

Item No: 5.1

Planning and EP Committee 18 December 2018

Application Ref:	18/00469/FUL
Proposal:	Full application for the erection of a Lidl food store (Class A1) with associated car parking, landscaping, infrastructure and access alterations. Outline application (with all matters other than access reserved) for up to 74 residential dwellings (Class C3). Demolition of existing buildings on site.
Site:	British Sugar , Oundle Road, Woodston, Peterborough
Applicant:	n/a British Sugar Plc
Agent:	Mr Richard Huteson Rapleys LLP
Referred by:	Cllr Dowson
Reason:	Need for foodstore in this area, too many houses, insufficient facilities, doctors, schools, proper landscaping, re-use of building, parking, impact on residents.
Site visit:	28.03.2018
Case officer:	Miss A McSherry
Telephone No.	01733 4501733 454416
E-Mail:	amanda.mcsherry@peterborough.gov.uk
Recommendation:	GRANT subject to resolution of the Drainage Objection and relevant conditions and securing of S106 legal agreement.

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

Site and Surroundings

The application site is located within the Urban area boundary of Peterborough. It is positioned on Oundle Road which is one of the major arterial routes into the city centre. It is sited on the corner of Oundle Road and Sugar Way, opposite the Valley Park Local centre. The Valley Park Local centre consists of a parade of shops, anchored by Budgens foodstore. To the north of the Local Centre is the Nene Valley primary school. To the north and east of the site is residential housing. A path/cycle track separates the application site with the housing to the east.

The existing site covers an area of 2.57 hectares and currently comprises the British Sugar headquarter offices with associated car parking. Its vehicle access is taken off the roundabout on Sugar Way.

Proposal

This is a hybrid planning application seeking:-

1. Full planning permission for the demolition of the existing buildings on site, and redevelopment of the site to provide a new foodstore (Class A1), with associated car parking and landscaping on part of the site (Phase 1) ; and
2. Outline planning permission on the remaining part of the site (approx. 1.57 hectares) for up to 74 new residential units, with all matters reserved, apart from access (Phase 2).

2 Planning History

Reference	Proposal	Decision	Date
17/00001/SCREEN	Proposed foodstore with associated car parking and landscaping and 70 residential units (outline)	Comments	08/05/2017

3 Planning Policy

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

National Planning Policy Framework (2018)

Paragraph 80 - Building a strong, competitive economy

Significant weight should be placed on the need to support economic growth and productivity.

Paragraphs 86/87 - Sequential Test

A sequential test should be applied to applications for main town centre uses which are neither in an existing centre nor in accordance with an up to date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available) should out of centre locations be considered. When considering edge of centre or out of centre locations preference should be given to accessible sites which are well connected to the town centre. Flexibility should be demonstrated on issues such as format and scale.

Paragraph 89 - Impact Assessment

An impact assessment should be applied to retail and leisure uses outside of town centres, which are not in accordance with an up to date Development Plan. The default threshold is 2500 sqm if no local threshold is set.

Paragraph 108 - Transport Impacts

Any significant impacts from development on the transport network (capacity and congestion) or on highway safety should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Paragraph 122 - Making Effective Use of Land

Decisions should support development that makes efficient use of land taking into account the identified need for different types of housing and other forms of development and the availability of suitable land, local market conditions and viability, the availability and capacity of infrastructure and services, the desirability of maintaining an area's prevailing character and setting (including residential gardens), of promoting regeneration and change and the importance of securing well-designed, attractive and healthy places.

Paragraph 163 - Flood Risk - Site Specific FRA

In determining applications Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate applications should be supported by a Site Specific Flood Risk Assessment. Development should only be allowed in areas of flooding where in lighting of the assessment (and the sequential test and exceptions test as applicable) it has been demonstrated that within the site, the most vulnerable development is located in areas of lowest flood risk, unless there is an overriding justification, the development is appropriately flood resistant and resilient, it incorporates sustainable drainage systems unless inappropriate, any residual risk can be managed and safe access and escape routes are included as appropriate.

Paragraph 175 - Biodiversity Enhancement

Development whose primary objective is to conserve or enhance biodiversity should be supported. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 180 - Pollution

New development should be appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life, identify and protect tranquil areas which have remained relatively undisturbed by noise and limit the impact of light pollution from artificial lighting on local amenity, intrinsically dark landscapes and nature conservation.

Peterborough Core Strategy DPD (2011)

CS02 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

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.

CS08 - Meeting Housing Needs

Promotes a mix of housing the provision of 30% affordable on sites of 15 or more dwellings (70% social rented and 30% intermediate housing), 20% life time homes and 2% wheelchair housing.

CS13 - Development Contributions to Infrastructure Provision

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

CS14 - Transport

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

CS15 - Retail

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

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

CS19 - Open Space and Green Infrastructure

New residential development should make provision for/improve public green space, sports and play facilities. Loss of open space will only be permitted if no deficiency would result.

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 Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

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.

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 progress, 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.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

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.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

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.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

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.

Planning practice guidance (PPG) – Department for Communities and Local Government

- Conserving and enhancing the historic environment (2018)
- Ensuring the vitality of town centres (2014)
- Noise (2014)
- Travel plans, transport assessments and statements (2014)
- Planning Obligations (2016)
- Viability (2018)

4 Consultations/Representations

PCC Peterborough Highways Services

No Objection – Subject to the imposition of conditions. The trip rates and modelling details have been queried and further clarification has been provided. On the basis of all the information submitted the conclusions of the report are now accepted and as a result no junction mitigation works are required. It would be appropriate to seek the installation of a new bus shelter, to replace the current one, on the Sugar Way side of the Oundle Road, eastbound. This should be installed and in operation prior to the foodstore opening. Cycling improvements – in 2016 Atkins produced a Cycling Infrastructure Plan, which made various suggestions for improvements. Some of these suggested improvement works should be considered as part of this development. There was also a walk-friendly action plan carried out. It suggested removing the guardrails and straightening the crossings across Sugar Way. This should be considered as part of this development. No clear route for pedestrians is shown between the food store and the residential site. It would be useful for pedestrian friendly routes within the car park. Whilst the residential site is indicative, a link to the adjacent cycle track is needed at the back of the site. This is important because the nearest play area for children is along Candy Street and the walking route to it could be made without crossing any roads, a definite safety improvement. In the housing site, the parking provision is below the Council's parking standards. This needs to be addressed as they are minimum standards and need to be adhered to. The convoluted footway alignments shown on the indicative residential are not acceptable.

PCC Travel Choice

No comments received

PCC Pollution Team

No Objection – Subject to the imposition of conditions. The amended noise information including the relocation of the plant to the foodstore roof is considered to be acceptable subject to the imposition of a fixed plant maximum noise level condition. Noise from deliveries is only considered to be acceptable subject to conditioning the delivery times. On site lighting for the foodstore should be in accordance with the institute of lighting engineers guidance, this can be secured by condition. Conditions in respect of contamination and construction management are required.

PCC Strategic Housing

To comply with Policy CS8, 30% of the proposed dwellings on site (22 units) would be required to

be affordable. Only 7 affordable units are proposed, this equates to 10.6% provision, this is therefore contrary to Policy CS8. The tenure split we would expect to see is 70% affordable rented and 30% intermediate tenure, this would equate to 15 affordable rented homes and 7 intermediate. This could be provided as 15 x 2 bed flats for affordable rent and 7 x 3 bed for Intermediate. In addition 20% of the total units should be built to the Lifetime Homes standard (15 units) and 2% Wheelchair housing (1 unit). If the developer can prove that the provision of 30% affordable housing would render the scheme unviable, we would still like to pursue securing 30% affordable housing on site. Prior to commencement the developer should approach the Council to enquire about the availability of grant funding to facilitate the delivery of 30% affordable housing on site at no financial detriment to the developer.

PCC S106 Planning Obligations Officer

No Objection – A viability assessment was submitted and assessed. The conclusion reached was that sufficient evidence was provided to justify that the scheme could not afford to provide 30% affordable housing. The figures behind the originally proposed 10% affordable housing (7 units) were queried and the applicant has been able to increase the on-site provision to 15% (11 units)

Waste Management

No Objections – In relation to the retail proposal, the operator will need to arrange waste collections from their own preferred waste collection contractor. In relation to the residential proposal the indicative layout proposed does not show an acceptable arrangement to allow the waste collection vehicle to enter and leave the site. It also does not show a layout that accords with the RECAP Waste Management Guidelines, in respect of bin drag distances for both collectors and residents, and ensuring there is sufficient manoeuvring and turning spaces for collection vehicles on site. Sufficient bin collection points, in accordance with the RECAP guidelines will need to be designed in. As the current residential application is in Outline only, all the details of bin storage, collection and access for collection vehicles will need to be fully addressed through the future detailed reserved matters application.

