

Application Ref: 15/00740/FUL

Proposal: Change of use of part of the ground floor to A1(retail) part- retrospective

Site: 126 Lincoln Road, Peterborough, PE1 2NT,
Applicant: Mrs G SABIR

Agent: Mr Robert Gooding
 GOOD-DESIGN-ING LTD

Referred by: Cllr Nadeem

Reason: The proposal is acceptable as it is small scale and would be for the personal use of the applicant

Site visit: 04.06.2015

Case officer: Mrs J MacLennan
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Recommendation: REFUSE

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

Site and surroundings

The application site is located on the western side of Lincoln Road and close to the junction with Lime Tree Avenue to the north and contains a two storey, 3 bedroom, semi-detached dwelling. There is a blocked paved area to the front of the site; however parking is not authorised here as there is no dropped kerb serving the paved area. There is one parking space and a garage to the rear of the property accessed via Lime Tree Avenue. There are double yellow lines restricting on-street parking to the site frontage. The adjoining semi at no. 128 is occupied as a Guest House. The surrounding character is predominantly residential although there are a number of small retail units nearby.

Proposal

The application seeks planning consent for the partial change of use of the ground floor for retail use for the sale of material for making Saris. The floor space would be 20m². The remainder of the property would retain the residential use. The existing bay window within the front elevation would be replaced with a door to create an access independent of the main dwelling. The proposal is part retrospective in that the use of the shop has started. Prior to the use starting the applicant was given 'pre-app' advice in relation to two similar proposal and was advised that planning permission would be required.

2 Planning History

Reference	Proposal	Decision	Date
09/01340/FUL	Proposed ground floor rear extension	Permitted	08/01/2010

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.

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.

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.

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.

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

PCC Transport & Engineering Services -This site benefits from two parking spaces to the rear of the site accessed via Lime Tree Avenue. Whilst there is hard standing to the front of the site there is no direct dropped kerb, therefore this area cannot be considered as a parking space. Space should be provided for delivery vehicles to park, turn and leave in forward gear. This could not be provided within the site, however as there are several instances where turning is not provided the LHA would accept a loading area provided to the site frontage. This would require the provision of a parking area on the site frontage of 2.5m in width with 1.5m x 1.5m pedestrian splays which does not appear to be achievable with the telecommunications cabinet in its current position. This would require relocation. The LHA would not support the proposal if an on-site loading/unloading area were not provided. Whilst a delivery vehicle could ordinarily load/unload on the street, even though there are double yellow lines, vehicles waiting on the street would in this instance, block visibility from Lime Tree Avenue.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No neighbour representations have been received.

5 Assessment of the planning issues

a) Background

There have been two 'pre-application' enquiries submitted to the Local Planning Authority seeking advice regarding the use of part of the ground floor for retail. The advice given was that planning permission would be required for the change of use and given that the site lies outside of a designated centre, it would be unlikely that planning permission would be granted.

b) The principle of development

The development would result in 20m² of retail floor space using a ground floor room at the front of the dwelling, however the site lies outside of a designated local centre. For retail development outside designated centres applicants must firstly undertake a sequential approach to site selection to demonstrate that there are no suitable alternative sites that are higher in the search sequence. Only if it can be demonstrated that there are no suitable sites available within the search hierarchy can an out of centre site be considered acceptable in principle.

It is accepted that the use would be operated from the applicant's home and would be a small scale business however the site is located within an area which is predominantly residential and the approval of a retail use within the property would set an undesirable precedent whereby subsequent applications for similar uses would be difficult to resist.

Reference is made to retail units located on the opposite side of Lincoln Road at nos. 131 and 133. It should be noted that no 131 Lincoln Road has a historic retail use. In 2009 planning permission was granted for an extension of the retail floor space of the unit into number 133 (ref.09/00157/FUL).

The proposal was supported as policy R4 of the Adopted Peterborough Local Plan (First Replacement) (relevant policy at the time) allowed for extensions of below 200 sqm on existing retail units without the need for a sequential approach and the extension was within this limit.

In addition the application refers to commercial uses at the neighbouring sites i.e. Guest House and Hotel which have been occupied in this way for a number of years and in any event they retain a residential character.

The proposal is therefore contrary to Policy PP9 of the Adopted Peterborough Planning Policies DPD states that the Local Planning Authority and Policy CS15 of the Adopted Peterborough Core Strategy DPD.

c) Design and Visual Amenity

The façade of the existing property has a pleasant appearance with a bay window. The proposal seeks to create an independent access by the replacement of the window with a door. It is considered that the alterations to the front elevation would not detract from the character and appearance of the existing dwelling and those within the immediate vicinity. Hence the proposal would not be contrary to policy PP2 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

d) Neighbouring Amenity

The proposed change of use to retail has the potential for higher numbers of visitors to the property than would be the case for a residential dwelling. However, given that the neighbouring property to the north is a Guest House and the property is separated from the dwelling to the south and that the use could be restricted to the applicant and by hours of operation, it is not considered that the proposal would unduly impact upon the amenity of the occupiers of neighbouring dwellings. The proposal would not be contrary to policy PP3 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

e) Highway implications

The application states that there is parking provision at the front of the property, however there is no dropped kerb from the highway and therefore currently this area could not legally be used for parking.

The Local Highways Authority would require space within the curtilage of the property for the loading and unloading of a delivery vehicle to avoid a vehicle waiting on the highway. There are double yellow lines to the front of the property and whilst a vehicle could load/unload on the highway this would be detrimental to highway safety due to the site's close proximity to the junction with Lime Tree Avenue and the impact on the visibility of drivers exiting Lime Tree Avenue. There is currently a telecommunication box directly to the front of the site which would need to be relocated to achieve a parking space of 2.5m in width and 1.5m x 1.5m visibility splays each side of the access. It is considered that there would be available space within the site for this to be provided.

There is one parking space at the rear of the property accessed via Lime Tree Avenue. No parking provision would be available within the site for customers however, there is time limited on-street parking available on Lime Tree Avenue. The proposal therefore would not unduly impact upon the safety of users of the adjacent highway and the proposal accords with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

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 reason given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is refused.

The site is a residential dwelling located in an out of centre location and it has not been demonstrated that there are no alternative suitable available sites higher in the search sequence e.g. nearby local or district centres. The proposal is therefore contrary to Policies CS15 of the Peterborough Core Strategy and PP9 of the Peterborough Planning Policies DPD.