

Agenda Item 5.2

Planning and EP Committee

Application Ref:	17/00823/FUL
Proposal:	Construction of 7 x A1 (non-food bulky goods) retail units (total 16,027 sq. m GIA), 2 x A3 (restaurant/cafe) units (total 557 sq. m GIA), car parking, servicing, new vehicle access and off-site highway improvements
Site:	Former Parcel Force Site, Maskew Avenue, New England, Peterborough
Applicant:	c/o Agent FKG Limited
Agent:	Mrs Mary Davidson MDAssociates
Reason:	Departure
Site visit:	22.05.17; 01.12.2017 and 22.05.18
Case officer:	Mrs C Murphy
Telephone No.	01733 452287
E-Mail:	carry.murphy@peterborough.gov.uk
Recommendation:	GRANT subject to relevant conditions

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

The application site is located at Maskew Avenue, approximately 2.7 km north-west of Peterborough city centre. The site was previously occupied by a Royal Mail Parcel Force sorting and distribution centre and is a 'brownfield' site. The site is rectangular in shape and is 3.5 hectares (ha). The land itself is flat and level and appears to have been cleared of all buildings, although a large area of hard standing still exists. The site is overgrown vegetation and scrub. The boundaries of the site are planted with shrubs and there is fencing around the site perimeter.

The East Coast Mainline Line (ECML) railway corridor defines its south-west boundary. Maskew Avenue defines the opposite long boundary on the north-eastern side and provides access to the site from the nearby Bourges Boulevard (A15). This dual carriageway provides access south to Peterborough city centre and north towards the A47. A cycle/ pedestrian route running adjacent to Maskew Avenue links to the other areas of Peterborough including the city centre.

In general, this is a mixed retail and commercial area which has developed between the railway line and the A15. Along Maskew Avenue there are a number of relatively small commercial buildings. To the north of the site there is a corridor of existing retail development in the form of large format units. Abutting the northern boundary of the site is the Maskew Avenue Retail Park comprising B&Q, Matalan and Argos. Located further north is the Boulevard Retail Park with a number of other retail units including Furniture Village, DFS, Dunelms, Carpetright and Currys/ PC World.

To the south and west the land remains in industrial uses and redundant rail tracks, whilst to the east (on the opposite side of the Maskew Avenue / Bourges Boulevard roundabout) are residential properties within the New England area of the City. There is a block of 15no. 1 bedroom flats directly opposite the proposed entrance to the application site, known as Changemaker House. This was formerly an office space for a housing association / registered provider.

The site is allocated as a General Employment Area (GEA). In addition, the site is adjacent to a proposed Minerals and Waste Transport Zone and falls within a proposed Minerals and Waste Transport Safeguarding Area. The principles of Transport Zones and Transport Safeguarding

Areas have been established through the adopted Cambridgeshire and Peterborough Minerals and Waste Core Strategy (CPMWCS) Policy CS23, and are supported by the National Planning Policy Framework (NPPF).

The site is also an 'out of centre' location based on the definition contained within the National Planning Policy Framework (NPPF).

Full planning permission is sought for the construction of:

- 7 new A1 (non-food bulky goods) retail units, totally 16,027 square metres. Each unit will accommodate a mezzanine floor. The unit sizes and indicative goods categories are set out in Table 1 below.
- 2 A3 (restaurant/ café) units, totally 557 square metres.
- Car parking (536 spaces, including 33 disabled bays).
- 22 cycle parking stands with parking capacity for 44 bicycles to be located in various locations across the site.
- New signalised vehicle access at Maskew Avenue.
- Off-site highways improvements to the Bourges Boulevard/ Maskew Avenue Roundabout.

Table 1 – Class A1 Retail Element of the Scheme

Unit Number	Indicative Goods Category	Gross Internal Area (incl. Mezzanines)	Net Sales Area (incl. Mezzanines)
1	Furniture / Electricals	3,995	3,396
2	Furniture / Carpets	1,254	1,066
3	Furniture	2,415	2,053
4	Furniture	1,905	1,619
5	Furniture / Homeware	1,905	1,619
6	Furniture	2,044	1,737
7	Furniture / Homeware	2,509	2,133
Total	-	16,027	13,623

2 Planning History

Previously, outline planning permission was granted in 2012 (application details below) for a retail foodstore store of 6,912 sq. metres. This comprised of a net floor space of 2,884 sq. metre of convenience space and 1,922 sq. metres of comparison floor space, served by 490 parking spaces with associated access and servicing. The scheme also included a park and cycle facility with a small ancillary retail unit of 275 sq. metres. Although a reserved matters application was subsequently approved in 2015, the planning permission has not been implemented and since expired.

Reference	Proposal	Decision	Date
11/01321/OUT	Construction of new foodstore (A1) with car and cycle parking, recycling facilities, wind turbine, highway	Permitted	06/07/2012

improvements and park and cycle scheme including a non-food retail unit

15/00619/REM

Application for Reserved Matters for appearance, scale and landscaping pursuant to planning permission 11/01321/OUT

Permitted

24/04/2015

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 1 - Alternative uses for Allocated Employment Sites

Where there is no reasonable prospect of an employment use being implemented applications for alternative uses should be considered, having regard to market signals and the need to support sustainable local communities.

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 2 - Retail, Leisure and Office Development Outside Town Centres

Should be subject to an Impact Assessment on existing, committed and planning public/private investment in a centre(s) and on town centre vitality and viability. If there is no local threshold, 2,500 sq. m will apply. Proposals which would have an adverse impact should be refused.

Section 11 - Contamination

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Peterborough Core Strategy DPD (2011)

CS03 - Spatial Strategy for the Location of Employment Development

Provision will be made for between 213 and 243 hectares of employment land from April 2007 to March 2026 in accordance with the broad distribution set out in the policy.

CS04 - 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.

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.

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.

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.

CS22 - Flood Risk

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

Peterborough Site Allocations DPD (2012)

SA11 - General Employment Areas and Business Parks

Within the allocated General Employment Areas and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B8 within the GEAs, classes B1(a) and B1(b) within the Business Parks).

Peterborough City Centre DPD (2014)

PCC03A - City Core Policy Area (a) General principles

The Council will seek development of the highest quality which strengthens the area as the retail, leisure, tourism and civic focus for Peterborough and its sub-region. New development must: improve the quality of the public realm; protect important views of the Cathedral; preserve or enhance the heritage assets of the area; and protect and enhance existing retail areas. The Council will also support development which results in a net increase in dwellings, improved connectivity, employment, conservation of historic shop fronts and development which encourages trips into the city centre.

PCC03B - City Core Policy Area (b) North Westgate Opportunity Area

Planning permission will be granted for comprehensive mixed-use development including retail, housing, office and leisure. This must also include improvements to the connectivity with the railway station and be integrated with the existing retail area.

Individual proposals which would prejudice the comprehensive development of this area will not be permitted.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW23 - Sustainable Transport of Minerals and Waste

Sustainable transport of minerals and waste will be encouraged and new and enhanced facilities to enable this will be encouraged. Transport Zones and Transport Safeguarding Areas will be defined and designated in the Site Specific Proposals Plan. There will be a presumption against development which could prejudice a protected area for transport of minerals and/or waste.

Peterborough Planning Policies DPD (2012)

PP02 - Retail

Proposals for retail development will be determined in accordance with Policies CS4 and CS15 of the Peterborough Core Strategy DPD. Within Primary Retail Frontages, development within use classes A1 and A3 will, in principle, be acceptable.

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.

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.

Peterborough Local Plan 2016 to 2036 (Submission)

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

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

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

The policies can be used alongside adopted policies in the decision making process, especially

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

LP04 - Strategic Strategy for the Location of Employment, Skills and University Development

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions. Provision will be made for 76 hectares of employment land from April 2015 to March 2036. Mixed use developments will be encouraged particularly in the city, district and local centres.

