

Planning and EP Committee 24 January 2017

Application Ref:	16/01498/FUL
Proposal:	Demolition of existing public house to be replaced by a ground floor retail unit and four residential flats (3 x 1-bed and 1 x 2-bed) at first floor
Site:	Golden Lion, 5 - 7 Church Street, Stanground, Peterborough
Applicant:	Mr Thievanayagam Sivarajah
Agent:	Mr David Smith, Waterland Associates
Referred by:	Councillors Clarke and Lillis
Reason:	Highway safety concern, and accessibility for disabled residents
Site visit:	12.08.2016 and 14.01.2017
Case officer:	Miss Louise Lovegrove
Telephone No.	01733 454439
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Recommendation:	GRANT subject to relevant conditions

1 Description of the site and surroundings and Summary of the proposal**Site and Surroundings**

The application site comprises a two storey detached public house located in a prominent position within the streetscene at the junction of South Street and Church Street in Stanground. The building fronts onto Church Street and is set back from the public highway by way of an area of hardstanding. There is a large car park to the side of the property which extends up to the boundary of South Street and includes a section in front of the residential dwellings to the rear of the site (Nos.15-25 South Street).

To the rear of the building is a semi-enclosed patio area with smoking shelter and a large detached brick built garage and smaller shed. There is parking for occupants of the public house, along with delivery access, provided to the north of the property. There is an existing residential unit at first floor, associated with the public house.

The surrounding area is predominantly residential albeit there are a number of commercial and business uses in close proximity, including vehicle sales, a tattoo parlour and hot food takeaway. The application site is situated within the identified Stanground Conservation Area.

Proposal

The application seeks planning permission to demolish the existing public house (Use Class A4 drinking establishment) and in its place, construct a two storey detached building comprising a retail unit at ground floor (Use Class A1) and 4no. residential flats at first floor (Use Class C3). The residential units are proposed to be of a mix of 3no. 1-bed units and 1no. 2-bed unit. In addition, associated external works are proposed, including formalisation and extension of the existing car park, closure of the existing car park vehicular access onto Church Street, and construction of a new vehicular access to the car park from South Street.

It should be noted that the scheme has been amended from that which was originally submitted to address comments made by the Local Highway Authority and Officers.

2 Planning History

Reference	Proposal	Decision	Date
P0858/77	Extension to Public House for a Pool Table Room	Permitted	24/11/1977
P0303/82/R	Extension and alterations to public house	Permitted	20/05/1982
97/00662/FUL	Ground floor extension as amended by drawing numbers 97044/AL002 and 97044/AL003	Permitted	08/10/1997
07/01984/FUL	Smoking shelter to side	Permitted	25/02/2008
14/02161/FUL	Change of use from public house to community centre	Withdrawn by Applicant	24/02/2015

3 Planning Policy

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

Planning (Listed Building and Conservation Areas) Act 1990

Section 72 - General duty as respects conservation areas in exercise of planning functions.

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework (2012)

Section 2 - Retail Development Outside Town Centres

A sequential test should be applied to applications (except in relation to applications for small scale rural offices or other development). Proposals which fail the sequential test or would have an adverse impact should be refused.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS14 - Transport

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

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

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.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from December 2016 until 9 February 2017.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current

application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

Archaeological Officer (04.01.17)

No objections – The application site is located within the core of the historic village of Stanground. Previous archaeological evaluation surrounding the site found activity dated from the 10-12th centuries and Roman, Anglo-Saxon, Viking and medieval finds have been reported in the area. Whilst the site is likely to have witnessed truncation, earlier remains may survive in undisturbed pockets of land. A condition requiring archaeological monitoring of all groundwork entailing deep excavations is requested.

PCC Transport & Engineering Services (12.01.17)

Objection – The proposal represents intensification of a substandard delivery access (owing to inadequate visibility splays and turning space). It would not provide adequate on-site parking for staff and customer vehicles for the retail unit, or residents' cycle parking. The proposal would not provide adequate facilities within the site for the turning, loading and unloading of delivery vehicles. Accordingly, the proposal would pose a danger to the safety and free flow of traffic on the adjoining public highway.

Building Control Manager (28.10.16)

Building Regulations approval required. Part M relating to disabled requirements also applicable. No toilet accommodation is provided to the retail unit. Bin storage does not appear adequate for the residential units.

PCC Conservation Officer (03.11.16)

No objections – There is no objection to the demolition of the current building as it offers, at best, a neutral contribution to the Conservation Area. The scale, form and detailing of the proposed replacement building responds sympathetically to the site context by logically responding to the building grain and providing uniformity to the east side of South Street. The overall detailing is key and as such, request a number of conditions.

PCC Pollution Team

No comments received.

Cambridgeshire Fire & Rescue Service

No comments received.

Police Architectural Liaison Officer (PALO) (03.01.17)

No objections – Details regarding access control to the apartments, gating and lighting are required but could be secured by condition.

