archaeological potential of the site is very low.

Drainage Team (09.05.14)

No objection.

Condition required to secure a suitable drainage scheme, including confirmation from Anglian Water.

Environment Agency

No objection, however the surface water drainage proposal is a departure from the agreed Hampton strategy.

Anglian Water will need to confirm the location and rate of discharge. Your authority should be satisfied that the proposed scheme can be adopted/maintained up to the design standard of 1% plus climate change critical storm.

(In respect of contamination) the site poses a negligible threat to controlled waters.

Anglian Water (04.06.14)

No objection.

The surface water strategy/flood risk assessment is unacceptable. Recommend that the applicant consults with AW and the Environment Agency.

Condition recommended to secure a surface water management strategy, and development in accordance therewith.

Hampton Parish Council (15.05.14)

Support the application.

Food store will be a useful local resource.

Design is in keeping and the road layout is commended for restricting right hand turns, essential with the proximity to the Clayburn Road junction.

The foot/cycleway is a well thought out addition to the proposal.

Opportunity Peterborough

No comments received

Police Architectural Liaison Officer (29.04.14)

No objection.

Recommend suitable lighting, CCTV, to be secured by condition.

Environmental Health (Food)

No comments received

Building Control Manager

No comments received

Wildlife Officer (07.05.14)

No objection.

The proposal is unlikely to affect protected species. The existing hedge to London Road should be retained and strengthened. Additional planting should use native species. Nesting boxes should be included in the development.

Natural England - Consultation Service (29.04.14)

No objection.

Waste Management (12.05.14)

No comment.

Minerals And Waste Officer (Policy) (15.05.14)

No objection.

The proposal does not affect any designated or allocated Minerals and Waste sites.

Landscape Architect (Enterprise) (15.05.14)

Proposals are acceptable, however concern regarding active frontage in relation to retaining existing hedgerow on London Road.

There is no analysis of existing vegetation and no consideration of the existing tree to be retained.

The Wildlife Trusts (Cambridgeshire)

No comments received

Rights of Way Officer

No comments received

Planning Policy & Research (02.07.14)

Objection.

The location of the proposed store is of concern. As the proposed store would be in an out-of-centre location, additional sequential information was requested.

The applicant stated that the local centre is not available. There is no evidence in support of this. Applicant suggested that the local centre site does not benefit from planning permission for a food store – neither does the application site.

There could be some flexibility if the store were to be located in the Local Centre, such as allowing parking outside the Centre.

The local centre is the best and most sustainable location for this proposal. It would provide opportunities for linked trips and Aldi would complement the offer provided by Serpentine Green.

This arrangement seems to work well between Sainsbury and Aldi at the Bretton Centre, there are no compelling reasons why it should not work in Hampton.

Local Residents/Interested Parties

Initial consultations: 95
Total number of responses: 52
Total number of objections: 5
Total number in support: 47

The following comments have been made

- New store would provide an alternative to Tesco
- Essential to challenge the Tesco monopoly
- Tesco is too big and inside a Mall which is inconvenient
- Will give people more choice
- Good to have another supermarket here
- A new store on Hampton is long overdue
- Would allow residents a choice without the need to use a car or public transport as the location is convenient distance for Hampton Vale residents
- Hampton is growing and many people do not have a car
- Need more stores in Hampton
- Will help those on a budget
- Will also attract shoppers from Yaxley and passers by
- People living in the villages this side of Peterborough currently have little choice
- Bottom of Serpentine Green should be allowed to have shops as well
- Difficult to get to the nearest Aldi in Stanground
- Currently use Aldi in Bretton by car, could cycle to this one
- Existing Aldi stores have parking problems
- Can't drive, would welcome this close by
- Please make parking bays big enough
- Size of parking bays is not specified. No point building the store with bays too small. Documents must specify the dimension of the parking bays
- Increased job opportunity
- Jobs would be created during construction as well
- Will develop the waste land into a much needed alternative
- Would like to see greater integration with Hampton regarding access
- This development will not be served by public transport
- Path [from Eagle Way] should connect with this, walking route via Clayburn Road/London Road would be too long
- Just what is needed to make this an attractive area following the leisure centre and restaurants
- Next please can we have a cinema
- Somebody has to sort out the traffic control signals [lights at Clayburn Road junction] it's a joke [refers to delays at the junction]
- Would like to see a road direct from the MacDonald's roundabout to Aldi to ease congestion on London Road and keep the access away from the residential area
- Wrong location for the type of development and access by public
- It would stop the travellers from parking on the land outside Haddon House
- Will affect my view, as my house will overlook it, floodlighting
- To have to look at this instead of green fields will be horrible
- Traffic is going to get much worse and there could be hundreds of people queuing up to get in and out
- Traffic at London Road lights is so heavy already this will make it ridiculous
- Totally the wrong place for it
- There is already a massive Tesco nearby why does the area need another food store

