

**Application Ref:** 15/02146/FUL

**Proposal:** Construction of two storey side extension comprising retail (Class A1) unit at ground floor and one-bed residential unit at first floor (Re-submission).

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

**Applicant:** Mr Shahid Anwar, Thomas Hill Sales and Letting  
**Agent:** Mr Mohammed Iqbal, M A Iqbal

**Referred by:** Councillor Nadeem and Councillor Peach  
**Reason:** The proposal: would redevelop an unattractive and run-down site; is in an ideal location for the proposed development; is of good quality design; and will be readily accessed by pedestrians. The Applicant has addressed the earlier reasons for refusal; the building on this land is not restricted; and highway issues would not get any worse with one small unit.

**Site visit:** 01.09.2015

**Case officer:** Miss Louise Lovegrove  
**Telephone No.** 01733 454439  
**E-Mail:** louise.lovegrove@peterborough.gov.uk

**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 one-bed residential flat at first floor.

This current proposal is an amendment to a similar development refused by Member's last year under application reference 15/01057/FUL. This earlier scheme was 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).*

The current scheme has been amended in the following ways:

- First floor reduced to a 1-bed unit from 2-beds;
- Passageway widened to enable commercial bins to be accessed; and
- Rear yard area reconfigured to provide sufficient bin storage for existing commercial units and an outdoor amenity area for the proposed flat.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/01057/FUL	Construction of two storey side extension comprising retail (Class A1) unit at ground floor and 1 no. 2-bed residential unit at first floor	Refused	11/09/2015

## **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 (30.12.15)**

Building Regulations approval required and Part M relating to disabled requirements is applicable. The front door to the retail unit should be 1000mm wide (clearance) and not have a step as indicated.

### **PCC Transport & Engineering Services (06.01.16)**

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.

### **Local Residents/Interested Parties**

Initial consultations: 11

Total number of responses: 8

Total number of objections: 5

Total number in support: 3

Four objections have been received from neighbouring residents on the following grounds:

- The owner of the land has put in a temporary padlock on the gates to the site which is causing problems for several shopkeepers and none of us were consulted. There is nowhere to park load/unload deliveries to the shops.
- The proposal will cause problems as I have a very small garden (property to the North of the site) and it will result in overshadowing, exacerbating the issues of the existing medical centre building. This will mean that my children will not be able to use the garden.
- We have used the area for parking and there is a fire exit onto the area at the back of the shop. We also have drainage and bins which need to be maintained.
- The locking of the gates and the proposed building will mean that I cannot access the stock room to my shop (on Lincoln Road) which is only accessed through this land.
- The loss of the parking means that I find it difficult to find a parking space in the street. I have to park a long way away and it is very difficult to get delivery cans to the shop.
- I have used the site for parking over the last 15 years without problems.
- I am unclear how I will be able to maintain my drainage and water connections if this building is erected.
- The Land Registry documents I have shown that I am entitled to a parking space on the shop.
- Where will I put the refuse from my shop if this building is erected?

### **Millfield & New England Residents Planning Sub Group**

Objection – The adjoining property already consists of 7/8 businesses with no parking facilities for

customers or staff. This results in parking in the adjoining Doctor's Surgery car park which is already at full capacity for patients and their own staff. This land could take at least 2 cars rather than being left empty. Additional premises would add to the parking pressures in the area, already struggling with existing residents' needs. The proposed business is also very near to the junction with Lincoln Road, which is likely to result in safety problems with the delivery of stock to the business. The proposed flat is again very small with cramped accommodation and continues to add to the poor quality accommodation in the area which is likely to have a detrimental effect. Finally the plans are inaccurate, as they show a straight wall against which the property would be built, whereas the existing wall to the surgery car park has a chimney breast protruding into where this property would be built.

**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 and has been vacant for number of years and collecting rubbish thrown by passing pedestrians/residents. The site is gated and serves no purpose, which makes the area look very unattractive and run-down. The site is a vacant land and not used for parking. The proposed development will not have any impact with the existing servicing arrangement.
- The site is situated within walking distance of excellent public transport of the local centre.
- The proposal is in an ideal location surrounding predominantly commercial, residential and is 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 which will match adjacent retail units.
- Pedestrian access to the property will be from St Martins Street as is the case for all other properties on the road. The ground floor at the site is level at the entrance, therefore there will be no difficulties in providing pedestrian access which conforms to Part M for disabled people.
- The current servicing arrangements for the existing retail units takes place either on Lincoln Road or on St Martins Street.

**Councillor Peach** has also expressed support of the proposal on the following grounds:

- Both applicant and agent feel then have done all that has been asked for by planning in this application
- It is not in the Conservation area and the idea of building on this land is not restricted
- Highways issues would not get any worse with one small unit. Parking both sides of Lincoln Road with 20 yards in a lay-by type area.

#### **Victoria Park Residents Association**

Support – The empty plot onto which the development will be built is an eyesore and detracts from the visual amenity of the street and we believe the development will greatly enhance this small section of St. Martin's Street. Furthermore, the empty plot attracts all kinds of undesirable and anti-social activities and the development would put an end to these activities. We understand that planning officers are concerned that the proposed building would have an adverse effect on the visual amenity of the street. This is of course a debateable and subjective judgement, particularly in view of the fact that planning permission was given for the extension to the Millfield Medical Centre, an extension which we supported but which nevertheless is out of keeping with, and disruptive of the street scene. We would also like to confirm that to our knowledge the land at 2 St Martin's Street has not been used for the loading and unloading of vehicles for a number of years.

## **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. This was also the view Member's reached during determination of the earlier application (reference 15/01057/FUL) and the current proposal is not considered to be fundamentally altered in design from that earlier scheme.

Accordingly, 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 this lease only applies to the property known as No.283 Lincoln Road and not No.287 which also has access from the rear yard. Furthermore, this is not sufficient evidence in planning-terms, as there is evidence of parking previously and several neighbouring occupants have advised that they have previously parked on the site. Accordingly, and as with the previous refused scheme, 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 1-bed residential flat. In accordance with adopted parking standards, one on-site parking space 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 several neighbouring occupants with regards to the impact that the proposal would have upon their 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. Their concerns with regards to unsafe parking/loading/unloading have been discussed above.

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. In terms of the impact upon the garden areas to the north of the site, it is considered that there is sufficient separation to the proposal to not represent an unacceptable

level of overshadowing. Furthermore, this relationship to the neighbouring property did not previously form a reason for refusal in respect of the earlier proposal which was refused by Member's.

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.

Previously, the scheme sought a 2-bed residential unit at first floor which was designed with a bedroom which had an outlook directly onto the existing two storey side elevation of No.2 St Martins Street. Furthermore, no private outdoor amenity space was provided. This unacceptable level of amenity resulted in a reason for refusal.

The current scheme has addressed these earlier concerns by ensuring that all primary habitable windows to the residential unit have an acceptable outlook. Furthermore, an enclosed outdoor amenity area of approximately 30sqm. This is considered to be sufficient for a 1-bed unit as it will serve the needs of future occupants. On this basis, it is considered that the proposal would afford future occupants an acceptable level of amenity, in accordance with Policy PP4.

**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. The submitted plans identify an enclosed refuse store within the rear yard area of the proposal, with access provided through a passageway between the proposed ground floor retail unit and No.2 St Martin's Street. Taking into account the gates, this passageway would be a minimum of 1.1 metres in width which is of sufficient size to enable the passage of commercial waste bins.

It is therefore considered that this resolves the earlier reason for refusal and the proposal is in accordance with 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 1 space 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).

Copies to councillors: J Shearman, J P Peach, R Ferris

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