

Application Ref: 19/00039/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- resubmission

Site: British Sugar, Oundle Road, Woodston, Peterborough

Applicant: n/a

British Sugar Plc

Agent: Mr Richard Huteson

Rapleys LLP

Referred by: Head of Planning Services

Reason: In the wider public interest

Site visit: 25.01.2019

Case officer: Miss A McSherry

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Recommendation: **GRANT** subject to 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 it formerly comprised the British Sugar headquarter offices with associated car parking. However British Sugar have now moved out of the buildings on site and hoarding has been erected around the site for security purposes. The vehicle access to the site 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
18/00469/FUL	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.	Refused	21/12/2018

3 Planning Policy

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

National Planning Policy Framework (February 2019)

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 90 – Failure of sequential or impact assessments

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.

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.

Para 197 - Impact on Non Designated Heritage Assets

The impact should be taken into account. 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 of the significance of the heritage assets.

Para 199 – Recording of heritage assets to be lost

Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

Peterborough Local Plan 2019

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.

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.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

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

Part 2: Habitats and Geodiversity in Development

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

Part 3: Mitigation of Potential Adverse Impacts of Development

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

LP29 - Trees and Woodland

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of

veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

LP32 - Flood and Water Management

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

LP33 - Development on Land Affected by Contamination

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

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

- Historic environment (2019)
- Town centres and Retail (2019)
- Noise (2019)
- Travel plans, transport assessments and statements (2014)
- Viability (2019)

4 Consultations/Representations

PCC Peterborough Highways Services

No Objection - – Subject to the imposition of conditions. The trip rates and modelling details have been considered and the conclusions of the report are accepted and as a result no junction mitigation works are required. Discussions have been had about the supermarket access coming off an adopted housing estate road rather than the proposed housing coming off the supermarket access. A suggestion was also made about creating another access off Sugar Way to create this as 'in' only with 'out' only from the existing access point. This would not be feasible due to the Council owned landscaping strip along Sugar Way which contains high quality category A trees, which are an important landscape feature in the streetscene. Therefore as per the previous planning application, the exact access design is recommended to be conditioned, so further discussions can take place to find acceptable solution. However the principle of an access in this location to serve both uses is acceptable. 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. 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. 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 there are minimum standards and need to be adhered to. The convoluted footway alignments shown on the indicative residential are not acceptable. Subject to the imposition of conditions there are no highway safety objections.

PCC Conservation Officer

Objection – Original comments - The works result in the demolition of a Grade II Listed Building to provide the supermarket and the proposed housing would be in the curtilage of the listed building and its setting. The application is not supported by a Heritage Statement to assess the impact of the development on a listed building in line with the NPPF. The harm caused by the proposal on designated heritage assets triggers the 'strong presumption' against granting permission and the harm is not exceeded by the limited public benefits of the proposal. The proposal is contrary to

paragraphs 193 and 195 of the NPPF, and Policy CS17 of the Core Strategy and PP17 of the Planning Policies DPD.

Revised comments - Since making these original comments the part of the building Listed by Historic England during the course of the application, has now on further consideration been de-listed. Therefore whilst it has been determined the building is not of quality to List, I consider it to be a non designated heritage asset. I consider the loss of this non designated heritage asset would be contrary to paragraph 197 and Policy LP19 of the Local Plan, and should be refused. If the application were to be approved I would recommend a building recording condition, to comply with paragraph 199 of the NPPF to be imposed.

PCC Open Space 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. It should be noted that the landscaping strip and trees that bound Sugar Way are within Peterborough City Council ownership and do not form part of this planning application.

PCC Strategic Housing

No Objection – Local Plan policy requires 30% of the housing on site to be affordable. There if 74 dwellings are proposed, 22 would be required to be affordable. The tenure split we would expect if 70% affordable rented and 30% intermediate tenure. This would equate to 15 affordable rented and 7 intermediate tenure (shared ownership). As the housing development is in outline and the housing mix indicative, the exact housing mix for the affordable proportion can be determined at the reserved matters stage. If on viability grounds 30% could not be achievable I would still seek to achieve 30% provision and would expect the developer to enquire about the availability of grant funding to facilitate the 30% at no financial detriment to the developer.

PCC S106 Planning Obligations Officer

No Objection – The proposed development would be CIL liable. The CIL sum due would be included in a CIL liability notice if planning permission is granted. However the proposed gross internal area of the residential and commercial elements together appear lower than the gross internal area of the existing building on site, and on that basis the CIL liability would be zero.

PCC Pollution Team

No Objection – Subject to the imposition of conditions in respect of contamination and the requirement for a Phase II report, and any associated remediation, completion reports. A fixed plant maximum noise level condition is required. 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. A construction management condition is also required.

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 with the construction of the office building in the 1970’s, there is potential for remains in the undisturbed areas of land on site. Recommend a historic building recording is undertaken in accordance with Historic England’s advice document.

