

## Planning and EP Committee 5 November 2019

**Application Ref:** 19/01278/FUL

**Proposal:** Demolition of workshop and garage and erection of two one-bed flats

**Site:** Land Adjacent To Highbury House, Millfield, Peterborough, PE1 3BE

**Applicant:** Ayd Investments Ltd

**Agent:** Mr John Dadge  
Barker Storey Matthews

**Referred by:** **Cllr Yasin Ikra**

**Reason:** The site is located in a sustainable location, close to Millfield Local Centre. The site is easily accessed by a variety of sustainable travel modes e.g. bus, cycling and walking. It is likely that car owners would not be attracted to these units. Given the prevailing character of the area, the overlooking amenity issues are not considered justified.

**Site visit:** 17.09.2019

**Case officer:** Mr D Jolley

**Telephone No.** 01733 4501733 453414

**E-Mail:** david.jolley@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

#### **Site and surroundings**

The application site fronts on to the southern part of Highbury Street, close to a bend in the road, and is located approximately 30m from Lincoln Road. There is residential development to the north, west and on the opposite side of Highbury street to the east of the site. Immediately to the west of the site is a garage court which serves the houses fronting on to Lincoln Road. Adjoining the site to the south are the rear of the gardens of the 2 of the houses fronting on to Lincoln Road.

The site covers an area of 0.04 hectares and is irregular in shape. It has a narrow frontage of 8.5m to Highbury Street with a dropped kerb access to the north east corner. Its current use is garage and workshop, with a large hardstanding area to the front of the building.

#### **Proposal**

Planning permission is being sought for the demolition of an existing single storey workshop and garage building on site. It is understood from the agent that the previous use of the site was as an independent garage and workshop and that it was not associated with any of the surrounding residential properties. It proposed to replace the existing development on site with a two storey detached building comprising of 2 x one-bed flats. No on site car parking is proposed.

### **2 Planning History**

No relevant planning history

### **3 Planning Policy**

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

#### **National Planning Policy Framework (February 2019)**

### **Paragraph 108/109 - Transport Impacts**

Any significant impacts from development on the transport network (capacity and congestion) or on highway safety should be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

## **Peterborough Local Plan 2016 to 2036 (Adopted 24 July 2019)**

### **LP03 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

### **LP16 - Urban Design and the Public Realm**

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

## **4 Consultations/Representations**

### **PCC Archaeological Officer**

No Objection – The proposed development site is in close proximity to the public gallows which used to stand close to five-sail mill in Millfield. Human remains associated with this have been found in this area. Therefore as human remains associated with public executions may be present within this site, it is recommended that a condition requiring the archaeological monitoring of all groundwork be imposed on any planning consent.

### **PCC Peterborough Highways Services**

Objection – No on site car parking is proposed, and no information has been provided as to where residents would park. The proposal is contrary to Policy LP13.

### **PCC Pollution Team**

No Objection – Subject to the imposition of an unsuspected contamination condition. Comments are also given in respect of the layout of dwellings and the preference to stack identical rooms above each other or position beside each other, to prevent unacceptable noise transference.

### **Waste Management**

No objection.

### **Cambridgeshire Fire & Rescue Service**

No comments received

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

No comments received

### **Victoria Park Residents Association**

No comments received

### **Cllr Yasin Ikra**

Supports the proposal -

The application site is very close to the Millfield Local Centre and so there is a wide range of facilities and services within easy walking distance.

The site is close to Lincoln Road with bus stops in both a northern and southerly direction within convenient walking distance. This provides easy access to the city centre without needing the use of a car.

There are 'on street' cycle lanes on Lincoln Road making cycling to the city centre and back easy.

In respect of all of these the site must therefore be considered to be in an eminently sustainable location.

Not all households have motorcars particularly those on low incomes. This application is to provide small units of accommodation for those at the lower end of the housing ladder. Any occupiers who need access to a car and car parking space would not be attracted to these units and in that respect the market is, to an extent, self-regulating.

Amenity issues have been raised in relation to overlooking but given the prevailing character in the area we do not consider these are justified

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

Initial consultations: 9

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

2 Objections have been received in relation to the proposal stating the following:

It will impact on my privacy - this development is immediately opposite my house and for at least several decades (if not forever) my house has not had another two-storey house on the opposite side looking directly on to it. What has been there recently is the low level single storey workshop.

The frontage is almost directly onto the pavement. This is not in keeping with other properties at this end of the road who all have some form of space between the pavement and the front of the property. The impact of this is that the frontage will be more imposing on the street.