Most of these representations are supportive of the proposal to have an Aldi in Hampton, but it is worth noting that those few responses which refer to the specific location (a total of about four), rather than Hampton generally, are balanced for and against the proposal. It appears that the

applicant carried out their consultation on the basis of having an Aldi on the application site, and did not ask people about other sites in Hampton.

Councillor Comments

Councillor Seaton has commented:

There is clear evidence of a qualitative need for further convenience retail floor space to serve the growing community of Hampton.

The application results in regeneration of land within the Hampton urban extension and proposes retail development that will complement the area and provide better supermarket choice for local people. The site is not allocated or protected for alternative uses by local planning policies.

This application will provide significant economic benefit both for Peterborough and Hampton by creating at least 30 new jobs - this is directly in accordance with the City Council's own development plan policies that seek to "improve the economic, social and environmental conditions in the area".

The application site is best suited to achieve this, is available for redevelopment and can be delivered now. Other potential sequential sites being suggested, including the new local centre at Serpentine are not appropriate for a foodstore. The new local centre at Hampton, which could take years to be redeveloped comprehensively, should be dedicated for; smaller units, community, health and leisure uses, and better transport for Hampton, including buses and taxis. An Aldi store will use up too much land and the Council will have missed an opportunity for a better form of development.

Aldi have undertaken extensive public consultation in line with both national guidance and the Council's own policies and this shows considerable support for Aldi's proposals on the site. There have been no third party objections to the application. This consultation is actively encouraged within the planning process to secure better co-ordination and in this instance demonstrates that an Aldi on this site will deliver a development that will both benefit local people and, importantly, is something that they want to see happen.

Even if agreement cannot be reached on every point between officers and the applicants, it is clear that other material considerations, including the wider benefits and public support must be taken into account in the public interest. This also accords with paragraph 14 of the NPPF provides clear advice that planning permission should only be refused where, "adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework [NPPF] taken as a whole".

5 Assessment of the planning issues

The proposal is to construct a discount food store of about 1763sq m gross, and to provide a car park of 89 spaces and a loading area. The applicant company is regarded as a discount food retailer, rather than one of the "big four" or one of the small "corner shop" chains. (The store layout and design follows the applicant's standard format).

For convenience the development will be referred to as "Aldi", but the planning considerations (unless clearly stated) are not specific to this applicant, and would be substantially the same for any retail application.

Principle of Development

There is no objection in principle to the development of a food store of this scale in Hampton, however as with all retail development the sequential approach must be followed. This approach seeks to direct retail development to Centres, to ensure that the vitality and viability of Centres is supported.

Peterborough has a City Centre, which is the primary location for comparison shopping. It would not be expected that a food store such as that proposed should be directed to the City Centre, as food stores should be located around the City to provide people with local choices. Food (and other) stores should be located in District Centres (Hampton, Orton, Bretton and so on) or Local Centres. If no suitable location can be found in these centres, then edge-of-centre locations can be considered. Out-of-centre retail development, which is proposed in this case, is a last resort.