Landscape Technical Officer

No Objections – Subject to securing contributions for off-site Open space improvements to cover neighbourhood parks, children's play, allotments and nature green space

Archaeological Officer

No Objection – Subject to securing an evaluation by trial trenching targeted on the areas of least disturbance, by way of a planning condition. This is given the potential for the existence of prehistoric and Anglo-Saxon remains, and in particular in relation to burials. Whilst the site has had development in the past 18 with the construction of the office building in the 1970's, there is potential for remains in the undisturbed areas of land on site.

Lead Local Drainage Authority

Objection – When reviewing the drainage strategy plan (724-002 rev B) and the Flood Risk Assessment it appears that they do not correlate. The FRA suggest that permeable paving will be used in the parking bays for the entire site. However the Drainage Strategy Plan does not show where the permeable paving is being utilised. In respect of the residential scheme, a box culvert would not provide any water treatment function. However the FRA specifies permeable paving for parking bays, this is a more sustainable way to manage the treatment and attenuation of surface water drainage. The 30% climate change figure used needs to be 40%, this needs to be addressed in the proposal. In respect of the Foodstore, the FRA states permeable paving in parking bays, however there is no information of this provided in the drainage strategy plan. The drainage plan shows an area of flood exceedance storage, it needs to be confirmed what this area is.

PCC Tree Officer

No comments received.

PCC Wildlife Officer

No Objection – Subject to the imposition of conditions. The conditions should cover agreeing the external lighting of the future residential scheme to ensure the lighting is baffled downwards away from the retained boundary vegetation to ensure no detriment to foraging/commuting bats. A bird nesting informative should be imposed to ensure any vegetation removal will not disturb nesting birds. Bird nesting boxes should be secured by condition to mitigate for any potential loss of nesting habitat. A condition to provide means of escape of construction trenches for hedgehogs is required together with allowing gaps under new fencing to allow movement of such mammals. There is evidence of large mammal holes on site, therefore a condition requiring the requiring the site to be checked for large mammal activity before any ground works by an ecologist is required. Should such animals and their young be found on site, then there tunnels will need to be protected until the animals have safely left the site. Rhododendron and Wall Cotoneaster have both been found growing on the site. They are invasive non-native species, listed on Schedule 9 of the Wildlife & Countryside Act, and it is an offence to cause them to spread. Care would need to be taken during any works involving the removal, management or disturbance of these plants to ensure no offence is committed. Information can be sought from the Environment Agency regarding statutory obligations on their disposal. Existing boundary trees and hedgerows are retained and strengthened wherever possible, and native trees and shrub species should be secured in any landscaping scheme. A financial contribution should be sought to assist in the mitigation of additional visitor pressure this development will have on the nearby Woodston Ponds Local Nature Reserve.

Environment Agency

No Objection – Subject to the imposition of conditions in respect of contamination and infiltration of surface water drainage.

Natural England (NE)- Consultation Service

No Objection – NE are satisfied that the development will not damage or destroy the interest features for which the Nene Washes SSSI has been notified. The SSSI does not therefore represent a constraint in determining this application. In respect of impacts of development on Protected species you should refer to NE Standing Advice. If any local site were to be impacted upon you should ensure sufficient information is provided to understand what the impacts are.

The Wildlife Trusts (Cambridgeshire)

No comments received

Anglian Water Services Ltd

No Objection – There are Anglian Water assets within or close to the site, which may affect the layout or have to be diverted at the developer's expense. The sewerage system at present has capacity for these flows. The preferred method of surface water disposal is to a sustainable drainage system. The surface water strategy/flood risk assessment submitted with the application relevant to Anglian Water is acceptable.

Police Architectural Liaison Officer (PALO)

No Objections – In respect of crime and disorder, it is considered that the immediate area around this location is one of low vulnerability to the risk of crime. The layout of the retail premises looks acceptable and good lighting is proposed. No ATM is proposed, if this were to change we can advise on the correct security measures needed. When the detailed layout of the housing is proposed we would like to comment on the proposed lighting, boundary treatments, and surveillance of car parking areas. We would be happy to advise the applicant on mitigation measures to reduce the vulnerability to crime, and discuss Secured by Design 2016, SBD Commercial and any Security Needs Assessment they may require to meet BREEAM standards.

Cambridgeshire Fire & Rescue Service

No Objections – Subject to adequate provision for fire hydrants being secured by condition. Access and facilities for the Fire Service should be provided in accordance with the Building

Peterborough Cycling Forum

No Objection – Regarding the retail development the Cycle Forum is pleased to note the public cycle parking will be stainless steel hoops, under cover, and conveniently positioned in relation to access routes and the store entrance, giving high level of natural surveillance. The cycle parking for employees will be secure, covered and within the warehouse. This is in line with best practice.

In respect of the residential development, we would like to see 2 improvements regarding cycle access to and from the residential area. 1. The planned access path between the residential area and the adjacent footpath/cycleway should have a minimum width of 2 metres. This route will be heavily used by pedestrians and cyclists. 2. An additional access path is provided between the residential area and the adjacent footpath/cycleway at the northern corner of the development, again of a minimum 2m width. This will satisfy the strong demand for pedestrians and cyclists to travel north on the footpath/cycleway to Candy Street from which there is a safe and almost entirely traffic free route to the city centre and railway station.

Twentieth Century Society

Objection – This application causes substantial harm to a non-designated Heritage Asset, which the Society considers to be worthy of national recognition. In particular, we object to the loss of the fronting office and hexagonal link block dating from 1971-5 and designed by Arup Associates. The building is an elegant glass box, connected to the existing building via a glazed bridge and glass-lanterned octagonal building. The building featured the most up to date environmental technology, using a double skin which fulfilled the brief for noise reduction and also features a buffer against external temperature change. The design won a commendation in the 1975 RIBA regional awards. The Society consider the building to be of considerable interest for its innovation and design and that its destruction would be a great loss to Peterborough's twentieth century architectural heritage. The Council needs to be mindful of paragraph 135 of the NPPF (2012), which requires the careful consideration of the effect of development on undesignated heritage assets. Buildings of this type are adaptable to alternative uses, and the proposed supermarket operator has re-used industrial buildings in other locations. There is no adequate reason to doubt that the building remains fit for purpose and could be re-purposed. The applicant's justification for the replacement of the building fails to consider the value of this non designated heritage asset and the sustainability of adaptation and continued use. Re-using the building is a more sustainable solution as it preserves the embodied energy in the building. Demolition and reconstruction not only causes the loss of embodied energy, it uses considerable quantities of new resources unnecessarily. The factory building behind the building are not of the same quality and could provide a site for the proposed phase 2 residential scheme without the loss of the heritage significance of the Headquarters Building.

Peterborough Civic Society

Objection – On the grounds of the demolition and loss of the Arup buildings on site. These, the smoked glass corner building with its so-called Arup Link to the later Colin Brooks designed main buildings, is of exceptional quality and design. We recall that it won an RIBA architectural award in the mid 1970s. A well-balanced composition, it is a memorable and unique focal point on this main road approach into Peterborough City Centre. As such the building was recommended by the Society for inclusion in the List of Buildings of Local Importance that eventually was incorporated in the City Council's Planning Policies DPD adopted in 2012. Sadly, between submission to the Planning committee in December 2010 and formal adoption, this entry was deleted. This does not alter the fact that the building is of exceptional quality and design and as such we urge that the comments of the Twentieth Century Society are sought before this application is determined. In our view this quality must be taken into account in assessing the current application against Local Plan policies. The proposal is contrary to Policy PP2, and Policy LP16 of the emerging Local Plan. The loss of the Arup buildings and replacement with a Lidl store of unexceptional design would degrade the quality of the built environment and not make a positive contribution towards it. We object to the loss of employment space. The Council refers to a shortage of employment land in the city. In light of this and generous provision of convenience retail space, there is strong argument for

retaining the Arup office building for employment use. Whilst the society has no objection to the principle of residential development on site. It considers the layout unimaginative, and inconsistent with the character of the area. It is considered the layout is cramped at this important entrance point to the development.

Councillor Alan Dowson

Objection – Referred the application to Planning Committee. I and a number of residents have serious concerns in respect of this application.

The majority of residents are opposed to the application. There is a question over the need for another food store in the area. The traffic situation will create a large problem. The plan for 70 houses is too large for the site, and will create problems for local facilities, such as doctors, schools etc. The issue of proper landscaping has not been dealt with. No consideration is given to the possibility of using the main and attractive office building as the shop. What will be visible will be the normal Lidl box building, which can be viewed at the other sites in the town for comparison. The numerous documents need to be properly examined to see if they are a true representation of facts e.g. traffic survey, environmental data. There are a list of other concerns I have, especially over the number of car parking spaces requested, and the impact on the housing close by e.g. Cunningham Road and Saunders Close which will lose their privacy because of the different land levels (3ft lower than the possible new housing).

