

Application Ref: 13/01828/FUL
Proposal: Installation of new sliding doors, replacement windows and infill of 4no. rear openings

Application Ref: 13/01829/FUL
Proposal: Installation of ATM Unit

Application Ref: 13/01830/FUL
Proposal: Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard

Application Ref: 13/01831/FUL
Proposal: Link extension to rear of the property

Application Ref: 13/01832/ADV
Proposal: Installation of 3No externally illuminated fascia signs, 1No externally illuminated projecting sign and 3No non-illuminated branded panels

Site: The Boro Bar, Oundle Road, Woodston, Peterborough
Applicant: Tesco Stores Limited

Agent: Mr James Dempster
 CgMs Limited

Referred by: Councillor Thulbourn
Reason: Due to the impact they will have on the local residents, the general change of character to the area, safety and environmental impact

Site visit: 18.12.2013

Case officer: Ms L Lewis
Telephone No. 01733 454412
E-Mail: louise.lewis@peterborough.gov.uk

Recommendation: GRANT subject to relevant conditions

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

The site is on the corner of Oundle Road and Brewster Avenue. Oundle Road is a main route into and out of the city centre, and is of a mixed character, dominated by housing but with a significant amount of small commercial and community uses. Immediately to the east of the application is St Augustine's Church, and at the end of Brewster Avenue (a cul de sac) is the driveway to Primary School. On the opposite corner of Brewster Avenue is a dry-cleaners and a letting agency. Within about 200 metres of the site is a Local Centre, including two convenience stores.

The Boro Bar itself may be better known as the Boys Head. It was constructed as a public house some decades ago, and has operated over the last several years as a variety of short-lived bars. There are several other pubs in the vicinity.

The building is on the List of Buildings of Local Interest, but it is not statutorily listed. Some neighbours appear to have confused this. The style of the building is a typically mid-20th century mix of arts and crafts inspired vernacular architecture, with some art deco influence.

The building addressed the street on three frontages. There is one elevation facing Oundle Road, another facing Brewster Avenue, and a third at 45 degrees facing the corner. Each of these elevations is designed to be a public face of the building, and the entrance door is on the corner

elevation. The main part of the building forms an L, and there is a single storey flat-roofed part to the rear filling in the angle of the L. There is also a small single storey part at the end of the building on Brewster Avenue. To the rear of the site, which reads as the side from Brewster Avenue, is a service yard. Part of this is set in, with a little corner not visible from the street, and it is in this corner that it is proposed to install the plant.

To the front of the building is an area of hardstanding which is used for parking. It is used for parking at school drop-off and pick-up as well as for parking associated with the business on the site. There is no boundary treatment to the street around this parking area and drivers are likely to take a fairly casual approach to getting on and off Oundle Road.

At the back of the service yard is a terrace of three garages. The link extension is proposed to link the main building to these garages, and so once it is built part of the service yard, including the place where the plant is to be installed, will not be visible from the street.

The proposed changes to the building include new front doors, new windows to the ground floor, and the bricking up of four openings to the rear of the building. Various signs are proposed, including new fascia signs, and an ATM in the small single storey part on the Brewster Avenue end of the building.

2 Planning History

13/01568/FUL	Installation of a new vehicle crossover	Withdrawn	21/11/13
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3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS16 - Urban Design and the Public Realm

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

CS17 - The Historic Environment

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

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.

PP11A - (a) Shop Frontages (including signage)

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

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

4 Consultations/Representations

Pollution Team

Has commented in relation to 13/01830/FUL (air-conditioning plant).

Noise levels may be above those normally acceptable. This can be addressed by imposing conditions restricting the noise output.

Environment Agency (16.12.13)

No objection

Peterborough Local Access Forum

No comments received

Rights of Way Officer

No comments received

The Open Spaces Society

No comments received

Ramblers (Central Office)

No comments received

Conservation Officer (17.12.13)

External alterations – will not undermine the character and appearance of the building. From a heritage consideration the proposed alterations can be supported. A condition regarding details of the profile and finish of the windows should be applied. The finish of the upper windows should match the replacement windows.

Nene Valley Nature Improvement Area (NIA)

No comments received

English Heritage (23.12.13)

No objection

Building Control Surveyor

No comments received

Police Architectural Liaison Officer (23.12.13)

No objection or recommendation.

Transport & Engineering Services (24.12.13)

In relation to advertisement application – a condition is requested requiring that the source of the illumination is not visible to users of the Highway, to avoid glare/dazzle that could be a danger to Highway users.