PCC Tree Officer

Objection – The tree survey is broadly in line with BS5837:2012. I feel that the application should have been accompanied by an arboricultural impact assessment. It is disappointing to see a low number of trees are being retained. Efforts should be made to retain higher quality trees within developments. I therefore object on the basis of inadequate consideration has been given to retaining trees of merit, and securing a suitable scheme of mitigation to compensate for the loss of Category B trees, in line with Policy LP29. It should be noted that at the time of the previous application, the then in post Tree Officer raised no objections.

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.

Lead Local Drainage Authority

No Objection – Subject to the imposition of conditions to secure sustainable drainage schemes.

Waste Management

No comments received

PCC Sustainable Travel Officer

No comments received

Cambridgeshire Fire & Rescue Service

No Objection - 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 Regulations Approved Document B5, Section 16.

Police Architectural Liaison Officer (PALO)

No Objection - 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.

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.

Environment Agency

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

Historic England

Objection – Original comments - The proposal is for the total demolition of a Grade II Listed Building, which would constitute substantial harm, contrary to paragraphs 193,194, and 195 of the NPPF. The proposal would require listed building consent.

Revised comments - Following the de-listing of the Building no further comments have been received.

National Amenity Societies

No comments received

Peterborough Cycling Forum

No comments received

Peterborough Civic Society

Comments on previous application 18/00469/FUL - 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.

No comments received on current application.

Councillor Andy Coles - Fletton & Woodston

No comments received

Councillor Alan Dowson - Fletton & Woodston

Objection – I am opposed to this development. I believe there is a request to re-consider the listing of the building, which has been listed. It looks like Budgens might wish to withdraw from their site.

This would allow their site to be considered as a potential Lidl site. This site would be a solution, for local people wishing a Lidl, without damaging the environment or heritage factors, as the original proposal would. The British Sugar building could be used as a much needed expansion of the local primary. Allowing the outstanding and unique building on site to be destroyed and replaced by a bog standard Lidl Foodstore would be pure vandalism, at the entrance to a well laid out estate.

Local Residents/Interested Parties

Initial consultations: 518
Total number of responses: 31
Total number of objections: 23
Total number in support: 6

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

- No need for another supermarket. We have Budgens, Tesco Express, Nisa and Co-op nearby, and Asda 10 mins away.
- The Ortongate Centre would be a great location for a Lidl.
- The pressure/impact of 70 houses will have on local schools, doctors, and shops.
- Add to the traffic pressures on Sugar Way, which are already problematic.
- There is only one road in and out of the Sugar Way estate which causes traffic problems and queuing.
- Traffic problems could cause problems for emergency vehicles accessing/exiting the Sugar Way development.
- Pedestrian using the site using the pedestrian crossing will slow down traffic when crossing the road.
- There is not enough parking for residents on this road, so the supermarket will add to congestion.
- Concern Mosel Way path used as a short cut, with people not living on the estate using Candy Street as a parking area.
- Environmental impact of loss of vegetation on site and more pollution.
- Deliveries will cause noise pollution for residents. Noise from people using the car park.
- Do not want a Lidl which opens 24/7. We have no issues with Budgens which opens 7.30am to 10pm Monday to Saturday and 10am to 4pm on Sundays.
- Impact during construction, noise and construction vehicles on roads.
- Develop for profit rather than benefit to community.
- The Council promotes small businesses, so why allow a multi national company that could potentially lead to a small business folding.
- Budgens will become an empty unit or charity shop giving rise to anti-social behaviour.
- Why does the glass block need to be demolished, can it not be re-used, more attractive than Lidl building. It is a real shame to lose an iconic building with real architectural merit.
- The Committee previously considered that the Lidl would not create congestion on housing estate road or Oundle Road. When there was a football match at the community centre, there was about 100 cars and only one exit, therefore the estate was gridlocked for over 40 minutes. This is exactly what will happen with a Lidl, but the gridlock will be in evenings, lunchtimes and weekends.
- The windows in my property face south. This development will reduce daylight/sunlight to my property. There should be height restrictions on the proposed development to deal with this. The ground level of my property is 1m lower than the application site. I am concerned that if there is not sufficient drainage water will run off into my site.
- Reduced privacy.
- I would like to see a purpose built roundabout entrance to the site from Oundle Road, rather than access from Sugar Way. Most evenings during rush hours, the traffic on Oundle Road queues back to Sugar Way, this will add to this queuing.
- The additional traffic from this development will add to the conflict of vehicles and children, at school and nursery start and finish times, due to the proximity of the site.
- Overdevelopment of the site.
- The Lidl could result in an additional 280 cars per hour.
- I don't want more social housing. It will reduce property prices.
- I welcomed refusal of the previous application on lack of affordable housing.
- There are no dual carriageways to the site.

