

**Application Ref:** 16/00671/FUL

**Proposal:** Alterations and conversion to create additional shop (class A1 use) at ground floor and 8no. one bedroom flats at first and second floors

**Site:** 3 - 7 Oxford Road, Millfield, Peterborough, PE1 3BL  
**Applicant:** Mr Zahid Hussain  
**Agent:** Mr D Coulling, PDG Architects Ltd

**Referred by:** Councillor Shearman  
**Reason:** Overdevelopment and impact on traffic conditions in the area  
**Site visit:** 18.09.2016

**Case officer:** Miss Louise Lovegrove  
**Telephone No.** 01733 454439  
**E-Mail:** louise.lovegrove@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### **Site and Surroundings**

The application site comprises a part-two storey part-single storey building of mixed use, with A1 retail floorspace at ground floor (formerly a carpet/furniture store) and B1 offices at first floor. The site is situated on the southern side of Oxford Road and lies within the identified boundary of the Millfield District Centre. The surrounding area to the south-west is characterised by a variety of A1, A2 (financial/professional services), A3 (cafe/restaurant) and A5 (hot food takeaways) uses within the District Centre whereas to the north and east are predominantly residential dwellings.

The building fills almost the entirety of the application site, running the entire depth of the plot. There is a single width vehicular access to the north-east of the building, immediately adjacent to No.15 Oxford Road, which leads to a large concrete hardstanding which is used for car parking.

### **Proposal**

The application seeks planning permission for:

- Subdivision of the existing ground floor A1 retail unit to 2no. units, with the installation of new security roller shutters;
- Construction of a first floor side extension;
- Creation of 8no. 1-bed flats at first and second floor levels; and
- Associated external works to facilitate the residential accommodation through the insertion of new roof lights.

It should be noted that considerable unauthorised works have taken place at the application site, including the construction of dangerous extensions at first/second floor level and conversion of the first and second floors to residential flats. No occupation of these flats has ever taken place. There is an Enforcement Notice in force on the site which requires these unauthorised works to be removed and the site restored to its original condition by the 5th March 2016. This has not yet been complied with. However, the Owner is awaiting the outcome of this planning decision before undertaking further works on the site, a position accepted by the City Council's Planning Compliance Officers.

These unauthorised works have no impact upon the consideration of this application, as retrospective consent is not sought.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
P0319/74/EU	For a warehouse and for the retail sale of furniture, furnishings and ancillary goods	Permitted	02/09/1974
P0007/83	Change of use of part of ground floor store/showroom to TV workshop and of first floor store to offices	Refused	10/03/1983
08/00058/FUL	Four one-bed apartments, nine two-bed apartments and one three-bed apartment	Refused	08/04/2008

## **3 Planning Policy**

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

### **Peterborough Core Strategy DPD (2011)**

#### **CS14 - Transport**

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

#### **CS16 - Urban Design and the Public Realm**

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

### **Peterborough Planning Policies DPD (2012)**

#### **PP02 - Design Quality**

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

#### **PP03 - Impacts of New Development**

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

#### **PP04 - Amenity Provision in New Residential Development**

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

#### **PP11A - (a) Shop Frontages (including signage)**

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

#### **PP11B - (b) External Shutters**

Permission will only be granted where there is demonstrable need in terms of crime; the property is not listed or within a conservation area; the shutter is designed to a high standard and is perforated.

#### **PP12 - The Transport Implications of Development**

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

highway safety.

### **PP13 - Parking Standards**

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

### **Peterborough Shop Front Design Guidance SPD (2014)**

#### **Design Principle 4: Security Measures**

The installation of an external security shutter will only be acceptable if certain criteria are met.

### **Peterborough Local Plan 2016 to 2036 (Preliminary Draft)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

## **4 Consultations/Representations**

### **Building Control Manager (19.05.16)**

Building Regulations approval required. Part M relating to disabled requirements also applicable.