No objection to other applications

Peterborough Civic Society

No comments received

Local Residents/Interested Parties

Cllr Thulbourn has referred these applications to Committee on the grounds that there will be impact on local residents, the character of the area, safety and environmental impact.

Initial consultations: 87 (the same on each application)
Total number of responses: 21-24
Total number of objections: 21-24
Total number in support: 0

A petition was received with 17 signatures. The petition states "Stop Tesco Express on Oundle Road (Boro Bar Site)".

The following comments have been made by neighbours – general comments relating to all applications:

Timing of application not fair – over the public holiday period [Consultation period for neighbours was 11 December – 6 January]
Schools should have had input to this

Relating to the alterations to the building:

Change of door from wood to aluminium would change the character of the listed art deco building
Will new side windows affect our privacy [No 2 Brewster Avenue]?

Relating specifically to the ATM application:

There are already two ATMs in the area
A hole will have to be made in the building to insert the machine
People coming and going at all hours will affect residents and those attending schools and church
Security lighting and CCTV
More traffic attracted to the area after the shop is closed
Possibility of ram raiding is mentioned, this is terrifying to most residents who are not interested in having this close to them as it is an attraction to crime
Increase risk of children's safety with more traffic
Nisa shop has a free ATM so does the petrol station
Hearing the beeps will disturb our sleep

Relating to the application for air-conditioning plant

Not enough room for this
Noise impact will drone on 24 hours a day
Backs onto the footpath that runs down the side of the building
Children from local schools will be curious and will attempt to gain access
Lorries might hit the corridor unaware of what it contains
Will take away space needed by delivery lorries
Will it encroach onto the car park?

Relating to application for link extension

Will it encroach into the car park?
Would delivery lorries still be able to turn around if it was in place?

Relating to advertisement application

Large projected and illuminated sign not in keeping with the area and the Listed building
No other shop or premises in the area has a projecting illuminated sign
Will be lit up and encourage passing trade near a pedestrian crossing
How can it be low impact with the sign being larger than the existing sign, projecting and illuminated
New sign at the garage on Bakers Lane is an eyesore
Do not want an increasing number of signs further up the road

The comments below relate to the change of use which, as set out below, cannot be considered.

Is already a convenience store in the area
Local businesses have fought hard to stay in business

Why would a bully-style Tesco be allowed to compete with our local traders
There are two schools at the top of the road where the deliveries are
Impact on safety of children
Noise and light pollution
Articulated lorries will be manoeuvring down Brewster Avenue
Lorries parked on pavement and blocking light from houses
Tesco may say this will not happen but it has happened in other areas
Damage to curbs and pavements by vehicles
People coming and going will cause a problem to Oundle Road
Oundle Road is at capacity
Additional noise especially late night deliveries
Car park at the Boro Bar is full of cars even though Tesco isn't there yet
People will park on double yellow lines
Pedestrian crossing and pavement and the cycle path with potential for a serious accident
Deliveries will cause congestion as already happens with deliveries to the Palmerston Arms [a pub about 160m east]
Allowing these applications would show bias towards Tesco
Pub has different parking requirements to a shop
How many times have the lights and safety barriers had to be replaced?

5 Assessment of the planning issues

It has been decided, for the purposes of Committee, to present these five applications on one report as many of the peripheral issues are in common. Of course, each application has to be considered on its own merits, and Members will have to come to five individual conclusions. The report therefore contains five separate recommendations.

Change of use from pub to shop

Members will be aware that this does not require an application for planning permission. Change of use from a pub (use class A4) to a shop (use class A1) is Permitted Development, and the Local Planning Authority cannot prevent, challenge or control it.

These applications are for the supplementary changes including signage, changes to doors and windows, an ATM, some external plant and a small link extension between the main building and the terrace of garages to the rear.

Any impact relating to the change of use cannot form part of the assessment of these applications. Effects such as customer parking, access for delivery vehicles, traffic impact, people coming and going, cannot be taken into account in determination of the applications. Most neighbour comments have related to these issues, and to the impact on local independent businesses. Objections have also been received to the prevalence of Tesco outlets. These issues cannot be considered by the Local Planning Authority in this case.

A further application for external lighting has recently been received. This application is currently out to consultation. If it is referred to Planning Committee then it is likely to come before Members in March.

Application 13/01828/FUL

Installation of new sliding doors, replacement windows and infill of 4no. rear openings.

