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PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 15 NOVEMBER 2022

1.30 PM

Council Chamber - Town Hall

AGENDA

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1. **Apologies for Absence**
2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

3. **Members' Declaration of intention to make representations as Ward Councillor**

4. **Development Control and Enforcement Matters**

4.1	22/01294/FUL - 5 Fortune Buildings Cowgate Peterborough PE1 1LR	5 - 16
4.2	22/00792/HHFUL - 16 Audley Gate Netherton Peterborough PE3 9PG	17 - 24
4.3	22/01164/FUL - 89A Eastfield Road Eastfield Peterborough PE1 4AS	25 - 34
4.4	22/01159/FUL - 85 Eastfield Road Eastfield Peterborough PE1 4AS	35 - 44



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Committee Members:

Councillors: Warren, Iqbal (Vice Chairman), Jones, B Rush, Hogg, Bond, M Jamil, Hussain, Sharp, C Harper (Chair) and P Hiller

Substitutes: Councillors: N Sandford and Bi

Further information about this meeting can be obtained from Dan Kalley on telephone 01733 296334 or by email – daniel.kalley@peterborough.gov.uk

CASE OFFICERS:

Planning and Development Team: Jim Newton, Sylvia Bland, Amanda McSherry, James Croucher, Matt Thomson, Asif Ali, Michael Freeman, Molly Hood, Jemima Dean, Mike Osbourn, Karen Ip, Shaheeda Montgomery, Connor Liken, James Lloyd, Ellie O'Donnell, Keeley Tipton, James Croucher, Mike Osbourn, and James Melville-Claxton

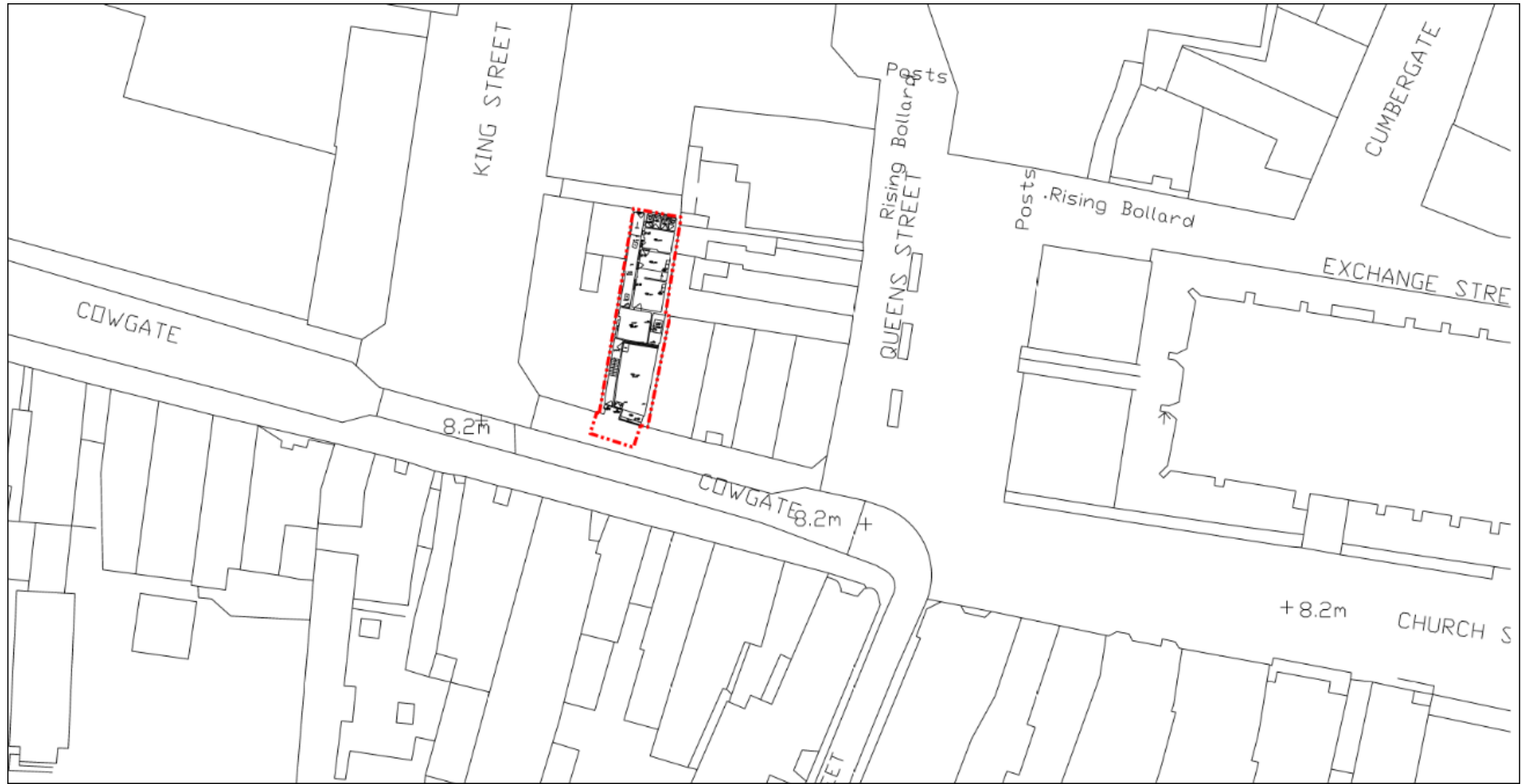
Minerals and Waste: Alan Jones

Compliance: Lee Walsh, Amy Kelley and Alex Wood-Davis

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer, Head of Planning and/or Development Management Manager as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.

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Reference: 22/01294/FUL

Site Address: 5 Fortune Buildings, Cowgate, Peterborough, PE1 1LR

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Planning and EP Committee – 15th November 2022.

Application Ref:	22/01294/FUL
Proposal:	Retention of a fixed canopy for a period of 3 years - Retrospective
Site:	5 Fortune Buildings, Cowgate, Peterborough, PE1 1LR
Applicant:	Mr P Fierro
Agent:	Barmach Ltd
Referred By:	Cllr Jamil
Reason:	“I would like to refer this application to committee because I feel that the committee can then consider the heritage considerations so they can be carefully balanced against the economic benefits of the scheme and the importance of independent businesses to our city centre, importantly, our planning policies pre-date the COVID pandemic and the heightened need for safe and protected outside seating which is something the government actively encourages. I honestly believe that the design of the proposal is acceptable for the Conservation Area.”
Site visit:	30.9.22
Case officer:	Mr M A Thomson
Telephone No.	01733 4501733 453478
E-Mail:	matt.thomson@peterborough.gov.uk
Recommendation:	REFUSE

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

The application site comprises a three storey building, with the ground floor hosting a restaurant ('The Pizza Parlour'); the application site and its adjoining neighbours are identified as primary retail frontage. The application site is situated with the City Core and the Centre Conservation Area, which backs on to the curtilages of the Grade II Listed Buildings Nos. 4, 6 and 8 Queens Street. Numerous properties within the immediate area are locally listed. The surrounding street scene is predominantly commercial in use, with retractable canopies visible on adjacent shop front.

Proposal

The Applicant seeks planning permission for the retention of a fixed canopy for a period of 3 years. This is a retrospective application as the canopy has already been installed.

The fixed canopy has an area of 5.4m (w) x 2.6m (d) standing at 3.1m in overall height, but 2.4m above the footway.

The canopy has been installed using a powder coated aluminium frame (visible to the side) with a canopy coverall and overhang.

Background

It should be emphasised that the site previously had a retractable canopy which was approved in 2016 under App Ref: 16/01510/FUL. However, in 2021 a fixed canopy was installed without the benefit of planning permission.