### **Millfield & New England Residents Planning Sub Group (10.05.16)**

Objection - The proposal seeks to replace a retail business, which by its nature did not have a large volume of customers visiting at any one time, with 2 retail businesses and 8 apartments. The Applicant is then seeking to claim that there will be less traffic and there will not be an impact on the area. We find this argument spurious.

Although one of the retail businesses is similar in selling larger items (so not having a high volume of customers), there is bound to be more traffic as the second business is possibly a hairdressers - likely to have more customers and needing to park for longer than most shop users. What happens if different businesses with more customers take over the premises?

### **Victoria Park Residents Association**

No comments received.

### **PCC Transport & Engineering Services (10.05.16)**

No objections - Whilst the existing access to the site is significantly substandard, it has been demonstrated that the proposed traffic generation would be insignificant in comparison to the existing use. In terms of retail use of the ground floor, this is likely to be similar in comparison to the previous use. In addition, the site is located within a District Centre. The Local Highway Authority could not insist upon parking within the curtilage of the site for either staff or customers on this basis.

### **PCC Pollution Team**

No comments received.

### **Cambridgeshire Fire & Rescue Service**

No comments received

### **Archaeological Officer (09.05.16)**

No objections - The proposed development site has negligible archaeological implications.

## **Waste Management**

No comments received.

## **Local Residents/Interested Parties**

Initial consultations: 29

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

One objection has been received from a neighbouring resident on the following grounds:

- Object on the grounds of increased road traffic in an already busy and overcrowded area.
- Object to the probable increase in noise pollution due to the number and type of proposed residential units and retail use of the property.
- Oxford Road is a residential Street that, if this application is allowed to go ahead, will become more of an extension to Lincoln Road and will cause upset to residents with an increase in road and foot traffic at all times of the day and night.
- Rubbish and dropping of litter in the area is already beyond reasonable levels and this application will only increase the amount of unsightly litter, possible infestation of vermin from bins and general decrease in the quality of the residents' environment.
- The property has already been extended without permission by the Applicant and is the subject of an Enforcement Notice. The unsightly second floor extension now overlooks out property with open windows and if this is allowed to stay, this will only justify the actions of the Applicant.
- The current design and layout of the building, as it has been extended, is not acceptable.
- The only access to the property for commercial re-stocking would involve extra vans/lorries entering Oxford Road causing more traffic problems.

**Councillor Shearman** - The development is considered to be inappropriate on the grounds that it represents overdevelopment of the site. I am also concerned over the impact the development will make on traffic conditions in this area.

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking, traffic and highway implications
- Neighbour amenity
- Amenity provision for future occupants

### **a) Principle of development**

As detailed in Section 1 above, the application site is located within the identified Millfield District Centre. This allocation is intended to identify the area whereby retail (Class A1) development is appropriate and where such development should be directed in the first instance. At present, the site is lawfully within a Class A1 use at ground floor. The subdivision to create a second retail unit within this floor area does not constitute development and as such, does not require the benefit of planning permission. However, it has been included within the application proposal and as such, the Local Planning Authority has a duty to consider this element of the proposal. Given the 'fall-back position' (i.e. that it does not need permission) and that the site is located within an identified retail centre, it is considered that the creation of 2no. retail units at ground floor is wholly appropriate.

With regards to the conversion of the first and second floors to residential accommodation, there are numerous examples within the locality and throughout the City whereby residential accommodation is situated above retail development. Furthermore, 'permitted development

rights' set out within the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allow for the creation of up to 2no. residential flats above each ground floor retail unit. In light of this, it is considered that the principle of first floor residential accommodation is acceptable.

**b) Design and impact upon the character and appearance of the surrounding area**

The proposal includes the construction of a first floor side extension. This would form an extension to the existing two storey development on the site, and would infill the existing gap between the two storey and single storey elements of the building. It is considered that the size, scale and form of this extension both reflects and respects the character and architectural form of the host building. The proposal represents a natural extension to the building and would not appear an incongruous or alien feature within the site or streetscene.