Assessment

The sliding doors will replace the existing doors, which are timber doors. It is not known whether they are original. The sliding doors will be installed within the existing opening, which will have to be slightly modified but the surround and canopy will not be affected.

Neighbours have commented that powder coated aluminium doors would not be found on an art deco building. The proposed doors are appropriate to the use, are of a plain, fairly low-key design, and are an easily reversible alteration. The Conservation Officer has confirmed that there will be no detrimental impact on the character of the building or the area.

The windows, which appear to be original, are painted metal. The ground floor windows to the front and side will be replaced by new windows, which will not have the fine horizontal glazing bars. Although these bars add to the character of the building, it is not considered that their loss would be sufficiently harmful to require refusal of the application. First floor windows will be made good and painted, which would not of itself require consent, being counted as repairs and maintenance. Three of the openings to be filled in to the rear are tucked around the back of the rear projection, and not visible from the public realm. The other is a single door. The infill will not cause any harm. Neighbours at No 2 Brewster Avenue (across the road) have commented on impact on privacy, but no windows are being added. The window openings will be the same, but the frames and glazing will be new. It is therefore not considered that there would be any impact on privacy.

Conclusion

The design of the alterations will not harm the character of the building

There will be no detrimental impact on neighbour amenity

The proposal is in keeping with Policies CS16 and CS17 of the Peterborough Core Strategy DPD and Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD.

Recommendation

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

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

New windows including profile and finish

Bricks to be used for infill (including samples).

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Application 13/01829/FUL

Installation of ATM unit

Assessment

It is proposed to install the ATM (cash machine) in an existing opening, which would be partially bricked up around the new ATM. The opening proposed is on the side of the building, towards the back, 30m from the junction, opposite No 3 Brewster Avenue.

Officers are of the view that having an ATM in this location, so closely related to the houses, would be likely to have a detrimental impact on residential amenity. It would attract traffic 24 hours a day, people would be likely to park on the street and if they came up Brewster Avenue would almost certainly have to make a complicated manoeuvre to turn around again.

The applicant proposed closing the ATM at night, but many people would see the sign, go to use the ATM, and only then realise that it was closed. An ATM inside the shop would be appropriate and just as convenient.

There are ATMs in the area already. There is one at the petrol station on the corner of Bakers Lane, about 500m away to the west, and another in the Nisa convenience store, about 200m away to the east. In the city centre there are ATMs at Asda, about half a mile away, which would be available should people need cash urgently at night.

Officers do not consider that the appearance of the building would be harmed by the installation of the ATM, and there is no security objection from the Police (although a discreet camera and lighting would be appropriate should the ATM be permitted).

Recommendation

The Director of Growth and Regeneration recommends that planning permission is **REFUSED** for the following reason:

The installation of an ATM in this location would be likely to have a significant impact on neighbour amenity, especially at night. The site proposed for the ATM is on the part of the building closest to housing, where Brewster Avenue has the character of a residential street rather than a junction with a main road. An ATM would be likely to attract people at all times of the day and night, and while during the day this would be absorbed into normal activity, at night the increase in people and traffic movements would be noticeable and significant.

The increase in movements would be likely to have a detrimental impact on the amenity of nearby residents, contrary to Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

Application 13/01830/FUL

Installation of 2No fan condenser units and 3No air conditioning units in enclosed rear service yard

Assessment

This proposal is to install items of plant to the rear of the building. There is currently an area to the rear of the building which is referred to as a service yard – it is not currently enclosed, but would be enclosed by the extension proposed under application 13/01831/FUL (which is recommended for approval, see below).

The plant would not be visible from the public realm.

Plant can be noisy, and the applicant has provided a noise assessment. At the time of writing this report some information requires clarification, however the Pollution Control Officer has advised that planning conditions could be used to control the noise adequately. Acoustic screening could be used, which also would not be visible from the public realm.

The house most directly affected, potentially, would be No 22 Brewster Avenue, which is next door to the site. The distance from the plant to the side windows of No 22 would be about 20m, and in between would be the existing garages, and whatever acoustic screening is agreed by condition if required.

Neighbours have commented also that the plant would affect the footpath alongside the site, but it is not considered that being able to hear air conditioning plant from a footpath is harmful. It is not likely that the noise would penetrate into the church.

Conclusion

The plant would not be visible from the public realm

Noise likely to affect neighbours can be adequately controlled

The proposal is in keeping with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP2 of the Peterborough Planning Policies DPD.