- There has been a rise in damage to our flats recently due to nuisance play outside, acting as a magnet to anti-social behaviour at night, I can see this becoming worse if this development goes ahead.
- Could the site not be used as an extension to the Nene Valley Primary school. Each year children living on the housing estate miss out on a school place at the local school because it is oversubscribed.
- What about using the site for the University, or a state of the arts medical centre, or a sports centre with badminton/squash courts.
- Due to the physical and visual separation of the site from Valley Park Centre it is not considered the site can be considered an 'edge of centre' site and needs to be re-assessed as an 'out of centre' site. The sequential retail test needs re-considering as 'out of centre' and with an up to date assessment, including the Budgens site, this will not be an appropriate site for the supermarket use.
- The Valley Park Centre is fully occupied, with Budgens the anchor tenant but the health of the centre has been put under serious threat by this Lidl proposal. The Budgens franchisee is actively seeking assistance to sell the Valley Park store due to increased business competition in the area, reducing sales and the loss of the British Sugar offices. Budgens agents have marketed the retail unit since February this year, and have requested an immediate considerable reduction in rent, which is likely to impact on the health
- Officers previously initially concluded that this proposed development would have a significant adverse impact on the vitality and viability of the Valley Park Local Centre. Please see Appendix 1 for the representation received from the owner of the Valley Park Centre and Appendix 2 for the response from the applicant.

5 letters of support have been received:-

- The city needs more housing, and a competitively priced supermarket would be ideal in this vicinity.
- I would rather houses and a shop than it left to decay.
- I was disappointed the last application was rejected. It would be wonderful to have a Lidl within walking distance.
- We believe the proposed housing and supermarket are much needed in this area. We do not agree that there will be any serious impact on facilities and there will not be any extra traffic congestion.
- Wonderful idea. Welcomed opportunity for affordable houses along with the proposed Lidl supermarket.

1 letter has been received neither objecting nor supporting the application but making the following comments:-

- I worked in the now closed British Sugar office. I think that classifying the glass fronted so called ARUP building is verging on the ridiculous and reeks of stalling tactics by opposer's. The building gained its named from the constructors in about 1980 – Ove Arup. Building a Lidl store over the road from a Budgens supermarket is ill conceived. I fail to see how the developers can fit 70 houses on site.

5 Assessment of the planning issues

1. Planning History/Update

The Planning and Environmental Protection Committee considered a very similar planning application at its meeting on 18 December 2018, planning reference 18/00469/FUL. The only difference in the proposals was that under the previous application, a financial viability assessment was submitted, which demonstrated that only 15% of the dwellings rather than the policy compliant 30% could be affordable. Members refused the application, on the grounds that the 15% affordable housing provision was insufficient and unacceptably below the 30% policy compliant requirement, and this was contrary to Policy CS8 of the Core Strategy and LP08 of the emerging

Local Plan.

The application now under consideration proposes a 30% affordable housing provision on site, in line with Policy LP08 of the Local Plan. In all other respects the proposal is the same as the previous application 18/00469/FUL.

Since the refusal of planning application 18/00469/FUL in December 2018, the Local Planning Authority has adopted its new Local Plan on 24th July 2019. The policies in this plan supersede those in the previous Core Strategy (2011), Peterborough Planning Policies DPD (2012).

The National Planning Policy Framework was also updated in February 2019.

After the receipt of the current planning application, Historic England Listed part of the British Sugar building. However following consideration of an appeal of this Listed status they have now decided to remove the building from their List of Buildings of Special Architectural or Historic Interest, so it has been de-listed.

2. The Principle of Development

Loss of employment land

The application site is not a designated employment site, however it was 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. They have now moved into their new office building and it provides them with 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 help 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 on this site can be supported by Officers in this instance.

Loss of building on site

During the course of this planning application, the application was Listed by Historic England on 25th January 2019, and then de-listed by them on 19th July 2019. The existing office building on site therefore is not a Listed or a Locally Listed Building. The site is also not located within a Conservation Area. Objections have been received to the loss of the existing office building on site. Under the previous application objection on these grounds was also received from the Twentieth Century Society and Peterborough Civic Society, neither of which have commented under this current application. They considered that the proposal would cause substantial harm to a non- designated Heritage asset, which they considered to be worthy of national recognition. They objected to the loss of the fronting office and hexagonal link block dating from 1971-5 and designed by Arup Associates. They considered that the building was 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 considered 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 were 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 considered 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 (2019), 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'.

Policy LP19 requires new development to identify and protect significant non designated heritage assets and their setting. It states 'Where a non-designated heritage asset is affected by development proposals, there will be a presumption in favour of its retention, though regard will be had to the scale of any harm or loss and the significance of the heritage asset. Any special features which contribute to an asset's significance should be retained and reinstated, where possible.

Officers acknowledge that the building was innovative in its construction and design when built and that it won an award in 1975. Historic England listed the building for 6 months this year and then after their review decided that the building was not of sufficient quality to List, and so de-listed it. The significance of the building was also 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 important non-designated heritage assets. Therefore despite our Conservation Officer's objection to the loss of this non designated heritage asset, it is Officers view that the significance of this non designated heritage asset is not of such importance and quality, that its loss could be resisted. It is considered that the harm caused by the loss of this non designated heritage asset would not outweigh the benefits of bringing this redundant site back into use for new retail and residential development. Members, in reaching their decision, should also carry out this weighing exercise considering the significance and importance of the building and the scale of harm that would result by its loss, to reach their balanced judgement.

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.