LP06 - The City Centre - Overarching Strategy

Promotes the enhancement of the city centre. Major new retail, culture and leisure developments will be encouraged. It is promoted as a location for new residential development and as a location for employment development including mixed use. Improvements to the public realm will be promoted and the historic environment protected.

LP12 - Retail and Other Town Centre Uses

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

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development - permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards - permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP14 - Infrastructure

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

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP28 - Biodiversity and Geological Conservation

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and

geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP29 - Trees and Woodland

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

LP32 - Flood and Water Management

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

LP33 - Development on Land Affected by Contamination

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

LP45 - Employment Allocations

Identifies the sites to be developed primarily for development within use classes B1, B2 and B8.

4 Consultations/Representations

Natural England

No objection - NE has no comments to make on this application and the local planning authority should refer to standing advice to assess impacts on protected species.

Highways England

First response - Holding Direction issued, further assessment is required. HE has requested a technical note for the detailed TA for this site as it may have an impact on the A47 Trunk Road. The reason is to maintain the safety of the A47 Trunk Road and to consider further options as necessary to ensure safety on the road network.

Final response - Subsequent to the review of technical information requested, HE confirms no objection to the application and no conditions are required.

Peterborough Local Access Forum

No comments received

Cambridgeshire Fire & Rescue Service

No objection - adequate provision to be made for fire hydrants.

Anglian Water Services Ltd

No comments received

PCC Rights of Way Officer

No objection - No rights of way concerns.

PCC Peterborough Highways Services

No objection - The following comments have been provided:

Having reviewed the submitted Transport Assessment (TA) the proposed mitigation works to provide signals at the development access off Maskew Avenue and the nearby roundabout on Bourges Boulevard could be sufficient to address the traffic issues associated with the proposed development. The applicant has demonstrated by way of modelling the future scenario that the junctions would operate satisfactorily, however additional, unidentified works may be required as the design develops.

Recommends that these works are subject to a planning condition and that they are complete before the first use of any of the units on the development.

Further conditions are expected to cover the travel plan, cycle parking, sufficient turning space for service vehicles within the service yards and a construction management plan including operating hours during construction as well as delivery routes from the Parkway network.

PCC Pollution Team

No objections - The conclusions of the submitted contamination report are noted and accepted. Requests conditions for further submission of remediation scheme and subsequent verification of the implementation of such measures. Also requests conditions to be secured relating to noise and lighting levels.

Archaeological Officer

No objection - The proposed development site does not contain any heritage assets with statutory designation. The first and second editions of the Ordnance Survey (1886 and 1901) show the site as being occupied by the Great Northern Railway tracks, engine works and engine sheds. Potential archaeological remains are likely to have been severely truncated.

On the basis of the available information, the archaeological potential of the site is considered to be low. There is, therefore, no need to secure a programme of archaeological work.

Lead Local Drainage Authority

No objection - requests a planning condition requiring a detailed design and associated management and maintenance plan of surface water drainage for the site be approved; in order to ensure the principles of using sustainable drainage methods are incorporated into the proposal.

PCC Travel Choice

No objection - detailed comments have been provided on the content and timings for the submission of a full Travel Plan, to be secured via planning condition.

Peterborough Cycling Forum

PCF notes there are many positive aspects to the application, in particular the promotion of cycling in the Framework Travel Plan. There are, however, a number of simple amendments which would improve safety and convenience for cyclists, pedestrians and motorists, be of benefit to retailers and deliver cost savings for the developer. PCF requests implementation of a number of amendments, as detailed below, and so does not support the planning application in its present form.

1. Remove four crossings at the access junction, and replace them with a Tiger crossing to the north and central island to the south.
2. Remove the proposed bus stop and lay-by on Maskew Avenue.
3. Remove footpaths through the car parks.
4. Introduce speed limits within the site and along the length of Maskew Avenue.
5. Cycle parking should be as near as possible to the entrances of retail units and at least as

- close as the nearest car parking space.
6. Provide direct cycle access from Maskew Avenue East to the Bourges Boulevard subway.
 7. Road markings - a 'no stopping' hatching on the southbound carriageway of Maskew Avenue opposite should be introduced to the edge of the proposed Tiger crossing.

PCC Wildlife Officer

No objection - Requests the use of appropriate conditions in relation protected species as set as set out below. Subject to these recommendations being incorporated into the approved scheme the development would result in no net loss of biodiversity.

Reptiles: A population of Common Lizards has recently been recorded at this site and the ecology report considers that the site still provides good potential for supporting reptiles, with the southern area of the site. Requests that a full reptile survey is carried out and a mitigation strategy produced and submitted to the LPA prior to any site clearance or preparatory works taking place.

Bats: Recommends that, as per the ecology report, a range of bat roosting features/ boxes are incorporated into the new buildings to provide enhanced roosting opportunities, via a planning condition.

Nesting Birds: To mitigate for the loss of potential nesting habitat, a range of nesting boxes should be installed that cater for a number of different species such as House Sparrow, Starling & Swift. Details regarding numbers, designs and locations should be provided by the applicant which would be acceptable via a suitably worded condition.

Site design & landscaping: Disappointed to note that the soft landscaping plans propose the removal of the existing valuable scrub habitats which form the eastern and southern site boundaries and no justification appears to have been provided. Should this not be feasible, requests that the proposed native hedge is extended along the southern and eastern site boundaries to mitigate this loss of habitat.

Further comments received:

Notes the updated reptile survey which has been submitted (there is still a small population of common lizards present on site). Satisfied that the mitigation set out in the report may be conditioned. It is accepted that the scrub habitats are unable to be retained.

Environment Agency

No objection - This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee.

Minerals and Waste Officer (DC)

No objection - The proposal site is directly adjacent to the Bourges Boulevard Transport Safeguarding Area (TSA) (Minerals and Waste SSP DPD - T2B). TSA's have been identified around sustainable transport of minerals and waste facilities and there is a presumption against any development that could prejudice the existing use of the protected zone for the transport of minerals and / or waste (MW Core Strategy policy CS23).

The proposed site layout (appears to orientate the site such that members of the public visiting the development are unlikely to be affected. However any future occupants should be aware of potential noise and dust issues that may affect the rear of the buildings. Site T2B is the only Transport Safeguarding Area within the Peterborough area, and as such has a critical role to play in enabling the sustainable transport of minerals and waste to support future planned growth. The Bourges Boulevard TSA has its primary road / rail interface adjacent to the roundabout where Bourges Boulevard and Maskew Avenue meet, and any transport assessment should give due consideration to the potential impacts of high volumes of HCV movements in this vicinity.

Network Rail - Eastern

No objection - There are a number of requirements stipulated in order to protect the railway.

Police Architectural Liaison Officer (PALO)

No objection - The applicant has been in contact to assist with security measures and provided advice. In addition, consideration should be given for a condition in regards to external lighting with lux plans.