The roof form of the extension would be the predominantly visible feature, which maintains the eaves, ridge lines and roof slope angles of the existing properties. Accordingly, the resultant building would not appear unduly dominant or obtrusive. To the side elevations, the proposal would be visible through a small section of increased ridge height however this would not exceed the height of the two storey element of the existing building and is considered to be of such a size that it would not appear prominent from the public realm.

With regards to the proposed new roof lights, it is acknowledged that the proposal would result in the introduction of a considerable number on the south-western elevation of the building. This elevation, owing to the open nature of the adjacent car park, is readily visible from the public realm. However, it is considered that the introduction of the roof lights assists in breaking up the considerable length of the roof slope and accordingly, the roof lights would not appear alien features within the streetscene.

In terms of the proposed external roller shutters, it is noted that these are proposed to be of a solid finish, coloured to match the finish of the shop front to which they would be applied. However, such a design of roller shutters has traditionally been resisted throughout Peterborough owing to the harm that results to the character of streetscenes. It is considered that the introduction of this design of roller shutter would result in a 'dead' frontage to the site, giving the appearance of crime and antisocial behaviour. This would therefore result in unacceptable harm to the character and appearance of the streetscene. It is however noted that within the immediate locality, there are issues of crime and this has resulted in a number of commercial/retail premises installing external roller shutters.

On this basis it is considered that the proposal would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and the Peterborough Shop Front Design Guidance SPD (2014).

**c) Parking, traffic and highway implications**

The application has been accompanied by a detailed Transport Statement (TS) which sets out the traffic impacts arising from both the existing property and the proposal. This TS was compiled in accordance with advice offered by the Local Highway Authority (LHA) who have raised no objections to its contents.

Turning first to the existing use of the site, this lawfully comprises an A1 retail unit at ground floor and B1 offices at first floor. In total, per day, this generates a trip rate of 24 movements. It should be noted that whilst the existing retail unit was used for carpet/furniture sales and warehousing, the lawful use was not restricted and therefore it could, at any time, change to a more intensive retail use (e.g. convenience store, supermarket etc.) without the need for planning permission. Accordingly, this more intensive traffic generating use must be considered as the fall-back position.

Turning next to the proposal, it is noted that all of the objections received have raised concerns with regards to the impact that increased traffic generation would have upon the amenity of the area and highway safety. The LHA has advised that because the site is situated within the area defined as a District Centre, no parking provision is required for the ground floor retail units. This is a position taken in respect of all other retail developments within such defined shopping areas, as the units are intended to serve the local community within the surrounding area, thereby resulting in the majority of trips on foot. However, the proposal seeks to include staff/customer parking on the hardstanding to the front of the units, controlled by means of retractable bollards. This is accepted by the Local Highway Authority as this is the current situation. In terms of the proposed residential units, the submitted TS demonstrates that the trip generation arising from the 8no. 1-bed units would not exceed those of the existing situation. Accordingly, the LHA considers that the proposal would not result in an unacceptable increase in traffic generation.

With regards to parking provision, the proposal would provide 9no. parking spaces within the existing yard area to the side of the unit for the proposed residential units. This would equate to one parking space for each unit, along with 1no. visitor parking space. This level of parking provision accords with minimum adopted parking standards for residential development. With regards to the access serving these parking spaces, it is accepted that this is substandard, at only 2.6 metres in width. This would therefore not allow for 2-way traffic and normally would be resisted by the LHA. However, as the traffic generation from the proposal is not considered to be above the existing capacity of the site, the LHA has advised that a refusal of the application on this ground would not be likely sustained at appeal.

In terms of servicing arrangements, these already take place on the public highway to the front of the site as large vehicles cannot access the rear yard area owing to the inadequate width of the side access. Furthermore, there is insufficient space on the front hardstanding for a service vehicle to safely pull clear of the highway/footway to load/unload. Whilst the proposal would result in an additional retail unit, the floor area would not increase and, as set out above, such subdivision does not constitute development requiring planning permission. Accordingly, it is not considered that the proposal could be resisted on the basis of loading/unloading/servicing taking place on the adjacent public highway.