Waste Management (05.01.17)

More information required – The level of bin provision is unclear. The proposed bin store needs to be large enough for at least 4 x 360L bins (2 of each waste stream) plus a communal food waste bin. The commercial bin store is likely to be too small for the establishment. Retail units require 5000 litres per 1000m gross floor space and a minimum 1/3 of total capacity must be allocated for recyclables.

Local Residents/Interested Parties

Initial consultations: 121

Total number of responses: 76

Total number of objections: 71

Total number in support: 1

A total of 69 no. objection letters have been received from local residents raising the following concerns:

- Why would you consider taking away a beautiful building, with history, to replace it with another modern monstrosity that will greet anyone who enters the village of Stanground?
- Parking needs to be addressed in this area, which will be worsened if another retail outlet is allowed to open in this part of the village.
- Church Street and South Street have severe parking issues so should the Council not be tackling this issue before allowing more traffic for the buses to dodge and manoeuvre around?
- Church Street was not built to take the amount of traffic it currently does, and residents that live on this road suffer with the amount of parking and road congestion. It is an accident waiting to happen.
- The plans still require delivery access onto Church Street. This is not possible, as the public house beer deliveries were by a large HGV that had to swing out onto the opposite side of the road where it would access the main car park and deliver barrels by rolling them across the front of the pub and down the side access. Surely this shows that a delivery vehicle cannot access the area shown on the plans?
- Do not object to the development but do object to the delivery access. The Highway Officer clearly states that the delivery vehicles must be able to arrive and leave in a forward gear but there appears to be total disregard for this.
- The Highway Officer also states that a business of this size would not be serviced by just delivery vans, but instead a HGV. Church Street is far too busy and narrow, and buses already struggle to navigate this area.
- Where do these vehicles stop while waiting to gain access? Other businesses have their accesses next door as well as the bus stop on Church Street causing an obstruction.
- The delivery access proposed on Church Street ignores the current parking outside the Fish and Chip Shop. This parking will prevent the vehicle swing indicated.
- The Church Street/South Street junction is already a busy bus route, one that already becomes obstructed preventing two way flow. Adding another car park entrance opposite the South Street bus stop, whilst reducing the parking for residents who live there, will block this route further.
- Creating a wholly inadequate commercial vehicle entrance onto Church Street will lead to the delivery lorries being abandoned on the pavement whilst being unloaded, further hindering the bus route and access for emergency services.
- A risk assessment should be carried out in this area to assess how to reduce the current parking issues prior to allowing a new retail outlet to open at the major junction.
- The area adjacent to the Golden Lion is a nightmare for traffic. There are occasions where the traffic is stationary on Fletton High Street, Whittlesey Road and Fletton Avenue, all due to current issues around this area, particularly lack of parking. The addition of a retail unit would simply make it worse.
- The service vehicle access would be hazardous to pedestrians, particularly school children.
- Please consider business in the area that are trying to make a living. What will happen if more and more convenience shops keep opening? Does the village need this retail outlet?
- When the pub was open, residents would park in the car park which mostly freed up the road from parked cars. Since the pub has closed, access to this car park has been removed and there are at least 8 cars at any one time between the junction of Church Street and the bridge before the mini-roundabout.
- The boundary with Church Street shows the building right up to the public pavement at two storey height which will limit visibility in either direction of the road traffic.
- There is inadequate parking for such a combined retail and residential unit.
- Who will police the delivery vehicle to make sure it uses the designated area?
- Anyone who says that there will be less traffic than when the building was a pub obviously does not know what they are talking about.
- The proposal does not provide adequate resident parking. The North side of South Street is full of parked cars and vans at the beginning and end of the working day, including on the double yellow lines. Where would these vehicles now park? There is no space in either South Street or Church Street.
- To have a delivery vehicle reversing into the site from Church Street would pose an impediment to the free flow of traffic on Church Street (and therefore also on South Street),

and a significant danger to pedestrians and other road users.