Last year, an identical retrospective application, was submitted under App Ref: 21/00961/FUL, however, this application was refused for the following reason:

R1 *The retrospective canopy, by virtue of its design, unacceptably impacts upon the character and appearance of the site and the surrounding City Centre Conservation Area. This is specifically in relation to the fixed and non-retractable operation which is at odds with the retractable canopies visible within the street scene, as well as being wholly contrary to Design Principle 3: Blinds and Canopies of the Peterborough Shopfront Design Guidance SPD (2014), which permits only retractable canopies in Conservation Areas. The proposal results in less than substantial harm to the character of the City Centre Conservation Area, which is not outweighed by the limited public benefits. Accordingly, the development is contrary to Policies LP16, LP18 and LP19 of the Peterborough Local Plan (2019), the Peterborough Shopfront Design Guidance SPD (2014) and paragraph 134 of the National Planning Policy Framework (2014).*

It is noted that the applicant did not appeal this decision.

This application has been accompanied by a Planning, Heritage and Design and Access Statement, seeking to justify the retention of a permeant non-retractable canopy for a period of 3 years.

2 **Planning History**

Reference	Proposal	Decision	Date
21/00961/FUL	Erection of a fixed canopy to replace existing retractable canopy- retrospective	Refused	05/10/2021
19/01761/FUL	Change of use of existing first and second floors from office use into 3 residential flats. Together with a second floor rear extension and an additional storey, third floor extension, to create a 2 further residential flats	Withdrawn by Applicant	11/02/2020
19/01091/FUL	Change of use from office space to 5 flats, we propose to convert the office space under permitted development, but also intend to extend the building to the rear and an additional storey to the roof	Application Returned	
16/01511/ADV	Externally illuminated fascia sign	Permitted	03/10/2016
16/01510/FUL	New shopfront and retractable awning	Permitted	03/10/2016
16/00982/FUL	Change of use of the ground floor (Sui Generis) to Class A3 (Restaurant and Cafe), single storey rear extension and the installation of associated extraction and ventilation equipment	Permitted	22/07/2016

3 **Planning Policy**

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 66 - General duty as respects listed buildings in exercise of planning functions

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to pay special attention to the desirability of

preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2021)

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

Peterborough Local Plan 2016 to 2036 (2019)

LP06 - The City Centre - Overarching Strategy

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

LP13 - Transport

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

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

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

LP16 - Urban Design and the Public Realm

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

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.

LP18 - Shop Frontages, Security Shutters and Canopies

LP18 c) Canopies- Will only be acceptable on the ground floor of a shop, café, restaurant or public house and only if it can be installed without detracting from the character of the building or surrounding area.

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.

LP47 - City Core Policy Area

Part a General- Within the City Core the council will seek development of the highest quality which strengthens the area including the retail, leisure, tourism and civic focus. New development must improve the townscape and public realm, protect Cathedral views, preserve or enhance heritage assets, protect and enhance existing retail. Additional car parking will only be supported in exceptional circumstances.

Other Documents

Peterborough Shop Front Design Guidance SPD (2014)

4 Consultations/Representations

Peterborough Civic Society

Object - The Peterborough Civic Society objects to this retrospective application for a fixed canopy. The objections to the refused application submitted in 2021 (reference 21/00961/FUL), after the fixed canopy was installed without planning permission, remain.

The fixed canopy is an unattractive, substantial box girder structure which imposes negatively on the street scene and is out of character with Cowgate and the City Centre Conservation Area. The negative appearance of the fixed canopy is accentuated by the attractive retractable canopies on adjacent buildings.

There are no other fixed canopies in Cowgate, in line with the restrictions imposed by the Peterborough Shop Front Design Guidance SPD (2014) which states that only fully retractable canopies will be permitted on buildings which are a heritage asset or within a conservation area.

The Planning, Heritage, Design and Access Statement submitted in support of the fixed canopy is unconvincing as all five of the quoted reasons for retaining the canopy would be equally covered by a retractable canopy. No purpose would be served by granting a three-year temporary permission to review the planning merits of the canopy as it has already been in place without permission for over a year and the negative impact is obvious.

PCC Conservation Officer

Object - The canopy does not meet any standard of good design which we would expect to see in one of the most prominent locations in our city.

The Shop Front Design Guide requires any such canopy within a Conservation Area to be temporary retractable, appropriately incorporated in the fascia and of a traditional character. The canopy, which has been installed, is non-retractable with side advertising and constructed with a visible permanent and ugly box section frame. The design is awkward, and the incongruous design is exacerbated when viewed in conjunction with the positive canopies immediately adjacent. This adverse impact is exacerbated through its permanent fixing and its prominent position within the street scene.

Cowgate was subject to a shopfront improvement scheme between 2010 and 2014, whereby substantial grants were provided by the Council and Historic England, (£105,000 contributed respectively), which were used to improve shopfronts. In total, £750,000 has been spent improving the area. Subsequent to these improvement works, the Shopfront Design Guide (2014) was adopted, which sets out clear guidance as to how shopfronts should look, and to ensure that the improvements were retained long term.

Officers have worked very hard over the past decade to achieve the substantial improvements made within the city core. This has come from taking a consistent approach which balances the

needs of business with the character of the City Centre. An inconsistent approach very quickly sets unwanted precedents, which in turn leads to an untidy and cluttered street scene.

PCC Peterborough Highways Services

No objection

Local Residents/Interested Parties

Initial consultations: 15

Total number of responses: 1

Total number of objections: 0

Total number in support: 1

A petition in support of the application with x signatures has been submitted. The issues raised are summarised below:

- Does not impact on streetscene and is not out of character with Cowgate
- Allows customers to enjoy outdoor dining
- Other retractable canopies out morning till night
- Its supports restaurant during uncertain climate
- Ensures restaurant continues to thrive and serve community

No further letters of representation have been received other than comments relating to support from Cllr Jamil which have been noted above.

5 Assessment of the planning issues

a) Design and impact to the character and appearance of the site and the surrounding area.

Policy Context

The protection of the historic character of the City Centre and heritage assets within it is heavily emphasised in a number of policies within the Local Plan as set out below:

Local Plan Policy LP6: City Centre – Overarching Strategy, is very clear that new development should be of a scale, character, quality of design and standard of finish that will enhance the City Centre character including the setting or views of heritage assets.

Local Plan Policy LP47: City Core Policy Area seeks development of the highest quality which should improve the townscape quality, protect important views of the Cathedral and preserve the significance of heritage assets.

Local Plan Policy LP19: The Historic Environment, as well as including a general presumption that heritage assets and their settings should be preserved and enhanced, specifically emphasises the importance of Conservation Area Appraisals and the need to protect important views of the Cathedral.

Local Plan Policy LP18 Shop Frontages, Security Shutters and Canopies, is very clear that canopies will only be acceptable if they do not detract from the building and surrounding area. The policy specifically refers to the Peterborough Shop Front Design Guide SPD for details of how the policy should be implemented.

The Peterborough Shop Front Design SPD is a material consideration and provides detailed criteria for all matters pertaining to shop front design; the criteria relating to canopies are as follows:

Design Principle 3 : Blinds and canopies states a new blind or canopy should:

- (i) cover the width of the shop front fascia;

- (ii) be incorporated into the fascia, flush or behind the fascia, and not obscure any architectural detailing;
- (iii) be of materials and colour to complement the shop front and building;
- (iv) have the outer edge a minimum of 1m from the kerb and be no less than 2.6m above the pavement.

If the building is a heritage asset or is within a conservation area, only fully retractable canopies / blinds will be permitted.

Officers have emphasised the last sentence as the proposed canopy is situated within a Conservation Area.

Taking the above into account it is clear that there is a very strong presumption against harm to heritage assets within the city centre including the conservation area.