The applicant has stated that their catchment area is Hampton, and this is accepted by Officers. Hampton, although part of the City, is an identifiable area, contained within the A1, A1139 and A15 roads. The applicant has explained that there is no suitable location available within the Hampton District Centre, and this is accepted by Officers. There are no suitable locations available in the Local Centres at Hampton Hargate or Hampton Vale.

However there is a Local Centre at the south end of the District Centre. This Centre should be included in the sequential analysis that the developer carries out.

The applicant has stated that the site is not available. This is disputed. The Local Centre is allocated within the Site Allocations DPD, it includes an adequate amount of undeveloped land, and there are no detailed planning consents in place. The Local Centre includes the church, health centre site, and police station, and extends north as far as the southern end (the Rotunda) of Serpentine Green. Various references have been made to the Development Brief, but the undeveloped part of the Local Centre, and the tranches to either side, are not included in any approved Brief and therefore have no allocated use in that sense. The only allocation in place is that of a Local Centre, as identified in the Site Allocations DPD.

The Sequential Test

Guidance on the sequential test is currently poor. National planning guidance sets out that the tests are “suitable, viable and available”, but this is related to plan-making, not decision-taking. In respect of decision taking, the applicant is required to demonstrate, with due regard to the requirement that they be flexible, that the suitability of more central sites has been considered.

Officers do not consider that the applicant has considered this fully. The Local Centre site is large enough, it is not fully developed, it is allocated for uses that include retail, the location would support linked trips, the LHA has confirmed that there would be no Highway objection to such a store in that location, it would not prejudice the delivery of other facilities and there is level access for all. The connection with Serpentine Green in particular would encourage linked trips.

Although ownership is not, strictly speaking, a consideration, it should be noted that the owner of the Local Centre land is the same as the company that owns the application site. Both the landowner and the applicant have stated that, because the landowner is not willing to sell the site, it is not “available”. It is therefore important to establish what “available” means in terms of the sequential test.

“Available” is not defined in the NPPF. Previous guidance was quite explicit that land ownership was not something that could be taken into account. Although that guidance has been withdrawn, it is a general rule that land ownership is not determinative in making planning decisions. An applicant can apply to do anything, on anybody’s land, and the ownership is not a planning consideration. When allocating land for uses, again, land ownership is not a significant consideration. It is the location and suitability of the land itself that is considered.

“Availability” in this case should be judged against the state of the site – that is, the relevant part of the Local Centre is not currently occupied; there is no planning consent in place for any other use; it is allocated for the proposed use; it is there, waiting to be developed.

The applicant has quoted parts of a Secretary of State’s report from 2012, relating to a proposed retail development in East Northants district, in an effort to support the case. Four sentences have

been taken from a report over 200 pages long. On examination, Officers are of the view that the overall conclusion of the report does not support the applicant's case. This is partly because "Availability" is not defined within that report either. Without knowing the full circumstances of that case, and the exact status at that time of the sites referred to, it would be foolhardy to draw any conclusion from it.

The sequential test also requires that sites are suitable. The applicant and landowner have stated that the Local Centre site is not suitable, but have nowhere explained how or why it is not suitable. The applicant, in one document, appears to be relying on the comment from O&H that the site is not suitable – but there is no analysis or justification. In the absence of any justification, then the conclusion that the site is not suitable has to be questioned.

In planning terms, the Local Centre site is available. The applicant has failed to demonstrate that the site is not suitable; in the absence of any such evidence, Officers have to conclude that the site is suitable.

The proposal therefore fails the sequential test and should therefore under the NPPF, be refused.

The National Planning Policy Framework

This document, and associated national planning guidance, are intended to guide all development. The applicant has stressed those parts of the NPPF which encourage growth and development, such as "...*Development that is sustainable should go ahead without delay...*". The NPPF is explicit that development which accords with the development plan should be approved.

