

Application Ref: 15/01057/FUL

Proposal: Construction of two storey side extension comprising retail (Class A1) unit at ground floor and 1 no. 2-bed residential unit at first floor

Site: Land Adjacent To 2 St Martins Street, Millfield, Peterborough, PE1 3BD

Applicant: Mr Shahid Anwar

Agent: Mohammed Iqbal

Referred by: Councillor Nadeem

Reason: The proposal is of good quality design and would redevelop an unattractive and run-down site

Site visit: 17.02.2015

Case officer: Miss Louise Lovegrove

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Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises an area of hardstanding located to the rear of Nos.283-287 Lincoln Road and No.2 St Martins Street. The area appears presently vacant albeit there are large refuse bins which appear to be associated with the adjacent retail units along Lincoln Road and St Martins Street. The site is secured by way of two large metal mesh gates, with a 2 metre high brick wall forming the eastern boundary. The site is gravelled, with two semi-mature trees located within the south-eastern corner.

To the north and west, the site is bound by retail properties along Lincoln Road whilst to the east, the site is bound by the Millfield Medical Centre. Further to the east are residential dwellings.

The site is located within the identified Millfield District Centre.

Proposal

The application seeks planning permission for the construction of a two storey side extension to No.2 St Martins Street which would comprise a ground floor retail unit (falling within Use Class A1) and a two-bed residential flat at first floor.

2 Planning History

No relevant planning history.

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 7 - Good Design

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

Peterborough Core Strategy DPD (2011)

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.

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.

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.

RECAP Waste Management Design Guide SPD (2012)

Chapter 5 - Waste storage points

Sets out design guidance and specifications for waste storage points relating to commercial and residential development.

4 Consultations/Representations

Building Control Manager

No comments received.

PCC Transport & Engineering Services (27.07.15)

Objection – The proposal would remove the existing parking and loading/unloading areas for adjacent retail units and create additional demand. No on-site parking is proposed and therefore parking, loading and unloading facilities would need to be accommodated on-street. The surrounding area is already heavily congested and therefore additional demand would result in vehicles parking in unsafe locations and harm the safety of the public highway.

Cambridgeshire Fire & Rescue Service

No comments received.

PCC Pollution Team

No comments received.

Waste Management

No comments received.

Millfield & New England Residents Planning Sub Group

No comments received.

Victoria Park Residents Association (11.08.15)

Support – The proposed development is in keeping with other properties at the junction of St Martins Street and Lincoln Road. It would also enhance the streetscene given the current vacant piece of land attracts a great deal of fly-tipping, as well as the occasional drug related and other anti-social activities.

Local Residents/Interested Parties

Initial consultations: 10

Total number of responses: 2

Total number of objections: 1

Total number in support: 1

One objection has been received from the owner/occupant of No.287 Lincoln Road on the following grounds:

- The current building works being undertaken have illegally blocked the fire exit to No.287 Lincoln Road, causing inconvenience and putting lives at risk.
- Nos.283-285 and 287 share joint guttering systems. The development is ill-considered, as it is built on top of the manhole meaning the access point for making connections, inspections, valve adjustments and performing maintenance is unfeasible.
- Earlier this year I received planning permission to make necessary amendments to the fire exit to No.287. Due to the development, I am unable to progress these.
- The development is proving to have adverse effects not only on my business but also my

health.

Councillor Nadeem has expressed support of the proposal on the following grounds:

- The site is a vacant land situated at the side of no. 2 St Martins Street.
- Currently vacant land and has been vacant for number of years and collecting rubbish thrown by passing pedestrians. The site is currently gated and serves no purpose, which makes the area look very unattractive and run-down.
- The proposal is in an ideal location as the area surrounding is predominantly commercial/residential and situated within the local shopping centre.
- The applicant seeks to build a quality development having good quality detailing, matching bricks, roof tiles and traditional shop fronts matching adjacent retail units.
- The elevation treatment is bold, informal and contemporary to provide a landmark and enhance the local character. Detailing is contemporary with brickwork, with prominent entrances creates a lively frontage.
- Pedestrian and vehicular access to the property will be from St Martins Street as is the case for all other properties on the road. As the site is level there will be no difficulties in providing pedestrian access which conforms to Part M.
- The current servicing arrangements for the existing retail units takes place either on Lincoln Road or on St Martins Street fronting the application site.
- The proposed development will not have any impact with the existing servicing arrangement and the servicing arrangement for the proposed development will also be from St Martins Street fronting the development site.
- The applicant confirms that as per their lease contract with the landlord no parking is provided as part of the lease.
- The application site is in an ideal sustainable location to be developed for a mixed use scheme, enjoying excellent public transport and a wide range of local amenities.
- The proposed development would have a positive impact on the amenities of the surrounding area removing the nuisance and visual incongruity of the underused vacant land and enhancing the ecological value of the site.
- Sufficient parking spaces are available in the vicinity of the site.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the surrounding area
- Parking and highway implications
- Neighbour amenity
- Amenity provision for future occupants
- Bin provision
- Landscape implications

a) Principle of development

As detailed in Section 1 above, the application site is located within the identified Millfield District Centre. In accordance with Policies CS15 and PP9, such a location is considered the most sequentially preferable for new retail development, as the surrounding uses are compatible and serve the needs of the surrounding community. Given that the proposal includes a ground floor retail unit, it is considered that the location of the application site is appropriate for this. Furthermore, there are many examples within the immediate locality of residential development above ground floor retail premises and accordingly, this part of the use is also considered acceptable.