- It would seem that, apart from concerns over signage, nothing has changed from the last scheme. Am I correct to assume that the development would no longer include 5 flats? Would the window above the delivery access be a further 'dummy' window?
- There is no need for another shop in the local vicinity, with there being two small shops within 2 minutes walk and a supermarket 5 minutes away.
- The proposal is a waste of the site which should be turned into something useful, like somewhere for the youngsters of Stanground to go.
- The proposed retail unit will have a significant negative impact on the existing convenience store on Chapel Street which is invaluable to the local community.
- Thought the Golden Lion was a listed building, how can anyone do this?
- Why can't the Golden Lion be converted into flats? Is there not a shortage of homes available in Peterborough?
- The service access would create a noise disturbance to local houses and headlights will shine directly into homes.
- The photograph of the location at the beginning of the Transport Statement in support of the application is out of date and highly misleading, showing as it does cars parked on the area to become the supermarket car park (shut off a considerable time ago) and no cars parked on either South Street or Church Street.
- The new access would remove on-street parking spaces. Where will residents be left with to park?
- Approve of the application to demolish and build flats, but not the creation of a retail unit.
- Local residents were not made aware of the application.
- Presumably, an assessment was undertaken to determine what problems would be created with parking and the free movement of general traffic, public transport, refuse collection lorries and, importantly, emergency vehicles. If so, were these results made publicly available and where can they be viewed?
- This part of Stanground is the old village and it is felt that a new modern development would spoil this and lose some of the character.
- I (resident of South Street) am having to park down Chapel Street which is wrong. I should be able to park down my own street. If they change the entrance to the car park this situation will be even worse.
- The owner has already sealed off the public car park which has prevented emergency vehicles and utility companies from getting to the front of my house (South Street).
- A parking space would be right outside by house (South Street) which they could park a van or other high sided vehicle in. This would block light to my front window. It would also make access by the fire service more difficult and prevent safe escape in the event of a fire.
- Where will residents put their bins once the new access goes in?
- Is the Developer going to provide a pedestrian crossing for customers to cross the road safely?
- The community has already lost lots of facilities, through the loss of the Polish Club for entertainment, Coneygree Lodge for the elderly and play centre in Thistle Drive.
- These old, but sound, buildings add character to the old part of Stanground and should be retained.
- Don't want to lose the Fish and Chip shop which will be in direct competition with the proposed Subway.
- The existing pub has people living upstairs like squatters, leaving rubbish outside. If these flats were to be built, there would be further over-occupancy and on a much bigger scale. The houses would not be for UK nationals, and key workers which is what Britain badly needs.
- There are no plans for any dual use of the site. Demolishing another British pub which was a cultural hub and meeting point would not be in the interests of local residents.
- If the developer is looking for work, why not also demolish the terraced row of Victorian cottages adjacent to the Golden Lion and replace them with residential dwellings in keeping with the 21st century?

One local resident has raised neither objection nor support to the proposal, but has raised the

following:

- Whilst the proposal is probably the best solution, there is concern regarding the quantity of off-road parking to be provided. Currently cars parked along South Street abuse the parking restrictions because it is not 'policed'. The development of a retail unit plus apartments will only exaggerate this problem unless adequate off-street parking is provided.
- The parking in South Street already makes turning from Church Street hazardous, so again the provision of parking on the new development is vital for safety.

Two local residents have made comments in support of the proposal subject to proper traffic management and parking measures being in place.

Councillor Clarke has raised objection to the proposal on the following grounds:

- The locality of the application site is an area that has always been a place where businesses and residents have co-operated to ensure that the impact of traffic to pedestrians is minimised. This has recently been discarded by the new owner of the site.
- The site access for a delivery lorry is in a Conservation Area and next to a bus stop on the right-side and a telegraph pole on the left-side.
- The proposed car park access is too close to the BT cabinet and streetlight, and too near the junction of Church Street and the bend on South Street.
- There is a school in Chapel Street, and there are a lot of parents who walk their children to school. This is a big problem at the moment but with more traffic will be very bad.
- The car garage was not allowed a car transporter to deliver to its yard so how can they have a delivery point in Church Street?
- I cannot see how this site could function. As it is planned, there are going to be significant issues created.
- The building is very significant and overdevelopment for the corner plot.
- Assessment of the Church Street/South Street Junction needs to happen before any development occurs.
- There is no need for any more shops like this in Stanground as there are already 6 or 7 within a mile and a half of each other.

Councillor Lillis requested that the application be referred to Committee but did not provide any comments on the proposal.

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, including designated heritage assets
- Parking, access and highway implications
- Neighbour amenity
- Future occupant amenity

a) Principle of development

Fall-back position

As detailed in Section 1 above, the application site is presently in lawful use as a public house (Class A4) and has been for a considerable number of years. However, under the provisions of Part 3 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, there is a permitted right to convert such uses to Class A1 (retail) or Class A2 (financial/professional services) without the need for planning permission from the Local Planning Authority. The only restriction in terms of this, is the requirement to submit a notification seeking clarification as to whether or not the building is nominated (i.e. a community related asset).

The application site is not currently a registered community related asset and nor has any

application to this effect been received by the Council. Accordingly, it would be permitted for the site to change use to an A1 retail unit without the need for planning permission and on this basis, the principle of such a use is established.

Retail use

The application site is located outside of any identified District or Local Centres. Under the provisions of Policy CS15 of the Peterborough Core Strategy DPD (2011) and Policy PP9 of the Peterborough Planning Policies DPD (2012), a sequential approach should be taken in terms of the location of new retail development, with outside identified centres being least preferable.

In normal circumstances, there would be a requirement for the Applicant to undertake an assessment of all sites within and adjacent to identified Local Centres, to demonstrate that there are no more sequentially preferable sites on which the proposed development could be accommodated. However, in light of the fall-back position it is considered that this is not necessary or that a reason for refusal on this basis could be sustained at appeal.