Discussion

The application site is situated within a primary shopping frontage within the City Core of the City Centre. In addition to this, the application site is within the City Conservation Area, of which there are a number of locally listed buildings within close proximity to the application site. It is also noted that this part of the Conservation Area, i.e. the eastern end of Cowgate frames positive views towards the Grade I listed Cathedral and Grade I listed St John's Church as noted in the Conservation Area Appraisal. Lastly, there are a number of retractable shop front canopies which have been installed within the locality in recent years, including immediately next door, which have been designed to accord with the Peterborough Shop Front Design Guide.

Officers would emphasise that, before the canopy to which this application relates was installed, the application site utilised a fully retractable canopy which, when fully reclined, sat flush with the fascia sign. Evidence can be found under Appendix 1.

Within the Design and Access Statement, the Agent refers to the Conservation Area Appraisal and Management Plan for Cowgate, specifically Paragraph 5.26, which states, 'Cowgate forms one of the principal gateways to and from the city centre for pedestrians from the railway station ... it has suffered from modern incursions that have had greatest impact on the north side of the road'.

On Page 8, the Agent reaches their own professional opinion; 'it is evident from the above that the character of this part of the Conservation Area is of lesser quality than the southern side of the street and properties to the east of the application site'. This view is not shared by Officers.

It is not a question of whether an application site, or indeed a Conservation Area, is of 'lesser quality'; the thrust of local and national planning policy seeks to preserve or enhance the significance of the Conservation Area as a whole, whether this be a largescale re-development scheme, or alterations to a shop front. Indeed, incremental negative changes can fundamentally erode character and the fine urban grain of an area.

Officers are concerned that the justification for this proposal infers that this part of the Conservation Area is of lesser quality, and the canopy should simply be supported on the basis that there is something else visually questionable within the vicinity. The premise of a Conservation Area is to 'preserve and enhance' its historic character and significance. As previously mentioned, this part of Cowgate includes positive views towards Cathedral Square as well as the Cathedral itself and part of St John's Church. Such views contribute to the significance of this part of the Conservation Area and are very sensitive to incremental erosion to the quality of the townscape through inappropriate development. Any temporary structures used in exceptional circumstances elsewhere, cannot be used to justify other development which would detract from the streetscape, and historic character of the Conservation Area, particularly when the application site previously had a canopy which met the Councils Shop Front Design Guide.

To further attempt to justify the canopy, reference has been made to an outdoor seating shelter at

Bean Around on Cathedral Square. Further to clarification from the Conservation Team, it is understood that this structure was installed as a strictly temporary measure to form an outside seating area during the period of exceptional circumstance and gradual re-opening of businesses within the City Centre following Covid lockdowns. It was installed as quickly as possible to meet the reopening dates and was for a temporary period only. However, the council are currently in the process of having this structure removed following the ending of Covid restrictions.

Paragraph 199 of the NPPF (2021) states, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'

In assessing any potential harm, Officers have had regard to the City Conservation Area Appraisal, LP Policy 18: Shop Frontages, Security Shutters and Canopies, and The Peterborough Shop Front Design Guide.

The canopy is a discordant and incongruous structure which is contrary to the visions and objectives of the Peterborough Shop Front Design Guide and Conservation Area Appraisal. It results in harm to the historic character and significance of the Conservation Area, both in terms of the immediate townscape and positive views towards Cathedral Square. The harm in this case is considered to be less than substantial, although this should not be taken in any way to mean the harm is acceptable or insignificant.

To illustrate this point, Officers refer to Paragraph 45 of a previous appeal decision (APP/Q3305/A/14/2221776). Whilst this appeal relates to residential development, the points within it relating to harm to Conservation areas are highly relevant. Officers have consciously struck out certain wording for the purposes of emphasizing the Inspectors findings. The Inspector clearly sets out the thrust of assessing harm to Conservation Areas, i.e. whilst there may be less than substantial harm, it is a question of whether the harm is otherwise acceptable:

'There would also be harm to the setting of the Conservation Area, an integral part of its significance on this approach. Whilst, in the parlance of the Framework, that harm would be less than substantial, there would still be real and serious harm. There would also be conflict therefore, with policy DP3 of the Part 1 Plan, which is only supportive of schemes that would preserve, and where appropriate enhance the significance and setting of the District's heritage assets'

Where less than substantial harm is identified, the test of Local Plan policy LP19 and NPPF Paragraph 202 applies, which states,

'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'

As part of this application the Agent has argued the following public benefits outweigh any harm caused to the Conservation Area:

- Responds to the challenges of the Covid -19 pandemic;
- Provides safe covered outdoor seating for customers in all weather conditions;
- Provides appropriate social distancing between tables;
- Supports the city centre economy; and
- Ensures the financial sustainability of the business and the protection of associated jobs.

The applicant did not put forward any public benefits as part of the previous application. However in the previous Case Officer report, the public benefits were considered and the NPPF and LP Policy LP19 tests were applied. The report stated:

'whilst it is acknowledged that the canopy permits outside expansion of the existing business, which is essential in the city's recovery from the Covid-19 pandemic, a retractable canopy which accords with the SPD would achieve a similar result. Therefore, the public benefit is considered to be limited and not sufficient to outweigh the harm to the Conservation Area'.

As such, the Local Planning Authority correctly considered the public benefits of the proposal, and found that these did not outweigh the 'less than substantial', but still unacceptable, harm to the Conservation Area. The applicant chose not to appeal this decision.

In the case of the current application, any public benefits have reduced further with the ending of the Covid pandemic as well as the restrictions that were imposed at the time, such as social distancing, rendering many of the applicant's arguments redundant, including any justification for a temporary 3 year permission. In this case it is being argued that the financial sustainability of the business and associated jobs is a public benefit and that the fixed canopy is essential to achieve this. No evidence has been put forward to justify this and it is not in any case the function of the planning system to give an individual business a competitive advantage over other businesses which is effectively what is being sought. The viability and competitiveness of an individual business is not a material planning consideration in this case. This is an issue for the market to decide, and is outside of the scope of planning.

Furthermore, there is no evidence that safe seating for customers in all weather conditions cannot be provided using a an appropriately designed retractable canopy, as is the case with other nearby cafes and restaurants in the city centre. The fixed canopy notably extends a similar distance across the pavement to the retractable canopies on the adjacent premises. Little weight can therefore be given to any wider economic benefits of the fixed canopy, including the vitality of the city centre as a whole. In fact it can be reasonably argued that the viability and vitality of this part of the city centre could be affected detrimentally through incremental deterioration of the attractive historic townscape that attracts visitors.

For the reasons outlined above, the development results in unacceptable less than substantial harm to the City Centre Conservation Area, including the immediate townscape and views towards Cathedral Square, and any public benefits clearly do not outweigh this harm. As such, the proposal is contrary to policies LP6, LP16, LP18, LP19 and LP47 of the Peterborough Local Plan (2019), the Peterborough Shopfront Design Guidance SPD (2014) and paragraphs 134 and 202 of the NPPF (2021).

b) Highway safety

The canopy has been installed 2.4 metres above ground level. As such, the Local Highway Authority (LHA) have raised no objections as it is considered that sufficient clearance is available for all users of the adjacent footway and the vehicular highway itself.

The proposal accords with Policy LP13 of the Peterborough Local Plan (2019)

6 Conclusions

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

7 Recommendation

The case officer recommends to the Planning and Environmental Protection Committee that Planning Permission is **REFUSED** for the following reasons:

R1 The retrospective canopy, by virtue of its design, unacceptably harms the character and appearance of the site and the surrounding City Centre Conservation Area. This is specifically in relation to the fixed and non-retractable operation which is at odds with the retractable canopies visible within the street scene, as well as being wholly contrary to Design Principle 3: Blinds and Canopies of the Peterborough Shopfront Design Guidance SPD (2014), which permits only retractable canopies in Conservation Areas. The proposal results in less than substantial harm to the character of the City Centre Conservation Area, which is not outweighed by any limited public benefits. Accordingly, the development is contrary to Policies LP6, LP16, LP18, LP19 and LP47 of the Peterborough Local Plan (2019), the Peterborough Shopfront Design Guidance SPD (2014) and paragraphs 134 and 202 of the National Planning Policy Framework (2014).