Therefore Officers consider in weighing up this application, and in reaching a balanced judgement, that whilst there will be total loss of this non designated heritage asset, balancing this against the significance of the heritage asset, the view reached that Officers do not consider its loss could be resisted.

Principal of 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.

3. 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 process than a conventional supermarket but which stock a limited range of products).

Policy LP12 of the newly adopted Local Plan states that there is no capacity for any further comparison or convenience floorspace across the district until at least 2026. However acknowledges that should any committed but unimplemented floorspace permissions lapse (March 2016), there would be capacity provided no additional consents have been given since March 2016 which make up for those lapses. The committed convenience permissions of the Garden Park and Maskew Avenue accounted for in 2016 retail assessment have now lapsed. It is considered that this proposed convenience floorspace together with those approved since March 2016 are less than the lapsed commitments and therefore there is capacity to accept this additional convenience retail floorspace, in line with Policy LP12.

Sequential Test

The retail assessment includes a Sequential Test for the site selection as required by the NPPF and LP12 of the 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 was 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. Under the previous application 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 to the previous application, 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 2018 during that previous application, it was confirmed that the vacant units SU20-23 had been let and so they were no longer available. It was also confirmed that there were no other units, or units which could be amalgamated to provide a larger unit, that were 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) that site was 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 had to agree that due to the location, size and configuration that the site did 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 no longer had any units that were available (or likely to become available within a reasonable period), it was concluded that the application site did satisfy the sequential test.

No objections have been received from the Orton Centre to this application, and Officers are not aware that there are now any available sites (or likely to become available within a reasonable period), within the Orton Centre which could reasonable accommodate this proposed development.

An objection has been received on behalf of the owners of the adjacent retail Valley Park Local Centre, Appendix 1. They object on the grounds they were not consulted on this or the previous planning application. Officers have checked who were consulted on both this and the previous planning application and can confirm all the retail units (A to H) were sent a neighbour notification letter. In addition site notices were put up around the site and advertisements were placed in the Peterborough Evening Telegraph. The fact that none of the retail tenants shared the contents of the neighbour notification letter with the centre owners to make them aware of the planning applications, is a matter between the owners and tenants, and not something the Local Planning Authority can get involved in. Therefore the correct public consultation process was followed for both this and the previous planning application.

The objection is also on the grounds that they do not consider the application site to be an edge of centre retail site. The application site is located on the opposite of Sugar Way from the Local Centre and therefore they consider that this physical and visual separation from the centre, together with the fact that it is not well connected to the centre renders it an 'out of centre' rather than 'edge of centre' retail site. They consider that the sequential test needs updating to reflect this out of centre rather than edge of centre classification, to assess the availability of any alternative suitable sites. They consider the Budgens site in the centre would be a sequential preferable site, rendering the application site inappropriate sequentially.

The NPPF definition on 'edge of centre' is:-

For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

The application site is located on the opposite site of Sugar Way from the Local Centre. There is a pedestrian crossing which provides a safe pedestrian/cycling crossing across Sugar Way between the 2 sites. There is also good road accessibility between the two sites. Therefore it is considered that the application site is reasonably well connected to the primary shopping area. There is approximately 30m of physical distance between the 2 sites. Therefore despite the 2 lanes of traffic on either side of Sugar Way, it is not considered that this physical separation of around 30m which is well within the 300m allowable under the NPPF definition would render this site incapable of being considered an 'edge of centre' retail site. Therefore the comments of the objector have

been considered but Officers cannot agree with the conclusion they have reached that this should be considered as a 'out of centre' rather than 'edge of centre' site.

The objection considers as a result of Budgens marketing its unit and seeking a significant rent reduction then this site is likely to be available for occupation imminently, and therefore this would be a sequential preferable in centre site which Lidl could occupy. Whilst they appreciate the ideal size store for Lidl is 2000sqm, they are aware of Lidl showing flexibility in delivering other stores in centre, when the need arises with stores ranging from 7,500sqft (approx. 700sqm) to 26,500 sqft (approx. 2,460sqm). The Budgens store is 9870 sqft (approx. 917sqm), with scope to extend at the rear. Therefore the Objector considers Lidl must fully consider the Budgens site, showing significant flexibility to fully consider and explore the potential of this sequentially preferable site before considering the application, in line with the Sequential test requirements.

A letter from Lidl, Appendix 2 has been received which states that even if Budgens were to become available it would not be suitable for Lidl's business needs outside of London.

Independent retail advice has been sought by the Council on this objection, Appendix 3. The advice received was even if the Budgens store was available and even if significant flexibility was applied to the proposed Lidl in format and scale, the existing Budgens store at approximately 917 sqm (9,870 sqft) would not be able to accommodate the proposed Lidl which has a GEA some 60% larger at 2,206sqm. Whilst the objector has noted there are some Lidl stores outside London that trade in smaller stores, none of those quoted are as small as the Budgens store in this case. Therefore the Retail advice concludes that they consider that there have been no significant material changes to the availability and suitability of alternative sites/premises since the 2018 application was assessed and determined and that this application does still satisfy the sequential test in compliance with both the development plan policy and the NPPF. The advice sought by the Council on the 2018 application is at Appendix 4

The objection received also raising concerns about the retail impact of the proposal on Budgens and the wider Valley Park centre which Budgens anchors. This is dealt with in the retail impact section below.