Local Residents/Interested Parties

Initial consultations: 25

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

Two representations from owners of retail sites have been received raising the following concerns:

- A rising trend of development of new out-of-centre retail parks and extensions to existing parks in Peterborough which is impacting the competitiveness of the city centre.
- The Peterborough Retail Study 2016 has concluded there is a lack of comparison goods expenditure capacity identified over the short-term. It also emphasises the need for the emerging in-centre schemes, such as North Westgate, to be safeguarded to ensure that they contribute to the vitality and viability of existing centres, rather than the identified capacity being met by less sequentially preferable edge or out of-centre opportunities.
- Criticise the approach taken in the sequential test, which dismisses the city centre's North Westgate development site as a sequentially preferable alternative based on its lack of 'suitability' and 'viability'. The site is available for development and the size of the site could accommodate the quantum of floorspace proposed and therefore an alternative scheme. The reasons given for discounting the North Westgate site are insufficient and fail to satisfy the sequential test.
- Concerned over the cumulative impact of out-of-centre retail sites on the vitality and viability of the site centre and planned investment in the future. The scheme will also create a new out-of-centre retail park, which will form a cluster of out-of-centre retail parks to the north of the City. This is likely to generate an increasing number of linked trips between these retail parks which may be attractive to shoppers rather than the city centre. The applications proposal is targeted at home ware retailers that would directly compete with retailers in the city centre.
- The planning application could impact on the North Westgate site coming forward which is a city centre site allocated for development in the statutory development plan.
- The application fails to accord with the adopted and emerging local or national planning policies with regards to the sequential and impact tests. It will have a significant adverse impact on the health of Peterborough city centre. It should be refused.
- Without comfort as to who the final occupier might be it is difficult to accurately assess the proposal's turnover and by implication its trade draw and impact upon the city centre.
- The proposal's speculative nature and lack of credible occupier demand calls into question its deliverability. Given the extensive list of occupiers already present in the area such occupation would be at the cost of existing, established retail locations.
- The assessed retail impact of the proposal raises serious concerns with regards to planned investment and development at North Westgate.
- Any vacancy remaining on the park would force the developer to seek similar relaxations to

proposed bulky sales of goods, which in turn will do little for investor confidence in the city centre or the complementary offer provided by existing retail parks.

- If the Council is minded to recommend approval we would request that careful consideration is given to the use of conditions to ensure the Council can control the nature of what is being proposed and to mitigate the impact of the proposal.
- All alleged benefits of the proposal will not outweigh the harm.
- Question whether the site's allocation as an employment location has been properly considered.

5 Assessment of the planning issues

The main considerations are set out under the headings below.

- Principle of retail development on site allocated for employment use
- Retail implications of the development
- Transport and Highways impact
- Impact on the Minerals and Waste Transport Safeguarding Area
- Design and layout
- Amenity including Neighbour Amenity
- Ecology and Landscape Implications
- Flood Risk and Drainage
- Potential for Contamination

Principle of retail development on site allocated for general employment use

Introduction

The former use of the application site was as a Royal Mail sorting/distribution centre. It is identified as a GEA within the Peterborough Site Allocations DPD under Policy SA11 - GEA1 Bourges. This allocation also extends to the south of the application site. It should be noted that whilst the application site is within the Bourges GEA, it is not identified as either a new allocation or an existing commitment.

Policy CS03 of the Peterborough Core Strategy DPD states that provision will be made for the development of between 213 and 243 hectares of employment land during the plan period up to 2026, including land already committed with planning permission. This includes a range of locations, types and sizes of employment land.

Under Policy SA11, GEA1 is considered suitable for a full range of employment uses: offices, research and development facilities, light and general industrial, and storage and distribution (i.e. Use Classes B1, B2 and B8).

Neither Policy CS03 nor Policy SA11 include specific criteria for assessing situations, where there is a proposal for non-employment uses on an allocated site.

The allocation of GEA1 Bourges is carried forward in the emerging new draft Peterborough Local Plan. Draft Policy LP04 seeks to safeguard loss of employment sites/ buildings to non-employment uses taking account using a criteria based approach, including whether the loss of land or buildings would adversely affect the economic growth and employment opportunities. As explained above, the emerging Local Plan is also of relevance and Policy LP04 does carry some weight alongside adopted policies in the decision-making process.

Employment Land Supply

The quantum and quality of available employment land is an important consideration. As previously explained Policy CS03 of the Core Strategy makes provision for some 200 hectares of employment land during the current plan period up to 2026.

The job growth target for the emerging new Peterborough Local Plan is 17,600 jobs between 2015 and 2036, distributed across different sectors, with approximately 55% of the jobs estimated to be accommodated on employment land (B Use Classes) while the remaining 45% would be in shops, education, health facilities etc. (non B Use Classes).

Peterborough Employment Evidence Report (August 2017) translates the B Use Classes job requirement (9,669 jobs out of a total of 17,600 jobs) into a need for the 76 hectares. In addition to draft Policy LP04, a number of new employment sites are identified including of a strategic scale and on the periphery of the urban area to meet the above target (draft Policies LP12, LP43 and LP45). Other allocations within the city centre for B1 office space are also made.

The total amount of allocations made in the new draft Local Plan is some 160 hectares which is more than sufficient to meet the forecast job needs, providing some flexibility to allow for losses and choice etc. There is, therefore, no overall shortage of employment land.

The application site may be considered as being well located and benefits from rail road, cycle and footpath access and is close by to a relatively high density residential area. There are both local and district retail centres in close proximity. As such, the site does offer some potential opportunity for local employment generation.

Whilst the site forms part of a wider allocation of land for employment purposes, the site itself is 3.5 ha in size and in light of the above provision being made would not represent a significant loss on terms of supply. It would also not prejudice the rest of the Bourges employment allocation from being brought forward if it were developed for retail use.

The site has remained vacant for over twelve years and needs to be considered against the established planning policies of locating significant new employment on the periphery of the City.

Apart from the food-store permission, no other proposals are known to have been forthcoming for this long-standing vacant site. The scheme will also bring a brownfield site back into active use. There will be some economic benefit of the development including jobs at the operation and construction stages.

Furthermore, the NPPF (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land and or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

As previously accepted the loss of the land to retail use would therefore not be detrimental to the supply of employment land. In respect of providing enough available sites to meet future employment growth, the proposals are not considered to prejudice the long term aspirations within the emerging Local Plan.

In conclusion, having considered relevant national and local planning policies, it is Officer's view that the release of the site from employment use can be justified.

Compatibility with other uses in the General Employment Area

As stated above, the application site is located within a GEA.

Further comment on the compatibility of the adjacent Minerals and Waste Transport Safeguarding Area is provided under the Transport and Highways Impact Section – see below.

The application proposal will clearly be compatible with the neighbouring retail uses to the north. It is considered that the use of a series of non-food retail bulky goods units will not give rise to any issues of compatibility given the close relationship with other retail premises and the nature of the employment uses or other sites to the south in the remainder of the GEA. It is therefore concluded that the proposed use would be compatible with adjacent uses.

Retail Implications of the Development

Introduction – national and local retail planning policies

Retailing in Peterborough takes place within a hierarchy of centres (city centre, district and local centres), which have been developed to meet the shopping needs of the residents of the City and wider sub-region. As this site is not located within a designated retail area, it is considered to be in an out of centre retail location, in accordance with this retail hierarchy.

The NPPF provides specific content that retail development outside centres is only acceptable, based on the following:

- There are no other available/ suitable sites for the use in or closer to the city centre/ or other existing centres (referred to as the 'sequential test', paragraph 24 of the NPPF); and
- There would be no significant adverse retail impact (paragraphs 26 of the NPPF).

Paragraph 27 of the NPPF states that where an application fails to satisfy the sequential tests or is likely to have significant adverse impact on one of more of the above factors it should be refused. National Planning Practice Guidance (March 2014) provides a 'checklist' for the application of the sequential test in decision taking. The NPPG indicates in assessing prospective alternative sites, both applicants and local planning authorities are required to demonstrate flexibility on issues such as format and scale.

Policy CS15 of the Peterborough Core Strategy identifies Peterborough city centre as occupying the top position within the local retail hierarchy and prioritises its regeneration as part of the wider on-going retail strategy for the City. District centres are identified as Bretton, Hampton, Millfield, Orton and Werrington, and of these Millfield, Orton and Werrington are regarded as the main priorities for regeneration. A considerable number of lower level 'local centres' are also identified.

Both Policy CS15 and Policy PP09 of the Planning Policies DPD set out the policy tests which will be applied to proposals for main town centre uses. A sequential approach to site selection will need to be applied to all retail schemes outside existing centres, with in-centre opportunities prioritised, followed by edge and then out-of-centre locations. There is also a requirement that a retail impact assessment (RIA) is undertaken for all retail or leisure development which would result in an increase of over 2,500 sq. floorspace, and which would not be located within an existing centre.