Copy to Councillors – Councillor Amjad Iqbal
– Councillor Mohammed Jamil
– Councillor Alison Jones

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Reference: 22/00792/HHFUL
Site address: 16 Audley Gate, Netherton, Peterborough PE3 9PG

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Planning and EP Committee 15th November 2022.

Application Ref:	22/00792/HHFUL
Proposal:	Erection of two storey front, side and rear extension and a single storey rear extension
Site:	16 Audley Gate, Netherton, Peterborough, PE3 9PG
Applicant:	Mr M M Shafiq
Agent:	Mr Mohammed Iqbal M.A.Iqbal Architecture
Referred by:	Councillor M Rangzeb
Reason:	The proposal is sympathetic to the surrounding, similar in size to various dwellings and well within the character of the area, therefore in compliance with LP16
Site visit:	19.08.2022
Case officer:	Mrs Shaheeda Montgomery
E-Mail:	Shaheeda.Montgomery@peterborough.gov.uk
Recommendation:	REFUSE

1 Description of the site and surroundings and Summary of the proposal**Site and surrounding area**

The application site is located within a residential area, located towards the southern end of Audley Gate. The area is characterised by detached dwellings, set well back from the road, with open grass verges to their frontages. The road leads down to Longthorpe Conservation Area and the Grade I listed Thorpe Hall which is approximately 170m to the south of the site.

The application site comprises a mid to late 20 century detached two-storey dwelling finished in a combination facing brickwork and hanging tiles with an open gable on its frontage and overhanging roof eaves. On its southern side, the property has a single storey flat roof side extension and a single flat roofed garage. There is ample space within the front driveway for on-site parking for 2-3 cars. The front garden contains mature trees and landscaping which provides a degree of screening for the dwelling, none of which are covered by Tree Preservation Orders or Conservation Area status.

Proposal

This is a re-submitted application. It is identical to the previous scheme submitted under application reference 22/00109/HHFUL, which was subsequently withdrawn by the applicant after planning concerns were raised by Officers.

The current application seeks planning permission for:

- a 1.5m deep single storey front extension, which would be 3.65m wide on north side, and 3.8m wide on the south side, plus an additional 1m deep canopy above the entrance;
- a 1.5m deep two-storey front extension, which would be 7.1m wide with a gable end;
- a 3.65m deep two-storey side extension to north side, topped with a double gable/M shaped roof;
- a 3.65m deep two-storey side extension to south side, topped with a double gable/ M shaped roof;
- an 8m deep flat-roofed single storey rear extension, which would be 14.5m wide and with a roof

lantern; and

- a 3.5m deep first-floor rear extension, above the ground floor rear extension, which would be 7.1m wide and topped with a gable end roof.

The scheme would retain minimum 3nos car parking spaces on the front driveway and finishing materials would match the existing dwelling.

2 Planning History

Reference	Proposal	Decision	Date
22/00109/HHFUL	Part two storey part single storey front and side extensions, two storey side extensions to include demolition of existing garage	Withdrawn by Applicant	29/03/2022

3 Planning Policy

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

National Planning Policy Framework (2021)

Paragraph 126

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Peterborough Local Plan 2016 to 2036 (2019)

LP13 - Transport

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

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

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

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

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

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.

4 Consultations/Representations

Local Residents/Interested Parties

Initial consultations: 8

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No representations have been received from adjacent neighbours in relation to this application.

Councillor Rangzeb has expressed support for the application for the following reasons:

- This area is within the ward I have recently been elected for and I have a fair idea of the area and the dwellings within the area. In my view the proposal is not unsympathetic to the surrounding, it is similar in size to various dwellings and well within the character of the area.
- Whilst in agreement that it is a large extension, but note it is to accommodate the needs of a growing family including ageing family member whose needs are accommodated in the design.

5 Assessment of the planning issues

The main considerations are:

- Design and impact to the character and appearance of the site and surrounding area
- Neighbour amenity
- Parking provision

a) Design and impact to the character and appearance of the site and surrounding area

Whilst the application site is not within a Conservation Area nor impacting the setting of a heritage asset, the southern half of Audley Gate leads on to Thorpe Road (with views of the Grade I Listed Thorpe Hall) and is noted for its positive appearance and openness. There is a mixed design of properties within the surrounding area. However the two predominant house types are either two-storey dwellings with gables to front or side elevations, or chalet style dwellings with cat slide roofs to one side, and one of the key features of the area is the large visual gaps and separation distances between adjacent properties.

Policy LP16 of the Peterborough Local Plan (2019) requires all development proposals to contribute positively to the character and local distinctiveness of the area and create a sense of place.

"As such proposals will be required to demonstrate that they:

- a) Respect the context of the site and surrounding area and respond appropriately to:
- local patterns of development, including street plots and blocks, spaces between buildings and boundary treatments;
- building form, including size, scale, massing, density, details and materials;...."*

In addition, the National Planning Policy Framework (2021) places emphasis on Local Planning Authorities to proactively seek high standards of design. Paragraph 126 states,

"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

This proposal would extend the host dwelling on all four sides, such that the proposed new development would wholly engulf the existing dwelling. Two storey extensions are proposed on all four sides of the existing two storey property, doubling the width of the existing two storey front elevation from 7m to approximately 14.5m. This doubling of the property frontage would result in a property that appears too wide for its plot. Barely any separation distance would remain between the property and its side boundaries, only approximately 600mm to the north and 1m to the south. The proposal would remove the existing single storey side extension and garage building, however filling the entire width of the plot with two-storey development, remove the existing important visual relief between the dwellings, appearing cramped and visually harmful to the appearance of the site and surrounding streetscene context.

The proposed side extensions with double gables/M shaped roof would be visible from the street frontage. Such roof forms are not generally typical of domestic roof forms and has been designed to accommodate the large length of the side elevations proposed. It is considered this would appear visually at odds with the domestic scale and character of the host dwelling and appear an overly large and awkward addition to the roof slope and form of the host dwelling. This combined with the overly wide two-storey frontage, would result in the new property appearing visually cramped, and out of scale on its site frontage, and resulting in harm to the character and appearance of the surrounding streetscene

Officers note that there are some properties on Audley Gate which has benefitted from historic extensions prior to the adoption of the current Peterborough Local Plan (2019). Whilst these examples have been considered, Officers do not consider such examples would enable the design concerns of this proposal to be set aside, and each application must be considered on its own merits. In this instance Officers consider due to the size, siting and design of the extensions, the proposal would overdevelop the site frontage and result in visual harm to the site and surrounding streetscene contrary to Policy LP16 of the Local Plan.

No.18 Audley Gate is located to the north of the application site and comprises a two-storey property with a cat slide roof sloping down from the ridge height to a single storey height towards the shared boundary with No.16. As such the proposed two-storey projection of the north elevation would bring the house significantly closer to this neighbour and boundary resulting in a visually jarring contrast between the two properties, due to their differing roof forms.

Considering the proposed scale, massing and variety of roof configurations, the proposal appears oversized, visually awkward and out of scale and character with the existing dwelling. It would result in a property that appears out of keeping with the established development pattern and design character of the development in the surrounding area. For the above reasons Officers consider the proposal fails to provide a positive enhancement to the site and surrounding area.