Officers are fully aware of this, and Members will also be aware that development is encouraged by the City Council in a general sense.

However, the NPPF also requires that retail development is directed to Centres. Both national and local policy require a "centre first" approach, and the NPPF directs unequivocally that "*Where an application fails to satisfy the sequential test... it should be refused.*"

This proposal does not accord with the specific Town Centre policies within the NPPF, and a policy comment that is in general support of development cannot over-ride a policy comment that specifically relates directly to the proposal.

Comments from O&H (the landowner and Hampton Master Developer)

Various reasons have been put forward as to why the Local Centre is not suitable, in a letter from O&H. These include the following comments from the landowner, O&H (Officer comments are in *italics*):

The local centre is not suitable for a large retail use, such as Aldi:

The application site is 0.7ha. The undeveloped Local Centre site is about 1.18ha. Officers have repeatedly offered to negotiate on the layout, perhaps allowing the car park outside the Local Centre boundary, but this offer has not been taken up by the applicant. The site on London Road includes areas of existing drainage ditch and landscaping buffer, which would not be required to the same extent in the Local Centre. Officers consider that there is ample space within the Local Centre site for the food store, its parking and servicing, with space remaining for other uses. The applicant has not shown willing to enter into any discussion on this point.

The June 2013 Development Brief which has been approved by PCC does not include a foodstore allocation:

The undeveloped part of the Local Centre is not within the Development Brief, so any comments about the Brief are irrelevant

The...Brief proposes that this area will be developed for other uses:

The undeveloped part of the Local Centre is not within the Development Brief.

The development proposed by Aldi [on the application site] does not reflect the approved Brief for the local centre and we would not support it in this location:

The undeveloped part of the Local Centre is not within the Development Brief, so any comments about the Brief are irrelevant

Neither this area nor the surrounding development built to date has been designed or provided with infrastructure with a retail use such as that proposed by Aldi in mind:

There is no justification given for this comment. The undeveloped Local Centre site has Serpentine Green to the north, community uses to the south, and O&H themselves have a planning application currently being considered, for a new road linking the Local Centre to Clayburn Road. Neither the applicant nor O&H has justified this "lack of infrastructure" comment. The application site has not been designed for this kind of use either, as among other considerations, the access junction is not suitable for HGVs.

The land adjoining the Town Square is not currently available and delivery will be subject to infrastructure ...agreements which prevents it coming forward at the present time:

The "Town Square" is referred to within the 2013 Brief, but it is not in the area covered by the Brief and is therefore only indicative. Again, no information has been provided as to the infrastructure argument, or why it is apparently possible for O&H to provide infrastructure to the London Road site, but not to the Local Centre. Neither the applicant nor the landowner has specified what they mean by "infrastructure" in this case.

It is O&H's intention that remaining local centre sites will not include a foodstore development: *The Local Centre is allocated; Centres should be a focus for retail development including foodstores. O&H have not justified their position.*

[Adjacent sites] TC10b, TC11 and TC12a are about to be marketed for residential use:

This would in no way affect the proposal

[Adjacent sites] TC2, TC3 and TC5 are being marketed for the uses allocated in the approved Brief:

These sites are not included in any approved Brief, and no information has been provided as to what the sites are being marketed for

O&H have reached an agreed position with Aldi in respect of the London Road site and support the proposal:

Aldi were advised at pre-application stage that development should be directed towards the Local Centre site. O&H have been aware of the Local Centre designation since at least 2012.

...O&H consider that the proposals are consistent with the approved development briefs objectives:

The application site is not within a Brief.

Other comments from the applicant

The applicant has set out a lengthy justification for their proposal on the application site, and reasons why the Local Centre is not suitable. Their comments include (again, Officer response is in *italics*):

The site is not allocated for a specific use

Policy specifically requires retail development to be directed to designated Centres.