Both policies identify the sequence of appropriate locations before an out-of-centre location can be considered for retail development. The sequence is city centre sites, district centre sites, local centre sites and out of centre sites in locations that are accessible by a choice of means of transport.

These policies advise that applications for retail development outside existing centres should be refused unless it can be demonstrated that the proposal would comply with the sequential approach which will be used to confirm that there are no sites available higher in the retail hierarchy.

Such policies are thus fully consistent with the NPPF (Paragraphs 24, 26 and 27), as set out above, and should therefore be given full weight in the development management process.

This policy stance is continued in the emerging new Peterborough Local Plan under Policy LP12, with requirements for a sequential test and impact assessment for such retail proposals.

The latest Peterborough Retail Study (2016) undertaken by White Young and Green (WYG) as evidence base for the Local Plan indicates there is currently no capacity for any further comparison goods floorspace up to 2026. However, there is likely to be some need beyond this date, although this is to be treated with caution as long term retail growth expenditure forecasts beyond a 10 year period is very difficult to accurately forecast. The Local Plan, however, does clarify that despite the 'non capacity' conclusion set out in this study, the Council will support appropriate retail proposals coming forward although this is likely to be only within the designated centres. Further comment on this aspect is provided below.

Policy CS04 of the Core Strategy relates to Peterborough city centre, it states that the centre will be developed and promoted to maintain its position as a centre of regional significance. The policy continues that the expansion of retail floorspace, in particular for comparison goods, will be encouraged in accordance with appropriate capacity forecasts and that particular priority will be given to retail expansion in the early years in the North Westgate area.

The policy explains that in order to enhance the role of Peterborough city centre as a key regional centre, all major comparison goods retail proposals will be directed to its Primary Shopping Area as a first preference and that sites to accommodate major retail development in this general location will be identified through the City Centre Plan. Planning permission will only be granted for comparison goods retail development elsewhere where it can be demonstrated that it would:

- Satisfy sequential assessment requirements;
- Not have an adverse impact on the city centre; and,
- Not conflict with proposals in any Council plans or strategies for expanding the city centre retail offer.

The City Centre Plan DPD (2014) sets out the Council's long-term vision and objectives for Peterborough city centre, including the policies and proposals that will help direct how new development and regeneration will be achieved. It forms part of the Council's statutory development plan and sits alongside the Core Strategy and Planning Policies DPD. Policy CC3 is relevant to this case. It deals with the City Core Policy Area, and allocates sites which will, amongst other things, strengthen the city in terms of its retail, leisure, tourism and civic focus. Of particular relevance to this planning appraisal is site reference CC3.5, North Westgate, which is a broadly rectangular 'in-centre' mixed-use development allocation extending to some 3.4ha in total. The policy also states individual proposals which would prejudice the comprehensive redevelopment of this opportunity area will not be permitted.

The applicant has undertaken both a sequential test to site selection and a RIA and both of these have been independently reviewed by the Council's City Council's retail consultant WYG. Due to the nature of the retail representations received, WYG have also have also examined these in more detail, in order to give them due consideration including whether they would alter the conclusions and recommendations of the advice. The following summary of findings for both the sequential approach and impact assessment are set out below.

Sequential Approach

The applicant's sequential site assessment has been undertaken by MDAAssociates (MDA) and uses a conventional approach whereby the scale and form of development is defined (and flexibility explored), the area of search identified, and finally sites within requisite centres examined. A full breakdown of the applicant's assessment can be found in the Planning Statement

(Section 5 and Appendix 4).

WYG are in agreement that flexibility has been demonstrated by the applicant in applying the sequential approach, in line with the requirements of national policy. This includes a hypothetical smaller site area of 2.5 ha to reflect such flexibility in format and/or scale of the proposal.

A city-wide catchment area has been adopted in view of the fact that a retail park of this scale will draw trade from an extensive area. Whilst the submitted RIA shows that some 26% of the scheme's trade will be drawn from beyond Peterborough's administrative area, the catchment adopted is considered robust for the purposes of applying the sequential test.

In terms of the centres to be assessed, the assessment has encompassed Peterborough city centre as well as the Authority's five defined district centres of Werrington, Millfield, Orton, Bretton and Hampton (Serpentine Green). This appears to be a logical approach, given that the scale and form of development proposed would evidently be of an appropriate in size as well as role and function to sit alongside one of the defined Local Centres.

WYG has commented on some shortcomings of the depth of the analysis presented for the Werrington, Millfield and Bretton district centres having not reported in detail that there are no sites available. However, given WYG's knowledge of the retail position in Peterborough, they are confident that there are no suitable and viable sites in these centres at the present time.

The two other district centres which have been reviewed include the shopping centres of Ortongate at Orton and Serpentine Green at Hampton. Both centres have had recent investment. MDA has concluded for various individual reasons that there are no sequentially preferable sites within or the edge of these centres. WYG accept this position.

Lastly, within Peterborough city centre the sequential analysis is limited to the North Westgate Opportunity Area. Although this site has outline planning permission for a comprehensive scheme including retail, it has been dismissed due to being considered unavailable as well as not being suitable in scale and form of the development proposed. It is considered to only encompass approximately 2.5ha of developable land with the remaining parcels excluded from the application site for ownership reasons.

WYG largely agree with the conclusions reached for North Westgate, bearing in mind that the application scheme is proposed to be restricted solely to the sale of bulky comparison goods. Even allowing for a flexible approach of site size reduced to 2.5 ha, it would be unrealistic to expect retailers to trade viably considering the products involved and the given the size and shape constraints at North Westgate. It is likely to mean that parking is limited and commercial development could involve multi-level retail blocks. It is also acknowledged that the site ownership position is complex and this may have implications for land assembly and scheme delivery. This needs to be balanced against the fact that the Maskew Avenue site is cleared and seemingly ready for redevelopment within a relatively short space of time. Accordingly, WYG's conclusion is also that the North Westgate site is not available to accommodate the development proposals within a realistic timeframe, bearing in mind the position on the application site.

It should be noted, however, that this view would not be held if the application scheme was for an unrestricted form of Class A1 retail floorspace. This is dealt with further under the further parts of this section of the report.

In summary, on the balance of the evidence available and noting recent Judgments and appeal precedents in respect of the application of the sequential test, WYG accepts the findings of the applicant's sequential test. That being there are no suitable and available alternative sites within Peterborough city centre or Werrington, Millfield, Orton, Bretton or Hampton district centres available to host the proposed development. On this advice, Officers are also of the view that the proposal accords with the requirements of the sequential test set out at paragraph 24 of the NPPF, Policy CS15 of the Core Strategy DPD and Policy PP09 of the Planning Policies DPD.

Retail Impact

The scheme's impact on trade and turnover (including vitality and viability) is considered as part of the supporting RIA undertaken by Nexus. The methodology underpinning the RIA was largely agreed with the applicant's agent at pre-application stage with input from WYG. The RIA draws on data from the 2016 Peterborough Retail Study. An indicative line up of possible end users has been provided in the furniture/ furnishings/ home ware/ carpets/ electrical categories. In line with the advice in the NPPF a 5 year time horizon is used i.e. a hypothetical test year of 2022.

a) Impact on Trade and Turnover

The scheme's base year comparison goods turnover (at 2017) is estimated to be £50.2m. Whilst WYG agree with this base year figure, they do disagree with the scheme's turnover of £51.5m in the test year of 2022 and consider a more robust assumption for the retail park's turnover would be £55.5m. Nexus assume that some 77% (£36.6m in 2022) of the scheme's trade will be drawn from those residing in Zones 1 to 8 of their defined catchment area and being broadly reflective of the administrative area of Peterborough.

WYG are of the view that a more accurate trade draw pattern to adopt would be 80% from those residing in zones 1 to 7. WYG sensitivity testing of this using an anticipated turnover of £55.5m, meaning that £44.4m will be drawn from the Peterborough area, with the remaining £11.1m (20%) from beyond.

