

09/01038/FUL: CONVERSION OF EXISTING HMO TO THREE SEPARATE FLATS (1 X 1 BEDROOM AND 2 X 2 BEDROOM) – REVISED APPLICATION AT 653 LINCOLN ROAD, PETERBOROUGH

VALID: 12 SEPTEMBER 2009

APPLICANT: MR TARIQ MAHMOOD

AGENT: MR N P BRANSTON

REFERRED BY: CLLR SWIFT

REASON: INADEQUATE CAR PARKING, LACK OF PRIVATE AMENITY SPACE AND LACK OF LOADING/UNLOADING AREA FOR EXISTING RETAIL UNITS

DEPARTURE: NO

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The impact on neighbouring properties
- The amenity of future occupiers of the proposed units
- The impact on the highway network and car parking

The Head of Planning Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

#### **The Peterborough Local Plan (First Replacement)**

- H7 Housing Development on unallocated Sites** – within the urban area development on any site not allocated in policy H3 including by infilling, redevelopment and change of use of existing buildings will be permitted where the site is not allocated for any other purpose, within a defined employment area, is or will be integrated with existing or proposed infrastructure to meet residential needs and where development would make efficient use of the site, respect the character of the area, provide good quality living conditions for residents, would not have a detrimental impact on highway safety, unacceptably constrain development of adjoining land or result in the loss of open space of recreational or amenity value.
- H16 Residential Design and Amenity** – planning permission will only be granted for residential development if the following amenities are provided to a satisfactory standard: daylight and natural sunlight, privacy in habitable rooms, noise attenuation and a convenient area of private garden or amenity space.
- T1 Transport implications of New Development** – planning permission will only be granted if the development would provide safe and convenient access to the site and would not result in an adverse impact on the public highway.

**T10 Car and Motorcycle Parking Requirements** – planning permission will only be granted for development outside the city centre if it is in accordance with Appendix V.

**DA2 The effect of development upon on the amenities and character of an area** – planning permission will only be granted if development can be satisfactorily accommodated within the site, it would not affect the character of an area, it would have no adverse impact upon the amenities of occupiers of nearby properties.

### **3 DESCRIPTION OF PROPOSAL**

Planning permission is sought for the conversion of an existing Housing in Multiple Occupation (HMO) to three separate flats (1 x 1 bedroom and 2 x 2 bedroom). The application scheme also proposes cycle storage, bin storage and private amenity area. The application is part-retrospective, and has been amended from a previously refused scheme under application reference 09/00777/FUL. It is noted that planning application reference 09/00777/FUL was refused for the following reason:

R 1 The proposed flats will provide a poor level of amenity for residents as a result of the substandard provision of private amenity space within the site. In addition, occupants of the proposed ground floor flat will suffer from noise and disturbance as a result of the close proximity of the bin store to the habitable rooms of the flats. This is contrary to policies H7 and H16 of the Peterborough Local Plan (First Replacement).

Following negotiation, the applicant has amended the scheme to provide private rear amenity space for each separate flat and has relocated the bin store for the existing retail units to prevent noise disturbance to occupants of the ground floor unit.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The application site is located within the Urban Area boundary of Peterborough along Lincoln Road, one of the primary routes running north-south from the City Centre. The application property is currently in part an existing HMO above and to the rear of two retail units comprising an off-license and hairdressing salon. There is no existing on-site car parking, however there is a small gated rear service yard serving the shops. Parking is provided along Lincoln Road and is subject to management by a resident permit holder system. An existing sports field and doctor's surgery is located to the rear of the site and access is provided adjacent to the application site.

### **5 PLANNING HISTORY**

Application Number	Description	Date	Decision
00/01546/FUL	Rear extension and external staircase	29.01.2001	PER
09/00777/FUL	Change of use from mixed development comprising shops and HMO to mixed use development comprising shops and three self contained flats – part retrospective	09.09.2009	REF

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering** – The three parking bays shown on the submitted plans are not evident when visiting the site and the access road adjacent upon which these spaces are proposed was shown on application 04/01272/FUL to be in the ownership of PCC. Therefore, the parking area is not within the applicant's ownership and the bays should be removed from the proposals.

#### **NEIGHBOURS**

- One letter of neighbour objection has been received from the Parkway Sports and Social Club which is located to the rear of the application site. The objection relates to the density of

development, lack of private open space and car parking on the access road adjacent to the site.