The site is currently underutilised and is designated as a "future development site" in [the Brief]:

The application site is not explicitly included in any approved Brief. "Future development" is too general a term to be taken as indicating support for a proposal which is contrary to Policy

The principle of physical development is clearly supported

The application site is within the Urban Area Boundary, and the Hampton Urban Extension boundary. This does not outweigh the Policy presumption against retail development outside centres

Proposal will bring site back into beneficial use

There is no reason to prioritise use of this site over any other site, especially for a use which is contrary to specific Policies

Aldi require a third store in Peterborough

There is no planning objection to having an additional foodstore of this scale in the City, or in Hampton, but it should be in a location that is supported by Policy.

Development would provide jobs

This consideration is not specific to the application site. An Aldi in the Local Centre would also provide jobs.

The site has been identified as the only available and suitable site

The applicant has not demonstrated this.

Aldi must be able to achieve their key trading requirements

There is no evidence that this cannot be achieved within the Local Centre

The Local Centre is allocated in the Brief for community, office and residential uses

Not all of the Local Centre is included in the Brief. The parts that are included are allocated for community, office and residential uses. The police station, church and health centre are or will be provided on this part of the Local Centre site. There is a small part of the Local Centre behind the police station that is as yet undeveloped which is allocated for community/office/residential. The part of the Local Centre that is undeveloped, and which could accommodate the proposed development, is allocated as a Local Centre and nothing more specific.

Local Centre site is served off residential estate type roads

An application is currently being considered for a new, straight road linking London Road with the Local Centre site. This road is within the Brief. As the road has not yet been constructed, it would be much simpler to build a suitable access to Aldi off this road than have to consider substantial changes to the already constructed Brickburn Close.

The proposed use would be in keeping with the established character of the area, which contains substantial retail and commercial presence

This comment appears to relate to the gym and restaurants which are on a site about 120m away (as the crow flies; 500m by road) to the north. The gym and restaurants are not linked to the application site and there is no suggestion that they will be. The applicant has not mentioned the established character to the south and west, which is residential.

Other land uses have been proposed for the local centre including commercial, community, leisure, town square, and potentially a public transport interchange

It is not clear who has proposed these uses. The Town Square is only indicative, a public transport interchange is unlikely but, according to the Brief, would be dependent on the other uses within the Centre. This suggests that the interchange should not determine what else happens, rather it is the other way around. Community uses are already provided within the developed parts of the Local Centre, and at the new community school.

Development of a food store in the Local Centre site would prejudice wider benefits including those set out within various masterplan documents

The applicant has failed to demonstrate this. Officers are of the view that out-of-centre retail would be far more damaging.

The Local Centre site does not benefit from planning permission for a foodstore

Neither does the application site. However the Local Centre site does benefit from a policy presumption in favour of retail development, which the application site does not.

The Brief [suggests] "...an element of retail within the Local Centre, to ensure a good mix of uses...". This retail element should contain a mix of retail units, including newsagents, small independent shops etc that would be typical of such a location

There is space within the Local Centre for the proposed development and other small shops.

Public transport interchange is a long term aspiration and objective, which should not be prejudiced by directing a single foodstore to the [Local Centre site]

There is space within the Local Centre for an interchange, and the proposed development

It is not possible to draw direct comparisons between Bretton and Hampton [where there are a Sainsbury and an Aldi in close proximity]. Bretton is a separate catchment and the proposals for Hampton should be assessed on their own merits, including that Bretton does not form part of a planned urban extensions, as is the case with Hampton. The needs of the two areas are entirely separate including the long term infrastructure requirements needed for Hampton that might not have been a high priority at Bretton.

Officers are of the view that it is helpful to draw comparisons between Hampton and Bretton. Bretton is a township in its own right, like Hampton, and was planned with a District Centre, like Hampton. The Aldi in Bretton was, when permitted, in an edge of centre location, ideally located in respect of the existing Centre to support linked trips. The Bretton District Centre boundary has since been redrawn to include the Aldi.