Loss of the public house

Paragraph 70 of the National Planning Policy Framework (2012) highlights that planning decisions should '...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs...'. Local residents have previously expressed their concern in relation to the harmful impact that the loss of the public house would have upon the local community. In particular, they have expressed concern that the loss of the Golden Lion would erode the cultural heritage of its users. These concerns are noted however there are a number of open public houses serving the Stanground area and, in particular, two within walking distance of the application site. The locations of these nearby public houses are shown on the map at Appendix A.

Notwithstanding the above, the fall-back position must also be taken into consideration. Given that planning permission is not required for the public house to be converted to an alternative use, it is not considered that the loss of such a facility can be a key consideration in the determination of this planning application.

b) Design and impact upon the character and appearance of the surrounding area, including designated heritage assets

As detailed in Section 1 above, the application site is located within the identified Stanground Conservation Area. Under the provisions of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is a statutory duty to ensure that all new development preserves or enhances the features for which this asset has been designated. This is further reinforced through both national and local planning policy which attaches significant weight to this need.

It is considered that the site is located in a prominent position within the Conservation Area. It is located at the prominent junction of South Street and Church Street, which forms the principal entrances into the Conservation Area. The existing public house is of red brick construction and dates from the mid-1900s. Its principal elevation is to Church Street with little architectural interest to the South Street elevation. A single storey rear element aligns the building line of the site with the two storey residential terraced dwellings along South Street however notwithstanding this, the existing building does appear an awkward feature within the streetscene. It is the position of the City Council's Conservation Officer that the existing site offers, at best, a neutral contribution to the features of the Conservation Area and on this basis, the demolition of the public house is supported.

The proposal seeks to construct a replacement building on the site which is considered to better respond to its context. The scale, form and detailing of the proposal are considered by the Conservation officer to sympathetically respond to the site and its surroundings, and as such would make a positive contribution to the Conservation Area. It is proposed for the building to follow the building line and scale of the existing terraced dwellings on South Street, and introduce a new two

storey terrace form to the Church Street frontage. The Conservation officer considers that this is a logical response to the grain of buildings in the locality, and would provide uniformity to the built form along the east side of South Street.

Notwithstanding the above, the Conservation Officer has advised that it is important to ensure that the overall detailing of the building is correct for it to be convincing and fit within the streetscene. Accordingly, there are some alterations which are requested to achieve this, namely: alteration of the 'false' windows to either side of the dummy door to South Street so that they are genuine; introduction of vertical mullions to the 4no. large glass windows to the South Street elevations (to match the shop windows to Church Street; and addition of a date stone to both street elevations. It is considered that these alterations could readily be secured by condition to ensure an acceptable final appearance of the development.

In addition, the Conservation Officer has expressed concern with regards to the level of advertisement indicatively shown on the submitted drawings. These concerns are noted, as the level of signage shown does appear excessive and out of keeping with the overall appearance of the building. However, the signage would be subject to a separate application under the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended) and such matters would form consideration of any application submitted in the future. The current proposal could not be resisted on this basis.

Subject to the imposition of the requested conditions, and conditions relating to the finishing materials, it is considered that the proposal would enhance the character, appearance and visual amenity of the streetscene and the features for which the Conservation Area has been designated. Accordingly, the proposal is in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2, PP11 and PP17 of the Peterborough Planning Policies DPD (2012).

c) Parking, access and highway implications

Parking provision

It is noted that a large proportion of the objections received relate to the loss of publicly available parking as many local residents either use or have used the existing car park in the past. At present, the existing car park is privately owned and not public, therefore it could be closed (as it has been) at any time without any breach of planning regulations. None of the objectors have provided any evidence that a private right of parking/access has been established lawfully and as such, the loss of the existing car park for use by neighbouring local residents is not a material planning consideration.

In terms of the level of parking proposed, overall the scheme seeks to provide 21no. parking spaces. These are proposed to be split to provide 5no. allocated spaces for the proposed residential units (occupants) and the remaining 16no. spaces for the proposed ground floor retail unit (both staff and customers) and visitor parking. It is proposed for this parking layout to be formally laid out through appropriate lining and signage.

In terms of the parking associated with the residential units, 4no. of the spaces will be provided to the rear of the building, accessed via a gated access which will separate them from the main retail car park. 1no. space would be provided within the main car park, however it is proposed for this to be secured by a lockable rising bollard to prevent unauthorised parking. This level of parking accords with the minimum parking standards set out in Policy PP13 of the Peterborough Planning Policies DPD (2012).

With regards to the parking provision for the proposed retail unit, the proposal would provide for a maximum of 274qsm of gross floor space (this excludes the store/admin/welfare area and food preparation area). Under the adopted parking standards, the maximum number of spaces that could be accepted for this level of floorspace (based upon a foodstore use) would be 19 spaces however it is acknowledged that the LHA bases their parking requirement on all floor space

(including the store etc.) which increases this maximum provision to 29 (the level of parking the LHA considers is necessary).