Retail Impact Test

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

Under the previous application 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 2019 NPPF (paragraphs 89-90) does 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 under the previous application 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 Budgens, 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. Under the previous application and it was found since this study was published Iceland, Starbucks, B&M, Anytime fitness and Sue Ryder tenants had been secured. These complement the existing Co-op, Wilko, Greggs, and QD stores. However there were still vacancies within the centre. An objection has been received from the Orton Centre to this previous application. 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 2019 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 Centres.

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 did 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 was provided by the agent to support their view that the market shares and turnovers informed by the 2016 survey were not robust and could not be relied on, particularly in respect of Bugden's.

In addition the agent disagreed that the impact on Bugden's would be higher than they have predicted because they believe that the proposed Lidl would 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 did 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 considered that the proposal does satisfy the impact test.

Members when considering the retail impact under the previous application accepted the Officer recommendation and the independent retail advice that underpinned it that whilst there would be a retail impact on Budgens and the adjacent Centre it would not be a significant adverse impact, which is the test for refusal in accordance with paragraph 90/89 of the NPPF. Under this current application an objection has been received on behalf of the Owners of the adjacent Local Centre. They consider despite the centre being fully occupied and anchored by Budgens that the proposal has put the health of the centre under serious threat. Budgens the franchisee is actively seeking assistance to sell the Valley Park store due to increased competition in the area, reducing sales, and the loss of the British Sugar offices. Budgens have been marketing the unit since February 2019, and have requested an immediate considerable reduction in rent, which they feel will impact on the health and strength of the centre. They therefore consider that the proposed Lidl is already having, and would if approved have a significant adverse impact on the Valley Park Centre, and so in line with paragraph 90 of the NPPF should be refused. They also consider that the retail assessment consideration that Lidl is a 'deep discounter' and so would have a different retail offer to Budgens and thus a lack of comparable competition and impact is not correct. They consider that these two stores would target the same value end of the food retail shopping spectrum and so would be direct competitors. They consider that the conclusion of 'neutral impact on Budgens due to the Walsingham research and the bespoke model of considering trade draw, against potential linked trips to be flawed, with no industry standard to support it. They consider Officers previous conclusion that there would not be significant adverse impacts to be wrong given the poor trading of Budgens and the fact that they cannot trade competitively given the threat posed by Lidl's. They consider that there is no need for the store due to the existing numerous food retail provision in the locality. There is no need test for retail developments in planning, business competition is not a material planning consideration. They held the view that approving Lidl, which could serve as a catalyst to the loss of the anchor tenant in the adjacent local centre would destroy the sustainability of the community if it goes ahead.

The evidence submitted with the objection from the owners of the Valley Park Local Centre, is correspondence between them and the agent of Budgens. The correspondence from March 2019 states that the Budgens store experienced an impact on its sales following the opening of a Tesco express nearby in May 2014 of 13% in first year, and 10% in the second. The opening of the Co-op in November 2016 also had a 20% impact on their sales in the first year. They state also that the re-location of the British Sugar offices will also add to a further loss of sales, and with an impending rent review in 2019, this has forced our franchisee to request to sell the store. They state that there has been limited interest on the open market, the majority of which has been for a much lower rent of to downsize. This has lead them to ask the landlord for assistance e.g. rent reduction or any other suggestions. The agent acting for Budgens state in their May 2019 correspondence that the forecast for this year is a £51k loss, based on current rental level. Sales are down 9.1% based on the performance for past 6 months, and they anticipate pressure on sales will become more pronounced as the year progresses. Therefore they consider to break even, the rent would need to be reduced significantly to circa £80k per annum.

Our independent retail advice, Appendix 3 in respect of the above objection and evidence submitted considers that the correspondence represents a typical negotiation between landlord and tenant in the current climate and in advance of an imminent rent review that has yet to be

resolved and agreed between both parties. The correspondence does refer to the relatively poor trading performance of Budgens, however this was known and referred to in the assessment of the 2018 application. Therefore the poor performance of Budgens is not 'new' evidence. No new evidence has been provided as to the actual turnover of Budgens, and specifically whether it is trading significantly below company averages (at the levels of the 2016 Retail Study). The correspondence does state a £51K loss based on current rental level and requirements for significant rent reduction to circa £80,000 per annum. No further correspondence has been received from the May 2019 correspondence to say if this situation in respect of rental levels has been resolved/progressed. It needs to be considered therefore whether the submitted correspondence between landlord and tenant can be afforded significant weight to change the Council's previous decision taking and ultimately conclude now that this Lidl proposal would in fact have a significant adverse impact on the overall vitality and viability of the local centre.