In terms of trade diversion assumptions, Nexus calculated the amount that would be diverted across the study area which is calculated at only 13.8%, equating to £7.1m in 2022 (their figures). However, more than five times as much (£9.5m or 76.5% of scheme turnover) has been assumed to be diverted from facilities along Lincoln Road/ Bourges Boulevard corridor.

Whilst it is accepted by WYG that the proposed retail park's proximity to the adjacent corridor of the large bulky goods retail units will mean that they are likely to suffer most as a consequence of the development, it must be borne in mind that Peterborough city centre is the dominant destination across the study area as a whole in terms of furniture, electrical and household goods purchases. It is equally accepted that within central Peterborough (zones 1 to 5), from which some 60% of the scheme's trade will be drawn (Nexus figures), the attraction of city centre shops and freestanding stores on Lincoln Road/ Bourges Boulevard corridor for the purchase of such goods is more comparable. This again suggests that the scheme's level of diversion from the city centre should at the very least be comparable with that from the Lincoln Road/ Bourges Boulevard corridor, even adopting a conservative approach.

WYG has examined the consequences for this using their sensitivity testing, but concluded that this would still be within the realms of acceptability. This figure is likely to be closer to £14m (25% of the park's total turnover) in the test on 2022. This would be at the expense of some of the anticipated diversion from stores along the Lincoln Road/ Bourges Boulevard corridor, from which WYG believe that a realistic maximum of 50% (£28m) of the scheme's trade would be taken. The remainder of the development's trade would largely be diverted in a dispersed manner from Peterborough's district centres and other out-of-centre retail facilities.

The applicant is also required to consider the solus or site specific trading impact of the proposed retail park development. The RIA uses a base of an anticipated trade diversion of -£7.1m from Peterborough city centre and a comparison goods impact of -£1.2m in the test year. Using WYG's sensitivity assessment this would suggest the solus comparison goods impact of the scheme could be higher, at -2.3% in 2022.

With regards to the solus impacts on the other defined centres in Peterborough, less than 1% of comparison goods turnover is anticipated to be lost from Bretton, Hampton, Orton and Werrington.

Whilst the impact from Millfield is higher (-6.9%), this is considered as a consequence of having less comparison goods turnover.

Turning to cumulative retail impacts, Nexus identify four commitments comprising a combined 8,648 sq.m of comparison goods floorspace at Boulevard Retail Park, Peterborough Garden Park, Serpentine Green Shopping Centre, and the North Westgate Development Area. These would have a combined comparison goods turnover of £34.4m in 2022. The results show that whilst commitments would divert some £14m of comparison goods expenditure from city centre shops (2022), this would be largely offset by the introduction of the mixed-use North Westgate scheme (+12.3m turnover), which in itself would be as an in-centre development and thus capable of contributing to the city centre's overall turnover. Accordingly, Nexus estimate a cumulative comparison goods diversion of £8.8m, which equates to a cumulative diversion of -£15.7m and a cumulative impact on the city centre of -2.6% in 2022. WYG have also applied this to their sensitivity figure and this equates to a cumulative diversion of -£15.7m and a cumulative impact on the city centre of -2.6% in 2022.

Finally, it is relevant to consider a 'worst case' scenario whereby the application proposal and most commitments come forward but the North Westgate scheme does not. In this case the city centre would not benefit from the positive effects of its turnover being uplifted to partly offset other trading impacts. The cumulative diversion would increase to £21.8m and cumulative impact to -3.5% in the test year of 2022.

WYG's advice is that the city centre would be capable of withstanding cumulative impacts in the identified range without giving rise to a 'significant adverse' impact upon its long term trade and turnover or vitality and viability. However, given that the 2016 Retail Study found the city centre's comparison goods market share to have declined notably in recent years and this remains critical to the health of the city centre, there is a need for there to be strong controls over the way that this large quantum of out-of-centre retail floorspace can trade. Without such a restriction it is WYG view that there is strong quantum of comparison goods floorspace proposed resulting in a significant adverse impact upon Peterborough city centre with there being a greater potential for overlap and consequential diversion of trade.

With regards to cumulative effects of the scheme and other commitments on Peterborough's district centres, Nexus assumed impacts on Orton (0.4%) and Bretton (3.9%) are not regarded as a cause for concern. Hampton's turnover is expected to increase by the test year of 2022 due to recent planned extensions at Serpentine Green representing 'in-centre' development. Impacts on the comparison goods turnover of Millfield and Werrington are notably higher, with Millfield anticipated to suffer a cumulative retail impact of -21% and Werrington of -42%. In both cases this anticipated trade loss is a consequence of those schemes that have already been granted planning permission.

Accordingly, the application scheme will make little difference to the future trading effects on these centres, should other commitments be realised. Both Millfield and Werrington have a strong convenience retail offer which would be unaffected by the comparison goods commitments identified. WYG conclude that, subject to appropriate restrictions, the scale and form of comparison goods floorspace proposed will not give rise to any 'significant adverse' impacts upon Peterborough's district centres and no direct policy conflict is envisaged.

b) Impact on Investment

The potential impact on existing, planned or committed investment decisions within defined centres in the proposals' catchment has also been assessed.

There are a number of consented schemes which have been referenced in the RIA including at North Westgate and Hampton. Whilst these in-centre schemes comprise comparison good retail floorspace this is targeted at the high-street retailer (clothes and footwear), as opposed to the bulky

goods operators as sought for the application scheme. WYG are of the view that as long as trading restrictions are put in place on the proposed retail park, this should not compete for the same market opportunities as committed in-centre floorspace.

In conclusion, the Council's retail consultant is satisfied that the proposed development would not have a significant adverse impact on any existing, planned or committed investment decisions within any of Peterborough's defined centres.

Conclusion on Retail Implications of the Development

The application for retail development is an out-of-centre location, where planning permission for retail development and other town centre uses is only granted in particular circumstances.

Based on the submitted information by the applicant's consultants and advice provided by WYG, Officers are in agreement that there are no sequentially preferable sites which are currently available and could accommodate the proposed development.

Officers also consider this out of centre site is suitably connected by a range of public transport means, as further demonstrated under the 'Transport and Highways Impact' section below and subject to the matters set out being satisfactorily addressed.

On the advice from the Council's retail consultant, Officers are also satisfied that the first part of the national impact policy test and would not have a significant adverse impact on existing, planned or committed investment decisions including within the North Westgate Development Area.

In terms of the impact test concerning trade draw, impact and the vitality and viability of existing centres; it is considered highly unlikely that the scheme, in conjunction with committed floorspace, would result in significant adverse impact upon Orton, Bretton and Hampton district centres. For Millfield and Werrington, whilst anticipated trade loss is higher, this is a consequence of other consented schemes rather than the application proposal. With regards Peterborough City Centre, it has been concluded providing adequate restrictions are imposed to ensure that the retail floorspace is limited to bulky comparison goods occupiers, then a significant adverse impact is not envisaged on the centre's comparison goods sector.

Accordingly, subject to the imposition of appropriate restrictions to the sale of bulky comparison goods only, the application proposals would be capable of demonstrating compliance with the relevant requirements, as set out at paragraphs 24 and 26 of the NPPF, Policy CS15 of the Core Strategy DPD, and Policy PP9 of the Planning Policies DPD.

Transport and Highways Impact

Impact on the highway network, including A47 Truck Road

A Transport Assessment (TA) supports the application. The Local Highways Authority (LHA) has assessed the information within it. The LHA has also raised no objection. The access is considered to be acceptable to accommodate HGV and cars, subject to the measures detailed below.

Highways England has also been consulted on the application due to the fact that the A47 Truck Road is in close proximity to the site and is now satisfied with the model and information provided and raises no objection in principle.

It is, therefore, considered the proposal would not adversely impact on the capacity of the adjoining strategic highway network, including the A47 Truck Road.