Looking at the design of the interior, although it is stated as single-bedroom flats, I have a concern that the study/living room will be used as a second bedroom in both properties, thus putting additional pressure on footfall and parking in the street.

I am concerned that the applicant is citing a lack of availability of materials to construct this in keeping with other properties in the road. He therefore is potentially able to use whatever materials he chooses. I note that there are new properties in the area constructed of modern light-coloured

sandy brick which is not in keeping with the traditional Victorian/Edwardian red brick predominantly used in the area. My concern is that the finished look of the property (materials used) will not be in keeping with other properties in Highbury Street.

Parking in this street is already under great pressure with fewer spaces than required for existing residents. Parking in the street is allowed by residents permit, and once someone is living in these flats they will be entitled to apply for resident parking permits. There will be now be two new households, each with the right to apply for resident's parking permits. I anticipate that at least two additional vehicles will be vying for the already oversubscribed parking spaces available.

There are already too many property's that have been converted into social housing and the street has become very undesirable to live in due to fly tipping (this is a very major issue) and parking, you have to pay for parking and very rarely get a space to park where you live. But the main objection is all the mess from fly tipping and alcohol bottles and cans that are just dumped in the street every day, this also seems to be a regular picnic area for people to park once buying their food in Lincoln road, then dumping their rubbish in our street.

## **5 Assessment of the planning issues**

The main considerations are

- The principle of development
- Amenity provision in the new development
- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The impact of the proposal on highway safety

### **The principle of development**

The application site is located on previously developed land within the urban area boundary of the city, where generally the principle of residential development is considered to be acceptable. However in this instance for the reasons stated below this proposal cannot be considered acceptable.

### **Amenity provision in the new development**

The proposed flats in terms of their layout and design are considered to be spacious and with sufficient levels of daylight/sunlight. There is considered to be ample private amenity space and space for storage of bins and cycles. Officers therefore have no concern in respect of the level of amenity that would be afforded to future residents.

### **The impact of the proposal on the character of the area**

The proposed building references some of the more desirable elements of the local vernacular, namely stone lintels and cills and dentil course stringing to the eaves. These elements elevate the relevantly simple form of the proposed building and would ensure that the building although irregular in shape, integrates well with the surroundings and does not appear out of place. The surrounding area is variable quality with some modern building of poor design causing a detriment to the character of the area, the proposed building appears to be of a reasonable design quality.

Whilst the proposed dogleg portion of the building is slightly unusual compared to the established character of the area it is unlikely that the visual appearance of the building would appear so incongruous as to cause unacceptable visual harm to the character and appearance of the area. The scale of the dwelling is considered to be acceptable and would does not constitute an over development of the plot.

The objection raised regarding the proposed materials is noted however this could be addressed through the imposition of a planning condition requiring the agreement of any proposed materials.

In light of the above it is considered that the proposal would not unacceptably harm the visual

character of the area.

An objector has stated that they consider the proposed flats would be positioned too close to the highway and as such they would be out of character with the surrounding area. Officers do not agree with this, as there are a number of dwellings on Highbury Street that directly address the highway and as such the small frontage of the proposed flats is considered to be acceptable.

#### **The impact of the proposal on the amenity of the occupiers of neighbouring dwellings**

The dog leg portion of the building has a window at first floor facing north towards Highbury house with the northern boundary of the site 7.5 metres. This separation is considered unacceptable and would result in unacceptable overlooking of the neighbour's amenity space. The distance between the 1st floor windows of the proposed flat and the ground floor south facing windows of Highbury House is only 13.5 metres, whilst the south facing ground floor windows of Highbury House does not appear to be a primary habitable room this separation is considered to be insufficient and would result in an unacceptable sense of overlooking.

It is considered that the overall level of overlooking and inter-visibility between windows created by the development is unacceptable with adverse overlooking to the private amenity space of Highbury House potential views into neighbouring windows from the 1st floor of the flat.

The new dwelling would sit at two storeys in height and would be positioned directly on adjoining boundary with the bottom of No.215's garden and extend along this shared boundary for approximately 5m. It is considered that this two storey built form would be unacceptably overbearing for users of the adjoining garden area of No.215, albeit that it would sit at the bottom of their garden, and as such would be harmful to their residential amenity.

The proposal is therefore considered to be contrary to policy LP17 of the Peterborough Local Plan (DPD) 2019.

An objector who lives the opposite the site has stated that the proposal will result in an unacceptable loss of privacy. Officers do not agree with this statement, the front to front separation distance is 13.0 metres which is commensurate with other dwellings within Highbury Street and the wider area and the proposed flats are unlikely to permit unacceptable overlooking of the dwellings opposite.