Whilst it is noted that the proposal would provide less than this maximum, it should also be noted that under the current adopted parking standards, the existing public house (with a floorspace of 485sqm) would generate a maximum parking requirement of 32no. spaces. These are clearly not presently provided as the site provides only 17no. spaces. Furthermore, taking into account the fall-back position, the proposal represents a decrease of potential retail floorspace, and thus a reduced parking demand. Taking into account these other parking requirements, it is not considered that the deficiency of parking proposed could be sustained as a reason for refusal at appeal and in any case, they are maximum standards.

Finally, with regards to visitor parking associated with the proposed residential units, it is considered appropriate for this to be provided within the main retail unit car park. Even this additional parking space requirement (1 space) would not reduce the level of available retail car parking to an unacceptable level.

Accordingly, it is considered that the proposal would provide adequate on-site parking provision to meet the needs generated by the development and would not give rise to unacceptable parking demand on the surrounding public highway network.

Parking access

The proposal seeks to close the existing car park access onto Church Street and provide a new access onto South Street. With regards to closure of the existing access, this is supported by the LHA. A condition would be required to ensure that the finish and form of the closure (i.e. reinstating the public footway) is to an acceptable standard to ensure safety for all users.

In terms of the proposed new vehicular access, a considerable number of the objections received have raised concerns regarding its safety. These concerns relate to the proximity of the access in terms of the busy junction of South Street with Church Street, conflict with the bus stop to the opposite side of South Street, conflict with buses using the highway and loss of on-street parking capacity. The position of this access has been amended from the originally submitted scheme and is accepted by the LHA. It is considered that it would not pose an unacceptable danger in terms of conflict with the adjacent junction, and is located a sufficient distance from the bus stop to prevent undue conflict. As the proposal would be of a simple dropped kerb arrangement, priority would still be retained to users of the public highway and vehicles exiting the car park would have to wait, queuing into the site, to exit once there is a clear space.

In addition to the above, the proposed new access is considered to be of an adequate width to meet the needs of users. It would provide adequate space for two vehicles to pass, allowing vehicles to enter the site without impediment. Adequate vehicle-to-vehicle and vehicle-to-pedestrian visibility splays would also be provided despite the location of the existing telegraph pole.

On this basis, the proposed new access would not pose an unacceptable danger to highway safety and is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

Servicing

The proposal seeks to provide a service access to the northern-most corner of the site, in the same position as the existing public house service access. The LHA does not accept this arrangement as it would result in service vehicles having to reverse into the site from the public highway whereas the preference, in safety terms, is for any and all service vehicles to enter, turn and exit the site in a forward gear. In addition, the LHA has raised objection to the ability of a vehicle to manoeuvre owing to the positioning of a telegraph pole and vehicles parked along Church Street. This objection is noted, however Officers consider that the fall-back position is of key relevance in this instance.

This side access is presently in situ, available for servicing of the public house. Whilst some objectors have advised that the delivery vehicles for the public house have traditionally used the main car park (rolling the barrels around to the northern side where the cellar access is located), and the LHA does not consider that this is an appropriate existing access, Officers acknowledge that under the provisions of the fall-back position, this original side access could be used without the need for planning permission at any time.

Under the provisions of the fall-back position, all 485sqm of the existing public house could be converted to an A1 retail unit and use this side (northern) access. The proposal instead, seeks to provide only 274sqm of floorspace which represents a decrease of retail floorspace of 211sqm. In planning terms, it is considered that this represents a less intensive use of the site which would result in the less intensive use of the servicing arrangement. Whilst it is acknowledged that the service access does not provide the requisite vehicle-to-vehicle and vehicle-to-pedestrian visibility splays to the north (the visibility splay to the south has been amended to be in line with LHA comments), as these are located on third party land, this is currently the case. The LHA has expressed concern that the new building (located closer to the back edge of the highway) would make the delivery access much less visible to users of Church Street. However, from the south, the requisite visibility splays would be provided. Accordingly, as the proposal does not represent intensification of the substandard access compared to the fall-back position, it is the opinion of Officers that a reason for refusal in terms of highway safety in relation to the proposed servicing arrangements could not be sustained on this basis.

It is noted that the proposal would reduce the available depth within the site within which a service vehicle could pull clear of the adopted public highway given the creation of a parking area to the rear of the proposed building. To address this, it is considered necessary to restrict the size of delivery vehicle that can access the site by condition to ensure that vehicles can pull clear of the highway whilst loading/unloading.

In addition, as the proposed building would be brought forward of the line of the existing building (closer to the back edge of the highway), there would be less space for a vehicle to pull clear of the carriageway from the existing situation. Whilst gates are shown to the proposed delivery access, owing to this relationship and the potential for a vehicle to consequently block the highway whilst awaiting opening of the gates, it is considered necessary to impose a condition which requires the access to be ungated.

Subject to such a restriction, it is not considered that the proposal would pose an unacceptable danger to the safety of the public highway and is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

Traffic generation

Several of the objections received from local residents have raised concern regarding the increased traffic generation arising from the proposed development. In particular, concern has been expressed in relation to conflict with existing traffic flows which are considered to be high, particularly at the junction of South Street and Church Street. These concerns are noted however, as detailed above, it is not considered that the proposal would represent an intensification of use of the site above and beyond the fall-back position.