However notwithstanding this, the proposal must also be acceptable in light of all other material planning considerations which are set out below.

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

The proposal has been designed as a two storey side extension to the existing property known as No.2 St Martins Street. This adjacent property itself forms the end of a terrace of properties which wrap around the corner of the St Martins Street and Lincoln Road junction. It is acknowledged that the proposal has been designed to mirror the adjacent property, through a continued eaves and ridge height. In addition, the fenestration arrangement maintains that of the adjacent property. However, the overall size and depth of the property is considered excessive and of poor design, particularly to the eastern side elevation of the proposal. Whilst some attempt has been made to reduce the overall mass of this elevation, by setting back part of the rear element of the building, it would still extend to a depth of 13.4 metres with little relief through the fenestration which would be at first floor only. In addition, the proposal includes an awkward arrangement to the south-eastern corner whereby it has an angled corner which would be at odds with the regular form of surrounding properties.

Given the open nature of the immediately adjacent site to the east, it is considered that the proposal would appear an unduly dominant and obtrusive feature within the streetscene. Whilst it is noted that both the Victoria Park Residents Association and Councillor Nadeem support the proposal, noting its overall good design and improvement upon the present situation, Officer's disagree for the reasons given above. It is considered that the proposal would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area which is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

c) Parking and highway implications

Parking provision

The Local Highway Authority (LHA) has objected to the current application on the basis of parking demand. Whilst at present the existing site is gated, there is photographic evidence that shows it has previously been used for parking purposes, likely to be associated with the adjacent properties. The Applicant has advised that their lease for the land does not permit the use for parking purposes, however no formal evidence of this has been submitted and accordingly, it is considered for the purposes of this application that parking is available on the site.

The construction of the proposed extension would result in the loss of this entire site for parking purposes. In addition, the proposal would result in the presence of a 2-bed residential flat. In accordance with adopted parking standards, two on-site parking spaces should be provided for future occupants which the current scheme does not provide. Accordingly, it is considered that the cumulative effect of the lack of parking for the proposal and the removal of existing parking within the site would result in increased on-street parking demand. In the event that it is accepted that the site is not presently used for parking purposes, increased demand would still result from the proposed residential unit.

With regards to cycle parking, it is noted that the proposal includes a secure and lockable shelter for occupants. Subject to securing more details, this would be sufficient.

Given that the surrounding residential and commercial area is heavily congested with on-street parking, it is considered that the increased parking pressure would further exacerbate issues of parking in unsafe locations. This would give rise to an unacceptable danger to highway safety and therefore, the proposal is contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Loading and unloading facilities

The LHA has also objected to the proposal on the basis of lack of facilities for the loading/unloading of goods associated with both the proposed ground floor retail unit and those existing premises along Lincoln Road and St Martins Street. As above, it is the view of

Officers that the site has previously been used as an area for loading/unloading, with rear accesses into the neighbouring retail units. The development of the entire site as proposed, would remove this off-street loading/unloading area and result in such activities taking place within the public highway. In addition, the proposal would further exacerbate this through the creation of a further retail unit which would itself need to be serviced from the public highway. Given the proximity of the site to the junction of St Martin's Street/Lincoln Road and the adjacent vehicular access to the busy Millfield Medical Centre, it is considered that the use of the public highway for loading/unloading purposes would pose an unacceptable impediment to the free flow of traffic and would create an obstacle to the busy junction. This would harm the safety of the public highway and be contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

As above, the Applicant has advised that no loading/unloading takes place within the existing site. They have provided photographic evidence of deliveries taking place along St Martin's Street however no dates have been shown. These are noted, however the photographs in themselves show unsafe deliveries taking place with clear obstruction to the junction which poses a highway safety danger. As such, in the event that it were accepted that the existing site is not used for loading/unloading, Officers would not wish to see the present unacceptable highway safety risk exacerbated through the creation of an additional retail unit.

d) Neighbour amenity

It is noted that an objection has been received from the owner of No.287 Lincoln Road with regards to the impact that the proposal would have upon his business operations. Whilst these are noted, the matter of right of access (which all objections relate to) is a civil matter and not a material planning consideration. Therefore, this cannot form part of the assessment of the proposal.