Officers acknowledge that the plot is large in size, and as such could potentially accommodate a fairly large extension to the property, subject to a more sympathetic design. The Officer recommendation of refusal is therefore not in respect of the principle of extending the dwelling, but rather in respect of the specific extension proposed, and its siting, scale and design.

Paragraph 134 of the NPPF states,

"Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."

The above planning issues were all conveyed to the applicant under the previously withdrawn

planning application reference 22/00109/HHFUL. It is disappointing to note that no attempts have been made under this current application to amend or change the proposal to try and address the planning concerns raised, and that the exact same scheme has been re-submitted.

Therefore, due to the siting, scale, massing and design of the extensions, the resulting discordant appearance, filling almost the full width of the plot, it is considered that the proposed scheme fails to provide a positive addition to the property, and fails to respect the existing desirable open spacious pattern of development within the surrounding area. The proposal is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

b) Neighbour amenity

Whilst no objections have been received from any adjacent neighbours in relation to this application, it is the duty of the Local Planning Authority to consider the impacts of proposed development on the residential amenity of neighbouring sites.

No.18 Audley Gate is located to the north of the application site and has a large sloping cat slide roof which slopes down from two storey to single storey level next to the boundary with the application site. It is noted that the proposal would result in a two-storey high development, next to the side boundary and the single height side elevation of this adjacent property. However, the proposed 7.1m depth of the new side extension would sit adjacent to the side elevation of No.18, and Officers note that there are no first-floor roof neighbouring windows which face onto the application site. The two-storey high, proposed side extension would also not project beyond the rear wall of this adjacent property. Therefore, this extension would not result in any unacceptable overbearing or overshadowing impact to this neighbouring site. The 8m deep single storey rear extension would have a flat roof at 3m height extending along this side boundary with No.18 behind the two-storey extension and would allow a minimum 2m gap between the side elevation and boundary fence because of the orientation of the properties. Considering the siting, orientation, and height of this single storey rear element there would not be an unacceptable level of overshadowing or overbearing impacts. In addition, Officers note that an 8m deep single storey rear extension of similar height could be achieved in this location within the limits of permitted development and this is a material planning consideration.

No.14 Audley Gate is sited due south of the application site and the host dwelling has an existing flat-roof single-storey side element with 2.3m separation between this side wall and the southward boundary. The flat roof single storey garage is sited towards the rear of the property and therefore, Officers note there is an important first floor level side gap of approximately 6.2m providing a visual separation between the two properties, which would be lost as a result of the proposal. The proposed two storey side extension would extend 3.2m beyond the rear elevation of No.14 and the 3m high single storey extension at 8m beyond it. However, by virtue of the proposed siting, scale, and design, it is not considered that the proposed extensions would result in any unacceptable overbearing impacts and as the extensions are due north of this adjacent neighbour, there would be no overshadowing impacts.

Whilst it is proposed that there would be 3nos. first floor rear facing windows, 2nos. serving bedrooms and 1no x bathroom, Officers acknowledge that there are already 2nos rear-facing bedroom windows on the existing property. Therefore, the degree of change in respect of overlooking impact from the existing situation is not considered harmful or unacceptable. In addition, the proposal includes a side window serving an end-suite bathroom and a window serving the hallway which would directly face No.14. In the event that the application is approved, Officers would recommend the imposition of a suitably worded condition to ensure that these side facing windows would be obscure glazed and un-openable up to a height of 1.7m from finished floor level to secure acceptable level of amenity to the occupants of No.14.

On the basis of the above the proposal would comply with Policy LP17 of the Peterborough Local Plan (2019).

c) Parking provision

The application site benefits from sufficient driveway space to accommodate 3nos off-street car parking spaces, and turning space, which is in excess of the council's car parking standards for dwellings with up to six bedrooms.

On the basis of the above, the proposal is considered to comply with Policy LP13 of the Peterborough Local Plan (2019).

6 Conclusions

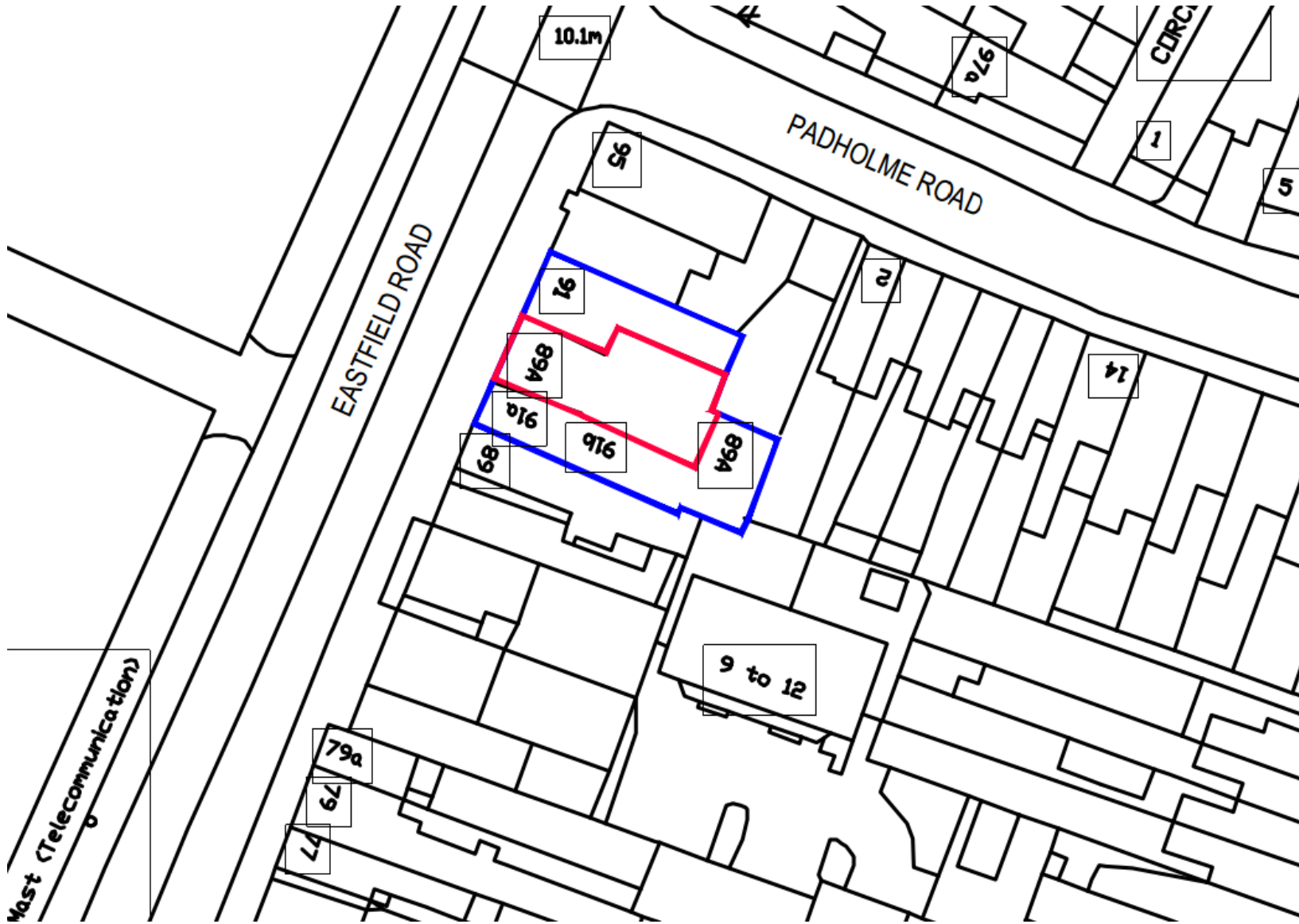
The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed development, by virtue of its siting, size, scale, design and massing, would fail to respect the scale, design, proportions, and character and appearance of the host dwelling, visually swamping it, to its visual detriment. The resultant property would appear inappropriately wide and would cause visual harm to the character and appearance of the site and surrounding area, by eroding the existing open spacious character and generous separation distances between dwellings. The proposal is therefore contrary to Policy LP16 of the Peterborough Local Plan (2019).