Taking all of the above into account, it has been demonstrated that the proposal would not represent a significant intensification of the traffic generation from the site and adequate parking provision is made within the site boundary. Accordingly, the proposal would not pose an unacceptable danger to highway safety and is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

**d) Neighbour amenity**

It is noted that an objection has been received from a neighbouring occupant to the site however it should be noted, that no objections have been received from any residential properties which have an immediately adjoining boundary. The main concerns relate to increased intensity of the use of the site, with associated noise and general disturbance, and overlooking impact.

In terms of increased activity within the site, it is not considered that the proposal would significantly increase the level of activity within the site. At present, the site comprises an A1 retail unit at ground floor with B1 offices at first and second floor levels. Whilst the level of actual activity which has arisen from these uses may not have been considerable in the past, due consideration must be given to the potential impact which could arise without the need for planning permission. As detailed above, there are no restrictions on the A1 retail use and it therefore could revert to a more intensive retail use (e.g. convenience store, supermarket etc.) at any time without the need for planning permission. Furthermore, the B1 offices at first floor could be split into differing occupants, resulting in a far higher intensity of use than a single occupier. On this basis, it is not considered that the proposal to create 8no. residential units

at first floor along with the ground floor retail development would represent a significant increase in intensity of the site.

In terms of hours of operation, there are no restrictions on the current site and therefore, this may be open to customers, in planning terms, at any time. Given this existing situation, and that the proposal is not considered to constitute an intensification of the use of the site, it is not considered that the imposition of restrictions on the hours of opening of the ground floor retail units would be reasonable.

With regards to the use of the existing yard area of the site for parking, at present there are no restrictions in terms of its usage. As such, whilst the proposal would introduce 9no. formalised parking spaces, it is not considered that this would represent an impact above and beyond the existing situation. Furthermore, part of this yard area is proposed for outdoor amenity space and therefore, there would be some decrease in the amount of land available for vehicle movements.

With regards to overlooking impact, the proposal only seeks to introduce roof lights on the south-western elevation of the building. These windows would face the rear elevations of properties along Lincoln Road. Whilst the majority of these are within commercial/retail uses, there are residential properties at first floor level. The proposed windows would be sited at such a height that views outwards could be permitted and as such, there is the potential for overlooking. However, the neighbouring properties are situated a minimum of 24.5 metres from the proposed windows and it is considered that this level of separation is sufficient to ensure that no undue loss of privacy results. To the north, no primary habitable windows are proposed so no issues of overlooking would result. In terms of the front elevation, the conversion to residential units would result in the existing first floor windows serving primary habitable rooms. The separation distance to the opposing residential properties stands at 20.5 metres and again, it is considered that this is sufficient to ensure no unacceptable harm to the amenities of those neighbouring occupants. Finally, to the rear, as with the front elevation, the conversion to residential units would result in the existing first floor windows serving primary habitable rooms. However, these windows are sited in such a position that only obscure views to the neighbouring garden of No.17 Oxford Road would result and at a distance of 10.8 metres. This would overlook the outdoor amenity area but not the immediate outdoor amenity area. As such, it is not considered that the level of overlooking that would result would be to an unacceptable level.

On the basis of the above, it is considered that the proposal would not result in an unacceptable impact to the amenities of neighbouring occupants and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

**e) Amenity provision for future occupants**

The proposal would result in the creation of 8no. 1-bed residential units at first and second floor level, with the majority of the units created within the existing roof space of the building. Accordingly, 6no. of the flats would only be served by roof lights to their primary habitable rooms (kitchen/living and bedrooms). The submitted section drawings identify that the positioning of these windows is such that outward views would be permitted for future occupants and accordingly, it is considered that this would offer an acceptable level of amenity. The size of the windows is such that adequate natural daylight and sunlight would be received within these rooms. Furthermore, the size of the units is considered sufficient without resulting in unacceptably cramped accommodation. Each unit would afford occupants the necessary amenities, with adequate circulation space.

