

Application Ref: 14/01631/FUL

Proposal: Construction of office building and associated external works. Alterations to windows and doors at Herlington House and associated external works (relating to change of use to flats)

Site: Herlington House, Benyon Grove, Orton Malborne, Peterborough
Applicant: Quest Science Services Ltd

Agent: Scott Whight Architects & Development Consultants

Referred by: **Cllr Casey**
Reason: The placement of the building in relation to the access way being such that it might be struck by vehicles; the location of the proposed bin store; the visual impact of the building being located in effect in the centre of a car park.

Site visit: 16/9/14

Case officer: Nick Harding
Telephone No. 01733 454441
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Recommendation: Approve

Update

The application was deferred by members when the application was considered at the Committee meeting held on 18 November. Committee sought additional information relating to the following:

- a) Assessing the existing and proposed layouts for coaches and emergency vehicles
- b) Suitability of the bus only lane for coach access
- c) Assessment of any alternatives to use to b)

The adjacent church has a private right of vehicular access over the application site to its car park. This right is not in itself a matter that Committee can take into consideration.

It has been found that a 12m coach (or more) should not access the existing car park given that there is insufficient space to make such movements safe and it is unlikely that the car park was intended for coach use. The proposed layout for the car park would reduce the available space available for coach access to the extent that it would be unlikely to be feasible. Officers wish to highlight to members that, under permitted development rights, the car park layout could be altered to reposition the existing spaces as proposed (i.e. these works would not need planning permission).

The church has indicated that they have approximately 4 coach trips per year. The traffic regulation order (TRO) for the bus lane adjacent the church is such that the coaches cannot lawfully use it. If a revision were made to the TRO then coach use of the bus lane can be achieved and use can be made of the existing bus stops near the neighbourhood centre as a pick up point. It would not be reasonable for the applicant to meet the cost of the amending the TRO.

The alternative to the use of the bus lane would be for the coach to pick up passengers in Benyon Grove some 60m from the Church.

The proposed car park layout is sufficiently sized to accommodate refuse, emergency vehicles and hearses.

53 letters of support have been received for the application since the application was last considered by the planning committee.

The applicant and the church have met since the application was last considered by the Planning Committee and officers have been advised that the church no longer objects to the planning application.

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

Site Description

Herlington House is a small, 1980s office block, near to the Herlington Local Centre. Vehicular access to the site is via Herlington and Benyon Grove, and there are more direct footpath links. The vehicular access via Benyon Grove is adopted Highway until it enters the north-east corner of a shared car park, used by occupants of Herlington House immediately adjacent, and those using the nearby church.

The car park is about 65m long (east to west) and 35m across (north-south). The ownership of the applicant includes about 25m of the length of the car park, and the remainder is associated with the church at the other end of the car park. The church has a private right of way through the applicant's car park.

Along the north side of the car park runs a footpath, to the immediate north are some houses. Along the south side of the car park are some verges, foot-cycleway, and busway.

Beyond the church is a landscaped area, then another footway and more residential.

Proposal

The proposal is to build a small office building within the area currently used as car park, to revise the layout of the car park and provide a path to the office, to change the landscaped area around Herlington House to small gardens for the ground floor flats (which are Permitted Development), and to construct a new/replacement bin store.

External changes are proposed to the ground floor of Herlington House. More external doors will be inserted, to give front doors to the flats, and areas where the existing office windows will be filled in will be timber clad to avoid the awkward clash of new bricks against old.

2 Planning History

Reference	Proposal	Decision	Date
14/00836/FUL	Conversion of ground floor offices to 8 flats, and erection of single storey office building	Withdrawn	07/07/2014
14/01502/PRIOR	Conversion of ground floor offices to form eight one-bed flats	Approval not required	18/09/2014

3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

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

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP04 - Amenity Provision in New Residential Development

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

(NB: As the ground floor flats are to be provided as Permitted Development, no material weight can be given to this policy – it is included for information only).

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.

4 Consultations/Representations

Orton Longueville Parish Council

No comments received

Police Architectural Liaison Officer (16/09/14)

As you are aware I have previously had discussions and met with the applicant concerning this application.

If you consider the erection of an office building in the immediate area is acceptable, I can advise that the scheme submitted, is probably the better of various options and now adequately addresses vulnerability to crime as required under CS16.

By improving daytime activity and surveillance to the area, it may also provide some crime reduction benefits in the immediate vicinity.

Transport & Engineering Services (30/10/14)

No objection.