Copy to Councillors – Councillor Gul Nawaz
– Councillor Mohammed Rangzeb
– Councillor Lucinda Robinson



Reference: 22/01164/FUL
Site Address: 89A Eastfield Road, Eastfield, Peterborough, PE1 4AS

Planning and EP Committee – 15th November 2022.

Application Ref:	22/01164/FUL
Proposal:	Single storey front/side extension to create additional retail unit (Class E)
Site:	89A Eastfield Road, Eastfield, Peterborough, PE1 4AS
Applicant:	Mr Khalid Khan
Agent:	BRETWAY Designs
Referred by:	Cllr Jackie Allen
Reason:	<i>“I would like to call in this planning application based on the following points: Highways safety - The parking allocated along this stretch is for residents, which is already in short supply; Anti social behaviour; Environmental - noise which has a detrimental effect to residents, their amenities and their mental health”</i>
Site visit:	23/08/22
Case officer:	Mr M A Thomson
Telephone No.	01733 4501733 453478
E-Mail:	matt.thomson@peterborough.gov.uk
Recommendation:	GRANT subject to conditions

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

The application site comprises an area of parking/service yard, situated within Eastfield Road North Local Centre. Situated to the immediate north is a retail shop, and to the immediate south is a hairdressers. Beyond the parking/service yard, there are metal gates which leads to a number of single storey storage buildings. To confirm, the retail shop, hairdressers and storage buildings to rear are shown to be within the ownership of the Applicant.

Eastfield Road North Local Centre has a variety of retail units, post office and café / hot food takeaway, with residential above. Beyond to the rear is residential. Opposite is Eastfield Cemetery, which is part of the Park Conservation Area.

On-street parking is subject to resident parking permits, and there is a bus stop, serving north and southbound along Eastfield Road, 70 metres to the south.

Background

Earlier this year planning permission was sought under App Ref: 22/00628/FUL for a ground floor shop and first floor flat. The flat proposed three bedrooms, a kitchen and shower (no living room), and gained access from the rear.

Further to Officer correspondence, this application was withdrawn following an objection from the Local Highway Authority, who raised concerns with respect to parking serving the proposed dwelling, and an objection from Pollution Control, who sought a noise assessment to demonstrate satisfactory amenity could be provided for future occupiers.

This application has been submitted seeking to apply for a ground floor retail unit only.

Proposal

The Applicant seeks planning permission to erect a single storey building to form a retail unit.

The proposed building would have a floor area of 13m x 5.2m and proposes to stand at 3.2m to eaves and 4.6m to ridge finished in matching materials.

2 Planning History

Reference	Proposal	Decision	Date
22/00628/FUL	Proposed ground floor shop and first floor flat	Withdrawn by Applicant	18/07/2022

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2021)

Section 7 – Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities

Section 12 – Achieving well-designed places

Peterborough Local Plan 2016 to 2036 (2019)

LP06 - The City Centre - Overarching Strategy

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

LP12 - Retail and Other Town Centre Uses

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

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.

LP13 - Transport

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

LP13b) The Transport Implications of Development- Permission will only be granted where

appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

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

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

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

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.

4 Consultations/Representations

PCC Peterborough Highways Services

No objection - The site is located in a Local Centre. By definition Local Centres are well connected and as this is a small-scale development, on-site parking provision for the retail element of the proposals shall not be required. The proposals are considered unlikely to have a material impact upon the public highway, therefore no objection.

PCC Pollution Team

No objection – Should planning permission be granted, an informative with respect to hours of construction should be appended.

PCC Conservation Officer

No objection - Whilst the Park Conservation Area that includes the Broadway Cemetery is opposite the application site, the entirely discordant row of buildings that the proposal is to be sited between would result in little, if any, additional harm to the Conservation Area.

The boundary treatment to the cemetery would largely conceal this development from view from the conservation area. There is neither support nor objection to this proposal from a heritage perspective.

Police Architectural Liaison Officer (PALO)

No objection – Further to reviewing the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above location for the past 12 months. At present, it is considered this to be an area of low risk to the vulnerability to crime.

However, it is recommended that the passageway is access controlled for resident/staff use only by using a lockable gate and have an easy egress with a push pad or bar should this be a fire escape route. It will also require LED bulkhead lighting along the building line and be covered by CCTV.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

5x letters of representation have been received from 3x addresses raising the following concerns:

- there are on-going issues of anti-social behaviour;
- insufficient resident parking;
- concerns with respect to noise as a result of the coming and going of customers;
- the proposal would create a terracing effect;
- issues of rubbish;

5 Assessment of the planning issues

- a) The Principle of Development
- b) Design and Layout
- c) Crime
- d) Access and Parking
- e) Neighbour Amenity
- f) Other Matters

a) The Principle of Development

Policy LP12 states, the overall strategy for retail and other town centre uses within the City, District and Local Centres is to protect, support, and where necessary regenerate, existing District Centres and Local Centres to ensure they continue to cater for the needs of the communities they serve.

Policy LP12 goes on to state 'within Local Centres, planning permission for any non-A1 use at ground floor level will only be granted if the development would maintain or enhance the vitality and viability of the centre and appearance of the frontage'.

The proposal would introduce a retail use, which is an appropriate use within an identified local centre, subject to addressing the following matters.

For the avoidance of any doubt, a Class E use within a Local Centre is an appropriate use class, therefore, a condition limiting the use has not been sought in this instance.

b) Design, Layout and Heritage Matters

The street scene predominately comprises two storey terraced properties with a predominantly uniform design and detailing, however, a number of the adjoining units have introduced large signage, which does detract from the character and appearance of the area.

The proposed building would be single storey with a gable fronted roof and glazed frontage. The proposed building would sit flush with the adjoining building, therefore would respect the established building line. The proposal states it would utilise matching materials, which would be a London/Fletton brick mix, which is appropriate.

The cemetery wall on the opposite side of the road forms the eastern boundary of the Park Conservation Area.

The Council's Conservation Officer has responded with no objections, advising that whilst the boundary of the Park Conservation Area is situated opposite, in the context of the discordant row of buildings that the proposal is to be sited between, the proposal would result in little, if any, additional harm to the setting of the Conservation Area. The boundary treatment to the cemetery

would largely conceal this development from view from the conservation area, therefore the proposal would preserve the significance and setting of the Conservation Area.

Local Plan Policy LP19 and paragraph 202 of the NPPF (2021) states, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The proposed development would be low key and single storey, form part of an existing parade of retail and residential units, and would not harm the significance of the heritage assets or their settings so there is no requirement to carry out the balancing exercise required by Local Plan Policy LP19 and NPPF para.202.

Letters of representation have raised concerns of creating a terracing effect within the street scene. Whilst the proposed building would be flush with the attached building, it would be single storey, and is it considered that there would be sufficient articulation in roof design and appearance to not result in an adverse terracing effect on the street scene. In any case the streetscene is characterised by terraces.

An informative shall be appended setting out roller shutters would require planning permission in their own right, and any external advertisements may require separate advertisement consent.