Recommendation

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

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 The night (23:00-07:00) rated noise level from all fixed, external machinery as determined by British Standard 4142:1997 shall not exceed 35dB at the façade of the nearest receptor. The rated noise level shall include a 5dB character correction.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

C3 The day (07:00-23:00) rated noise level from all fixed, external machinery as determined by British Standard 4142:1997 shall not exceed 46dB at the façade of the nearest receptor. The rated noise level shall include a 5dB character correction.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

C4 The sound power level (Lw) of each specified plant shall not exceed, in any circumstances, the stated level as determined by the applicant in their noise assessment reference KR03237.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policy PP3 of the Peterborough Planning Policies DPD.

Application 13/01831/FUL

Link extension to the rear of the property

The link extension would extend from one of the doors at the rear of the building, to the side of the terrace of three garages. The extension would be about 5m long and 2.3m deep, and would have a flat roof slightly below the level of the flat roof to the garages. It would be constructed of matching brick, details of which would be agreed by condition.

There would be a door on each side of the link extension, one of which, to the back, would not be visible from the public realm. Neighbours have commented that the extension might block access for lorries, but the Highway Authority has not objected.

Conclusion

The design of the alterations will not harm the character of the building

There will be no detrimental impact on neighbour amenity

The proposal is in keeping with Policies CS16 and CS17 of the Peterborough Core Strategy DPD, and Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD.

Recommendation

The Director of Growth and Regeneration recommends that planning permission is GRANTED subject to the following conditions:

C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C2 No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Bricks and roofing materials (including samples)

Colour of the west facing door.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

Application 13/01832/ADV

This application is for consent for seven advertisements. These are:

Fascia signs to each of the three building frontages, those to the front and corner to be illuminated using a trough light;

Two small signs, one to each side of the entrance door, carrying opening times and the “No

**Smoking” comment;
One projecting sign above the ATM
Signs affixed to one of the garage doors.**

Assessment

The three fascia signs are of approximately the same dimensions, and in the same locations, as fascia signs that have been on the building in the past. There are no signs currently on the building. They are of a suitable appearance, using one of the company’s designs which is more discreet. The fascias signs would be of a “woodtex” design, which is a brown sign with pinned lettering giving the corporate shop name. Two of these signs will be illuminated, however this will be discreet trough lighting, directed down over the sign. Neighbours have commented on the signs drawing attention, however that is the point of a shop sign, and there is no amenity or public safety reason to refuse the three fascia signs.

The small signs adjacent the entrance door are of no concern.

The Local Highway Authority has recommended a condition requiring that the source of illumination is not visible to users of the Highway. This is considered reasonable and is recommended.

As the application for the ATM is recommended for refusal, the sign drawing attention to it will not be required. In addition, this sign is proposed to be attached to the part of the building most remote from the main road. The lettering on one of the garage doors is also recommended for refusal, as it is in the part of the site that relates more closely to the residential part of the street, and is separate from the public part of the site. It is considered to be out of keeping with the character of that part of the site and street.

It is possible to issue a split decision for advertisement consent applications, and therefore there are two recommendations.

Recommendations

The Director of Growth and Regeneration recommends that Advertisement Consent is **GRANTED** for the three fascia signs, two of which are to be illuminated, and for the two small signs to each side of the entrance door, subject to the following conditions:

- 1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.**
- 2. No advertisement shall be sited or displayed so as to:**
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);**
 - (b) obscure, or hinder the ready interpretation of any traffic sign, railway signal or aid to navigation by water or air, or;**
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring speed of any vehicle.**
- 3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.**
- 4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.**
- 5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.**

Reason: In accordance with Schedule 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, or as subsequently amended.

C6 The source of the illumination shall not be visible to users of the Highway.

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

Recommendation

The Director of Growth and Regeneration recommends that Advertisement Consent is **REFUSED** for the projecting sign drawing attention to the ATM and the sign on the garage door for the following reasons:

The projecting ATM sign would draw the attention of customers to a part of the site that is better related to the residential part of the street, and which customers should not need to visit. The sign on the garage door is even closer to housing. The garage block is in terms of the streetscene more closely related to the adjacent housing than to the shop entrance, of the public face of the shop. It is considered that these two advertisements would have a detrimental impact on the character of the residential part of Brewster Avenue, contrary to the provisions of paragraph 67 of the National Planning Policy Framework, and Policy PP11(a) of the Peterborough Planning Policies DPD.

Copies to Councillors M E Lee, L Serluca, N Thulbourn