## **7 REASONING**

### **a) Introduction**

The property has been in use as an HMO for a number of years and it therefore appears to have been some time since the first floor accommodation was last used as a single residential unit. Therefore, the principle of a multiple occupancy residential use for the property has been established. This is a revised planning application, following the refusal of planning application 09/00777FUL. The scheme is not materially different albeit it has attempted to address the previous reasons for refusal by providing private rear amenity space for the units and separate bin and cycle storage.

### **b) The principle of development**

The site falls within the urban area of Peterborough and within close proximity to the city centre. The use as flats would contribute towards providing living accommodation to meet a range of needs. The principle is therefore considered in accordance with policy H7 of the Peterborough Local Plan (First Replacement).

### **c) The impact on neighbouring properties**

The proposed development is all contained within the existing building, and does not involve any extensions to the property. The proposal provides a one two bedroom flat at ground floor level with the other one two bedroom and one, one bedroom flats at first floor level above the existing shop units. The internal layout has been arranged to minimise where possible the noise and disturbance to any adjoining property. There are no proposed alterations to the window openings and access to the first floor flats will be gained from the existing external staircase to the rear. The Planning Officer is content that there will not be any unacceptable changes to the existing neighbouring amenity.

Party wall acoustic testing will be considered through the Building Regulations process.

### **d) The impact on the amenity of future occupiers**

It is considered that the proposed units will provide an acceptable level of residential amenity for future occupiers. The internal layout of the units, particularly at first floor level will ensure that there is minimal noise and disturbance by virtue of ensuring that primary habitable rooms are not located adjacent to one another, in addition there are corridors separating the two flats. With regards to the ground floor unit, the revised scheme has sought to separate the bedroom accommodation from the service yard serving the retail units to ensure that no noise disturbance occurs during delivery times and refuse collections.

In addition, the revised scheme provides for an adequate level of private amenity space. Whilst the amenity area proposed is not as large as would generally be required for a residential unit, given the location of the application site is in close proximity to local parks it is considered acceptable.

### **e) The impact on the highway network and car parking**

The Local Highway Authority has raised an objection to the proposal on the basis that there is inadequate car parking provision. Drawing 29.022/2A clearly shows three car parking spaces proposed adjacent to the application building; these spaces would be situated on a private access road which serves the recreation ground and doctor's surgery and is in the ownership of the City Council. It is considered that such parking would be to the detriment of highway safety by virtue of vehicular and pedestrian conflict from cars manoeuvring to and from the proposed spaces.

Following negotiation with the applicant, these spaces have been deleted and a revised drawing submitted to the Local Planning Authority (LPA). The LPA are currently consulting on the revised drawing with Highway Officers and their comments will be provided as an update at the Committee meeting.

Whilst the loss of car parking is not ideal, it is considered that the application site is located in a highly sustainable area that can accommodate residential accommodation without the provision of car parking. Lincoln Road benefits from significant on-road car parking controlled by resident permit restrictions. Furthermore, public transport access is adequate enough to afford residents suitable access to services and facilities within the wider area. It is not considered that the proposed use of the property for three flats will place a greater burden on the highway network or residents parking bays, than the use of the property as a house in multiple occupation.

## **8 CONCLUSIONS**

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

- The principle multiple occupancy of this former residential dwelling has already been established.
- There will be no detrimental impact on the amenities of neighbouring residential or retail properties.
- There will be no unacceptable impact on the highway network or car parking.

The proposed development is therefore in keeping with Policies H7, H16, T1 and DA2 of the Peterborough Local Plan (First Replacement).

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

**C1 An enclosed space for refuse bins for the flats hereby approved and existing retail units shall be provided within three months of the date of this permission, in accordance with details to be agreed in writing with the Local Planning Authority.**

Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C2 Within three months of the date of this permission, details of all boundary walls/fences must be submitted to and approved in writing by the Local Planning Authority and the fencing/walls erected in accordance with the details so approved. Thereafter such fencing shall be maintained to the satisfaction of the Local Planning Authority.**

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

**C3 Within three months of the date of this permission, three cycle stands shall be provided within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. The three cycle stands shall thereafter be retained, and the area upon which they are sited shall not thereafter be used for any purpose other than the parking of cycles.**

Reason: In order to protect and safeguard the amenity of the local residents or occupiers, in accordance with Policies T7 and T9 of the Peterborough Local Plan (First Replacement).

Copy to Councillors: K Sharp, C Swift OBE