If the area to the south of Serpentine Green was not allocated as a Local Centre, Officers would still support it as a suitable location for the proposed development as it would be edge of centre, which is sequentially preferable to an out of centre location.

The use of the Local Centre site for the proposed scale of development would not prejudice the

provision of required infrastructure.

Access

The applicant is proposing to use the existing access off London Road, which currently serves Haddon House. This junction was not designed for HGVs, and such a vehicle would not be able to manoeuvre through the access road without encroaching on the opposing lane of the carriageway.

The applicant has not provided tracking for the 16.5m articulated vehicle which, they say, would come to the store twice a day. They have provided tracking for a 10m vehicle, which shows that the access is very tight, and that the 10m vehicle has to cross the centre line. The applicant has proposed a planning condition that restricts deliveries by large vehicles to times outside shopping hours, in order to avoid conflict with shopper's vehicles.

However, the access also serves Haddon House, which is likely to generate traffic at any time. It is considered that the access is therefore not appropriate for the development. The applicant has not made any proposal to deal with this by carrying out any Highway works other than re-lining, which would give priority to those going to the store.

In contrast, the Local Centre site access could be designed to suit the specific requirements of the applicant.

The applicant is proposing a foot/cycle way access to link to that across the public open space behind the site, from Harn Road, so that pedestrian and cyclists do not have to use the main roads. This is not a level access. The public open space slopes steeply up towards the application site, and there is a staircase giving access, not a level path. This means it could not be used by cyclists, or wheelchair users, and it would be very awkward for people with pushchairs or mobility problems, especially in icy weather. The applicant has not given any indication that they would address this issue, or even acknowledged it as a barrier. This means that pedestrians and cyclists would have to come the long way round, up Clayburn Road, along London Road, and then cross the junction at Brickburn Close. Given the significant increase in traffic likely to be generated by a food store on this site, it is considered that this access would be a significant barrier to people travelling other than by car. The nearest bus stops are 560m away.

In contrast, the Local Centre site would be easily accessible on foot or by cycle from within the residential areas, or from Serpentine Green if people wished to shop at other places also. Any necessary footpaths could be designed to suit the use directly. The nearest bus stops to the Local Centre site are about 200m away.

The LHA has assessed the information provided by the applicant in respect of vehicle movements overall, and impact on local Highway capacity. While the information is not entirely accepted in terms of modelling data, it is accepted that traffic generated by the proposal would be unlikely to cause an issue in terms of congestion on the wider network.

Cycle Parking

Cycle parking spaces for shoppers are proposed, in front of the store. Under the adopted standard, 5 spaces would be required so this provision is acceptable.

There is no staff cycle parking shown. Under the adopted standard, 12 spaces would be required. Staff cycle parking has to be covered and secure, ideally in a non-public area. The applicant has indicated that all cycle parking spaces would be available to staff and customers, but this is not acceptable. Staff cycle parking has to be provided to a high standard, to encourage regular cycling.

Car Parking

Six spaces are shown for staff, in a corner of the site, and 89 for shoppers. Under the adopted standard, a maximum of 126 car parking spaces would be required.

The applicant has provided information to show that the total demand for parking spaces would rarely exceed 89 spaces. The LHA has assessed the information, and is of the view that the applicant's conclusion is based on inadequate data. In addition, there is very little queuing space for people waiting to enter the car park, and there would be a temptation for people to park on the access road.

The applicant has not carried out the requested surveys at the existing Stanground Aldi; they have explained that this would not be appropriate as the store is over-trading, and that currently there are only two Aldis in the city, if their proposal went ahead there would be three.

This argument is not accepted. Stanground is an expanding residential area, as is Hampton. It is possible that the proposed store would experience the same over-trading in the future – indeed, it is likely, given the proximity of the site to Hampton Hargate and Vale, to the allocated Hampton Leys site, to Yaxley and Hempsted. In addition, it is possible that, although the catchment is intended to be Hampton, some residents of Orton will choose to visit the new store instead of going to the Aldis at Stanground or Bretton.