Notwithstanding the above, the application site is located within close proximity of a large residential area which would ensure that the retail unit is readily accessible to future customers. On this basis, it is considered that the site is located within a sustainable location which will encourage trips by sustainable methods of travel (i.e. walking and cycling). This should in turn, prevent significant levels of traffic arising.

Bin storage

It is noted that the LHA has raised concerns regarding the operation of the 2no. proposed bin

stores which, owing to the design of the access doors could impede the available width of the service and residential accesses. Similarly, the City Council's Waste and Recycling Officer has advised that inward opening gates would not be workable as this would reduce the amount of available space for bin storage. These concerns are noted, however it is considered that a workable solution could be found to ensure that adequate bin provision is made without detriment to the proposed accesses. Amendments to these elements of the proposal could be secured by condition, with the final details agreed by both consultees.

Cycle parking

The proposal seeks to provide 10no. cycle parking spaces for the proposed retail unit (5no. for staff and 5no. for customers). The proposed staff cycle parking would be located within the rear enclosed and secure service yard/parking area whilst the customer parking would be located adjacent to the main car park. This level of provision is considered appropriate and would accord with adopted minimum cycle parking standards. Whilst these standards require that the customer parking be covered, owing to the prominence of the site and its location within the Conservation Area, it is not considered that such a structure could be acceptably accommodated without resulting in unacceptable harm to the features of the heritage asset. Accordingly, it is accepted in this instance that the customer cycle spaces be uncovered.

With regards to resident cycle parking, it is acknowledged that the submitted drawings do not identify any allocated parking at ground floor. However, there is adequate space allocated to each residential unit (i.e. within the private amenity areas) for residents to park cycles. Whilst this is not the preferable arrangement, as cycles would need to be taken to the first floor, there is little space within the external areas of the site to accommodate further cycle parking.

Proximity to the highway boundary

The LHA has also advised that the new building would be located within 0.5 metres of the back edge of the footway which is not considered acceptable as it would pose a long-term maintenance issue for the highway. Whilst this is noted, this relationship exists along much of Church Street, which is characterised by dwellings/buildings which front hard on to the public highway. The scheme has been carefully designed so as to respect the traditional built form of the locality and preserve the features of the Conservation Area. Any set back, to the distance the LHA requires, would result in an awkward and contrived relationship to the heritage asset. Furthermore, it does not pose a highway safety danger and accordingly, Officers do not consider that this would be a sufficient basis upon which to resist the proposal.

d) Neighbour amenity

The nearest residential property to the application site is located immediately to the west of the site (No.25 South Street). This is an end of terrace two storey residential dwelling which fronts on to South Street and with an outdoor amenity area to the rear. It is considered that the proposal has been designed to respond to the relationship with this dwelling. The building line of the proposal would follow both the front and rear building line of the dwellings to the west. This would ensure that the two storey bulk of the proposal would not project beyond any of the existing elevations of the neighbouring dwelling and as such, would not result in an unacceptable relationship in terms of overbearing or overshadowing impact.

Furthermore, whilst the proposal would include first floor primary habitable windows and outdoor amenity areas to the proposed residential flats, the building has been designed to provide a 1.8 metre high parapet wall to the northern elevation which would provide a barrier of sufficient height to prevent unacceptable levels of overlooking to the rear garden area of No.25 South Street and properties beyond. Accordingly, the proposal would not give rise to any unacceptable degree of loss of privacy to existing occupants.

Turning next to the proposed rear parking area, this would be sited immediately adjacent to No.25 South Street and introduce vehicular movements. However, these vehicular movements would only be associated with 4no. of the proposed residential units and as such, it is not considered that this would pose an unacceptable level of noise and general disturbance as the level of use would

not be significant. In terms of the proposed service area, this would be sited approximately 14 metres from the shared boundary with the neighbouring residential dwelling and would be enclosed by some means of boundary treatment (to be secured by condition). Whilst this would introduce some degree of noise disturbance, particularly owing to the size of vehicle, this is currently the location for service vehicles associated with the public house and, in light of the fall-back position, there would not be any intensification of the use of the site in terms of servicing levels. Accordingly, it is not considered that this element of the proposal would give rise to an unacceptable increase in noise/general disturbance to neighbouring occupants or an objection be sustained at appeal.

It is noted that some objections have been received from local residents along South Street in terms of loss of privacy arising from the proposed car parking layout. Whilst it is acknowledged that the provision of parking spaces would result in movements in very close proximity to the front of dwellings along South Street, this is currently the situation. The existing car park associated with the public house provides parking spaces to the front of the residential dwellings which would give rise to the same degree of impact. Accordingly, whilst there would be harm to occupant amenity, it would not be above and beyond the existing situation and therefore, it is considered that a reason for refusal on this basis could not be sustained.

