

**Application Ref:** 13/00787/FUL

**Proposal:** Proposed demolition of existing factory and construction of two dwellings

**Site:** 229 Star Road, Eastgate, Peterborough, PE1 5ET  
**Applicant:** Mrs Annetta Sleigh

**Agent:** J J & J Hartley

**Referred by:** Councillor Todd  
**Reason:** The proposal provides sufficient parking and garden space proportionate to the dwellings.

**Site visit:** 26.06.2013

**Case officer:** Miss L C Lovegrove  
**Telephone No.** 01733 454439  
**E-Mail:** louise.lovegrove@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 detached two storey industrial premises (Use Class B2) located within a predominantly residential area. The building is of a standard pitched roof design, gable to the streetscene, with a two storey flat roof side element, external steel staircase and single storey element. The building has been rendered with green painted wooden windows and doors. There is an area of hardstanding to the front and side of the property which provides some car parking and a single storey lean-to garage which is sited adjacent to 122 Padholme Road.

The site is bound to the front by a 1.5 metre high brick wall and 1.8 metre high steel weldmesh gates.

The surrounding area is varied in character, with both detached and semi detached residential properties. The former Volunteer Public House which now comprises a number of ground floor retail units lies immediately opposite the site. No.122 Padholme Road to the north of the site, comprises a first floor residential flat and at ground floor, an office which has previously been in use associated with the application site.

**Proposal**

The application seeks planning permission for the demolition of the existing building and construction of two semi-detached residential dwellings. The dwellings are both proposed to be 2-bedrooms, each with one off road parking space and a private outdoor amenity space.

The scheme has been amended following referral of the application to Planning Committee. The alterations relate to the two storey rear projecting 'wing' elements of the dwellings. There is now a void at ground floor level with an oversailing first floor containing bathrooms to serve each dwelling.

## **2 Planning History**

| <b>Reference</b> | <b>Proposal</b>  | <b>Decision</b> | <b>Date</b> |
|------------------|--|-----------------|-------------|
| P0261/77         | Extension to factory and change of use and conversion of house into two self-contained flats   | Permitted       | 27/05/1977  |
| 95/P0451         | Erection of garage   | Permitted       | 21/07/1995  |
| 96/P0863         | Change of use from self-contained flat to office and relaxation area for staff (retrospective) | Permitted       | 13/01/1997  |
| 13/01014/PRIOR   | Change of use of ground floor office to residential flat                                       | Pending         |             |

## **3 Planning Policy**

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

### **National Planning Policy Framework (2012)**

#### **Section 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

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

#### **CS01 - Settlement Hierarchy and the Countryside**

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

#### **CS12 - Infrastructure**

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

#### **CS13 - Development Contributions to Infrastructure Provision**

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

#### **CS14 - Transport**

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

#### **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.

### **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.

## **Community Infrastructure Levy (CIL) Regulations 2010**

### **Paragraphs 203-205 of the National Planning Policy Framework: Planning Conditions and Obligations**

Requests for planning obligations whether CIL is in place or not are only lawful where they meet the following tests:-

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In addition obligations should be:

- (i) relevant to planning;
- (ii) reasonable in all other respects.

Planning permissions may not be bought or sold. Unacceptable development cannot be permitted because of benefits/inducements offered by a developer which are not necessary to make the development acceptable in planning terms. Neither can obligations be used purely as a means of securing for the local community a share in the profits of development.

## **4 Consultations/Representations**

### **Pollution Team**

No comments received.

### **Archaeological Officer (01.07.13)**

No objections - Although remains dating from the Neolithic period are well documented in the general area, the proposed development site contains no known assets. In addition, potential buried remains are likely to have been severely truncated during the construction of the current industrial unit and associated utility groundwork.

**Building Control Surveyor (03.07.13)**

No objections – Building Regulations approval required. Part M relating to disabled requirements also applicable. Level access is required, whilst the submitted plans show a step to the principal entrance.

**Transport & Engineering Services (24.06.13)**

Objection - There is insufficient space within the site to provide parking facilities for both proposed dwellings, thereby increasing demand for parking within an already heavily congested area. In addition, there is insufficient space within the site to provide turning for vehicles, resulting in cars reversing on to the highway. The proposal will therefore result in a danger to highway safety.

**Planning Obligations Officer (18.06.13)**

A contribution of £8,000 plus a monitoring fee of £160 is applicable.