Local Residents/Interested Parties

Initial consultations: 450

Total number of responses: 67

Total number of objections: 64

Total number in support: 3

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

- Concerns about traffic and pollution in close proximity to the school;
- Concerns about traffic levels at the roundabout with the school, crèche and doctors surgery, where there are a lot of parents and children, and the increased likelihood of accidents;
- The existing office use only generates traffic during the working week, and at office start and finish times. This will generate traffic throughout the day, 7 days a week, and will increase congestion for residents;
- There will be traffic problems on Oundle Road, which already struggles at peak times. There will be severe disruption with construction traffic;
- Adequate adjustments are needed to be made to the traffic control onto Oundle Road, as it is not currently suitable for this additional housing and a supermarket;
- Current traffic density along Oundle Road appears high, what is the projected traffic density from this development;
- There is only one road in and out the estate, which currently has traffic problems, this will make it worse.
- The Transport Assessment has only considered traffic to and from the supermarket and not the additional 74 dwellings aswell. Has the Fletton Quays traffic been taken into consideration? A full Transport Assessment is needed to ensure current residents are not stuck in the misery of trying to leave the estate;

- The extra housing will increase the number of cars that will be parked throughout the estate which is already a problem;
- Other existing Aldi and Lidl stores currently have parking over spilling into surrounding areas. As the surrounding areas are residential, if this happens here it will cause problems for residents.
- Unnecessary as there are plenty of supermarkets close by, Bugden's, Nisa, Tesco Extra and Co-Op on Oundle Road;
- We have a Lidl already only 1.4 miles away (PE3), and 2 Aldi's 1.6 and 1.8 miles away, and a massive Tesco at Hampton, Asda, which are all easily accessible from our estate.
- If the Lidl supermarket is built is this the end of Bugden's, and what would happen to that empty unit;
- Despite the information submitted with the application saying that Lidl do not draw their customers from a wide area, I think they will and this will cause traffic problems.
- The site is not allocated for retail in the adopted or emerging plan.
- Impact on the businesses in the Valley Parade precinct. At present this provides a vibrant retail service to the area. If Bugden's were to fail this could lead to the loss of other shops aswell, with boarded up shops, dereliction, anti-social behaviour and graffiti.
- We believe the retail catchment should have included the Orton Centre. We consider the Orton Centre to be sequentially preferable to this site. The Centre has vacant floorspace that could accommodate this supermarket. It is considered this development will draw expenditure away from the Orton Centre, adversely impacting on the vitality and viability of this centre. The proposals if allowed would threaten the ongoing investment of the Orton Centre. The proposal is contrary to Policy SA11.
- I have experience of living on a new build estate that introduced a Tesco express in an out of the way location on the estate. Within 7 months there were robberies at the store, increased police presence, increased neighbourhood break ins, and the store car park attracted the skateboard posse. I know you might think this has nothing to do with this retailer, but in that case the police found the thieves were from the estate. All circumstantial I know but this cannot be a coincidence.
- Is there not a market for high quality office accommodation in a location close to the city centre with generous parking? Could the Council not make British Sugar market the site for office use?
- It is difficult for children on the estate already to get places at the Nene Valley school, some have to travel to other schools, and this development will make that situation worse.
- I understand these houses will be eligible for school places at the Nene Valley primary. There is no way to increase capacity at the school and this will result in people on the estate not being able to get places at the school and having to travel a greater distance to another school.
- This will be more temptation for children to buy cheap sugar filled food and drinks on their way to and from school. Children on the estate attending Nene Park Academy already walk past two supermarkets on their way to school.
- Could this site be better utilised as a new junior school to enable Nene Valley to be the infants only.
- Getting an appointment at the Botolph Bridge doctors surgery is already difficult more housing will make this worse.
- I don't see any benefit to the local area in this plan.
- I understand multi-let housing requires licensing from the Council, I hope the Council will control this situation on any new housing development;
- The British Sugar site is well landscaped with shrubs and trees that are now well matured. Much of this seems to be lost, with the proposed development lacking in open space and landscaping.
- Have adequate environmental impact assessments been undertaken?
- Pollution levels will increase. What is the current level of pollution on Oundle Road and how much more pollution will result from this development?
- What impact will this development have on air quality/pollution in and around the school and nursery?

- Concerns about increased pollution and traffic density for nearby residents, the school and nursery;
- Why not build a resident's car park. Where trade vehicles could be parked so as to reduce congestion throughout the estate. Or perhaps some parkland with a trim trail to promote health and fitness.
- Object to the location of houses on plots 1-4. They are tight on the boundary, with no garden between the house and the boundary. The windows of the new houses will overlook our houses and gardens. The ground height of the site is several metres above our ground level, therefore these houses will tower over our properties reducing our light as well as privacy. There needs to be further separation distance between the new housing and the boundary, or at the very least a limit on the height of new houses, perhaps single storey if built on the boundary.
- I bought my house because it was private no windows/houses facing the back of my property. It is south facing, full sun/daylight, minimal/no noise location. This will change if this development goes ahead as the back of my home is on the boundary of this site. The housing layout shows houses at the bottom of my garden. This development will cut daylight to my house. This is compounded by the application site being 1m higher than neighbouring sites. My right to light and privacy will be compromised. 18-24 months construction will cause noise and disturbance for me affecting my wellbeing.
- The houses have been designed with white render which looks great when first built, but over time becomes dirty. I would suggest brick would be more in keeping with the estate.
- The initial proposal was for 70 dwellings this has increased to 74.
- I object to the housing density, there are too many dwellings. It is contrary to Policy LP37.25 of emerging Local Plan.
- Officers expressed concern that 70 dwellings was too high for the site at pre-application stage.
- I am concerned the proposal includes flats, this is not in keeping with the surrounding area. There are no flats in this part of the estate, and this would alter the character of the estate in a negative way.
- There is no green/play areas for residents, which will place greater demand on established facilities. Perhaps the developer could sacrifice some profit and reduce the number of houses to include some.
- If this proposal was only for housing I would have no objection.
- The introduction of social housing is not in keeping with the rest of the estate which is 100% privately owned.
- Concerned this development will have a detrimental effect on the current residents of the estate.
- Can we have more green space in the area?
- Impact of this development on fire response times. As parking restrictions are already unenforced on Candy Street, fire (and ambulance response times are falsely optimistic. I do not have any confidence that the local authority will stop bad parking creeping out of this new area onto other areas of the estate, further endangering the lives of residents.
- In the documentation, I saw no notice of declared conflicts of interest.
- Some residents have not received notification or leaflets put through their doors.
- Can the existing building not be used in a more beneficial way for the community
- Could the building be used for the University
- I believe this is a money making decision for some and not in the best interest of the community.
- This development will generate more noise and disturbance for residents from the extra vehicles, freezer/chiller machinery, deliveries, door/boots slamming etc.
- Lidl are not coming because of a local need, but because they have assessed the city can sustain another store and this is their preferred location.
- Overdevelopment
- The existing award winning British Sugar office as designed by Arup should be retained. It is the only Peterborough Building of this type and quality in Peterborough.
- Devaluing of property prices from the Lidl Supermarket

- There are a family of foxes on this site, what is being done to protect them.
- The change from offices to supermarket will extend the use of the site from 5 to 7 days per week, with extended opening hours into the evening. The movement of people to and from the site will also be extended over a longer period aswell.
- Statement of Community Involvement. It is disappointing that the application has not been amended despite the concerns of locals raised at the pre-application consultation stage.
- There is only standing room on the Number 1 bus, and it is a double decker, people will use this service to shop at Lidl.

3 letters of support have been received:-

- Fully in support and want to know when a decision will be made
- Very much in support of the proposed building and see no possible use for the existing British Sugar Building.
- Excellent plan for change of use for this site, completely appropriate to the local area for both housing and supermarket uses. Look forward to construction commencing.
- New housing and foodstore will make this a more attractive place to live and work. I believe businesses like Lidl are good for our area. We need more housing near the city centre. More people that can spend money in and around the city centre, will attract more investment. If this development makes it possible to improve bike and pedestrian access to the city centre then that would be great. I don't think the current British Sugar Building would be suitable for anything else other than an office. If its empty is should be knocked down to prevent it being used by squatters like Aqua House was.