The retail advice received from PCC's retail consultant is of the view that there is still no substantive evidence that clearly demonstrates that Budgens will definitely close its store in the local centre. There is also no evidence that directly links the closure of Budgens with this Lidl proposal. Budgens is seeking a reduced rent from the landlord based on its sales performance to date (without Lidl) and currently Budgens remains open and trading. If negotiations between the landlord and tenant can be resolved, it is likely Budgens will continue to operate, irrespective of Lidl being permitted. The previous assessment of 'linked trips' indicate that any impact on the stores current sales would be 'neutral', insofar as the any potential loss of trade would be balanced by new linked trip expenditure. Therefore the performance of Budgens 'with and 'without' Lidl should not change significantly, all other things remaining equal. Our retail consultant has considered the scenario if Budgens were to close. Currently the Valley Park Local Centre is fully occupied. Budgens function as the key anchor store, however the other retail uses include Betfred, Barnardo's, Aroma takeaway and Domino's pizza. There are other uses in the centre that generate day to day trips, footfall and link trip expenditure including the community health centre, the nhs pharmacy, primary and nursery schools. Notwithstanding Budgens anchor role, the retail consultant does not consider its closure would necessarily undermine the overall viability of the other retail uses within the centre resulting in their closure. Under the scenario that Budgens closed and Lidl opened, it is likely that Lidl would perform the role of anchor for the centre. It is considered that Lidl would generate linked trips to the units in the centre, and shoppers at Lidl would combine trips with the health centre, pharmacy and school drop off and pick ups, in the same way that they presently do with Budgens. Therefore whilst it is considered that should the Budgens close the impact on the centre would be adverse, it is not considered in view of the above that it would be significantly adverse, which is the test set out in the NPPF. It is considered that in the worst case scenario that Budgens were to close as a result of the opening of Lidl that the centre would remain vital and viable and the space vacated by Budgens could be taken up by an alternative use. Therefore Officers are still of the view that there is no 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 that Centre.

In respect of the previous application the initial conclusions that there would be a significant adverse impact on investment in Orton District Centre, was related to the fact that there were vacant units in the shopping centre that could accommodate the proposed store. This changed during the course of that application, resulting in their being no suitable available or likely to become available units. The owners of the Orton Centre were investing heavily in the centre and had secured some major recent lettings. This investment and the lettings have occurred in the full knowledge of this Lidl application. Although Officers fully understood the concerns of the owners of Ortongate Shopping Centre with regard to the impact of new out-of-centre retail floorspace, the position had changed and there are no vacant units that can now accommodate Lidl. Under this current application as far as Officers are aware there have been no substantive changes to the overall health and performance of the Orton Centre, since December 2018. Therefore Officers are still of the view that there is no 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 Policy LP12 of the Local Plan (2019).

4. 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 Policy LP13 of the Peterborough Local Plan (2019).

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 Policy LP13 of the Peterborough Local Plan (2019).

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 previously requested 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 7 of this report, and as there is not sufficient monies available to cover all the S106 requests being made of this scheme. Officers have had 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 as open space improvements are considered to be a higher priority to meet the future resident's needs, unfortunately a new bus shelter will not be able to be secured in this instance.

5. 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 to provide a softening of 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 in terms of loss of light or privacy 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.

6. 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. To achieve acceptable noise levels the plant will be located on the roof of the proposed foodstore building, rather than on the ground. Officers consider this is 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 Policy LP17 of the Local Plan (2019).

7. Viability

Under the previous application a viability assessment was submitted in support of the application. It initially proposed a 10% on site affordable housing provision, but then after some further work was able to establish that it would be viable to provide a 15% on site affordable housing provision. Whilst this 15% level of affordable housing provision was not in compliance with the policy requirement of 30%, Officers considered that sufficient financial viability information had been submitted to demonstrate that a policy compliant position, or anything above a 15% provision would not be viable. It was considered that the Cambridgeshire and Peterborough Combined Authority (CPCA) might have been able to provide grant funding to help deliver more affordable housing for schemes such as this where the full policy provision would render the scheme unviable.

However Members in reaching their decision disagreed with Officers and considered that the applicant should take more of a financial hit on the scheme and provide a policy 30% of affordable housing, rather than rely on the Combined Authority who may or may not have been able to make up the 15% shortfall.

Therefore the applicant has re-considered their position and re-submitted this application with a policy compliant 30% affordable housing provision, which is recommended to be secured by way of a S106 legal agreement.

The previous viability appraisal also demonstrated that the scheme could only 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 previously submitted demonstrated that it would not be viable for the scheme to provide for all of the above issues. It was and still 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. In this regard this application sets out to only fund through the legal agreement the requirements in respect of open space contributions, and therefore there will be no monies secured for the other issues e.g. bus stop improvements, contribution to local nature reserve, footpath/cyclepath improvements.

The proposed housing and supermarket uses are both CIL liable development. However as the proposed estimated floorspace is likely to be less than that of the existing floorspace on site there is unlikely to be any CIL charges. CIL is only payable for net increases in floorspace.

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

8. 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 satisfied in respect of the proposed housing development, that an acceptable high level sustainable drainage scheme has been proposed. This high level drainage strategy has shown commitment to incorporating and designing a suitable sustainable urban drainage scheme that uses sustainable drainage techniques, rather than just relying on underground tanks and oversized pipes. On this site permeable paving and swales are likely to be appropriate sustainable urban drainage methods. Therefore subject to a detailed sustainable drainage scheme being secured by condition the residential housing element of this scheme is considered to be acceptable,

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 subject to the imposition of conditions the foodstore and residential proposals are considered to be in accordance with Policy LP32 of the Local Plan (2019).