The applicant proposes to signalise the site access off Maskew Avenue and the nearby junction of Maskew Avenue with the A15 Bourges Boulevard. The LHA is satisfied that, subject to further detailed design to be secured via planning condition, the proposed mitigation works would be sufficient to address the traffic issues associated with the proposed development. The condition requires that the works are complete before the first use of any of the units on the development.

At this stage, the applicant has demonstrated by way of modelling the future scenario that the junctions would operate satisfactorily, however additional, unidentified works may be required as the design develops. This is largely due to the small size of the roundabout being signalised.

The Stage 1 Road Safety Audit (RSA1) submitted in the TA identifies a number of problems but these are of a nature which can be addressed at the detailed design stage, so long as the aforementioned planning condition is worded so that changes resultant from subsequent Road Safety Audits are incorporated, hence the need to allow flexibility, for technical or road safety reasons. For example, the impact of stopped traffic on the circulatory carriageway impeding the ability of other vehicles from exiting the roundabout onto Bourges Boulevard south and north. This is due to the small size of the roundabout being signalised.

To expand on this point further reference is made to technical document TD50/04 of the Design Manual for Roads and Bridges within which it is stated that approach lanes less than 15m in length may result in the blockage of the exit arm of a roundabout, particularly where large goods vehicles are present. It is by no means certain at this stage that the short approaches evident at this roundabout would be acceptable and as such the scope of works to be controlled by condition may have to increase when these factors are taken into consideration, for example by introducing full signalisation of the roundabout to control traffic movements more specifically rather than having uncontrolled approaches as proposed.

The approach to the roundabout from Maskew Avenue east (i.e. the Lincoln Road side) is proposed to have an extra lane added just after it passes over the underpass. It is not certain that this would be possible without reducing the lane widths below the acceptable minimum. This is true for all three lanes. Consideration should be given to the potential widening of this approach so that sufficient flare length is allowed for with the understanding that this may require works to the structure above the underpass.

The signal design and control regime will naturally need to be approved by the LHA as part of the aforementioned discharge of planning conditions. The LHA also reserves the right to request micro-simulation of the proposed traffic signals design to optimise the operation of the mitigation scheme.

Accessibility of the site by non-car modes

It is expected that pedestrians and cyclists will arrive using the existing foot/cycle path entering Maskew Ave on the east side via the subway under Bourges Boulevard. The scheme has been designed to include pedestrian and cycle connections and access to the site and other Maskew Ave amenities. New at-grade crossings are proposed as well as a small extension of the existing path to better serve predicted desire lines. Cycle parking is also to be provided across the site for both staff and customers.

It was originally proposed to introduce a specific bus stop on the west side of Maskew Avenue and south of the main site access to create a better accessing bus services. During the course of the application it has come to light that the bus route (Service 408) has ceased running along Maskew Avenue past the site. This point of clarification has also been raised by the Peterborough Cycle Forum in their consultation response.

This facility has now been deleted from being shown on the proposed site layout plan. An alternative bus service is available about 300 metres walk away from the site on Lincoln Rd. The route provides a public transport link to the city centre and to locations further afield.

In response to the other suggestions for improvements made by the Peterborough Cycle Forum these are noted and where applicable will be able to be considered further at the detailed design stage of the scheme.

A framework Travel Plan has been submitted with the application and a full Travel Plan will be secured by condition, to encourage the use of non-car modes of travel especially by employees.

Conclusion

It is considered that in the main, the site is capable of being accessible by a choice of means of transport and is compliant with Policy CS14 of the Peterborough Core Strategy and Policies PP12 and PP13 of the Planning Policies DPD.

In addition to those referred to above, conditions are required to cover appropriate levels of vehicle and cycle parking; sufficient turning space for service vehicles within the service yards; and a construction management plan (CMP), to include operating hours during construction as well as delivery routes from the Parkway network.

Impact on the Minerals and Waste Transport Safeguarding Area

The site is adjacent to the Bourges Boulevard Transport Safeguarding Area (TSA)/ TSA's are identified around the sustainable transport of minerals and waste facilities and there is a presumption against any development that could prejudice the existing use of the protected zone for transport of minerals and/ or waste.

Officers are satisfied that given that the proposed site layout will mean that members of the public visiting the development are unlikely to be affected. However, any future occupants should be aware of potential noise and dust issues that may arise and affect the rear of the buildings.

Design and Layout

The Design and Access Statement describe the key concept of the proposals. The primary driver of the proposed site layout is the position of the site access. Similar to adjoining development the buildings are arranged at the rear of the site against the railway line, which forms a distinct physical boundary. The buildings face toward Maskew Avenue with customer parking between.

The site access road also runs through the site to provide the service access to allow delivery vehicles through to a rear yard and service road. This creates a division of the site into two areas. The northern part has been laid out with a stand-alone retail warehouse unit and two linked A3 food/beverage units. The larger part of the site to the south provides for the majority of the retail floorspace. The main building running along the railway boundary is arranged as a continuous terrace. At the southern end of the site, the built form is returned as a single large unity acting as a stop-end to the site. This unit is intended to provide for an anchor tenant.

The parking area is laid out perpendicular to the main terrace and includes a number of pedestrian walkways or combined cycle/ footway, running from the footpath on Maskew Avenue to the retail frontage. There are also other footway connections linking the different parts of the site to one another.

It is considered that the proposed floor space can be accommodated on the site. The height, scale and design of the proposed units are not considered to harm the character of the area. This also reflects the proportion, scale and massing of other large floorplate retailers on Maskew Avenue. For example, the buildings on the wider site are retail warehouses of around 9 to 10 metres in height. It would therefore not be incongruous or at odds with the character of the locality.

Each unit will have its own customer entrance. In the proposed scheme, the front elevation treatments of the units are intended to have some variety, involving the use of modern detailing and materials including glazed facades, in order to avoid a 'monolithic' or repetitive appearance and make a more attractive appearance and retail offer.

A condition shall be appended stipulating further details of the external materials of the buildings, to be submitted and agreed by the local planning authority.

There will be opportunities around the built form to provide for some purposeful public realm and landscaping, as set out below under 'Ecology and Landscape Implications'.

With such a proposal it will be important to incorporate appropriate crime prevention and community safety measures, to be secured by planning condition. The Police Crime Prevention Team has provided some practical advice to enhance the level of security.

Subject to the conditions mentioned above, the proposal would accord with Policies CS16 of the Peterborough Core Strategy DPD and PP02 of the Peterborough Policies DPD.

Amenity (including neighbour amenity)

The proposal is not expected to have any detrimental effect on neighbouring properties and there have been no objections to the application from such. With the exception of Changemaker House which is located directly opposite the site, residential properties are located some distance away.

Given the existing commercial nature of the immediate surrounding area, it is considered that amenity of the residents of Changemaker House will not be compromised further. There is adequate separation distances between the flat block and the proposed retail units. However, conditions will be stipulated requiring appropriate levels of background noise and lighting that may impact on those nearby, including residents. The requirement for a CMP (construction management plan) will also negate potential issues which may arise during the construction stage of the development.

Details of the mechanical ventilation and extraction for the restaurant/ café units have not been submitted as part of this application, therefore in the interest of protecting amenity these details shall be secured by planning condition.

Because of the close proximity to East Coast Main Line and operational railway line and property, Network Rail has raised a number of requirements to maintain the safety, operational needs and integrity of the railway. It will be the applicant's responsibility to ensure these are complied with. An informative will be added drawing the applicant's attention to Network Rail's response.

Subject to the conditions specified above, the proposals are considered to comply with Policy CS16 of the Peterborough Core Strategy and Policies PP02 and PP03 of the Peterborough Planning Policies DPD.

Ecology and Landscape Implications

In terms of biodiversity, it is acknowledged that the development of the site would result in the removal of vegetation which may support such wildlife habitats. The application is accompanied by an extended Phase 1 Habitat Survey as well as an updated reptile survey report. The latter confirms that the area provides suitable habitat for reptiles with a small population of Common Lizard within the south-western area of the site.