The proposed car and cycle parking spaces are acceptable.

Please append conditions relating to the provision and retention of the parking and manoeuvring space, and requiring a Construction Management Plan.

Local Residents/Interested Parties

Initial consultations: 189
Total number of responses: 143
Total number of objections: 143
Total number in support: 0

Approx. 139 of these representations are standard letters from users of the church, all making the following comments:

- Happy to see more affordable housing within the area
- Church has a vehicular and pedestrian right of way across the area
- It appears that public access ...to the church would become greatly restricted, if not impossible, for larger vehicles such as coach, funeral hearse, refuse vehicle, tradesman vehicle or emergency vehicles such a fire engine
- [The church has] periodic need for coaches to [various events and pilgrimages].
- [The church] community includes people of limited mobility, the church is used for the beginning and end of such trips because of the facilities we can provide, including people can wait in shelter with access to toilets
- If emergency vehicles cannot access the church without difficulty I would be worried about the health and safety of the parishioners
- The parish covers an extensive area and parishioners travel from areas such as Orton, Hampton, Yaxley, Stilton and Sawtry by private vehicle due to the lack of suitable public transport, especially on a Sunday
- The car park is already full during the Saturday and Sunday services and the proposed plans will exacerbate this issue
- [The church] is a growing community and our 25 year right of way should not be restricted
- The church building is used not only for services at the weekend but for events and meetings throughout the week
- The knock-on effect of this development could affect our need to develop as a parish

Members will of course be aware that several of these matters relate to the private right of way, which is not a planning matter.

The following comments have been made individually (there is some overlap between material and non-material comments):

- The intended solid construction for the bins is something that no-one would welcome
- It would restrict car park space and access and make life difficult for anyone from the flats wanting to dispose of their rubbish. Surely a bin cupboard by their door would be easier
- Can they not build the office somewhere else instead of on parking spaces
- Have we not convinced them [not clear who] that the site is getting claustrophobic
- Plan encroaches on [church] ground
- No objection to the office building, but the plan will encroach on [church] property
- Rather than building an office building, the owners of Herlington House should perhaps focus on improving and enlarging the access roads to improve safety
- This encroachment will prevent coach access to the church and other large vehicles
- Bins and the kerb are permanent obstacles to coaches
- It is not possible for people to wait outside this is a security issue especially for children
- The proposed plan has not been made known to all residents in the immediate vicinity (Sellars Grange). There should be public consultation in the local area. Many of [the church's] neighbours do not know anything about the plan
- The plan has not been supported by a traffic management survey. The saga will be lengthened if the developer does not do an independent survey to make sure that their plan would not stop essential traffic coming in and out of [the church] car park. Our Land Registry title clearly says that we have [a private right of way]
- The original site plan indicates a spacing between car park spaces of 7.875m. In the proposed plan the spacing is shown as 6m. This must affect vehicle access to the

- church
- More occupancy means more cars, I have noted at 6.30am with the current occupancy ten cars are parked
- My job is to put the [church] dustbin out for collection, how will the lorry negotiate the narrowing of the lanes
- Applicant has now said that [church attendees] can no longer park on [the applicant's] car park
- Now that we can't use their car park do we drive across it or fly over?
- Right of way that has existed for 25 years that the church has will be significantly affected
- Access for all vehicles is needed to go to and from the church entrance without other cars behind them blocking them in
- Large vehicles such as emergency vehicles are still likely to have problems and with the large number of people who fill the church on regular occasions this cannot be allowed
- If access to the church and removal of parking spaces for the congregation is restricted then I object
- The church has been there for 25 years and is used on a regular basis
- Entrance and exit for funeral hearses and marriage cars should be considered
- The plan does not advise parishioners who would deal with the right of access
- The plan of the office has two entrances, front and rear. There is a planting bed which belongs to [the church] at the rear of the proposed office

5 Assessment of the planning issues

The applicant has advised as follows:

- their business no longer requires the amount of floor space available within Herlington House, and they are seeking to provide a small purpose built office as well as to use the ground floor of the existing building as residential
- they would like to remain in the area and continue to provide local employment opportunities, but the proposed development is essential to allow them to do this
- Herlington House requires significant financial investment and the application would provide a route for this
- there are remaining issues with the car park. The openness provides opportunity for local youths to use the car park as a race track in the evenings and this has led to damage to the existing properties. Among other things the application seeks to break up the car park to prevent such ongoing use and provide properly allocated parking for both the Church and the proposed residential uses.