**Local Residents/Interested Parties**

Initial consultations: 16

Total number of responses: 1

Total number of objections: 0

Total number in support: 1

No neighbour representations have been received.

**Councillor Todd** has referred the application to Committee, on the consideration that there is sufficient off road parking and the proposed gardens are of a size proportionate to the dwellings.

**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 and highway implications
- Impact upon neighbour amenity
- Amenity provision for future occupants
- Developer contributions

**a) Principle of development**

As detailed in Section 1 above, the site currently comprises a vacant B2 general industrial building. This building is considered to be in a poor state of repair and does not represent high quality employment land. Furthermore, it is located within a predominantly residential area and in close proximity to the identified Eastern General Employment Area (Fengate). Whilst the loss of employment land is generally resisted, it is considered that the proposed use as residential land is more appropriate within the site's context and in keeping with the surrounding area. Moreover, the site is well located within the identified Urban Area, in close proximity to services, facilities and public transport. This therefore represents a more sustainable location for residential development. On this basis, the principle of residential development is acceptable, in accordance with the National Planning Policy Framework (2012) and Policy CS1 of the Peterborough Planning Policies DPD (2011).

However for the reasons detailed below, the current proposal for two dwellings is unacceptable taking account of all other material planning considerations.

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

It is noted that there is a variety of dwelling styles and design both along Star Road and Padholme Road to the north. The proposed pair of semi-detached dwellings have been designed to mirror those dwellings immediately to the south of the site. Nos. 225 and 227 Star Road. The dwellings have been designed with similar proportions and architectural detail and

accordingly, it is considered these will sit well within the streetscene and not appear incongruous or alien within the immediate surroundings.

The dwellings have been sited set slightly back from the principal elevation of Nos.225 and 227, but would be sited forward of the side elevation of No.122 Padholme Road. Whilst this would usually result in an unacceptable relationship, mitigation is provided by the single storey lean-to garage to No.122 which would shield views of the projecting proposal and accordingly, they would not appear at odds with the established building lines.

Notwithstanding this, it is considered that the amendments to the proposed rear elevations of the scheme, creating a void at ground floor level with an oversailing first floor, are at odds with the established character of the area. This element of the proposal would result in a contrived and incongruous form of development, resulting in unacceptable harm to the character, appearance and visual amenity of the locality. On this basis, the proposal is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

**c) Parking and highway implications**

The proposed dwellings will generate an increased level of traffic demand and therefore parking, in relation to the existing lawful B2 use of the site. The application scheme provides for only two off-road parking spaces, one to the rear of No.122 Padholme Road and one within the single storey lean-to garage adjacent. In accordance with adopted parking standards set out in Policy PP13 of the Peterborough Planning Policies DPD (2012), each 2-bed dwelling should provide two parking spaces, thereby a requirement of 4 off-road parking spaces for the application scheme. The proposal represents a deficiency of two parking spaces compared to adopted parking spaces, which could only be provided on-street. No parking survey has accompanied the application to demonstrate that there is sufficient capacity to accommodate this additional parking demand. Notwithstanding this, the surrounding area is already heavily congested with on-street parking, both along Star Road and Padholme Road and it is not considered that there is sufficient capacity to accommodate the extra parking. As such, the proposal would result in cars parking in unacceptable and dangerous locations on the public highway, impeding the free flow of traffic and resulting in an unacceptable danger to highway safety.

Furthermore, the proposal does not afford any space for turning within the public highway. At present, whilst the parking space within the garage is parallel to the highway, there is sufficient space for vehicles to manoeuvre and exit in a forward gear. Without any turning, vehicles would have to reverse on to the public highway and also, at an obtuse angle. This would seriously impede the visibility of drivers in terms of oncoming pedestrians and vehicles, leading to conflict. This relationship represents an unacceptable danger to highway safety.

On this basis, the proposal would result in an unacceptable danger to all users of the public highway and is therefore contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

**d) Impact upon neighbour amenity**

At present, the existing building is sited immediately adjacent to both the southern and western boundaries of the site. The main two storey bulk of this existing building is set only 4.4 metres from the rear elevation of No.122 Padholme Road and the single storey element is set only 2 metres from the same neighbouring elevation. Currently there are no facing windows from the application site towards No.122 however there is a first floor window within the rear elevation of the existing building which looks directly on to the rear gardens and properties of Nos.118 and 120 Padholme Road.