5 Assessment of the planning issues

1. The Principle of Development

Loss of employment land

The application site is not a designated employment site, however it has been used by British Sugar as their Headquarters B1 (a) for a number of years. The office use was originally part of a wider British Sugar site, associated with the company's former factory, but that land was subsequently redeveloped for the housing that is now known as the British Sugar housing estate. Only the office use of British Sugar's remained on the site. British Sugar considered that the office building on the site, which dated from the 1970's, was no longer fit for purpose. They needed more modern, flexible and energy efficient office space, which their existing office could no longer provide or be converted to provide. Therefore British Sugar, in their commitment to remaining in Peterborough, secured planning permission on a designated employment area within Hampton in Cygnet Park on which to build their new office building. This building is currently under construction and would provide them with a new modern, flexible office space to meet their current and future business needs. The finance from the disposal of this current application site will be used to finance their new offices. Therefore given that this project involves the relocation of the existing office space and not the loss of it, and the fact that this site is not a designated employment site, it is considered that the principle of the loss of employment land can be supported by Officers in this instance.

Loss of building on site

The existing office building on site is not a Listed or a Locally Listed Building. The site is not located within a Conservation Area. Objections have been received to the loss of the existing office building on site. This includes objection on these grounds from the Twentieth Century Society and Peterborough Civic Society. They consider that the proposal causes substantial harm to a non- designated Heritage asset, which they consider to be worthy of national recognition. They object to the loss of the fronting office and hexagonal link block dating from 1971-5 and designed by Arup Associates. They consider the building is an elegant glass box, connected to the existing building via a glazed bridge and glass-lanterned octagonal building. The building featured

the most up to date environmental technology, using a double skin which fulfilled the brief for noise reduction and also features a buffer against external temperature change. The design won a commendation in the 1975 RIBA regional awards. The Society consider the building to be of considerable interest for its innovation and design and that its destruction would be a great loss to Peterborough's twentieth century architectural heritage. The building was recommended by the Civic Society for inclusion in the List of Buildings of Local Importance that eventually was incorporated in the City Council's Planning Policies DPD adopted in 2012. However between submission to the Planning committee in December 2010 and formal adoption, this entry was deleted. The Civic Society are still of the view that the building is of exceptional quality and design, and a focal point on this main road approach to the city centre. The Twentieth Century Society consider the building could be re-purposed, and insufficient justification has been given for the loss of this non designated heritage asset or consideration of the sustainability of adaptation and re-use.

Paragraph 197 of the NPPF (2018), requires 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Officers acknowledge that the building was innovative in its construction and design when built and that it won an award in 1975. However the significance of the building was considered through the Locally Listing process of the Planning Policies DPD, and it was not chosen to be on this list of Locally Listed buildings which are judged to be non-designated heritage assets. It is Officers view that the significance of this building is not of such importance and quality, that its loss could be resisted. It is considered that the harm caused by its loss would not outweigh the benefits of new retail and residential development. Members, in reaching their decision, should also carry out this balancing exercise about the significance and importance of the building and the scale of harm that would result by its loss.

In respect of the re-use rather than loss of the building Officers consider it difficult to see what other viable uses the building could be put to. It is not considered that the building could easily be converted into a supermarket use. The fact that the existing offices are moving out of the building as they consider it not to be fit for their modern flexible office space requirements suggests that it may be difficult to find another office occupier willing to take on this 1970's building. It does not appear to be easy to convert it into a residential use. Therefore whilst the reuse of buildings should be encouraged, it is considered unlikely in this instance that the re-use of the building could be a realistic option, and it is not considered that the quality or significance of the building is such that its loss would cause significant harm and could be resisted.

Residential development

The site is located within the urban area boundary of Peterborough, where in principle residential development is considered to be acceptable. The site is also located within a predominately residential area, which the adjacent Local centre of shops and primary school serves. Therefore the principle of redeveloping the site for residential use is considered to be acceptable and compatible with the surrounding land uses. Residential development on this site would also help to support the Government's Objective of significantly boosting the supply of homes, in line with paragraph 59 of the NPPF.

2. Retail

Full planning permission is sought for a proposed foodstore that would measure approximately 2,206sqm gross external area (GEA) and 2,125sqm gross internal area (GIA). The net sales area proposed would be 1,325sqm, 80% of which (1,060sm) would be for convenience goods and 20% (265sqm) comparison goods. In addition to the proposed retail floorspace a 555sqm warehouse would be provided, and staff welfare facilities, customer toilets, utility space, freezer and bakery.

The proposed store would employ up to 40 staff, and would have 1 or 2 dedicated deliveries per day. During deliveries it is company policy that vehicle engines are switched off to reduce noise and disturbance.

A retail assessment has been submitted in support of the application. This identifies that the proposed occupier would be Lidl and they are classed as a 'deep discount' operator who operate on selling a limited range of primarily own brand products at extremely competitive prices. The fact that Lidl and Aldi offer a different retail offer to the main convenience retailers such as Tesco, Asda, Sainsbury, Morrison's etc was recognised by the Competition Commission in its 2008 'Grocery Market Investigation'. The Glossary to the investigation report refers to Lidl as a 'Limited Assortment Discounter' or 'LAD' which is defined as:

'Limited Assortment Discounters (LADs) (i.e. grocery retailers offering noticeably lower prices than a conventional supermarket but which stock a limited range of products).

Sequential Test

The retail assessment includes a Sequential Test for the site selection as required by the NPPF and Policies CS15 Core Strategy, PP09 Planning Policies DPD and LP12 of the emerging Local Plan. The site is not located within a designated retail centre, it is separated from the adjacent Valley Park Local Centre by the Sugar Way road and therefore it is considered to be an edge of centre site.

The sequential test follows a hierarchy approach where new retail development should firstly be directed to retail centres, then edge of retail centre locations and then lastly out of centre sites.

An 8 minute drive-time catchment has been used, and all retail centres within this catchment have been assessed to see if there are any in centre sites that would be capable of accommodating the proposed foodstore. This catchment area included the City centre, Hampton District Centre (Serpentine Green), and 11 local centres. It did not however include the Orton District Centre, as it is understood this is approximately a 9 minute drive, 1 minute outside the catchment boundary. However it is considered that to exclude the Orton Centre, due to its relative close proximity and 9 minute drive time would be wrong. Officers therefore expressed their view to the agent that the Orton Centre could represent a sequentially preferable site, as it had vacant units that could be reconfigured/redeveloped to accommodate this proposed foodstore.

An objection was received on behalf of the Orton Centre on the grounds that due to their vacant units they offered a sequential preferable site, and that the impact of this development would cause significant harm. However in mid November it was confirmed by the Orton Centre's planning agent that the vacant units SU20-23 have now been let and are no longer available. They also confirmed that there are no other units, or units which could be amalgamated to provide a larger unit, that are available or likely to be available within a reasonable period to accommodate the Lidl proposal, even after applying reasonable flexibility on issues such as format and scale. In respect of site SU56 (opposite Starbucks) this site is only 0.3 ha in size and so was discounted by the agent as being too small and so unsuitable for this proposed development, even though it is also an edge of centre site. Officers agree that due to the location, size and configuration that this site does not easily lend itself to a new foodstore, even assuming flexibility on issues such as format and scale. Therefore despite Officers original concern that the Orton Centre did offer a sequentially preferable site, as it now does not have any units that are available (or likely to become available within a reasonable period), it is concluded that the proposal does now satisfy the sequential test.

Retail Impact Test

In accordance with Policy LP12 of the emerging Local Plan, a retail impact assessment was required in order to provide a robust assessment of the proposals impact on nearby retail centres.

Officers considered that the economic assessment of the original submitted retail assessment did not fully detail the likely trade draw, trade diversion and impact on the convenience, comparison and total turnovers of the existing centres identified (i.e. city centre, defined District and Local Centres). A subsequent retail addendum (August 2018) was submitted to address this.

The turnover rates submitted have been assessed on the basis of a proposed 'deep discounter' only, and such rates could be significantly higher for any other A1 food retailer. Therefore, if approved, Officers recommend conditions be imposed in respect the scale, mix and type of goods/services for the proposed foodstore. Most of the trade draw assumptions made in the assessment appear reasonable. The proposed trade draw on the City Centre and Hampton District Centre are not of a level that would result in a significant adverse impact on either centre, such as to seriously threaten their future viability and vitality, including any existing, planned or committed investment in these centres.

The main concern was in respect of the forecasted trade diversions and impacts on the Orton District and Valley Park Local Centres.

The revised 2018 NPPF (paragraphs 89-90) do not prescribe what constitutes a "significant adverse impact" when assessing applications for new retail floorspace. There is no set "quantitative impact threshold" above which impact is identified as being "significantly adverse", and conversely there is no threshold below which it can be assumed that impact is acceptable. The scale of impact and the potential implications for centres therefore has to be considered and judged on a case-by-case basis. Reference to the PPG on this matter is helpful, as it states that a judgement as to whether the likely adverse impacts are significant "...can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact". This requires a more rounded assessment of the impact on the centre as a whole.