Principle of development

The site is not subject to any official allocation. The site has always been in mixed office and residential use and the proposal will not change that, although it will change the balance.

Site History

The upper floor of Herlington House was built as flats, and the ground floor as offices, following a grant of consent in 1988. The consent was issued by the Development Corporation and the file is not available.

Last year Permitted Development rights were introduced to allow change of use of offices to flats, and the applicant has already made the notification regarding the ground floor, which has been accepted. The principle of change of use to flats downstairs is therefore already established and this application cannot be used to question that, or to insist on any of the relevant provisions required by Policy.

Notwithstanding this, the applicant has decided to enclose the landscaped area around the building and form it into small gardens for the ground floor flats. These will provide defensible space and some privacy for occupants. The applicant also wishes to make external changes to the building,

amending doors and windows to a layout and style more suitable for residential occupation. These changes do require planning consent and form part of this application.

Given that the new office building is proposed on an area currently used for parking, the car parking area is to be slightly re-arranged. The applicant is providing one car parking space per flat, and cycle parking. These could not be required in connection with the new flats if the applicant chose not to provide them.

Earlier this year an application was submitted, and later withdrawn, for the change of use to flats and associated external changes, and for a new office building in an area immediately adjacent to the north boundary of the site. The car park layout was proposed with one access through to the church car park, instead of two. This was objected to, mainly by the church and parishioners, but also on the grounds that the location of the office building would have enclosed the public footway, and could have blocked the nearby CCTV camera. The applicant withdrew the application. It is understood that discussions took place with the church in an attempt to come to an agreement, and to respect the right of way.

The current application does not include the change of use to flats as that can be implemented as Permitted Development. The applicant could, if this application is refused, implement the change of use to flats without having to amend the outside of the building. In that event, the dedicated car and cycle parking, refuse bin store and front gardens would not be provided.

Access and Parking

Access to the site from the adopted Highway would not be affected.

The amended layout of the car park would allow for circulation routes of 5.3-5.58m across the end of the site, and 6m along the site. The 6m would be allowed between the banks of perpendicular parking spaces, which is the usual standard. A comment has been made that these routes would be narrower than existing (about 7.5-8m), but there is no reason to object to an amendment which would result in a layout meeting the usual standard.

The applicant has shown one car parking space per flat, including both the existing flats and the flats which are to be implemented as Permitted Development. The first version of the layout plan showed that one or two of the car parking spaces for the existing flats had been lost, but the layout has been amended to show the full provision. The LPA could not require that the flats provided under Permitted Development are provided with parking spaces.

There are another 5 car spaces shown, indicated as Office Parking. As the office building would be of about 90 sq m the adopted standard would support a maximum of 3 spaces. However it is not considered necessary to require that any spaces are removed – there is currently an overprovision of parking, and the layout makes sensible use of the space available.

Currently there are 31 parking spaces. One is for each of the 10 flats upstairs, and the remaining 21 is 6 spaces over the 15 that would be allowed for the ground floor office under the current standard.

Bike stands are shown in front of the office building, where they would be overlooked from within the building. Normally it would be required that staff cycle parking is secure and covered, but this would be a very small office, which would have a small staff (6 people), and overall the applicant would provide a significant increase in cycle parking, which would be directly overlooked from within the building.

Part of the external amendments to the existing building, to facilitate the COU to flats, would be bike storage pods in the individual gardens. Some visitor cycle racks would be installed to the front, near the door which leads to the upstairs flats. The provision is considered acceptable

Comments have been made by the church, and parishioners, about the impact on their parking provision. It appears that they are accustomed to using the existing office car park on Sundays, when the office is closed, although it does not appear that there is any right for them to do so. As all of the car parking spaces within the application site would be required for the flats and office building, it is considered appropriate to impose a condition requiring that these spaces are retained for that use. The applicant has suggested that the office spaces could be used by residents (who are more likely to have visitors at the evening or weekend) when the office is closed. This shared use, formal or informal, would be supported, and the recommended condition would not prevent it.

The proposal would have no impact at all on the church car park. The initial plans showed some changes to planting beds, and some traffic calming features, just within the area of church ownership. The plan has since been amended and the traffic calming features would be within the applicant's site.

Comments have also been made by the church and parishioners about impact on their private right of way. This is not a planning matter, however the applicant has stated that he has respected the right of way.

One objector has mentioned a traffic management survey. This is not considered necessary for any planning reason, and could not be required for any non-planning reason.

