

Application Ref: 14/01301/FUL

Proposal: New shop unit with two flats above - resubmission

Site: 70 - 80 Storrington Way, Werrington, Peterborough, PE4 6QP
Applicant: Deangate Properties

Agent: Mr David Shaw

Referred by: **Cllr Paula Thacker**
Reason: Highway safety and the impact on the general amenity of the area
Site visit: 21.08.2014

Case officer: Mrs J MacLennan
Telephone No. 01733 454438
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Recommendation: **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

Site and surroundings: The application site is a grassed area located at the western end of a Local Centre at the intersection with Amberley Slope to the west, Storrington Way to the east and Corfe Avenue to the south. The Local Centre comprises a terraced shopping parade with commercial units at ground floor and flats at first and second floors. There are parking bays for up to 4 cars to the front of the parade and a car park is located to the east and accessed off Storrington Way. The surrounding character is predominantly residential comprising bungalows and 2 storey properties. There are currently 2 trees located within the grassed area to the west of the site.

Proposal: The proposal is a resubmission following the refusal of planning permission and a dismissed appeal. Permission was refused and the appeal dismissed because the development encroached into the forward visibility splay at the adjacent junction. The proposals has been redesigned so that it is outside the required visibility splay. The application seeks approval for the erection of an extension to the western end unit within the shopping parade. The extension would provide approximately 129m² retail (A1) floor space with 2 no. one bed flats at first floor. The flats would be accessed via an external staircase at the rear in a similar way to the existing flats. A small drying area would be located at the rear of the flats. The commercial units would also be serviced from the rear. Two parking spaces would be provided to serve the flats. The footprint of the extension would be 11m in length x 11.8m in depth and would be staggered at the western side. The overall height of the extension would be 7m.

2 Planning History

Reference	Proposal	Decision	Date
13/01263/FUL	Extension to retail floorspace with two flats above	Refused Appeal Dismissed	16/10/2013
04/00969/FUL	Erection of 11 flats and associated parking	Application Withdrawn	12/08/2004
07/00721/FUL	Erection of 7 flats with car parking	Not Determined Allowed at Appeal	21/08/2007

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 6 - Presumption in Favour of Sustainable Development

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated.

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)

CS02 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

CS15 - Retail

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

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)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

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.

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

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.

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.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

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

Landscape Officer – No objection - There are 2 semi-mature trees on site and whilst they are part of the landscape which is largely devoid of vegetation, they do have the appearance of being just "dropped in" and are somewhat incongruous in their surroundings. It is suggested that a more sustainable solution would be to allow for these 2 trees to be removed subject to appropriate mitigating planting which could be secured by way of a standard Condition.

Archaeological Officer – No objection - Given the low archaeological potential of the site, together with the small scale of the proposed development, the Officer's view is that there is no need to secure a programme of archaeological work by condition.

Building Control Manager – Building regulations approval required

Transport & Engineering Services - No objection - The applicant has submitted a speed survey which shows the required forward visibility splay around the bend needs to be 28m and the site layout shows that the development does not encroach in the splay. The LHA agrees with this. However, the edge of the splay envelope does pass very close to the edge of the proposed building and therefore the LHA has requested the details to be provided on an accurate site plan rather than the base mapping which has been used for this submission. The base plans have been known to be inaccurate and a small margin of error could mean that splays cannot be achieved. New survey plans have been received and the LHA is satisfied that the 28m forward visibility can be achieved. These will be shown at the meeting.

S106 Planning Obligations Officer - A S106 contribution of £6,000 is sought using POIS for the proposed new shop unit with two flats above. A monitoring Fee of £120 is also required. The proposed retail unit of 129 sqm falls below the trigger point for a POIS contribution.

Councillor P Thacker – Objects – No letter was sent directly to Cllr Thacker advising that the application had been resubmitted. As this will be built on a corner, buses cannot turn as it is at present, with school children walking up and down Amberley Slope, attending the Werrington Primary School (i.e. an accident waiting to happen !) if this goes ahead! The landlord does not maintain the shop fronts at present, like the squalid flats above, which the committee were shown photos, they are disgusting, I would not put an animal in to one of them! Tenants attended too, as well as a group of residents campaigning against this planning application, at full committee. Every couple of months, I contact the landlord, asking him to cut the grass down and to remove his fly tipping, he never does, we, the City Council, have to do this.

Local Residents/Interested Parties

Initial consultations: 36
Total number of responses: 5
Total number of objections: 5
Total number in support: 0

5 letters of objection have been received from neighbouring occupiers raising the following issues:

- The application is strongly opposed to by residents
- The scheme is no different to the one previously refused and is still dangerous in terms of traffic. *Officer response: The footprint of the building differs from the previous scheme in order to provide for forward visibility.*
- The previous application was turned down - how can any resubmission possibly overcome any building on this dangerous corner?