One neighbour has commented that the existing Aldi store at Stanground has parking problems.

Given that the Local Centre site is adjacent to Serpentine Green, it is likely that shoppers visiting a discount food store in that location could link trips, also visiting Serpentine Green (as well as the Health Centre, church, etc) at the same time. This could affect the number of parking spaces required. The application site is not related to any other use that would generate linked trips, so there is no opportunity for the efficient or shared use of any parking facility.

Impact on nearby residents

The nearest residential property is Haddon House, to the south of the application site. This is a residential facility for persons with autism, and includes ground floor bedrooms with windows 3.5-4.5m from the site boundary, and 7-8m from the nearest proposed parking spaces. The application plans show a 1.8m close boarded boundary fence, however this slopes, and so is not in line with the windows.

The next-closest dwellings are to the south-west, with 70 Harn Road the closest. This property is 20m from the application site at the closest point, 32m from the closest parking space, and just over 80m from the store building. The application site is elevated from the adjacent public open space, and from the closest private dwellings. The separation distance is considered adequate, and currently there is some semi-mature planting between the site and the dwelling, which screens views. It might just be possible, if the planting was not there, for a person to stand in the store car park and look into the closest garden, but due to the presence of the planting this could not be checked. Any such views would be at a separation distance of 30m.

In order to address any possible overlooking it would, if consent was granted, be recommended to condition a planting scheme to the boundary of the site, to discourage people from standing right at the edge of the site. A solid, tall boundary treatment would not be appropriate along the full length of this side of the site, as it is at the top of an area of public open space where a solid boundary would give an unpleasantly dull appearance. A small amount of solid fencing, right in the corner to block views of the gardens, would be acceptable but might not be necessary. Were permission to be granted, this could be examined with more detailed sections and levels details, under a planning condition, and a small amount of fence erected if required.

The occupant of 64 Harn Road has objected on the grounds of overlooking and impact of floodlighting. Overlooking to this dwelling, which is at the far end of a terrace of 4, is not considered to be significant, and the impact of lighting to the store site could be controlled by careful consideration of a scheme, under a planning condition. Modern car park lighting can be carefully directed and controlled, to the extent that it would not adversely affect the residents. They would be able to see lighting, if they looked towards it, but that does not mean that the light would

necessarily spill onto their property.

Lighting can be controlled by a condition requiring compliance with a recognised standard. If Officers were recommending approval then this condition would be included in the recommendation.

Given the proximity of Haddon House, which has ground-floor bedrooms just a few metres from the site boundary, it is considered that, should consent be granted, a condition should be imposed controlling opening hours of the store. Officers consider that restricting opening to the applicant's proposed hours of 8am-10pm would be acceptable (shorter opening hours on Sunday would be controlled under the Sunday Trading laws).

The applicant has provided an Acoustic report, which considers impact on residents. The report has been assessed and is acceptable; it is demonstrated that a suitable acoustic environment could be secured. If consent was to be recommended, then a condition would be drafted to require further acoustic work, and mitigation measures implemented.

Design

The store is designed to a standard format. It would be single storey, about 61m long, 30m deep and 5.5m high, increase to 7m as the land slopes down at the north-west. The building would present one short end to London Road. This elevation would contain the "shop front". The wall would be largely glazed, presenting an active frontage to London Road. On the corner would be the entrance, and most of the south elevation, to the car park, would be blank to a height of 2.5m with a band of high-level glazing above. This wall would accommodate the cycle parking and trolley parking, and the disabled parking spaces would be directly adjacent.

The side elevation on the west would accommodate the loading bay. Although this side faces the adjacent public open space, there is a distance of 10-20m from the side of the building to the boundary. This space would accommodate a staff car parking area, a path linking the public open space to the store front, and some planting. With careful choice of planting, this area could be made active/interesting enough to mitigate for the blank wall to the loading bay.