With respect to the impact on the Valley Park Local Centre, Bugden's is the anchor store and critical to the overall vitality and viability. This store, in accordance with the 2016 Peterborough Retail Survey, is trading significantly below its predicted benchmark turnover.

It was Officers initial judgement that given the proximity of Bugden's and the Local Centre to the application site, and the fact that Bugden's is also principally targeted at the value-end of the food shopping spectrum, that the proposed Lidl store with free (and unrestricted) surface parking (parking at Valley Park is restricted to 1½ hours) would have a greater trade draw and impact on Bugden's than forecast in the submitted Retail Assessment.

This was because, in general terms, the strength and degree of linked trips between locations is dependent on there being good, convenient and safe pedestrian routes. However in this case Sugar Way separates the local centre from the application site and was likely to act as a barrier to easy pedestrian movement between the two sites. Officers were also not convinced that many people parking and carrying out their main and/or top-up food shopping at Lidl will choose to cross Sugar Way and supplement their shopping at Bugden's as part of the same trip. As stated above, Lidl and Bugden's sell a similar range of food and convenience products (albeit branded differently), predominantly targeted at the value and discount end of the food shopping spectrum. Officers considered their offer would largely overlap rather than complement each other, and were not convinced that the critical mass and attraction of Bugden's would generate significant linked trips from Lidl thereby resulting in significant benefits for the existing store. In our view shoppers will choose to carry out their food shop at either Lidl or Bugden's, but not both as part of the same trip.

On this basis Officers concluded that the proposed store would have a "significant adverse impact" on the vitality and viability of Valley Park Local Centre, and on its trading performance. This was based on the uncertain and vulnerable trading performance of Bugdens, and our consideration that there would be a higher impact on the store than the assessment forecasted of at least -14%.

Furthermore, Officers were not convinced by statements in the assessment that Lidl would generate significant linked trips to offset any forecast trade diversion and impacts.

With respect to the impact on the Orton District Centre, the 2016 Peterborough Retail Study identified this shopping centre to be performing relatively poorly. The study referenced dated retail stock, high vacancy rates, and convenience turnover to be significantly below its predicted benchmark level. Since this study was published Iceland, Starbucks, B&M, Anytime fitness and Sue Ryder tenants have been secured. These complement the existing Co-op, Wilko, Greggs, and QD stores. However there are still vacancies within the centre. An objection has been received from the Orton Centre. Officers therefore concluded that this Lidl would have a significant adverse impact on the existing, committed and planned investment in the centre by its owners, and specifically their ability to secure key operators.

Therefore it was Officers judgement that the proposal failed the impact test. Paragraph 90 of the 2018 NPPF advises that: "Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused."

Further retail information was then submitted by the agent to respond to the above conclusion, that there would be a significant adverse impact on the vitality and viability of the Orton and Valley Park Centre.

The agent argued that the survey methodology underpinning the evidence base of the Peterborough Retail Study (2016) was not robust and so the predicted baseline turnover for Bugden's which said it was significantly underperforming was not realistic. Officers disagree with this and consider that the survey methodology was based on standard and accepted approaches and so is robust. Therefore the 2016 survey results do in Officers view provide a reasonable and realistic baseline position for assessing current shopping patterns and trading performance, including that of Bugden's. No alternative and updated survey evidence have been by the agent to support their view that the market shares and turnovers informed by the 2016 survey are not robust and cannot be relied on, particularly in respect of Bugdens.

In addition the agent disagrees that the impact on Bugdens will be higher than they have predicted because they believe that the proposed Lidl will lead to the overall betterment of the adjacent Local Centre. This betterment they believe will result because of:

- The complementary trading nature of Bugden's and Lidl due to their different retail offer (Bugden's is not a discounter and will not compete on a 'like for like' basis)
- The existing good health of the adjacent Valley Park Local Centre, which means it is likely to withstand the competition brought by Lidl
- The likelihood of improved attractiveness of the Local Centre overall as a result that Lidl will enable local residents to do more of their shopping close to home
- The provision of additional car parking capacity to accommodate increased demand
- The improved expenditure capacity in the local area as a result of new residents following implementation of the adjacent housing scheme
- The strong potential for linked trips

To support their view of strong potential for linked trips they draw on the findings of research carried out by Walsingham Planning for Lidl in 2009 and updated in 2013. The report is called 'The impact of Lidl Supermarkets on Defined Retail Centres' (Nov 2013). This study examines the impact of 6 Lidl stores on existing centres, and the degree to which they generate linked trips to other shops and services within the adjacent centres. A degree of caution has to be applied when considering case study research, and the degree to which its findings can be specifically be applied to forecast the impacts of this proposed Lidl in this case. The sample size is also considered to be too small to draw any robust or meaningful conclusions on impact. This research was also commissioned by Lidl, and so the independent nature of the research and the specific case studies selected is questionable. Furthermore no two locations are ever the same, in terms

of their catchment populations and profiles, the existing provision and location of stores, the level of competition from neighbouring centres and stores, the strength of the retail, services and other uses in the centres etc. Therefore whilst the contents of this research are noted, there are some questions on its overall robustness and whether its findings are directly comparable to this proposal.

However Officers do accept that due to the proximity of the Lidl to the Valley Park Local Centre, and in light of the research referred to above, there are likely to be some linked trips and 'spin-off' expenditure to the other shops, services and facilities, including Bugden's. There is however no standard or accepted methodologies for quantifying the likely linked trips and expenditure generated by edge of centre stores. A bespoke model was used to help quantify the benefits of linked trips argued by the agent. Three scenarios were tested on the potential for this proposed Lidl to generate linked trips with the adjacent centre, specifically Bugden's. These scenarios were 5%, 10% and 20% of linked trips generated. These scenarios showed that the proposed Lidl could generate between £25,000 and £100,000 of 'linked trip' expenditure to the Bugden's store. The most likely scenario is to be between £50,000 and £100,000. The Retail Assessment said that there would be a trade diversion of £40,000 from Bugden's, Officers believed that this would be higher at between £80,000 and £100,000. Therefore based on scenarios 2 and 3 (10% and 20% linked trips) would effectively mean that Lidl would have a 'neutral' impact on the current turnover of Bugden's. Therefore if there was to be any overall net diversion of trade to Lidl it is Officers view that this would likely to be relatively modest.

Therefore notwithstanding the reported poor trading performance of the Bugden's store (as informed by the 2016 Peterborough Retail Study), taking account of the bespoke assessment of the potential for linked trips, in addition to the Case Study Research, it is now considered that there is substantive evidence to clearly demonstrate that the proposed Lidl would not have a 'significant adverse' impact on the turnover of Bugden's; such as to potentially lead to its closure and harm to the wider integrity, vitality and viability of the local centre. Officers therefore on balance consider that the proposal does satisfy the impact test.

In respect of the previous conclusions that there would be a significant adverse impact on investment in Orton District Centre, this was related to the fact that there were vacant units in the shopping centre that could accommodate the proposed store. This is however no longer the case. The owners of the Orton Centre have already invested heavily in the centre and have secured some major recent lettings. This investment and the lettings have occurred in the full knowledge of this Lidl application. Although Officers fully understand the concerns of the owners of Ortongate Shopping Centre with regard to the impact of new out-of-centre retail floorspace, the position has changed and there are no vacant units that can now accommodate Lidl. Therefore Officers do not consider there is substantive hard evidence to clearly demonstrate that the proposed Lidl on the edge of Valley Park Local Centre would have a significant adverse impact on the overall vitality and viability of Orton District Centre, including on existing, planned and committed investment.

Therefore in retail terms, the proposal subject to the imposition of conditions, is considered to be in accordance with the NPPF, and Policies CS15 of the Core Strategy, PP09 of the Planning Policies DPD and LP12 of the emerging Local Plan.

3. Highway

Access is being committed and considered under this current housing outline planning application, and will therefore not be a future separate Reserved Matters application. The foodstore application is a full application therefore access to it is also being considered under this application. A Transport Assessment, and Retail Travel Plan have been submitted in support of the application.

The existing access to the office site is from the roundabout on Sugar Way. Access to the new foodstore site would similarly be taken from the Sugar Way roundabout, via a reconfigured access road. This access road would have a priority junction to the proposed foodstore, with a secondary access taken from it, to serve the proposed residential site. Priority is to be given to the foodstore

to help prevent queuing back to the Sugar Way roundabout from cars trying to access the foodstore. The specific details of the access will be secured by condition, however Officers consider that an access in this location similar to that serving the existing office development is acceptable in highway terms and could be designed to sufficiently accommodate the level and nature of traffic generated by both the retail and residential land uses.