One objector has noted that they have observed 10 cars in the car park at 6.30am. Given that there are 10 flats on the first floor of Herlington House, this is not unreasonable.

Cllr Casey has commented that the location of the building is a concern, as it might be struck by vehicles. The routes proposed, going past each side of the building, would be 6m wide at the narrowest, which is wider than some of the nearby streets. Pedestrians going to either Herlington House or the new building should not need to walk along these routes past the building, and pedestrians going to the church have a direct route along the footways, so vehicles should not have to be driven around people walking.

The building is proposed to be built along the edge of a planting bed just within the church car park. The applicant originally proposed to amend the planting bed, to bring the edge of the bed in line with the side of the new building, but the plan has since been amended to remove any changes being proposed outside the applicant's ownership.

Any building close to an area where vehicles are manoeuvring could be struck by vehicles, but this would almost always be the fault of the driver. It is reasonable to expect drivers not to drive into buildings. The layout shows acceptable manoeuvring spaces according to usual standards, and none of the objectors has provided any evidence to suggest that these standards are not appropriate in this case.

The car park, both sections, is currently very open and the applicant has advised that it is used by local youths for unauthorised driving. If the changes would discourage this, and would make drivers pay more attention and slow down, then the changes should be viewed in a positive light.

The Local Highway Authority has not objected to the proposal.

It is recommended that a construction management plan is required by condition, in order to ensure that space is made available for construction vehicles to park clear of the Highway.

Proposed new office building - Design

This would be set at the west end of the application site, adjacent to a planting bed. The building has been designed to fit in with the existing building, with a gable detail to the roof and horizontal windows. Materials, which would be agreed by condition, would be specified to match.

A concern has been raised about the location of the new building, in respect of the visual impact. Although it is unusual to put a new building in the centre of an existing car park it is not unacceptable as a matter of principle, and the applicant has designed the changes to the site to allow a footpath to the door and some new lighting. The building would be much smaller than Herlington House and the church, and will reinforce the two separate uses.

Planning consent can only be refused if harm is caused, and Officers do not consider that this is the case. The development will increase the use of the site, will improve natural surveillance and perhaps discourage anti-social behaviour, and will, overall, provide a local business with purpose-built offices to enable their continued presence and operation; and will provide additional much-needed residential accommodation.

A comment has been made regarding the two “entrances” to the proposed new office building. One of these, to the rear, is designed as a fire exit. It would open out onto the planting bed belonging to the church, and the church could, if they chose, refuse permission for occupants of the office to cross their land in the event that they needed to escape from a fire blocking the main front doors.

The provision of fire exits is a building control matter, not a planning matter, however the Building Control Surveyor, when asked for clarification, advised that under the Building Regulations this fire exit would probably not be required. If Members consider it necessary, a condition could be imposed preventing any door in the rear elevation.

Impact on nearby residents

There will be no impact on existing residents. Although the proposed new office building has windows on three sides, the end elevation facing north, towards existing dwellings on Benyon Grove, would be blank (this end of the building would accommodate the toilets). The separation distance would be about 15m. There would be no shading or overbearing impact.

The separation distance from the new office building to the original building would be about 20m. The normal window to window separation distance is 21m, but this more generally refers to views from upstairs windows. In this case, the proposed ground floor flats would have windows facing the public realm, and any views out of the new office building would not materially affect privacy to these residents.

Other residential properties are considerably further away and would be unaffected.

None of the neighbours adjacent the site boundary have objected.

Security

The Police Architectural Liaison Officer (PALO) has been involved in the design of the proposal. At the time of the first application there was a concern that the proposed building might block the view of a CCTV camera near the site entrance, but the proposed building now is in a different position. In respect of this application the PALO has advised that this is the better of various options, and that the improvement to daytime activity and surveillance might provide some nearby crime reduction benefits.

It is considered that the scheme adequately addressed vulnerability to crime as required by Policy CS16.

Bin store

Currently there is an un-roofed bin store adjacent to the north-west corner of Herlington House (a few metres from the end of the adopted Highway). This store is of brick with timber gates. It is proposed to remove this, incorporate the area into one of the new gardens to the flats, and build a new, fully enclosed and roofed, bin store on the other side of the site entrance, close to the end of the Highway. In this location it would be close enough to the flats for residents to use conveniently and for the refuse collectors to get to the bins easily.

The applicant has advised that the bin store is being relocated at the request of both the police and local residents. The relocation eliminates the potential for anyone to use it to gain access to the main roof, and eliminates risk from any fire that might be started.