The rear elevation would be largely blank, with service/fire doors and a couple of windows to the staff rooms. This backs on to the adjacent development site, so although this elevation would be visible from London Road in the short term, long term there would be development to the north.

The applicant, and others, have referred to "regeneration" and the site being "undeveloped", but these concepts do not have any relevance in this case. The site does not need regeneration any more than any other site in Hampton, and like many other nearby sites it is undeveloped – the building of Hampton is by no means finished yet, as the vacant parts of the Local Centre site bear witness.

Drainage

This site is governed by the Hampton Drainage Strategy. The applicant's proposal includes diversion of two Anglian Water sewers, one foul and one surface water, which currently run underneath the site of the proposed building.

Surface water in Hampton runs into a system of lakes, and the strategic drainage system is provided by the master developer. The applicant is proposing to use this, via the pipe system belonging to Anglian Water.

As the site includes a high percentage of impermeable area, the proposal includes some underground water storage. There is no objection to this, although the exact details would have to be agreed by condition.

Sustainability

The applicant has not proposed any site- or proposal-specific measures. They have referred to using durable materials, and to encouraging travel by foot and bus. The problems with non-car access are set out above.

It is always disappointing to have an applicant give no consideration to this important matter. In the absence of specific measures, it would be possible to secure an improvement over the Building Regulations by condition. As it is, the lack of any contribution to the City Council's Environment Capital aspiration has to form a reason for refusal.

Air Quality and Contamination

Reports have been provided and assessed. There are no significant matters arising, although were permission to be granted it would necessary to impose condition relating to remediation works and unsuspected contamination.

Section 106

The proposal gives rise to a requirement for a contribution under the Planning Obligations Implementation Scheme. The applicant has indicated that they would be willing to make this contribution, however no agreement has been entered into. This has to form a reason for refusal.

Other comments

Public support – in the public interest:

Public support is for an Aldi in Hampton. Officers have no objection to the proposal to have a discount food retailer within Hampton, but the applicant has not demonstrated that it should be allowed on the application site. Use of the Local Centre site would be better for residents, as it would be more closely related to other facilities and shops.

There have been no third party objections to the proposal

There have been three objections to the proposal, on traffic grounds and that the location is wrong

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

The application site is in an out-of-centre location, where retail development is not supported unless a Sequential Test has shown that there is no sequentially preferable (that is, in-centre or edge-of-centre) site available. The applicant has failed to demonstrate that there is no sequentially preferable site available. The proposal is therefore contrary to Policy CS15 of the Peterborough Core Strategy DPD, Policy PP9 of the Planning Policies DPD, and the relevant provisions of the National Planning Policy Framework, in particular paragraphs 23-27.

Brickburn Close is not designed to take Heavy Goods Vehicles. The manoeuvring of heavy goods vehicles to and from the site would have a detrimental impact on the safety of users of the adjoining public highway. The proposal is therefore contrary to Policy PP12 of the Peterborough Planning Policies DPD.

The number of parking spaces within the development is considered to be inadequate. This is likely to lead to parking in unsafe locations, and vehicles queuing back to the A15/Brickburn Road junction. This would be detrimental to the safety of users of the public highway and therefore contrary to Policy PP12 of the Peterborough Planning Policies DPD.

The development would not provide any suitable cycle parking facility for staff, which would discourage staff from travelling by sustainable modes. The proposal is therefore contrary to Policy PP13 of the Peterborough Planning Policies DPD.

The applicant has not proposed any contribution to the City Council's Environment Capital aspiration. The site is poorly connected to neighbouring residential areas for non-car travellers, which would discourage travel by sustainable modes. The proposal is therefore contrary to Policy CS10 of the Peterborough Core Strategy DPD.

The applicant has not made any contribution towards the infrastructure requirements arising from the development. The proposal is therefore contrary to Policy CS13 Peterborough Core Strategy DPD.

7 Recommendation

The Director of Growth and Regeneration recommends that planning permission is **REFUSED**