In addition, through the subdivision of the existing yard area, a communal outdoor amenity area is proposed of some 90 square metres. Whilst not of considerable size, it is considered that this is an area of sufficient size to enable future occupants to dry washing and sit outside with some degree of privacy.

On this basis, it is considered that the proposed residential units would afford future occupants an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

## **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 retention of a retail use at ground floor level with the creation of residential accommodation above is compatible with the surrounding uses and the identified Millfield District Centre;
- the proposed first floor extension and external alterations would not result in an unacceptable impact upon the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP11 of the Peterborough Planning Policies DPD (2012) and the Peterborough Shop Front Design Guidance SPD (2014);
- the proposal would not result in an intensification of traffic movements to/from the site and would provide adequate on-site parking to meet the needs of the development thereby not resulting in undue impact to the surrounding public highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable impact to the amenities of neighbouring residential occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012); and
- the proposal would afford future occupants an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 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).

- C 2 The development hereby permitted shall be carried out in accordance with the following drawings:

- Site: Location (drawing number 15034/L(90.1)01)
- Existing: Original Plans and Elevations (drawing number 15034/01)
- Proposed: Plans (drawing number 15034/PL01A)
- Proposed: Elevations (drawing number 15034/PL02)

Reason: For the avoidance of doubt.

- C 3 No development shall take place until details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

- Walling
- Roofing
- Windows
- Doors
- Rainwater goods



The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012). The condition is required prior to commencement to ensure that the external appearance is acceptable and there are no works which could be undertaken without use of the external materials.

- C 4 Notwithstanding the drawings hereby approved and prior to installation of the external roller shutters, details of a revised design of the roller shutters shall be submitted to and approved in writing by the Local Planning Authority. The revised details should incorporate a punched/perforated design with no less than 45% vision and the finish colour. The external roller shutters shall be installed in accordance with the approved details.

Reason: In the interests of the visual appearance of the streetscene, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 5 Prior to the commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include (not exclusively) the following:

- Hours of working
- Material storage locations
- Parking, turning, loading and unloading areas for all construction vehicles
- Contractor parking
- Site welfare cabin and office positions
- Measures to control the emission of dust from the site
- Wheel washing facilities, which every vehicle exiting the site must pass through before entering the public highway
- Temporary construction fencing

Development shall be carried out in accordance with the approved CMP.

Reason: In the interests of highway safety and to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012). The condition is required prior to commencement to ensure that no works take place in preparing the site which would harm highway safety or neighbour amenity.

- C 6 Prior to first occupation of any residential unit hereby permitted, the car parking and turning areas shown on drawing number 15034/PL01A 'Proposed: Plans' shall be provided, with the spaces marked out. Thereafter, those areas shall be retained solely for the parking and turning of vehicles in connection with the residential units contained within the building known as '3-7 Oxford Road'.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C 7 Prior to first occupation of any residential unit hereby permitted, details of secure and covered cycle parking for 8 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be installed in accordance with the

approved details and prior to first occupation of any residential unit. Thereafter, the cycle parking shall be retained solely for the parking of bicycles in connection with the use of the residential units contained with the building known as '3-7 Oxford Road'.

Reason: In order to promote more sustainable methods of travel, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

C 8 Notwithstanding the drawings hereby approved and prior to first occupation of any residential unit, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Boundary treatments, including gates to the vehicular access and outdoor amenity area;
- Retractable bollards to the site frontage; and
- Covered and enclosed refuse storage areas for both the residential and retail units.

The boundary treatments shall be implemented in accordance with the approved details prior to first occupation of any residential unit and the retractable bollards and refuse storage areas shall be implemented in accordance with the approved details prior to first occupation of any retail or residential unit.

Reason: In order to preserve the amenities of neighbouring residents and in the interests of future occupant amenity, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP4 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors: R Ferris, J Peach, J Shearman