With regards to surrounding neighbour amenity, the proposal would not be sited immediately adjacent to any residential properties. It would result in some overbearing and overshadowing impact to the first floor side facing window of No.2 St Martins Street however this is also within the Applicant's ownership and the window is shown as serving an office which itself is served by other windows. Accordingly, it is not considered that the proposal would result in an unacceptable level of impact to the amenities of neighbouring occupants and is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

e) Amenity provision for future occupants

Policy PP4 of the Peterborough Planning Policies DPD (2012) requires that all new residential development should be designed to provide adequate internal living space with sufficient daylight, and natural sunlight commensurate with the nature of the intended use. On the whole, the proposed residential flat accords with these requirements however proposed Bedroom 2 would be served by a single window which would be sited only 0.8 metres from the existing two storey side elevation of No.2 St Martins Street. This window would not allow an adequate level of natural daylight to enter the room, and would afford future occupants with an extremely poor outlook.

Furthermore, the proposed residential unit would have no private amenity space, as it would be shared with the yard areas of the adjacent retail units and proposed retail unit. Occupants would have to share this area and would not benefit from an acceptable level of enjoyment of this area. It is noted that the Applicant has advised of similar situations within the immediate locality, however many of these have resulted from the exercising of 'permitted development rights' whereby up to two flats can be created above retail premises. In this instance, the Local Planning Authority has the ability to control the development and should be seeking to ensure that an acceptable level of amenity is afforded to future occupants.

On the basis of the above, the proposal would not provide an acceptable level of amenity for future occupants and is therefore contrary to Policy PP4 of the Peterborough Planning Policies

DPD (2012).

f) Bin storage

At present, it is clear that the application site contains a number of commercial waste bins which are associated with the adjacent retail units along Lincoln Road and St Martins Street. Whilst the submitted plans identify an enclosed refuse store within the rear yard area of the proposal, the only means of access to the public highway are via the proposed covered walkway running along the side elevation of No.2 St Martins Street. This walkway is proposed to be a width of only 0.8 metres which, whilst sufficient to permit passage of a household waste bin, would not be wide enough to allow for commercial waste bins. The RECAP Waste Management Design Guide SPD (2012) states that for commercial waste, containers should not have to be moved through a building to the collection point and that matters of health, safety and security should be considered.

In the first instance, the proposal fails to accord with this policy. Moreover, given that the bins could not be acceptably stored within the site, this would lead to storage either along the shop frontages (in the case of properties on Lincoln Road) or on the public highway (in the case of No.2 St Martins Street and the proposed retail unit). The storage of bins within the public realm would result in a significant level of harm to the character, appearance and visual amenity of the locality and would also unacceptably restrict the width of the available footway, posing a risk to users of the highway.

On this basis, the proposal is contrary to Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012) and Chapter 5 of the RECAP Waste Management Design Guide SPD (2012).

g) Landscape implications

As detailed in Section 1 above, there are two semi-mature trees located within the south-eastern corner of the application site. Whilst these trees offer some verdant relief within a hard landscaped area, they are not of particular quality and would not be suitable for protection by way of a Tree Preservation Order. Accordingly, their loss as proposed, could be accepted in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED** for the following reasons:

- R 1 The proposed two storey extension, by virtue of its size, scale and design, would appear an unduly dominant and obtrusive feature within the streetscene at odds with the built form and character of the locality. The proposal would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area and is therefore contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).
- R 2 The proposed retail unit at ground floor and residential unit at first floor would result in the loss of existing parking and loading/unloading facilities within the site which serve the adjacent retail/commercial premises along London Road and St Martins Street. In addition, the proposal would generate additional parking demand of 2 spaces and loading/unloading

facilities which cannot be accommodated within the site. Accordingly, the proposal would create parking and loading/unloading demand on-street within an area which is already heavily congested and suffers from the parking/loading/unloading of vehicles in dangerous locations. The proposal would exacerbate this existing problem and pose an unacceptable danger to the safety of the public highway, contrary to Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- R 3 The proposed first floor residential unit, by virtue of the fenestration layout and proximity to the existing property known as No.2 St Martins Street, would result in an unacceptably poor outlook and lack of natural daylight to the proposed Bedroom 2. In addition, the proposal would fail to provide an adequate private outdoor amenity area for occupants as it would be shared by users of the adjacent retail units. Accordingly, this would afford future occupants an unacceptable level of amenity which is contrary to Policy PP4 of the Peterborough Planning Policies DPD (2012).
- R 4 The proposed two storey extension, by virtue of the lack of adequate commercial bin storage provision and associated access thereto, would result in the loss of existing bin storage provision for the adjacent retail units along Lincoln Road (Nos.283-287) and No.2 St Martins Street. In addition, it would generate further bin storage demand owing to the proposed ground floor retail unit. This would result in bin storage taking place either along the shop frontages, or within the public highway which would result in unacceptable harm to the character, appearance and visual amenity of the surrounding area and would unacceptably reduce the width of the available public footway to the detriment of highway safety. The proposal is therefore contrary to Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2 and PP12 of the Peterborough Planning Policies DPD (2012) and Chapter 5 of the RECAP Waste Management Design Guide SPD (2012).