In light of the above and taking into account the fall-back position, it is not considered that the proposal would result in an unacceptable increase in harm 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) Future occupant amenity

It is considered that the proposed first floor residential flats would afford future occupants an acceptable level of internal space and natural daylight. Furthermore, all primary habitable rooms would be afforded an acceptable outlook, with windows of adequate size. In terms of outdoor amenity space, it is proposed for each unit to be provided with a small area immediately adjacent to the unit. Whilst some of these areas are acknowledged to be small, they would afford occupants an area in which to dry washing, store bicycles and sit out. Such a level of space is considered to be commensurate with flats, as large gardens are not considered necessary as widely accepted elsewhere in the City. Each outdoor area would be private, with adequate boundary treatments ensuring that potential overlooking between occupants is minimised. On this basis, it is considered that the proposal would provide future occupants with an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

f) Archaeology

The City Council's Archaeologist has advised that the application site is located within an area of known archaeology, particularly given its proximity to the historic core of the historic village of Stanground. Whilst the Archaeologist acknowledges that some truncation of buried heritage assets is likely to have taken place, there is the possibility of earlier assets (situated deeper underground) which may have not been disturbed. To ensure that no harm results to these, a condition has been requested which requires any deep excavations to be monitored. Subject to such a condition, it is considered that the proposal would not pose an unacceptable risk to buried heritage assets, in accordance with paragraph 128 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

g) Other matters

In response to those objections raised but not discussed above:

Competition with other existing retail units – The issue of competition, and subsequent potential impact to the viability of existing retail premises, is not a material planning consideration.

Insufficient public consultation – A total of 121 objection letters were issued to surrounding local residents, above and beyond the statutory requirement for notification to only those properties with

an adjoining boundary to the site. In addition, 3no. site notices were erected (2no. to South Street and 1no. to Church Street) and a public notice placed in the Peterborough Telegraph. On this basis, it is considered that the public consultation that has taken place exceeds the statutory requirements.

Potential HMO use – Under the provisions of part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, there would be a permitted right for each of the proposed residential flats to be converted to a small-scale house in multiple occupation (HMO) of up to 6 persons. Whilst the objection relates to the future occupants and possibility for anti-social behaviour which is not a material planning consideration, the proposal would not provide adequate parking facilities for such a use. As such, it is considered necessary and appropriate to secure a condition which removes this permitted development right.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- under the provisions of Part 3 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, there is a permitted right for the application site to be converted to a Class A1 retail unit. On this basis, the principle of a retail unit outside of any identified District or Local Centres is established as is the loss of the existing public house;
- the proposal would not result in any unacceptable impact to the character, appearance or visual amenity of the surrounding area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the proposal would preserve and enhance the features for which the Stanground Conservation Area has been designated, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 131 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- the proposal would ensure that no harm results to potential undiscovered buried heritage assets, in accordance with paragraph 128 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- the proposal would make adequate parking provision to meet the needs of the development, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012);
- in light of the fall-back position, the proposal would not represent an intensification of a substandard service access;
- the proposed new access onto South Street would not pose an unacceptable danger to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in an unacceptable worsening of the impact to neighbouring occupants above and beyond the existing situation, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012); and
- the proposal would afford future occupants an acceptable level of amenity, in accordance with Policy PP4 of the Peterborough Planning Policies DPD (2012).

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 The development hereby permitted shall be carried out in accordance with the following drawings:

- Existing Site and Location Plans (drawing number X/SP/00 Revision A)
- Proposed South and East Elevations (drawing number P/LE/01 Revision B)
- Proposed North and West Elevations (drawing number P/LE/02 Revision B)
- Street Scene South Elevation (drawing number P/LE/03 Revision A)
- Street Scene East Elevation (drawing number P/LE/04 Revision B)
- Proposed Ground Floor Plan (drawing number P/LP/00 Revision B)
- Proposed First Floor Plan (drawing number P/LEP/01 Revision A)
- Proposed Roof Plan (drawing number P/LP/02 Revision A)
- Proposed Sections (drawing number P/LX/01 Revision A)
- Proposed Site Plan (drawing number P/SP/00 Revision A)
- Proposed Surfaces Plan (drawing number P/SP/00/Surfaces Revision B)

Reason: For the avoidance of doubt and in the interests of proper planning.

- C 3 No development other than demolition, groundworks and foundations shall take place until samples/details of the following external materials to be used have been submitted to and approved in writing by the Local Planning Authority:

- Walling (samples)
- Roofing (samples)
- Cills and lintels (samples)
- Windows, including false 'dummy' windows (details)
- Doors, including false 'dummy' doors (details)
- Shop fronts (details)
- Chimneys (details)
- Rainwater goods (details)

The samples/details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and to preserve the historic features of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012).

- C 4 Notwithstanding the drawings hereby approved and the details secured under Condition C3 above, no development other than demolition, groundworks and foundations shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Alteration to the shop front windows to the southern (South Street) and south-eastern (corner) elevation to include 3no. vertical mullion windows;
- Cross sections of the eaves course and chimney to be used; and

- Date stones to both the southern (South Street) and eastern (Church Street) elevations.

The development shall be carried out in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and to preserve the historic features of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012).