Traffic modelling has taken place at both the site junction with Sugar Way and the Oundle Road – Sugar Way junction, comparing the existing scenario of the office use on site and the existing surrounding development, with the proposed scenario of the new foodstore and residential development. The figures and assumptions of this modelling has been robustly assessed. Whilst the new uses will have different traffic patterns and flows to the existing office use in highway terms, it is considered that they can still be sufficiently accommodated within the existing highway network. The highway impacts of the proposed development do not result in the need for any junction alterations or highway safety improvement works.

The Transport Assessment included an analysis of the personal accidents in the vicinity of the site, and this has not identified any major road safety issues that this proposed development would need to address.

Therefore the proposal is considered to be in accordance with the NPPF, and Policies PP12 of the Planning Policy DPD.

Parking

The foodstore is proposed to be served by 145 car parking spaces, including 9 disabled and 8 parent and child spaces. Dedicated pedestrian access is proposed from Oundle Road and Sugar Way. This is considered to be acceptable and in accordance with Policies PP12 and PP13 of the Planning Policy DPD.

The housing development is an outline proposal so the level of car parking is not to be fixed by this development, and will be dealt with by any future detailed reserved matters proposal. It should be noted however that the parking provision on the indicative plan is below the Council's parking standards and as these standards are minimum standards this would not be accepted should it be proposed at the Reserved Matters Stage. It should be noted that the number of residential units may have to be reduced at the reserved matters stage to ensure a policy compliant car parking provision is proposed.

Cycling

Peterborough City Council commissioned Atkins in 2016 to produce the Peterborough Infrastructure Action Plan. Within this plan the Oundle Road corridor was assessed and numerous recommendations were made to suggest improvements to cycling facilities in the area. These suggestions were put to the agent, but in view of the viability issues with the development the agent could not commit to carrying out any specific cycling improvements.

The Peterborough Cycling forum would like to see 2 improvements regarding cycle access to and from the residential area. 1. The planned access path between the residential area and the adjacent footpath/cycleway they would like to have a minimum width of 2 metres. This route will be heavily used by pedestrians and cyclists. 2. An additional access path is provided between the residential area and the adjacent footpath/cycleway at the northern corner of the development, again they would like this to be a minimum 2m in width. This will satisfy the strong demand for pedestrians and cyclists to travel north on the footpath/cycleway to Candy Street from which there is a safe and almost entirely traffic free route to the city centre and railway station.

There is an existing cycle path that bounds the site to the east. It is agreed that the future layout plan for the housing development at Reserved Matters Stage should include good connections to this existing footpath/cycleway. A condition can be imposed to require the Reserved Matters

application to provide details of the proposed cycle path linkages to be submitted to and agreed in writing by the Local Planning Authority.

Bus Stop Improvements

The current bus stops adjacent to the site are in need of upgrading to provide greater encouragement of sustainable travel to and from the shop and houses. For new shopping trips, shelters each side of the road would be required to improve the environment for shoppers. Similarly commuters living on the housing site will benefit from shelters whether they work in the city centre or towards the employment areas at Orton Southgate and Lynch Wood.

The development at the former Johnston Press site opposite was required to complete the upgrades to the westbound bus stop but no proposals were put forward for the eastbound (towards the City) stop as part of that development.

It would be appropriate therefore to seek the installation of a new shelter (to replace the current one) on the Sugar Way side of the road as part of this development and require that it is operational before the food store is brought into use.

In view of the viability issues with this scheme, as per section 6 of this report, a fixed amount of money only has been able to be secured and this will not be enough to fund all the requests for improvement works to this scheme. Therefore Members/Officers will have to prioritise these requests and determine what infrastructure improvements will be of greatest importance to meet the needs of future residents and allocate the relevant funds accordingly. Therefore a new bus shelter may not be able to be secured.

4. Design, layout, and impact on neighbours

Foodstore

It is considered that the proposed foodstore is acceptably positioned on site, with the car parking to the side and frontage. The existing planting along the Sugar Way boundary will help provide soften the appearance of the car parking in the streetscene. The design of the foodstore is typical of the other Lidl foodstores, with a large amount of glazing to the Oundle Road frontage and large amount of render and cladding to the elevation with Sugar Way. Whilst the proposed building appearance is not of any great architectural quality or design it is not considered it would be visually harmful to the character and appearance of the surrounding streetscene. It is not considered that the proposed foodstore would result in any unacceptable impact on any surrounding neighbouring sites.

Housing

Outline planning permission is being sought for up to 74 residential units, this works out to be a density of 47 dwellings per hectare, which is considered to be a relatively high density development. For comparison the development approved at Johnson's Press site nearby was 42 dwellings per hectare.

The indicative housing layout plan submitted in Officers view does not represent an acceptable housing layout in terms of the proposed amenity for future occupiers, car parking numbers, and in terms the impact on neighbouring site that bound the application site to the north. At pre-application stage the agent was advised that Officers did not consider the site could acceptably accommodate the proposed number of 70 dwellings. The number of residents units is not fixed by this Outline consent, it is an up to figure therefore if by addressing all the impacts on neighbours, amenity issues for future residents, parking provision, noise and amenity issues from the adjacent Lidl store, and drainage issues, at the Reserved Matters stage a lesser number of units could only be achieved then this would have to be accepted by the developer.

The principle of residential development is considered to be acceptable on this site, and it will be for the Reserved Matters application to propose an acceptable layout which addresses all the site issues and constraints to achieve a number of residential units of up to 74.

5. Noise

A noise assessment was submitted in support of the application. This considered the noise impacts from the proposed Lidl foodstore on both the existing and proposed residential properties, and the noise impacts from the existing road traffic noise on the proposed residential properties. Noise surveys were undertaken to assess the current noise levels of the area. In respect of noise from the foodstore, this is mainly to consider noise from mechanical services/plant, noise from car park activity and noise from delivery activity. In respect of noise from plant, it was established that due to the predicted sound from the plant, it would be necessary to mitigate the noise from the plant. A 3.5m high acoustic screen was proposed to provide this mitigation. Due to the unacceptable visual appearance of such a high acoustic screen the plant was relocated from the ground to the roof of the proposed foodstore building. Officers consider that this is now an acceptable solution in terms of both achieving acceptable noise levels for surrounding residents and an acceptable visual appearance to the development.

In respect of the noise impacts from car park activity on residents, the predicted noise levels are significantly below the World Health Organisation guidelines. Therefore it is concluded that the noise from the customer car park would not have a significant adverse effect on the health and quality of life of nearby noise sensitive receptors. Similarly in respect of proposed residents it is not considered noise levels would have a significant impact on future residential properties.

In respect of the proposed delivery noise levels, predicted noise levels have been compared with the World Health Organisation guidelines and it has been concluded that deliveries to the foodstore could take place between 0700 and 2200 without causing unacceptable noise impacts on local residents. In respect of the impact of deliveries on proposed residents, this will depend on the final layout and design of the residential site. However the indicative site plan does show properties that would be closer than the existing noise sensitive properties in Saunders Close. Predicted noise levels at these properties would potentially cause a significant adverse impact to future residents. Noise mitigation would be required to ensure acceptable noise levels are achieved, this could be incorporated into the design of these homes, including layout, and/or the erection of an acoustic screen adjacent to the loading bay. It should be noted however that this could also affect the site layout and the number of residential units that can be acceptably accommodated on the site.

Subject to restricting delivery times to the foodstore, it is considered the proposal would not cause significant adverse noise impact to surrounding and proposed residents.

In respect of the proposed residential development overlooking Oundle Road, it is recommended that all windows should be provided with an alternative means of ventilation to enable windows to be kept closed to reduce the impact of road traffic noise. As this is an outline proposal a condition is recommended to ensure acceptable glazing levels and mechanical ventilation for the proposed housing where required to protect against external noise levels.

On the basis of the above noise mitigation conditions, delivery time restrictions, and the designing of an acceptable housing layout at the detailed design reserved matters stage to achieve acceptable noise levels for future residents, this proposal is considered to be in accordance with the NPPF and Policies CS16 of the Core Strategy, PP03 of the Planning Policies DPD, and LP17 of the emerging Local Plan.

6. Viability

A viability assessment was submitted in support of the application. This initially proposed a 10% on site affordable housing provision. However after some further work into the submitted values and costs etc contained within the appraisal, it was established that it would be viable to provide a 15% on site affordable housing provision. Whilst this 15% level of affordable housing provision is not in compliance with the policy requirement of 30%, Officers consider that sufficient financial viability information has been submitted to demonstrate that a policy compliant position, or anything above a 15% provision would not be viable. The Cambridgeshire and Peterborough Combined Authority (CPCA) are providing grant funding to help deliver more affordable housing for schemes such as this where the full policy provision would render the scheme unviable.