- On the basis of safety how can this possibly be dealt with by the case officer or a planning committee?
- Consideration should be given to traffic visibility
- If the development goes ahead there is a risk large vehicles won't be able to see the s-bend until they are on it by which time it could be too late.
- The site is completely wrong for an increase in shops and flats which are half empty already
- The existing flats are an eyesore. *Officer response – this is not a matter that can be considered in the determination of the application*
- There is no need for any more shops. *Officer response – this is not a matter that can be considered in the determination of the application*
- The present company has failed to maintain its obligations of up-keeping the complex to a required standard. *Officer response – this is not a matter that can be considered in the determination of the application*
- Planning permission would the whole complex to be put up for sale to make money? *Officer response – this is not a matter that can be considered in the determination of the application*
- Why was the Local Councillor not informed about the application. *Officer response: The Local Councillor does not receive a letter for each planning application however, does receive a copy of a 'weekly list' of planning applications received.*
- The public were not able to get information about the application off the Council website. *Officer response: The application was available on the website which was fully operational during the consultation period.*
- Most of the people living in the area are elderly and do not have access to the computer. *Officer response: The application is available can be viewed at Bayard Place, the Town Hall and the Central Library.*
- No practical help for viewing the application has been available at the Council offices. *Officer Response: Staff at Bayard Place and the Library would be able to assist in accessing the information, however would not be able to offer advice on the content. The case officer would be able to assist with specific queries and our contact details are shown on the consultation letter.*

5 Assessment of the planning issues

a) Background

The application is a re-submission following refusal of a previous scheme in 2013 (ref. 13/01263/FUL). The application was refused by members of the planning committee ONLY on the grounds of highway safety as the location of the development would have reduced the forward visibility for drivers travelling southbound along Amberley Slope as they approach the 90 degree bend in the highway and therefore the proposal was considered to be contrary to policy PP12 of the adopted Peterborough City Council's Planning Policies DPD 2012.

The application was subsequently dismissed at appeal when the Inspector conceded that the building would '*significantly diminish forward visibility in Amberley Slope on a bus route and in an area where it is to be expected that people of all ages and degrees of mobility would be crossing the road*'. Taking account of the 'Manual for Streets' guidance and the particular conditions of the site, the Inspector concluded that the safety of highway users would be compromised and that the proposal would be unacceptably harmful to highway safety. A copy of the appeal decision is attached in Appendix 1.

Although the appeal was dismissed, an award of costs against the Council was made by the Inspector.

The application now submitted has altered the position of the building in order to ensure it does not encroach into the visibility splay. The required visibility splay has been calculated from the results of speed surveys that have been undertaken.

b) The Principle of Development

The site is located within a Local Centre and therefore the principle of retail development on this site is acceptable and accords with policy CS15 of the Adopted Peterborough Core Strategy DPD and policy PP9 of the Adopted Peterborough Planning Policies DPD.

In addition, the site has an extant planning consent for 7 flats (ref. 07/00721/FUL) having been allowed at appeal in 2007 and works have commenced on site. The site is in an area which is predominantly residential in character and the mixed development is consistent with the existing development on this site. The principle of residential development is, therefore, already established.

Subject to the proposal meeting with all other relevant planning policy considerations the proposal would make a contribution to housing provision in accordance with policy CS2 of the Adopted Peterborough Core Strategy DPD.

c) Highways

Two parking spaces would be provided for the flats and the existing secure gates would be repositioned to enable space to be provided for staff parking, turning and loading to serve the extension within the secure perimeter. There is a parking area located to the east of the Local Centre. Parking is provided to the front of the site and it is considered that there is capacity for some parking on the street.

A Transport Statement has been submitted in support of the application and a speed survey has been undertaken assessing the speed of vehicles travelling along Amberley Slope over a period of one week. 'Manual for Streets' documents that there is a correlation between vehicle speed, carriageway width and forward visibility. The survey has demonstrated that the required forward visibility for vehicles travelling along Amberley Slope in a southbound direction would be 28m. The Local Highways Authority agrees with this calculation. However, it is acknowledged that the edge of the splay is close to the edge of the building and therefore the LHA requested the details to be provided on an accurate site plan rather than the base mapping which has been used for this submission. The base plans have been known to be inaccurate and a small margin of error could mean that splays cannot be achieved. New survey plans have been received and the LHA is satisfied that the 28m forward visibility can be achieved. These will be shown at the meeting.

It is acknowledged that a number of objections have been raised regarding the impact the proposal would have on the adjacent highway, in particular the impact on the forward visibility. However, unlike the previous application and indeed the subsequent appeal a survey has been undertaken to assess the speed of vehicles travelling along Amberley Slope. This has demonstrated the required forward visibility can be achieved.

The proposal would not result in any adverse highway implications and accords with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

d) Design and Visual Amenity

The existing building was built in the 1960s/70s and the design is typical of that period and has no particular architectural merit. To the rear of the building are single storey storage elements serving the commercial properties and a rear balcony/terrace which provides the amenity area serving the existing flats. The rear of the building is particularly untidy in appearance. It is hoped that the development, if implemented, would encourage some investment into the site and encourage a sense of responsibility for the appearance of the site as a whole.