- C 5 No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. No development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

- C 6 No development shall take place until a Demolition and Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include (but not be limited to):

- Haulage routes from the Parkway system for all delivery vehicles;
- Method of demolition;
- Hours of demolition and construction;
- Parking arrangements for all vehicles visiting the site;
- Materials storage and unloading areas;
- Welfare compound;
- Protective site fencing;
- Measures to prevent the emission of dust from the site;
- Noise control measures; and
- Wheel wash facility.

Development, including demolition, shall be carried out in accordance with the approved details and all vehicles exiting the site shall pass through the wheel wash facility before entering the public highway.

Reason: In the interests of highway safety and protecting the amenities of neighbouring occupants, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition to ensure no demolition or construction activities give rise to unacceptable highway safety or neighbour amenity impacts.

- C 7 The retail unit and residential dwellings hereby permitted shall not be brought into use/occupied until the areas shown on drawing number P/SP/00 Revision A 'Proposed Site Plan' for the parking, turning, loading and unloading of vehicles have been drained, surfaced and marked out in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, those areas shall be retained solely for the

parking, turning, loading and unloading of vehicles in connection with the unit/residential dwelling to which they relate.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

- C 8 Prior to first use of the retail unit or first occupation of any residential dwellings hereby permitted, whichever is sooner, the new vehicular access onto South Street shall be constructed and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 9 Notwithstanding the approved drawings, the new vehicular access onto South Street and the service/loading access to Church Street shall not be brought into use until the following vehicle-to-pedestrian visibility splays shall be provided (measured from and along the back edge of the public highway):

- 2 metres x 2 metres to either side of the access to South Street; and
- 2 metres x 2 metres to the southern side of the access to Church Street.

Thereafter, those visibility splays shall be kept clear of any obstruction above a height of 600mm from ground level in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C10 Notwithstanding the approved drawings, the new vehicular access onto South Street and the service/loading access to Church Street shall not be brought into use until the following vehicle-to-vehicle visibility splays shall be provided (measured from the back edge of the public carriageway and along from the centre line of the access):

- 2.4 metres x 33 metres to the western side of the access to South Street;
- 2.4 metres x 33 metres, up to the point at which the splay intersects with the tangent point to the radius of the junction of South Street and Church Street, to the eastern side of the access to South Street; and
- 2.4 metres x 33 metres to the southern side of the access to Church Street.

Thereafter, those visibility splays shall be kept clear of any obstruction above a height of 600mm from ground level in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C11 The retail unit hereby permitted shall not be brought into use until the existing vehicular access serving the existing car park onto Church Street shall be closed in accordance with details submitted to and approved in writing by the Local Planning Authority. The details

shall include the reinstatement of the public footway, including surfacing and kerb arrangement.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C12 The retail unit hereby permitted shall not be served by any delivery vehicle larger than a 10.5 metre long rigid-wheel based heavy goods vehicle.

Reason: As there is insufficient space within the site to accommodate a larger vehicle and in the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C13 Notwithstanding the approved drawings and the provisions of Part 2 Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the new vehicular access onto South Street and the service/loading access to Church Street shall be un gated and retained as such in perpetuity.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C14 The retail unit hereby permitted shall not be brought into use until the cycle parking shown on drawing number P/SP/00 Revision A 'Proposed Site Plan' has been provided in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, the cycle parking shall be retained solely for the parking of cycles in connection with the use of the retail unit in perpetuity.

Reason: In order to promote more sustainable methods of travel to/from the site, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP13 of the Peterborough Planning Policies DPD (2012).

- C15 The retail unit and residential dwellings hereby permitted shall not be brought into use/occupied until details of bin storage provision, to accord with the RECAP Waste Management Design Guide SPD (2012), have been submitted to and approved in writing by the Local Planning Authority. The bin storage shall be provided in accordance with the approved details and prior to first use/occupation of the unit to which it relates. Thereafter, the areas for bin storage shall be retained solely for that purpose in perpetuity.

Reason: In the interests of highway safety and the amenities of future occupants, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP4 and PP12 of the Peterborough Planning Policies DPD (2012).

- C16 Notwithstanding the submitted drawings and prior to the commencement of development except demolition, a scheme for the hard landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- Proposed finished ground and building slab levels;

- Boundary treatments, enclosures and gates;
- Hard surfacing materials;
- External lighting; and
- Bollards or other means of vehicular access prevention.

The hard landscaping shall be provided in accordance with the approved details and prior to first use/occupation of the unit to which it relates.

Reason: In the interests of security of the site, the amenities of future occupants, and the visual amenity of the locality, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies CS14, CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2, PP3, PP12 and PP17 of the Peterborough Planning Policies DPD (2012).

- C17 Notwithstanding the provisions of Part 3 Class L of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the residential dwellings (flats) hereby permitted shall be residential dwellings within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order with or without modification) only.

Reason: The site is not capable of providing the necessary parking for a small-scale house in multiple occupation, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Copy to Cllrs Clark, Lillis and Whitby

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