9. 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. In view of the viability issues with this scheme, as per section 7 of this report, and as there is not sufficient monies available to cover all the S106 requests being made of this scheme. Officers have had 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 as open space improvements are considered to be a higher priority to meet the future resident's needs, unfortunately a contribution to the Local Nature Reserve will not be able to be secured in this instance.

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 Policy LP28 of the Peterborough Local Plan (2019).

10. Trees

Under the previous application in December 2018, the Tree Officer raised no objection to the proposal subject to the imposition of conditions, to secure tree protection and an arboriculture method statement, and a suitable landscaping scheme for both the Lidl and residential sites. The Tree Officer at that time was of the view that the category B trees to be lost on the proposed Lidl site could be considered acceptable in this instance as they were screened by the higher quality London Plane trees owned by Peterborough City Council on the landscaping strip adjacent to Sugar Way which would be retained.

In tree and landscaping terms there has been no changes to the proposal from the previous application.

A different Landscape Officer has looked at this current application, and unaware of the previous Tree comments objected to the loss of the Category B trees on site and insufficient replacement

mitigation planting in line with the newly adopted Policy LP29. This policy requires when category A or B trees are to be lost, appropriate mitigation, via compensatory tree planting. The policy specifies the number of replacement trees required depending on the size of the existing tree to be lost, unless it is demonstrably impractical or inappropriate, to provide that number of compensatory trees. The previously policies in the Peterborough Core Strategy and Planning Policies sought to secure replacement tree planting for those to be lost, but did not specify the quantity that needed to be secured.

The applicant in seeking to clear and secure their site, and in view of the previous Tree Officer comments have already removed the Category B trees on site and as they were not protected trees they were entitled to do so. Therefore the Tree Officer objection to the loss of the Category B trees on site could not now be sustained. The only issue remaining in the Tree Officer objection would therefore be the securing of sufficient mitigation tree planting in line with Policy LP29.

Officers are of the view that mitigation tree planting could be secured through the proposed landscaping conditions on both the housing and the supermarket proposals. It is acknowledged that the level of tree planting required by the new LP29 Policy is unlikely to be able to be accommodated within the site, however it is considered that a reasonable level of mitigation planting could be secured. It would also be considered unreasonable, in view of the previous Tree Officer advice, and Members previous agreement to it, by only refusing the previous application on affordable housing grounds, to refuse this application on the basis that the level of replacement tree planting on this site may not now meet the quantum specified by Policy LP29 which was adopted in July this year. Policy LP29 does state that deviations from the specified number of trees in the policy may be possible where it is demonstrated to be impractical or inappropriate. Therefore it is Officers view that whilst the concerns of the Tree Officer are understood, a refusal of planning permission could not be sustained on this basis and that an acceptable level of mitigation planting could be secured by condition, albeit that the numbers of replacement trees would likely be less than those specified in Policy LP29.

11. Miscellaneous

Objections have been received raising the issue of why the site could not be used for alternative uses, for example expansion of the School or University. When considering a planning application the Council is duty bound to consider the acceptability or otherwise of what is submitted, and make a decision on the proposal before it. It cannot consider what other alternative proposals may or may not be suitable/acceptable on the site or make a judgement on a submitted proposal based on any alternative options.

6 Conclusions

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

- The 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 Policy LP03 of the 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 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 would justify 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 LP13 of the Local Plan.
- The proposed drainage of the both the retail and residential sites are considered to be acceptable, subject to the imposition of conditions.
- 30% affordable housing is proposed in accordance with Policy LP08 of the Local Plan.
- The impact on neighbouring sites is considered to be acceptable in accordance with Policy LP17 of the Local Plan.

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the following conditions and securing a S106 Legal Agreement to cover affordable housing and off site open space/play area contributions as detailed above:

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 LP28 of the Peterborough Local Plan (2019) and the NPPF.

- C6 All residential units shall be constructed to meet Building Regulations Part M4(2) (the lifetime home standard), and 5% Part M4(3)(2) (a) (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 LP8 of the Peterborough Local Plan (2019).

- C7 Notwithstanding the submitted information no development above ground works shall take place until provision has been made for fire hydrants in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.

Prior to the first occupation of any dwelling/building to be served by the scheme written confirmation shall be submitted to and approved in writing by the Local Planning Authority that the scheme has been implemented in full and is certified as being ready for use

Reason: To ensure sufficient facilities for firefighting in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- 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 Policy LP13 of the Peterborough Local Plan (2019).

- 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 LP13 of the Peterborough Local Plan (2019).

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 paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019). This is a pre-commencement condition to ensure that no groundworks take place that may pose an unacceptable risk to human health or controlled waters.

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 potential risks arising from previous site uses have been fully assessed, in accordance with paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019). This is a pre-commencement condition to ensure that no groundworks take place that may pose an unacceptable risk to human health or controlled waters.