An objector has raised the issue that there is already a problem with rubbish (including alcohol bottles and cans) and fly tipping in this street, and adding more properties could add to this problem. In land use planning terms there is no direct correlation between the presence of two flats on a site and the increased generation of litter in the area. Therefore planning permission could not be resisted on the basis that future residents may add to existing litter problems. The redevelopment of this site could actually be a benefit by helping to prevent potential fly tippers from leaving rubbish on or around this site.

#### **The impact of the proposal on highway safety**

The applicant states that the proposed flats would be one bedroom only. In line with the Council's parking requirements, 2 x 1 bedroom flats would require the provision of 2 on site car parking spaces, 1 per flat. However Officers do not agree with categorising the flats as 1 bedroom flats as the proposed study rooms in each of the flats, are of a sufficient size and have a good level of amenity with the provision of windows to enable them to serve as bedrooms. Therefore whilst it may be the applicant's intention that they be one bedroom flats with study rooms, there would be nothing to stop these study rooms from being used as bedrooms in future. Therefore Officers need to consider the position that the flats are each capable of providing 2 bedrooms and as such there would have a requirement for the provision of 4 off street parking spaces, 2 per flat.

The application does not propose to provide any parking on site and as such would be contrary to policy LP13 of the Peterborough Local Plan. The applicant's justification for not providing any parking on site is that they feel that this is a very accessible location, in close proximity to the

Millfield District Centre, within 100m of a bus route to the city centre and on a cycle route network. They consider the NPPF gives support for sustainable travel modes rather than the use of the car. They also note that parking in the area is controlled by double yellow lines and resident only on street parking bays.

The application site is not located within the city or a district centre where the car parking requirements are reduced to take into account the accessible nature of these locations. The application is located on a residential street, located behind part of Lincoln Road, which is not located within the designated Lincoln Road District or Local Centre, but positioned between these two centres. Highbury Street is very narrow street with residents parking available in on street parking bays restricted to a single side of the road, with the double yellow lines on the opposite side of the road to allow vehicles to pass. Many of the properties along this street do not have off street car parking, and some have created informal off street parking in their small site frontages. Therefore the site is located within a high density residential street where the number of residents on street parking bays is limited and in high demand. Both objections received have raised concerns about car parking and the added pressure these two flats would have on the already oversubscribed residents parking spaces, Parking is available through residents permit and the objectors have stated that there is currently insufficient space for existing residents. Three resident permits and 1 visitor permit can be issued per property, if this were to occur it would put significant pressure on the existing parking arrangements.

No parking survey has been undertaken by the applicant to demonstrate an excess capacity in the existing on street parking spaces to accommodate the extra demand generated by this development. Given the objectors concerns that the on street parking spaces appear already oversubscribed, this development is likely to put additional pressure on these already limited parking bays and as a result could likely lead to inappropriate on road parking in unsafe locations to the detriment of highway safety.

Whilst there may be bus, cycle and walking links along Lincoln Road, it is not considered the proximity to these would automatically result in future residents choosing not to have a car. Whilst some future residents may not have a car, there is no mechanism under this planning application to ensure all future residents would not have a car, and that all their visitors to the site would not arrive by car. Therefore to ensure that this development would not unacceptably impact on existing residents parking, on site parking would need to be provided.

Therefore in the absence of on site parking and the concern this could lead to highway safety dangers due to unsafe parking, the proposal is therefore contrary to policy LP13 of the Peterborough Local Plan.

## **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 Executive Director of Place and Economy recommends that Planning Permission is **REFUSED**

- R 1 The proposed flats by way of their proximity to Highbury House to the north of the site would permit unacceptable overlooking of the private amenity space and ground floor south facing windows of the neighbouring dwelling to the unacceptable detriment of the amenity

of the occupiers of this dwelling this is contrary to policy LP17 of the Peterborough Local Plan (DPD) 2012.

- R 2 Under current adopted policy the development would require 4 off street parking spaces. No spaces are proposed on site and as such the development would likely lead to residents parking in unsafe locations in the vicinity of the site, and putting additional pressure on existing residents parking in an area where it is already in high demand, to the detriment of highway safety. The proposal is therefore contrary to policy LP13 of the Peterborough Local Plan (DPD) 2019.
- R3 The new two storey building positioned directly on the side boundary with No.215 Lincoln Road and extending approximately 5m along this shared boundary will have a unacceptable overbearing impact on this site to the detriment of their residential amenity. The proposal is therefore contrary to policy LP17 of the Peterborough Local Plan (DPD) 2019.

CC Cllr's Nawaz, Joseph & Yasin

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