It is understood that discussions have taken place with Cross Keys Homes and the CPCA to see if the grant funding could be secured for the scheme. Therefore it is Officers recommendation that any S106 Legal Agreement secured should require an on- site provision of 30%, 15% of which would be reliant on securing grant funding. If grant funding could not be secured within an agreed set period and it could be demonstrated that all reasonable attempts had been made to secure such funding then in line with the viability appraisal a 15% provision would be accepted. The onus is on the developer to continue such discussions with the CPCA and Cross Keys Homes, and seek Officer advice and assistance when necessary to help secure the relevant funding.

In addition to the above the viability appraisal demonstrated that the scheme could afford to pay a fixed amount towards any S106 requirements generated by the development including a contribution towards open space. Officers have agreed that as no on site open space/play space is proposed to be provided that an off site financial contribution could be sought to enhance existing local provision to meet the needs of future residents. In addition to this there has been a request for Highways Officers for a new bus shelter, and some footpath/cycle path improvements, and the Wildlife Officer has requested a contribution towards the additional visitor pressure that would be generated by the development on the nearby Woodston Ponds Local Nature Reserve. The financial appraisal submitted has demonstrated that it would not be viable for the scheme to provide for all of the above issues. It is Officers view that the enhancements to open space provision in the area is the key area where the money should be spent for the benefit of future residents, with the other issues less essential and therefore only funded if there is sufficient money remaining to do so.

The proposed housing and supermarket uses are both CIL liable development. However as the proposed floorspace is less than that of the existing floorspace on site there will not be a CIL charge.

On the above basis the proposal is considered to be acceptable subject to securing the relevant S106 Legal Agreement.

7. Drainage and Flood Risk

A flood risk assessment was submitted in support of the application. The site is located in Flood Zone 1, which is land with a low probability of flooding. The proposed foodstore and residential uses are both appropriate types of use to be located within this Flood Zone.

Sustainable Urban Drainage Guidance requires in the first instance the surface water drainage to be dealt with on site rather than piped to an existing surface water sewer. If the ground proves inadequate for infiltration of the sites water, evidence needs to be provided to the Lead Local Flood Authority and Anglian Water. Percolation tests for this site have shown that the soil has low infiltration rates. Therefore soakaways are not possible in this instance due to ground conditions.

It is proposed therefore the surface water will be discharged into the existing Anglian Water sewer. The surface water outflow from the new development will exceed the allowable flow, therefore the

flow would need to be controlled and the excess water temporarily stored in underground tanks or oversized pipes.

Officers are not yet satisfied in respect of the proposed housing development that the use of sustainable drainage techniques has fully been considered or committed to. It appears that the indicative drainage scheme has been designed to fit around the proposed indicative layout and relies on underground tanks and oversized pipes. Whilst this is an Outline application and therefore the detailed drainage strategy does not have to be designed at this stage, a high level drainage strategy does need to be proposed which shows the commitment to incorporating and designing a suitable sustainable urban drainage scheme. On this site permeable paving and swales are likely to be appropriate sustainable urban drainage methods and the reasons given for discounting swales are not considered to be acceptable. Therefore presently there is a drainage objection to the residential housing element of this scheme, as an acceptable high level sustainable drainage scheme has not as yet been proposed.

At the time of writing this report further drainage information had been submitted for consideration. Members will be given an update on whether or not the amended scheme is now acceptable to Officers in the Update Report. Should the Objection remain and Members are minded to approve the application, Officers would ask Members for delegated authority to allow Officers to work with the developer to try and overcome this technical objection. However if Members are minded to refuse the application and this issue has not been resolved, it would also have to be a reason for refusal.

In respect of the proposed foodstore site, Officers consider the use of permeable paving in the car parking bays to be acceptable, and are satisfied that a sufficient sustainable urban drainage methods have been proposed to drain this site.

Therefore presently the foodstore proposal is considered to be in accordance with Policy CS22 of the Core Strategy and emerging Local Plan Policy LP32. However the residential proposal is considered to be contrary to Policy CS22 of the Core Strategy and emerging Local Plan Policy LP32.

8. Ecology

A Phase 1 Habitat survey was submitted in support of the planning application.

Designated sites

In respect of the impact of the proposed development on designated nature sites, the site is located approximately 500m from Woodston Ponds Local Nature Reserve, The proposed housing is likely to result in an increase in visitor numbers to this site adding to the pressures and impacts upon it. The Wildlife Officer therefore recommends that a financial contribution be sought by way of a S106 Legal Agreement to assist in mitigating this additional visitor pressure.

Bats

Officers are satisfied that the site is unlikely to support any roosting bats, however it is considered likely that the site boundary features may support foraging/commuting bats. The detailed lighting scheme for the foodstore appears acceptable, similar for the residential development external lighting should be baffled downwards away from the retained boundary vegetation. This could be secured by condition.

Nesting Birds

The proposal involves the removal of vegetation which may support nesting birds. The removal of vegetation should therefore be carried out outside of the bird nesting season, or the site must be

checked by a suitably qualified ecologist to ensure no nesting birds are on site. To mitigate for the loss of potential habitat, a range of bird nesting boxes should be secured by condition.

Hedgehogs

Suitable habitat is present within the application site to support hedgehogs which are a UK Biodiversity Action Plan priority species and listed as a Species of Principal Importance under s41 of the NERC Act 2006. A condition should be imposed to ensure construction trenches are covered overnight or a means of escape is provided for hedgehogs and other small mammals, and impenetrable barriers are avoided by allowing gaps under new fencing.

Mammals

Evidence of large mammal holes (possibly foxes) was found within the food store site. Mammals, including foxes, are protected under the Wild Mammals Act 1996 from crushing, asphyxiation etc. Given that site clearance works may inadvertently cause such suffering, it is recommended that a condition is imposed requiring that the site is checked for signs of large mammal activity immediately prior to any ground works starting. If animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.

Non Native Invasive Plants

Rhododendron and Wall Cotoneaster have both been found growing on the site. They are invasive non-native species, listed on Schedule 9 of the Wildlife & Countryside Act, and it is an offence to cause them to spread. Therefore as stated in the report, care would need to be taken during any works involving the removal, management or disturbance of these plants to ensure no offence is committed. Relevant information can be sought from the Environment Agency regarding statutory obligations on their disposal.

The proposed development is therefore considered to be in accordance with Policies CS21 of the Core Strategy and PP16 of the Planning Policies DPD.

6 Conclusions

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

- The principle of residential use on this site is considered to be acceptable and compatible with the surrounding land uses. The quantum of development achievable on this site will be determined at the detailed reserved matters stage, the figure applied for is an up to figure and therefore is not a fixed figure. The proposal is therefore in accordance with Policies CS2 of the Core Strategy and Policy LP03 of the emerging Local Plan.
- The proposal has passed the sequential test in relation to retail site selection, it has been demonstrated that there are no sites higher in the search hierarchy. In terms of retail impact the greatest impact will be on the adjacent Valley Park Local Centre. There will be an impact on the Budgens store which anchors this centre. However on balance it is not considered that the impact would be significantly adverse, and therefore the proposal passes the impact test in accordance with the NPPF, and Policy LP12 of the emerging Local Plan.
- The quality and significance of the building on site to be lost is not considered to be so high, that the harm caused by its loss justifies the prevention of the proposed redevelopment of this site for housing and retail use.

- The proposed access arrangements and traffic impacts are considered to be acceptable. There are no highway safety concerns with the development proposed. The car parking for the Lidl store is acceptable and the parking for the residential scheme will be determined at the reserved matters stage. The development is therefore considered to be in accordance with Policy PP12 of the Planning Policies DPD and LP13 of the emerging Local Plan.
- The proposed drainage of the retail site is acceptable. The objection to the proposed drainage of the residential site, still needs to be overcome.
- The reduced provision of affordable housing has been justified on viability grounds. Grant funding may be available to ensure a policy compliant provision. Only if such funding cannot be secured will the 15% on site provision be acceptable and in accordance with Policies CS08 of the Core Strategy, and LP08 of the emerging Local Plan.
- The impact on neighbouring sites is considered to be acceptable in accordance with Policies CS16 of the Core Strategy and PP03 of the Planning Policies DPD.