In order to mitigate for the loss of suitable habitat present and to provide an on-going enhancement for reptiles, a hibernaculum will be established in an area of rough grassland and scrub on the site boundary adjacent to the railway line. The authority's Wildlife Officer is satisfied with the proposed mitigation which will be required via a planning condition for carrying out site clearance in the identified areas under ecological supervision and only during the reptile active season. Provision of nesting bird and bat boxes will also be secured by condition.

Subject to the imposition of conditions as set out above, it is considered that the proposal would accord with Policy CS21 of the Peterborough Core Strategy DPD and Policy PP16 of the Peterborough Planning Policies DPD.

Given the scale of development proposed on site a high quality landscape scheme is required to incorporate tree planting and good quality hard landscaping especially of the pedestrian walkways and areas immediately to the front of the shops.

Preliminary soft landscape proposals have been submitted with the application. The scheme will provide turf and ground cover shrubs at the frontage to the site adjoining Maskew Avenue intended to enhance the streetscape and soft landscaping is provided by two rows of semi-mature specimen trees within the car parking area to provide shading and a green presence. In addition, a mix of shrubs and decorative plants will be provided in defined areas of raised planters along the retail frontages and a garden area alongside Unit 9 to interface with the outside seating area of the restaurant.

A planning condition will be appended requiring further details of the hard and soft to be submitted and approved by the local planning authority to ensure that the tree and other planting of an appropriate scale and species takes place. It is considered, therefore, that the replacement landscaping and tree planting are acceptable in principle and in accordance with Policy PP16 of the Peterborough Planning Policies DPD.

Flood risk and Drainage

The site is located within Flood Zone 1 where there is a low probability of flooding, as defined by the Environment Agency Flood Risk Map. A flood risk assessment accompanies the application which concludes that all sources of flooding have been assessed and represent a negligible or low risk at the site. No specific flood mitigation is required to protect the site from flood sources.

Methods for dealing with surface water drainage employing sustainable drainage methods will be conditioned to ensure that drainage is properly addressed.

The proposal would not, therefore, result in any adverse impact of flooding outside the site and accords with Policy CS22 of the Peterborough Core Strategy DPD.

Potential for Contamination

Given the historic use of the site and surrounding uses, it is likely that contaminants are present within the soil. This is confirmed in the submitted preliminary report which has identified certain hotspots of contamination. To ensure that no risk to human health it is necessary to impose condition requiring further survey of the site and provision of suitable remediation scheme. Subject to adequate remediation, the proposal is considered to be in accordance with Policy PP20 of the Peterborough Planning Policies DPD and paragraphs 120 and 121 of the NPPF.

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 weighing against relevant policies of the development plan and specifically:

The proposal accords with relevant planning policy as discussed above, but specifically:

- a) Cannot be reasonable accommodated within the city centre or district centres within the short to medium term.
- b) Will not result in a significant material impact on the city centre or other district centres as a consequence of trade draw either individually or in conjunction with other recent or planned development.
- c) Would not result in a detrimental loss of employment land.
- d) Would not result in an unacceptable impact on the local and strategic road network or compromise highway safety.
- e) Is located on the edge of an existing retail park area, so there is likely to be linked trips to those other units.
- f) Provides an appropriate level of parking and gives opportunity for some travel by public transport, walking and cycling particularly due to its location.
- g) Can be controlled by condition in respect of design and layout, crime and disorder, infrastructure provision, transport, biodiversity, flood risk/ drainage and potential for contamination.
- h) Would not result in a detrimental impact on protected species or related habitat.
- i) Would represent investment and some employment creation within the City.

The proposal is therefore considered to be in accordance with Peterborough Core Strategy Policies CS03, CS14, CS15, CS16, C21 and C22 as well as Peterborough Development Planning Policies DPD Policies PP02, PP03, PP09, PP12, PP13, PP16 and PP20.

7 Recommendation

The case officer recommends that Planning Permission is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C2 The development shall be implemented in accordance with the following approved plans:

- Existing Site Plan (Drawing 0301, dated 31.03.17)
- Location Plan (Drawing 0300, dated 31.03.17)
- Proposed Site Layout (Drawing 0302 Revision 07 dated 23.05.18)
- Proposed General Arrangement Plan Units 1 – 6 (Drawing 0303, dated 31.03.17)
- Proposed General Arrangement Plan Units 7, 8 and 9 (Drawing 0304, dated 31.03.17)
- Proposed Roof Plan (Drawing 0305, dated 31.03.17)
- Elevations Sheet 1 (Drawing 0310, dated 31.03.17)
- Elevations Sheet 2 (Drawing 0311, dated 31.03.17)
- Elevations Sheet 3 (Drawing 0312, dated 31.03.17)
- Elevations Sheet 4 (Drawing 0313, dated 28.03.17)
- Preliminary Soft Landscape Proposals (Drawing 60001 dated April 2017)
- Transport Assessment (Vectos, April 2017)
- Retail Assessment (March 2017, Nexus Planning)
- Flood Risk Assessment and Drainage Strategy - Parts 1 and 2 (March 2017, Vectos)
- Ecological Assessment (March 2017, Ecology Solutions)

- Reptile Survey (November 2017, Ecology Solutions)
- Phase II Geoenvironmental and Geotechnical Site Assessment (GSA) (Baynham Meikle Partnership, January 2011)

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

- C3 Prior to the commencement of the development hereby approved a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall include (but not exclusively) details of the following:
- A scheme of working hours for deliveries, construction and other site works;
 - Haul routes to and from the site, 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;
 - Location of site compounds, welfare facilities and storage areas;
 - On-site parking, turning and loading/unloading areas;
 - Measures to mitigate against dust during construction;
 - On site vehicle cleansing facilities capable of washing the wheels and underside of the chassis of all vehicles leaving the site with hard standing provided between the facilities and the public highway.

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

Reason: In the interests of the highways safety in accordance with Policy CS14 of the Peterborough City Council Core Strategy DPD (2011). This is a pre-commencement condition because the details to be approved are required to be put in place before development commences and for the duration of the development.

- C4 No development, other than groundworks shall take place until details and samples of the proposed materials to be used in the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

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 not be carried out except 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 Peterborough Core Strategy DPD (2011) and Policy PP02 of the Peterborough Planning Policies DPD (2012).

- C5 No development shall place above slab level until full details of both hard and soft landscaping works (in accordance with the principles of the proposed site layout indicated on drawings 1560067 0302 Revision 06 dated 19.04.17 and 16067 6001 dated April 2017) have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The scheme shall include:

- Proposed finished ground and building slab levels
- Planting plans including species, numbers, size and density of planting
- Boundary treatments
- A timetable for implementation
- Management and Maintenance Plan

The scheme shall be carried out as approved no later than the first planting season

following the occupation of an building or completion of the development whichever is the earlier.

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 five 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 hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In order to improve the visual amenity and biodiversity of the area, in accordance with Policies CC16 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 of the Peterborough Planning Policies DPD (2012).

- C6 Notwithstanding the submitted Phase II Geoenvironmental and Geotechnical Site Assessment (GSA) (Baynham Meikle Partnership, January 2011), prior to commencement of development approved by this planning permission 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.

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

Reason: To ensure all contamination within the site is dealt with in accordance with the Policy PP20 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework NPPF, in particular paragraphs 120 and 121. This is a pre-commencement condition to ensure that the site is satisfactorily remediated.

- C7 In the event that previously unsuspected contamination is found when carrying out the approved development it must be reported in writing within 7 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 thereafter be undertaken to identify the contamination and associated pathways, 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. 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.

Reason: To ensure all contamination within the site is dealt with in accordance with the NPPF in particular paragraphs 120 and 121.