Taking the above into account, by virtue of the scale, design and materials to be used, the proposal would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021).

c) Economic Benefits

Notwithstanding the absence of harm to heritage assets, as set out under Paragraph 8 of the NPPF (2021), the proposal would provide an economic benefit by helping to facilitate a competitive economy, ensuring the right use classes are provided within the right areas, i.e. an established local centre, and the proposal would in turn support growth. As such, the proposal would provide a public benefit.

d) Crime

Concerns have been raised with respect to anti-social behaviour and are noted. However, the Police Architectural Liaison Officer (PALO) has responded with no objections, advising according to Police records, this area has a low vulnerability to crime. However, should planning permission be granted, conditions have been attached with respect to addressing vulnerabilities to crime, namely the side passage. The condition requires that an appropriate gate is installed, with lighting and CCTV. For the avoidance of any doubt, the gate would need to be flush with the front façade, and the passageway would need to be well lit in order to prevent loitering and anti social behaviour in the passageway.

Subject to these conditions, the proposal would address vulnerability to crime, and would not give rise to anti-social behaviour, in accordance with Policy LP16 of the Peterborough Local Plan (2019) and Paragraph 130 of the NPPF (2021).

Concerns regarding existing anti-social behaviour should be reported to the Police and their Community Support Officer, who have powers to enforce such matters.

e) Access and Parking

Concerns have been raised in respect of highway safety and parking issues and these are noted. However, the Local Highway Authority have raised no objections to the proposal. The application site is situated within an identified Local Centre, therefore is considered to be a sustainable location, serving the immediate population and also easily accessible by public transport.

Whilst the proposed development would remove an off-street parking space, this property would have access to parking permits for the area (3x parking permits and 1x visitor permit). In addition to this, it is not considered any deliveries to an additional unit would give rise to an unacceptably adverse highway safety hazard.

It is understood that there is a historic issue of people parking within residential bays which are subject to parking permits. Unfortunately, it is not reasonable or possible to expect a proposed development to resolve historic or existing issues. This planning application can only be considered on its own merits, and any mitigation should apply to the impacts of the development over and above the existing situation only. As such, this historic issue is a matter for parking services and the Police to enforce.

Taking the above into account, the proposal would accord with Policy LP13 of the Peterborough Local Plan (2019).

f) Neighbour Amenity

Concerns have been raised with respect to noise and disturbance, and the associated impact this has on the mental health of nearby residents. Whilst the mental health of individuals is not a material planning consideration in this case, the design of communities does have an impact on mental health generally.

Paragraph 92 the NPPF (2021) states planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction for example through mixed-use developments, strong neighbourhood centres [and places which] are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. For the reasons outlined above, there is nothing to suggest that the introduction of a retail unit would give rise to anti-social behaviour, and the Police have raised no objections with respect to vulnerability to crime.

Furthermore, Pollution Control have raised no objections to the proposal; however, they have advised that should planning permission be granted, a standard informative be attached with respect to hours of construction.

The application site is situated within an established local centre, therefore the coming and going of people and levels of activity associated with a small retail premises would not add significantly to the current situation or go beyond what can reasonably be expected in a local centre. No hours of use have been set; however, hours of use are controlled as part of the licensing process, which is separate legislation to the planning process.

The proposal would not give rise to unacceptably adverse amenity harm, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

g) Other Matters

The following additional matters have been raised within letters of representation:

- issues of rubbish;

Officer Response: There is nothing to suggest that the proposed development would give rise to littering or issues of rubbish; commercial bins to serve the development would be provided by future occupiers to the rear of the site.

There is currently some discussion as part of the High Streets Strategy (Department for Levelling Up, Housing and Communities), to help councils put controls on litter when considering applications for takeaway food businesses. However, the proposed development would be for a retail use, and not for a takeaway.

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 proposed development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

7 Recommendation

The case officer recommends to the Planning and Environmental Protection Committee 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 3 Prior to occupation of the development hereby permitted, details of security measures to protect the site from vulnerability to crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of a secure pedestrian gate, external lighting and CCTV. Thereafter, the security mitigation measures shall be implemented in accordance with the approved details, and retained and maintained as such in perpetuity.

Reason: In the interest of preventing vulnerability to crime, and to protect the character of the area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 4 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan 0620- 03
- Existing Plans and Elevations 0620- 01
- Existing and Proposed Block Plans 0620- 02
- Proposed Plans and Elevations 0620- 04

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

Copy to Councillors – Councillor Jackie Allen
– Councillor Samantha Hemraj
– Councillor Shabina Qayyum



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Reference: 22/01159/FUL

Site Address: 85 Eastfield Road, Eastfield, Peterborough, PE1 4AS

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Planning and EP Committee - 15 November 2022.

Application Ref: 22/01159/FUL

Proposal: Conversion of ground floor dwelling to shop, installation of new shopfront, ground floor rear extension and associated internal and external works

Site: 85 Eastfield Road, Eastfield, Peterborough, PE1 4AS

Applicant: Huggins Property Company Limited
Huggins Property Company Limited

Agent: Mr George Smith
Marrons Planning

Referred by: Councillor Jackie Allen

Reason: *“Object - I would like to call in this planning application based on the following points:
- loss of the Victorian bay window of architectural interest and in keeping with the age of the building.
- Highways safety - The parking allocated along this stretch is for residents, which is already in short supply; Additional deliveries to two retail units if planning consent is given to both applications will undoubtedly put more pressure on the residents parking for which they pay.
- Anti-social behaviour - Known ASB behaviour in this area with a proliferation of late night shops
- Environmental - Noise causing distress to residents that live in flats above shops and nearby houses.”*

Site visit: 31.08.2022

Case officer: Karen Ip

Telephone No. 01733 453405

E-Mail: karen.ip@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

The application site comprises a 2 storey Victorian terraced dwelling, subdivided into a ground floor and first floor flat, situated within Eastfield Road North Local Centre. The ground floor flat appears to have been vacant and boarded up for a number of years

Situated to the immediate north is a retail shop, and to the immediate south is a cafe.

Eastfield Road North Local Centre has a variety of retail units, post office and café / hot food takeaway, with residential above. Beyond to the rear is residential. Opposite is Eastfield Cemetery, which is part of the Park Conservation Area.

On-street parking is subject to resident parking permits, and there is a bus stop, serving north and southbound along Eastfield Road, 70 metres to the south.

Proposal

The applicant is seeking planning permission for the conversion of the ground floor flat to a shop, installation of new shopfront, ground floor rear extension and associated internal and external works

For the avoidance of doubt, this application relates to the ground floor only. The first floor would remain residential.

2 Planning History

No relevant planning history

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2021)

Section 7 – Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities

Section 12 – Achieving well-designed places

Peterborough Local Plan 2016 to 2036 (2019)

LP06 - The City Centre - Overarching Strategy

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

LP12 - Retail and Other Town Centre Uses

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

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.

LP13 - Transport

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

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

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

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

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

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.

4 Consultations/Representations

PCC Pollution Team (25.10.22)

No objections to proposal

Police Architectural Liaison Officer (PALO) (02.09.22)

Low risk to crime - external lighting and CCTV recommended

PCC Conservation Officer (27.10.22)

No objection - Whilst it is near to the Park Conservation Area, the immediate surroundings are not of high historic integrity or significance. The building dates from the late C19 and has a stone bay window at ground floor. The ground floor at least appears to have been boarded up for approx 10 years and the building has been left to deteriorate. Whilst the loss of the bay is unfortunate, the commercial and much altered character of the terrace does limit the benefit of seeking to retain this somewhat.

PCC Peterborough Highways Services (06.09.22)

No objections to this proposal - The proposed shop is to sit among an existing row of shops with time restricted kerbside parking readily available. The addition of another shop is not expected to overburden the existing stock.

Local Residents/Interested Parties

Initial consultations: 6

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

3x letters of representation have been received from 2 x addresses raising the following concerns:

- There is already a convenience store and if this opens as another store it would affect business
- Limited parking for the number of shops already in place as it is residential parking after 6pm.
- Street drinking, ASB and litter is a worry
- Lessons should be taken from Lincoln Road and Millfield, allowing these type of shops only has a detrimental impact to an area and the residents in it.
- There are already 7 shops selling the same products and cheap alcohol between Dickens Street and Padholme Road as well as 3 take aways. Increasing the number of shops will just accelerate

the worsening of the area.