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions and securing a S106 Legal Agreement, and to the satisfactory resolution of the outstanding drainage objection:

For the Proposed Residential development:-

- C1 Approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
- Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.
- C2 Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
- Reason: To ensure that the development meets the policy standards required by the development plan and any other material considerations including national and local policy guidance.
- C3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- C4 The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).
- C5 Prior to the first occupation of any residential unit a scheme of bird boxes including details of their location and design shall be submitted to and approved in writing by the Local Planning Authority. This shall include a range of nesting features to be installed within the

site buildings that cater for Swifts, House Sparrow and Starling. The development shall therefore be carried out in accordance with the approved details.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

- C6 20% of all residential units shall be constructed to meet Building Regulations Part M (Volume 1) Category 2 (the lifetime home standard), and 2% Part M (Volume 1) Category 3 (Wheelchair Housing). The plans and particulars of each relevant reserved matters application to be submitted under condition 1 shall demonstrate compliance with these standards. The residential units shall thereafter be built in accordance with the approved details and maintained as such.

Reason: In order to meet housing need in accordance with Policy CS8 of the Adopted Core Strategy.

- C7 Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure sufficient facilities for firefighting in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

- C8 Prior to the commencement of development or any phase of development a Demolition/Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The D/CMP shall include details of (but not exclusively) the following:

- The phasing of the construction/demolition.
- Parking, turning and loading for construction vehicles.
- Location of all storage compounds and welfare facilities.
- Temporary Construction Access points.
- Management of delivery vehicles.
- Haul routes to and from the site
- Wheel washing facilities.
- Hours of working.
- Details of noise and dust management measures
- Temporary Traffic management including any proposed highway works.

The D/CMP shall be in place prior to the commencement of the demolition/development and shall be adhered to throughout the entire period of demolition/construction of the development.

Reason: In the interests of highway safety and environmental protection in accordance with Policies PP12 and PP16 of the Planning Policies DPD.

- C9 Prior to the commencement of development hereby permitted, full details of the vehicular access from the Sugar Way roundabout shall be submitted to and approved in writing by the local planning authority. Thereafter these works shall be implemented on site in accordance with the approved details prior to first occupation. The works shall thereafter be maintained as such.

Reason: In the interests of highway safety in accordance with Policy PP12 of the Peterborough City Council Planning Policies DPD, 2012.

C10 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C10 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because contamination must be adequately remediated prior to construction works taking place to prevent risks of pollution during the ground works and construction process.

C11 On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C12 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C13 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for trial trenching in the areas of least disturbance has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

C14 All construction trenches must be covered overnight or a means of escape is provided for any hedgehogs (or other mammals) that may have become trapped. Impenetrable barriers should be avoided by allowing adequate gaps under any new fencing to allow the passage of mammals.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

C15 Immediately prior to the commencement of any groundworks, the site must be checked for any large mammal activity. If any animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.

Reason: To ensure the survival and protection of a protected species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

For the Proposed Lidl Foodstore:-

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 materials proposed shall be as per plan 7492B-05 Rev C, unless alternative details are submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved material 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 PP2 of the Peterborough Planning Policies DPD (2012).

C3 The development shall be carried out in accordance with the following approved plans and documents:-

- Proposed Elevations – 7492B-05 Rev C
- Proposed Floor Plan – 7492B-04 Rev B
- Proposed Roof Plan – 7492B-06 Rev C
- Proposed Site Layout – 7492B-07 Rev F
- Location Plan – 7492B-01 Rev D
- Proposed Overall Site Plan – 7492B-08 Rev C

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

C4 The proposed A1 foodstore shall comprise a maximum 2,206 square metres Gross External Area (1,325sqm total net sales floorspace)(defined by Competition Commission, p64 Practice Guidance on Need, impact and the Sequential Approach) with a 80% convenience and 20 % comparison goods split in the net sales floorspace, as per site plan 7492B-07 Rev F. It shall be used solely as an A1 Foodstore, and no other purpose within Classes A1, A2, A3, D2 of Town and Country Planning (Use Classes) Order 1987 (as amended) (or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification), notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (or any statutory instrument revoking or re-enacting these Orders).

Reason: The information submitted to support the application is based on a maximum 2,206 square metres of GEA floor space being taken up by a food store. The application has been considered in this light against the policies set out in National Planning Policy Framework and found acceptable on this basis. Any changes in types of goods being sold should therefore be subject to further assessment via a planning application.

C5 The food retail store shall not be open for trading except within the following specified hours, between the hours:

0800 to 2200 Mondays to Saturdays
1000 to 1700 on Sunday and all Bank Holidays.

Any store deliveries shall also be restricted to between the following hours:

0700 to 2200 Mondays to Saturdays
1000 to 1700 on Sunday and all Bank Holidays.

Reason: In the interests of residential amenity, in accordance with PP3 of the Planning Policy DPD.

C6 Prior to the commencement of the development , a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include amongst other matters:

- a noise management plan including a scheme for the monitoring of construction noise;
- a scheme for the control of dust arising from building and site works;
- a scheme of chassis and wheel cleaning for construction vehicles including contingency measures should these facilities become in-operative and a scheme for the cleaning of affected public highways;

- a scheme of working hours for construction and other site works;
- a scheme for construction access from the Parkway system, including measures to ensure that all construction vehicles can enter the site immediately upon arrival, adequate space within the site to enable vehicles to load and unload clear of the public highway and details of any haul routes across the site;
- a scheme for parking of contractors vehicles;
- a scheme for access and deliveries including hours.

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

Reason: In the interests of highway safety in accordance with Policies CS14 of the Adopted Peterborough Core Strategy DPD and PP12 of the Adopted Peterborough Planning Policies DPD.

- C7 Within 2 months prior to the first occupation of the development a full travel plan shall be submitted to and thereafter approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Retail Travel Plan 31.01.2018 and written in accordance with current industry best practice including guidance of the Department of Transport. The development shall thereafter be occupied/operated in accordance with the approved travel plan or a plan as subsequently modified and approved in writing by the Local Planning Authority.

Reason: In the interests of promoting sustainable transport and development in accordance with policy CS14 of the adopted Peterborough Core Strategy.

- C8 The rating level of noise emitted from the site should not exceed 45 dB $L_{Aeq, 1 \text{ hour}}$ between 07:00 and 23:00hrs and 40dB $L_{Aeq, 15 \text{ minutes}}$ at any other time. The noise levels should be determined at the nearest noise sensitive premises. The measurements and assessment should be made according to BS:4142:2014.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy PP3 of the Peterborough Planning Policies DPD.

- C9 The use of the columns for lighting the food store (Lidl) shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E3 in the Institution of Lighting Engineers document "*Guidance Notes for the Reduction of Obtrusive Light GN01:2011*".

It is recommended that the applicant be required to demonstrate compliance with the 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 PP3 of the Peterborough Planning Policies DPD.

- C10 The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site

investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.

Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C11 Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because contamination must be adequately remediated prior to construction works taking place to prevent risks of pollution during the ground works and construction process.

C12 On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C13 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

C14 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To ensure that any infiltration systems, such as soakaways, do not increase the potential for contaminant migration. Soakaways should not be constructed in potentially contaminated ground. In the interests of preventing contamination in accordance with policy PP20 of the adopted Planning Policies DPD (2012).

C15 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for trial trenching in the areas of least disturbance has been submitted to, and approved by, the local planning authority in writing. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

C16 All construction trenches must be covered overnight or a means of escape is provided for any hedgehogs (or other mammals) that may have become trapped. Impenetrable barriers should be avoided by allowing adequate gaps under any new fencing to allow the passage of mammals.

Reason: In the interests of biodiversity in accordance with policy CS21 of the adopted Core Strategy and the NPPF.

C17 Immediately prior to the commencement of any groundworks, the site must be checked for any large mammal activity. If any animals are present (e.g. young are in the tunnel/ fox earth) then the tunnels/ earth should be adequately protected until all animals have safely left the site. If no young are found, then adult foxes may be excluded from the tunnels and prevented from returning.

Reason: To ensure the survival and protection of a protected species (a feature of nature conservation importance) and those protected by legislation that could be affected adversely by the development, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

C18 Prior to the commencement of development hereby permitted, full details of the vehicular access from the Sugar Way roundabout shall be submitted to and approved in writing by the local planning authority. Thereafter these works shall be implemented on site in accordance with the approved details prior to the foodstore being brought into use. The works shall thereafter be maintained as such.

Reason: In the interests of highway safety in accordance with Policy PP12 of the Peterborough City Council Planning Policies DPD, 2012.

C19 Prior to the retail store being brought into first use, the car parking spaces, cycle parking spaces, turning areas, loading and unloading areas shall be laid out in accordance with approved plan 7492B-07 revision F and be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and in accordance with Policy PP13 of the Peterborough City Council Planning Policies DPD, 2012.

C20 External lighting shall be arranged so that the source of illumination is not directly visible and no danger or inconvenience is caused to users of the adjoining public highway.

Reason: To avoid glare/dazzle which could lead to danger to highway users, in accordance with Policy PP13 of the Peterborough City Council Planning Policies DPD, 2012.

Cc: Cllrs Coles, Dowson, and Serluca

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