The area where the store is proposed is currently laid out as parking spaces, so having a building on this area should not unduly affect movement. A kerb line is shown on the plans which would allow an area for people to stand while using the bin store.

It is clear from tyre marks, just visible on the car park surface, that some drivers cut the corner and drive across the parking space when it is not occupied. The plans show adequate space for the manoeuvring of vehicles, and the proposed bin store should not get in the way.

The bin store is shown with 1m wide roller shutter doors to each of several compartments. This is not the most attractive of designs, but is functional and would be an improvement on the existing bin storage area. One neighbour has commented that each flat should have a bin cupboard outside their houses, but these cupboards would have to be large enough for three wheelie bins, as each ground floor flat has a garden, and they would not serve the upstairs flats. An area would also have to be provided at the edge of the site for the bins to be placed on collection day. It is more efficient for one-bedroom and studio flats to have communal bins.

Although the bin storage cannot be required for the flats that are Permitted Development, it is considered that the bin store would meet the requirements of Policy PP4.

Sustainability

This development falls under the trigger point for an explicit contribution to policy CS10.

Section 106

This development falls under the trigger point for a contribution under POIS.

Non-planning matters

Normally these would not be reported in any detail, as Members will be aware that the LPA cannot consider them. However, given the volume of objections some comments will be addressed. Officer's response is in *italics*.

Access to church for larger vehicles. The church has a private right of way across the applicant's land. The applicant has stated that he has respected this, and there is no evidence to suggest otherwise. Even if there were evidence, the LPA would not be able to take this into account. Emergency service vehicles, if they need to get right up to the church, would either follow the right of way or drive along the foot/cycleway/busway and/or verge. Coaches would have to wait on the Highway if they could not get into the site via the right of way. Refuse collection would have to take place from the Highway, if collection vehicles could not enter the site.

People need to wait in the church. People can still wait in the church. If coaches cannot get right to the church door using the right of way then people will have to walk or be taken the 70m or so to the nearest carriageway, along the wide and direct foot/cycleway, once the coach has arrived.

Loss of parking for parishioners/church; car park is already full during services, this will exacerbate the issues. It appears that parishioners are accustomed to parking on the applicant's land. Whether this has been with or without permission is not clear. In either case, the proposed development would not affect the church car park, and so would not reduce the parking area that the church should be using.

Owners of Herlington House should focus on improving and enlarging the access roads to improve safety. The access roads do not need to be enlarged. They, and the routes through the car park, would be adequate as proposed. Laying out the site to include more traffic calming, discourage

unauthorised use, remove the opportunity for the site to be used as a race track by local youths, improve natural surveillance – all of these factors will improve safety.

There should have been more public consultation. *Consultation was carried out in accordance with the statutory requirements. An objector has commented that none of the churches neighbours was aware of the plan – it should be noted that letters were sent to neighbours of the application site, as required.*

6 Conclusions

The proposal is considered acceptable for the following reasons:

- The proposal will not have any detrimental impact on neighbour amenity
- Adequate car and cycle parking will be provided for the proposed uses
- The proposed building has been designed to be in keeping with the character of the area
- The proposal includes measures to improve the security of the area.

The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD and Policies PP2, PP3, PP12 and PP13 of the Peterborough Planning Policies DPD.

7 Recommendation

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

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- C 2 No construction shall take place until details of the following materials 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.

- Walling and roofing materials to the new office building and bin store (including samples)
- Windows and doors to the new office building
- Windows, doors and cladding to be used in the ground floor alterations to Herlington House
- Roller shutters to bin store
- Railings to private gardens
- Cycle storage pods and cycle stands.

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 commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and development shall be carried out in accordance with the approved plan.

The plan shall include:

- Position of temporary parking for contractor's vehicles
- Position of parking, turning and loading/unloading for contractor's vehicles
- Location of contractors compound/storage area/welfare facilities
- Wheel cleaning facilities
- Hours of work.

Reason: In the interests of highway safety and residential amenity in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD.

- C 4 Prior to the new office building being brought into use, car and cycle parking shall be provided as shown on drawing 02 Revision A (Proposed site plan/block plan). The car and cycle parking shall be retained thereafter for use in connection with the occupation of the flats and offices within the site.

Reason: In the interests of highway safety in accordance with policies PP12 and PP13 of the Peterborough Planning Policies DPD.

- C 5 Prior to the new office building being brought into use, external lighting shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of safety and the prevention of crime in accordance with Policy CS16 of the Peterborough Core Strategy DPD.

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