5 Assessment of the planning issues

- a) The Principle of Development
- b) Design and Layout
- c) Crime
- d) Access and Parking
- e) Neighbour Amenity
- f) Other Matters

a) The Principle of Development

Policy LP12 states, the overall strategy for retail and other town centre uses within the City, District and Local centres is to protect, support, and where necessary regenerate, existing District Centres and Local Centres to ensure they continue to cater for the needs of the communities they serve.

Policy LP12 goes on to state 'within Local Centres, planning permission for any non-A1 use at ground floor level will only be granted if the development would maintain or enhance the vitality and viability of the centre and appearance of the frontage'.

The proposal would introduce a retail use, which is an appropriate use within an identified local centre, subject to addressing the following matters.

For the avoidance of any doubt, a Class E use within a Local Centre is an appropriate use class, therefore, a condition limiting the use has not been sought in this instance.

b) Design, Layout and Heritage Matters

The street scene predominately comprises two storey terraced properties with a predominantly uniform design and detailing, however, a number of the adjoining units have introduced large signage, which does detract from the character and appearance of the area.

The proposal would see the ground floor element altered with the removal of the bay window to the front and its replacement with a new shop front and a single storey extension to the rear for ancillary storage and office use.

The cemetery wall on the opposite side of the road forms the eastern boundary of the Park Conservation Area. The cemetery gates are also locally listed structures.

The Council's Conservation Officer has responded with no objections. The building dates from the late C19 and has a stone bay window at ground floor. The ground floor appears to have been boarded up for approximately 10 years and the building has been left to deteriorate. Whilst the loss of the bay is unfortunate, the commercial and much altered character of the terrace does limit the contribution of the bay to the character of the area and therefore the benefit of seeking to retain it to a significant degree.

Local Plan Policy LP19 and paragraph 202 of the NPPF (2021) state, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The proposed development would be low key and only affect the ground floor, and would form part of an existing parade of retail and residential units, and would not harm the significance of the heritage assets or their settings so there is no requirement to carry out the balancing exercise required by Local Plan Policy LP19 and NPPF para.202.

An informative shall be appended setting out roller shutters would require planning permission in

their own right, and any external advertisements may require separate advertisement consent.

Taking the above into account, by virtue of the scale, design and materials to be used, the proposal would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021).

c) Economic Benefits

Notwithstanding the absence of harm to heritage assets, as set out under Paragraph 8 of the NPPF (2021), the proposal would provide an economic benefit by helping to facilitate a competitive economy, ensuring the right use classes are provided within the right areas, i.e. an established local centre, and the proposal would in turn support growth. As such, the proposal would provide a public benefit.

d) Crime

Concerns have been raised with respect to anti-social behaviour and are noted. However, the Police Architectural Liaison Officer (PALO) has responded with no objections, advising according to Police records, this area has a low vulnerability to crime. However, should planning permission be granted, conditions have been sought with respect to addressing vulnerabilities to crime. As such, a condition would be sought ensuring appropriate security measures such as lighting and CCTV.

Subject to these conditions, the proposal would address vulnerability to crime, and would not give rise to anti-social behaviour, in accordance with Policy LP16 of the Peterborough Local Plan (2019) and Paragraph 130 of the NPPF (2021).

Concerns regarding existing anti-social behaviour should be reported to the Police and their Community Support Officer, who have powers to enforce such matters.

e) Access and Parking

Concerns have been raised in respect of highway safety and parking issues and these are noted. However, the Local Highway Authority have raised no objections to the proposal. The application site is situated within an identified Local Centre, therefore is considered to be a sustainable location, serving the immediate population and also easily accessible by public transport.

In terms of parking, as the proposed development would involve replacement of one use with another, the need for parking for the occupiers would not significantly change. In any case this property would have access to parking permits for the area (1x parking permits and 1x visitor permit). In addition to this, it is not considered any deliveries to an additional unit would give rise to an unacceptably adverse highway safety hazard.

It is understood that there is a historic issue of people parking within residential bays which are subject to parking permits. Unfortunately, it is not reasonable or possible to expect a proposed development to resolve historic or existing issues. This planning application can only be considered on its own merits, and any mitigation should apply to the impacts of the development over and above the existing situation only. As such, this historic issue is a matter for parking services and the Police to enforce.

Taking the above into account, the proposal would accord with Policy LP13 of the Peterborough Local Plan (2019).

e) Neighbour Amenity

Concerns have been raised with respect to noise and disturbance, and the associated impact this has on the mental health of nearby residents. Whilst the mental health of individuals is not a material planning consideration in this case, the design of communities does have an impact on mental health generally.

Paragraph 92 the NPPF (2021) states planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction for example through mixed-use developments, strong neighbourhood centres [and places which] are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. For the reasons outlined above, there is nothing to suggest that the introduction of a retail unit would give rise to anti-social behaviour, and the Police have raised no objections with respect to vulnerability to crime.

Furthermore, Pollution Control have raised no objections to the proposal; however, they have advised that should planning permission be granted, a standard informative be attached with respect to hours of construction.

The application site is situated within an established local centre, therefore the coming and going of people and levels of activity associated with a small retail premises would not add significantly to the current situation or go beyond what can reasonably be expected in a local centre. No hours of use have been set; however, hours of use are controlled as part of the licensing process, which is separate legislation to the planning process.

The proposal would not give rise to unacceptably adverse amenity harm, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

f) Other Matters

The following matters have been raised within letters of representation, which have not been address above:

- noise and associated impact on mental health;

Officer Response: Concerns have been raised by Cllr Allen with respect to noise, and the associated impact this has on the mental health of nearby residents. Whilst mental health is not a material planning consideration, the design of communities does have an impact on this important topic.

Paragraph 92 the NPPF (2021) states planning ... decisions should aim to achieve healthy, inclusive and safe places which ... promote social interaction ... for example through mixed-use developments, strong neighbourhood centres ... [and places which] are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. For the reasons outlined above, there is nothing to suggest that the introduction of a retail unit would give rise to anti-social behaviour, and the Police have raised no objections with respect to vulnerability to crime.

As such, it is not considered the proposal would give rise to levels of noise and disturbance which would not otherwise be expected within an established Local Centre. In addition, planning applications cannot be used to address historic issues, and these issues should be directed to the relevant authorities/bodies to enforce where necessary.

- issues of rubbish;

Officer Response: There is nothing to suggest that the proposed development would give rise to littering or issues of rubbish; commercial bins to serve the development would be provided by future occupiers to the rear of the site.

There is currently some discussion as part of the High Streets Strategy (Department for Levelling Up, Housing and Communities), to help councils put controls on litter when considering applications for takeaway food businesses. However, the proposed development has only been specified as a shop and form a takeaway.

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 proposed development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

7 Recommendation

The Executive Director of Place and Economy 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 approved shall be carried out in accordance with the following approved plans:
- Location Plan
Existing Plans and Elevations (Drawing number 85-1a)
Proposed Plans, Elevations and Block Plan (Drawing number 85-2a)
- Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.
- C 3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).
- C 4 Prior to occupation of the development hereby permitted, details of security measures to protect the site from vulnerability to crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of external lighting and CCTV. Thereafter, the security mitigation measures shall be implemented in accordance with the approved details, and retained and maintained as such in perpetuity.

Reason: In the interest of preventing vulnerability to crime, and to protect the character of the area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

Copy to Councillors – Councillor Jackie Allen
– Councillor Samantha Hemraj
– Councillor Shabina Qayyum