C8 Prior to the commencement of development (excluding investigations for the purposes of groundwork, ground works, contamination assessment and remediation) a detailed scheme of surface water drainage, in accordance with 'Flood Risk Assessment & Drainage Strategy 162178A March 2017 and drawing number:162178_PDL_01'and based upon the principles of sustainable drainage along with and an associated management and maintenance plan, 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 and management/maintenance plan prior to the first occupation of the buildings to which it relates.

Reason: In order to ensure that the site can be adequately drained in accordance with Policy CS22 of the adopted Core Strategy (2011). This is pre-commencement condition as the drainage scheme needs to be designed and agreed at the outset of the development.

C9 The seven Class A1 retail units hereby approved shall only be used for Class A1 uses (non-food bulky goods) in accordance with other conditions of this planning permission and the two Class A3 units hereby approved shall only be used for Class A3 uses and for no other purpose of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification and for no other purpose permitted under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

For the avoidance of any doubt, the maximum amounts (gross internal floor space and net sales areas) and the mixture of uses provided for by this planning permission are as follows:

- i. a maximum of 16,027 sq.m gross floorspace (13,623 sq.m net sales area) for Class A1 non-food bulky goods retail uses; and,
- ii. a maximum of 557 sq.m for Class A3 restaurant and café uses.

Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the following shall apply, the Class A1 retail floorspace hereby approved shall not be used for the sale of food or for the sale of any non-food goods other than those within the following categories:

- i. electrical goods and other household appliances (limited to 3,396 sq.m net sales);
- ii. furniture, furnishings and lighting;
- iii. carpets, tiles and other floor coverings;
- iv. household textiles (fabrics, curtains, bedding, linen, etc.); and,
- v. fitted kitchens.

None of the seven Class A1 retail units and two Class A3 retail units hereby approved shall be amalgamated with other units or sub-divided to form separate units unless planning permission for such works has been granted on application to the Local Planning Authority.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no additional mezzanine or other form of internal floor to create a first floor level shall be constructed within the scheme, unless planning permission for such works has been granted on application to the Local Planning Authority.

Reason: To ensure that the development does not affect the vitality or viability of the nearby retail centres in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP02 of the Peterborough Planning Policies DPD (2012).

C10 Notwithstanding the details shown on Proposed Site Layout (Drawing 0302 Revision 07

dated 23.05.18), prior to the commencement of any development hereby approved, full details of the vehicular, cyclist and pedestrian accesses to the site from the public highway shall be submitted to and approved by the Local Planning Authority. The accesses to the site shall be implemented in accordance with the approved plans prior to the occupation of the development and thereafter retained as such.

Reason: In the interests of the safety of all highway users in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012). This is pre-commencement condition as the access arrangements needs to be satisfactorily designed and agreed at the outset of the development.

- C11 Notwithstanding the details shown on Proposed Site Layout Plan 0302, no development shall place above slab level, details of the internal site access and car parking layouts shall be submitted to and approved by the Local Planning Authority. The approved layout shall be implemented as such prior to first occupation and retained as such thereafter.

Reason: In the interests of the highways safety in accordance with Policy CS14 of the Peterborough City Council Core Strategy DPD (2011).

- C12 Prior to the commencement of any development hereby approved, full details of the proposed off-site highway works to signalise the Maskew Avenue roundabout junction with the A15 Bourges Boulevard shall be submitted to and approved by the Local Planning Authority.

The details shall include signal design, construction specification, lighting, signing, lining, kerbing, street furniture and tying into existing highway infrastructure with the design being subject to the full road safety audit process.

The highways works shall be implemented in accordance with the approved plans prior to the occupation of the development.

Reason: In the interests of the highways safety and providing adequate infrastructure to cater for the transport needs of the development in accordance with Policy CS14 of the Peterborough City Council Core Strategy Development Plan Document (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012). This is pre-commencement condition as the highway works scheme needs to be satisfactorily designed and agreed at the outset of the development.

- C13 A full Travel Plan should be submitted to be approved in writing by the Local Planning Authority within six months of first occupation of the buildings or completion of the development, whichever is sooner. The Travel Plan shall be updated annually thereafter. This Travel Plan should be in accordance with the Framework Travel Plan submitted as part of the application. The approved plan shall be implemented and thereafter maintained as such.

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 DPD (2011).

- C14 The total number of car parking spaces shall not at any time exceed 536 spaces (including 33 disabled bays). Each parking space should be at least 2.5 metres x 4.8 metres in size and thereafter maintained as such.

Reason: In order to comply with the Council's parking standards for new development in accordance with Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C15 Notwithstanding the details shown on plan Proposed Site Layout Plan 0302, prior to the layout of the parking area details of the position and approved number of 44 cycle parking spaces for customers and employees of the proposed retail units shall be submitted to and approved by the Local Planning Authority. The staff cycle parking shall be located sufficiently close to the units with which they are associated and shall be covered, overlooked and secure. The customer cycle parking spaces shall be sufficiently close to the unit to which they are associated, covered and overlooked. All stands and shelters shall accord with Peterborough City Council Cycle parking standards. The cycle parking shall be implemented in accordance with the approved details prior to the occupation of the development and thereafter maintained as such.

Reason: In the interests of promoting the use non car modes of transport to visit the site in accordance with Policy CS14 of the Peterborough City Council Core Strategy DPD (2011).

- C16 A scheme of measures, as identified in the recommendations of the updated reptile survey (November 2017), to maintain, enhance and restore the existing habitat of nature conservation value (common lizards) including the construction of a reptile hibernacula to be located in the south western corner of the sites, shall be implemented prior to the first occupation of the development and thereafter maintained as such.

Reason: To protect and enhances features of nature conservation importance, in accordance with Policy CS21 of the Core Strategy DPD (2011).

- C17 Within two months of the commencement of development on the site a scheme of bird and bat boxes including a detailed specification and details of the location of the boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird and box boxes shall thereafter be installed in accordance with the approved details prior to the first occupation of the building or area of the site to which is relates, and thereafter maintained as such.

Reason: In the interests of biodiversity enhancement in CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 of the Peterborough Planning Policies DPD (2012).

- C18 Prior to the installation of the external lighting, details of such 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 levels should not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution" (GN01:2011).

The development shall thereafter be carried out in accordance with the approved details prior to the first occupation, and thereafter maintained as such.

The applicant is required to demonstrate compliance with this condition e.g. by measurement or calculation, in circumstances where reasonable concern arises from resultant lighting levels.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Core Strategy DPD (2011) and Policy PP03 of the Peterborough Planning Policies DPD (2012).

- C19 Prior to the first occupation of the development hereby permitted, measures to minimise the risk of crime to meet the specific security needs of the development hereby approved shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, and thereafter maintained as such.

Reason: In the interests of community safety in accordance with Policy CS16 of the Peterborough Core Strategy (2011).

- C20 All ventilation of steam and cooking fumes to the atmosphere should be suitably filtered to avoid nuisance from smell, grease or smoke to persons in neighbouring or nearby units.

Prior to the A3 uses being first implemented on site, details of a scheme that provides information on ventilation, filtration and extraction equipment shall be submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed in accordance with the approved details and before the A3 uses of the premises commences. The equipment shall be maintained thereafter unless superseded by a future planning permission or change of use.

Reason: In the interests of protecting the amenity of surrounding neighbours, in accordance with Policy PP03 of the Peterborough Planning Policies DPD (2012).

- C21 The rating level of noise emitted from the site shall not exceed 40 dB LAeq. 15 minutes. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS: 4142:2014. In the event of any reasonable noise complaint the occupier/management company will be required to demonstrate compliance with the above noise levels. Should the noise levels on site be found to exceed the stated noise levels, then they will be required to undertake appropriate mitigation measures on site to ensure the appropriate noise levels can be achieved and thereafter maintained as such.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP03 of the Peterborough Planning Policies DPD (2012).

Copy to Cllrs Ali, Bashir and Nadeem

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