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, in accordance with paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019).

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 paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019).

C14 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 Chapter 16 of the National Planning Policy Framework (2019) and Policy LP19 of the Peterborough Local Plan (2019). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

C15 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 LP28 of the Peterborough Local Plan (2019) and the NPPF.

C16 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 LP28 of the Peterborough Local Plan (2019).

C17 The development hereby permitted shall not begin until details of the design, implementation, maintenance and management of the sustainable drainage scheme, in line with the document: 724-FRA01 Rev E, have been submitted to and approved in writing by the local planning authority. Those details shall include but are not limited to:

a) Information about the design storm period and intensity, discharge rates and volumes (both

pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;

b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

c) Flood water exceedance routes, both on and off site;

d) A timetable for its implementation, and

e) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

f) Demonstration that it meets the government's national standards and that it follows Peterborough City Councils Design & Evaluation Guide

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

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

C18 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction – Recommendations methodology has been submitted to and approved by the Local Planning Authority that identifies (not exclusively) the following:

- Trees to be retained and those to be removed.
- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application site and those immediately offsite.
- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Signs will be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

REASON: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

C19 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

The scheme shall include the following details

- Proposed finished ground and building slab levels

- Planting plans including retained trees, species, numbers, size and density of planting
- An implementation programme (phased developments)

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy LP16 and LP29 of the Peterborough Local Plan (2019).

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 LP16 of the Peterborough Local Plan (2019).

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 'Limited Assortment Discounters' 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 Policy LP17 of the Peterborough Local Plan (2019)

C6 Prior to the commencement of the development, a Demolition/Construction Management Plan (D/CMP) 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 10 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, turning, loading of contractors vehicles, clear of the public highway; - a scheme for access and deliveries including hours.
- a phasing plan of the demolition/construction
- location of all storage compounds and welfare facilities
- details of any temporary construction access points
- Temporary traffic management including any proposed highway works.

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

Reason: In the interests of highway safety in accordance with Policy LP13 of the Peterborough Local Plan (2019).

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 LP13 of the Peterborough Local Plan (2019).

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 LP16 and LP17 of the Peterborough Local Plan (2019).

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 LP17 of the Peterborough Local Plan (2019).

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 paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019). This is a pre-commencement condition to ensure that no groundworks take place that may pose an unacceptable risk to human health or controlled waters.

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 potential risks arising from previous site uses have been fully assessed, in accordance with paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019). This is a pre-commencement condition to ensure that no groundworks take place that may pose an unacceptable risk to human health or controlled waters.

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, in accordance with paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019).

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 paragraphs 178 and 180 of the National Planning Policy Framework (2019) and Policy LP33 of the Peterborough Local Plan (2019).

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 LP33 of the Peterborough Local Plan (2019).

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 Chapter 16 of the National Planning Policy Framework (2019) and Policy LP19 of the Peterborough Local Plan (2019). 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 LP28 of the Peterborough Local Plan (2019) 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 LP28 of the Peterborough Local Plan (2019).

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 LP13 of the Peterborough Local Plan (2019).

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 LP13 of the Peterborough Local Plan (2019).

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 LP13 of the Peterborough Local Plan (2019).

C21 No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the document: 724-FRA-01 Rev E. The sustainable drainage 6 scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

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

C22 No work shall take on the application site (including soil stripping, preconstruction delivery of equipment or materials, the creation of site accesses, positioning of site huts) until a site specific Method Statement and/or Tree Protection Plan to BS5837:2012 Trees in relation to design demolition and construction – Recommendations methodology has been submitted to and approved by the Local Planning Authority that identifies (not exclusively) the following:

- Trees to be retained and those to be removed.
- Location and specification of protective tree measures in addition to appropriate ground protection within the Root Protection Areas of all retained trees within the application

site and those immediately offsite including the PCC managed trees on the western boundary with Sugar Way;

- Details of all Root Protection Area infringement during the construction and landscaping phases with details on how the impact will be minimised. This includes the location and specification of 'no dig' constructions (where applicable);
- Details of facilitation pruning;
- Location for access, material storage, site office, mixing of cement, welfare facilities etc;
- Specification of landscaping prescriptions (including fencing/walls and changes in soil level) within the Root Protection Area of retained trees;

The scheme shall be implemented strictly in accordance with the agreed details/plans. The tree protection shall be erected according to the specification and locations shown on the agreed Tree Protection Plan. Signs will be placed on the tree protection emphasising that it is not to be moved, nor the area entered into until the end of development without written permission from the Local Planning Authority's Tree Officer.

Reason: In order to protect and safeguard the amenities of the area, in accordance with Policies LP16 and LP29 of the Peterborough Local Plan (2019).

- C23 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier. The scheme shall include the following details · Proposed finished ground and building slab levels 7 · Planting plans including retained trees, species, numbers, size and density of planting · An implementation programme (phased developments)

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy LP16 and LP29 of the Peterborough Local Plan (2019).

Cc: Cllrs A. Coles, L. Coles and Dowson.