As with the previous scheme, number of objections have been received regarding the lack of upkeep of the existing buildings and the grassed areas and parking areas within the site. It is unfortunate that the buildings and areas outside are not being adequately maintained. However, this is not a material planning consideration.

The design of the extension has been amended from the earlier scheme and now has a staggered footprint to the western end in order to achieve the forward visibility for vehicles travelling in a southbound direction along Amberley Slope. The design of the building is considered to be in keeping with the existing building and the style of the shopfront serving the ground floor would be sympathetic in style and proportions to the shop front within the existing building.

Whilst the first floor windows within the front elevation do not have a vertical emphasis as do the first floor windows in the existing building they are in keeping with the windows within the second floor of the existing building and have a more domestic appearance.

It is considered that the extension could be accommodated within the site and would not be detrimental to the character and appearance of the existing building or to the street scene as a whole. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policies PP2 and PP11 of the Adopted Peterborough Planning Policies DPD

e) Residential Amenity

It is considered that the proposal would provide a satisfactory level of amenity for the future occupiers of the first floor flats. There is a small amenity/drying area to the rear. The rooms within the flats appear spacious and are all served with windows to provide natural light. The flats would be located within a residential area which is well served by shops and services to meet the residential needs of the future occupiers. The proposal therefore accords with policy CS2 of the Adopted Peterborough Core Strategy DPD and policy PP4 of the Adopted Peterborough Planning Policies DPD.

f) Neighbouring Amenity

The extension would be positioned approximately 10m from the side elevation to the neighbouring property at 78 Amberley Slope which is a bungalow. The proposed extension would not unduly impact upon the amenity of the occupiers of this property in terms of overbearing impact or loss of light due to the separation distance.

There is a window within the first floor rear elevation of the extension which would serve a hallway. There is a window within the side elevation of the neighbouring property at number 78 and therefore this could result in some overlooking. As the main purpose of the window would be to provide light and that the room it serves is not primary living space it is considered reasonable that the glazing is obscured to prevent the possibility of overlooking to the neighbour.

It was apparent from the site visit that the neighbour at number 78 has solar panels on the south roof slope however, it is considered that the positioning of the extension is such that it would not have a significant impact on the effectiveness of the panels.

The proposal would not unduly impact upon the amenity of the occupiers of neighbouring properties and hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

g) Landscaping

It is noted that there are two trees located on the western boundary which would need to be removed in order for the development to be implemented. It is the Landscape Officer's view that although the trees are part of the landscape they do have the appearance of being just 'dropped in' and are somewhat incongruous in their surroundings. It would be appropriate to allow the trees to be removed and replaced with a more appropriate variety. This would be secured by condition. The proposal would not result in the loss of trees which contribute positively to the setting and an enhanced landscaping scheme could be provided by the development in line with policy PP16 of the Adopted Peterborough Planning Policies DPD.

h) S106

The proposal would give rise to a S106 contribution in accordance with the Planning Obligations Implementation Scheme (POIS). The contribution of £6,000 plus monitoring fee is sought.

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 proposal is for retail development within a local centre;
- The site has extant planning consent for 7 flats therefore the principle of residential development is already established;
- The proposal would not be detrimental to the surrounding character or to neighbouring amenity;
- The proposal would provide a satisfactory level of accommodation for the future occupiers of the flats;
- The proposal would not result in any adverse highway implications; and
- The proposal would provide for replacement tree planting.

Hence the proposal accords with policies PP2, PP3, PP4, PP12, PP9, PP11, PP13 and PP16 of the Adopted Peterborough Planning Policies DPD 2012, policies CS14, CS15 and CS16 of the Adopted Peterborough Core Strategy DPD 2011 and the National Planning Policy Framework.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and 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 No development other than groundworks and foundations shall take place until details of materials to be used in the external elevations of the development hereby approved 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.

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).

- C 3 Prior to the occupation of the development hereby approved, the two parking spaces shown on plan ref. AP0101_B shall be provided and thereafter maintained as parking in association with the proposed development.

Reason: In the interests of highway safety in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD (2012).

- C 4 Prior to the commencement of development a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following the occupation of any building or the completion of development, whichever is the earlier.

The scheme shall include the following details

- Proposed finished ground and building slab levels
- Planting plans including replacement trees, species, numbers, size and density of planting

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP14 of the Peterborough Planning Policies DPD (2012).

- C 5 Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP14 of the Peterborough Planning Policies DPD (2012).

- C 6 The development hereby approved shall be constructed so that it achieves at least a 10% improvement on the Target Emission Rates set by the Building Regulations at the time of Building Regulations being approved for the development.

Reason: To accord with Policy CS10 of the adopted Peterborough Core Strategy DPD 2011.

- C7 Before the development hereby permitted is first occupied, the proposed window within the first floor north (rear) elevation shall be obscure glazed, and non opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall subsequently be retained as such.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors D Fower, P Thacker MBE, J Davidson

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