The application scheme would result in two storey development (with no facing windows) sited a minimum distance of 4.2 metres from the rear elevation of No.122 Padholme Road. Whilst this is a reduced level of separation when compared to the two storey bulk of the existing building in situ, the proposed development would be set further away from the neighbouring

dwelling than the existing single storey/external staircase. It is therefore considered that the proposed development represents an improvement upon the existing situation in terms of the relationship to No.122. It is considered that the application scheme will not result in any undue overbearing impact to occupants of the first floor flat, or loss of natural daylight.

With regards to the impact upon residential properties to the rear (Nos.118 and 120 Padholme Road), the proposal would introduce first floor bedroom and bathroom windows. However, the proposal at its closest, would be sited 2 metres from the western boundary (which would be obscure glazed bathroom windows) and 4.4 metres to the proposed bedroom windows. Whilst this relationship results in a low level of separation, this represents no worse a situation than the existing. Furthermore, the set back of the building and first floor windows will reduce the impact to neighbouring properties in terms of overbearing and overlooking impact.

On balance, it is considered that the proposal will not result in an unacceptable impact upon the amenities of neighbouring occupants, 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**

Policy PP4 of the Peterborough Planning Policies DPD (2012) requires all new residential development to afford a good quality of living accommodation for occupants by way of: *adequate internal space; adequate natural daylight and sunlight; well designed and located private amenity space commensurate with the development; and well located bin storage and collection areas.*

With regards to the internal space, it is considered that the proposed dwellings are of a sufficient size to accommodate the needs of occupants. Furthermore, owing to the orientation and relationship to neighbouring dwellings, all rooms will benefit from an adequate level of natural daylight and sunlight. There is sufficient space to the front to accommodate the requisite bin storage, and this is located in close proximity to the public highway for collection.

However, Officers do not consider that the proposed outdoor amenity space for the dwellings is of a sufficient size. Taking into account the area at ground floor below the first floor oversailing element, which would create a 5sqm covered space, the garden area for each dwelling totals only 20sqm. Given the location of the site, the size of the dwellings and the garden sizes of neighbouring residential properties, this falls below the level that Officers consider appropriate for the dwellings. On this basis, the proposal would afford future occupants an unacceptable level of amenity which is contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).

**f) Developer contributions**

In accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011), all new development is required to make a financial contribution to the infrastructure demands it generates. In accordance with the Planning Obligations Implementation Scheme (2010), the proposed dwellings are required to make a contribution of £8,000 plus a 2% monitoring fee of £160. The Applicant has agreed to enter in to a legal agreement to secure this contribution however owing to the other deficiencies with the scheme, Officers have not begun the legal process which would incur legal costs.

**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 Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED** for the following reasons:

- R 1 The design of the proposed dwellings, particularly the proposed first floor oversail to the rear, would result in a contrived and incongruous form of development, out of keeping with the character of the area. The proposal would therefore result in an unacceptable impact upon the character, appearance and visual amenity of the locality, contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- R 2 The application scheme fails to provide sufficient space within the curtilage of the site for the parking demands generated by the proposed dwellings. The proposal would therefore result in additional parking demand on-street in an area which is already heavily congested and without sufficient capacity to accommodate further parking demand. As such, the proposal would result in cars parking in unacceptable and dangerous locations on the public highway, impeding the free flow of traffic and resulting in an unacceptable danger to highway safety, contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).
- R 3 The application scheme fails to provide an adequate area of turning for vehicles within the curtilage of the site. This would result in vehicles reversing on to the public highway and at an obtuse angle, with limited visibility in terms of oncoming pedestrians and other vehicles. The proposal would result in a conflict with all users of the public highway and result in an unacceptable danger to highway safety, contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).
- R 4 The proposal fails to provide an adequate area of private outdoor garden/amenity space commensurate with the size and scale of the proposed dwellings. This would afford future occupants an unacceptable level of amenity, contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).
- R 5 The application proposal fails to make provision for additional infrastructure and community facilities which are necessary as a direct consequence of the proposed development. The proposal is therefore contrary to Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and the Planning Obligations Implementation Scheme SPD (2010).

Copies to Councillors: N Shabbir, M Y Todd, J Johnson

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