

**Planning and EP Committee – 15<sup>th</sup> November 2022.**

<b>Application Ref:</b>	22/01164/FUL
<b>Proposal:</b>	Single storey front/side extension to create additional retail unit (Class E)
<b>Site:</b>	89A Eastfield Road, Eastfield, Peterborough, PE1 4AS
<b>Applicant:</b>	Mr Khalid Khan
<b>Agent:</b>	BRETWAY Designs
<b>Referred by:</b>	Cllr Jackie Allen
<b>Reason:</b>	<i>“I would like to call in this planning application based on the following points: Highways safety - The parking allocated along this stretch is for residents, which is already in short supply; Anti social behaviour; Environmental - noise which has a detrimental effect to residents, their amenities and their mental health”</i>
<b>Site visit:</b>	23/08/22
<b>Case officer:</b>	Mr M A Thomson
<b>Telephone No.</b>	01733 4501733 453478
<b>E-Mail:</b>	matt.thomson@peterborough.gov.uk
<b>Recommendation:</b>	<b>GRANT</b> subject to conditions

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

The application site comprises an area of parking/service yard, situated within Eastfield Road North Local Centre. Situated to the immediate north is a retail shop, and to the immediate south is a hairdressers. Beyond the parking/service yard, there are metal gates which leads to a number of single storey storage buildings. To confirm, the retail shop, hairdressers and storage buildings to rear are shown to be within the ownership of the Applicant.

Eastfield Road North Local Centre has a variety of retail units, post office and café / hot food takeaway, with residential above. Beyond to the rear is residential. Opposite is Eastfield Cemetery, which is part of the Park Conservation Area.

On-street parking is subject to resident parking permits, and there is a bus stop, serving north and southbound along Eastfield Road, 70 metres to the south.

**Background**

Earlier this year planning permission was sought under App Ref: 22/00628/FUL for a ground floor shop and first floor flat. The flat proposed three bedrooms, a kitchen and shower (no living room), and gained access from the rear.

Further to Officer correspondence, this application was withdrawn following an objection from the Local Highway Authority, who raised concerns with respect to parking serving the proposed dwelling, and an objection from Pollution Control, who sought a noise assessment to demonstrate satisfactory amenity could be provided for future occupiers.

This application has been submitted seeking to apply for a ground floor retail unit only.

## Proposal

The Applicant seeks planning permission to erect a single storey building to form a retail unit.

The proposed building would have a floor area of 13m x 5.2m and proposes to stand at 3.2m to eaves and 4.6m to ridge finished in matching materials.

## 2 Planning History

Reference	Proposal	Decision	Date
22/00628/FUL	Proposed ground floor shop and first floor flat	Withdrawn by Applicant	18/07/2022

## 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 pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

#### National Planning Policy Framework (2021)

Section 7 – Ensuring the vitality of town centres

Section 8 - Promoting healthy and safe communities

Section 12 – Achieving well-designed places

#### Peterborough Local Plan 2016 to 2036 (2019)

##### **LP06 - The City Centre - Overarching Strategy**

Promotes the enhancement of the city centre. Major new retail, culture and leisure developments will be encouraged. It is promoted as a location for new residential development and as a location for employment development including mixed use. Improvements to the public realm will be promoted and the historic environment protected.

##### **LP12 - Retail and Other Town Centre Uses**

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

##### **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.

LP13b) The Transport Implications of Development- Permission will only be granted where

appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

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

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

#### **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 Peterborough Highways Services**

No objection - The site is located in a Local Centre. By definition Local Centres are well connected and as this is a small-scale development, on-site parking provision for the retail element of the proposals shall not be required. The proposals are considered unlikely to have a material impact upon the public highway, therefore no objection.

#### **PCC Pollution Team**

No objection – Should planning permission be granted, an informative with respect to hours of construction should be appended.

#### **PCC Conservation Officer**

No objection - Whilst the Park Conservation Area that includes the Broadway Cemetery is opposite the application site, the entirely discordant row of buildings that the proposal is to be sited between would result in little, if any, additional harm to the Conservation Area.

The boundary treatment to the cemetery would largely conceal this development from view from the conservation area. There is neither support nor objection to this proposal from a heritage perspective.

#### **Police Architectural Liaison Officer (PALO)**

No objection – Further to reviewing the documents in relation to crime, disorder and the fear of crime and have searched the Constabulary crime and incident systems covering the above location for the past 12 months. At present, it is considered this to be an area of low risk to the vulnerability to crime.

However, it is recommended that the passageway is access controlled for resident/staff use only by using a lockable gate and have an easy egress with a push pad or bar should this be a fire escape route. It will also require LED bulkhead lighting along the building line and be covered by CCTV.

## Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

5x letters of representation have been received from 3x addresses raising the following concerns:

- there are on-going issues of anti-social behaviour;
- insufficient resident parking;
- concerns with respect to noise as a result of the coming and going of customers;
- the proposal would create a terracing effect;
- issues of rubbish;

## 5 Assessment of the planning issues

- a) The Principle of Development
- b) Design and Layout
- c) Crime
- d) Access and Parking
- e) Neighbour Amenity
- f) Other Matters

### a) The Principle of Development

Policy LP12 states, the overall strategy for retail and other town centre uses within the City, District and Local Centres is to protect, support, and where necessary regenerate, existing District Centres and Local Centres to ensure they continue to cater for the needs of the communities they serve.

Policy LP12 goes on to state 'within Local Centres, planning permission for any non-A1 use at ground floor level will only be granted if the development would maintain or enhance the vitality and viability of the centre and appearance of the frontage'.

The proposal would introduce a retail use, which is an appropriate use within an identified local centre, subject to addressing the following matters.

For the avoidance of any doubt, a Class E use within a Local Centre is an appropriate use class, therefore, a condition limiting the use has not been sought in this instance.

### b) Design, Layout and Heritage Matters

The street scene predominately comprises two storey terraced properties with a predominantly uniform design and detailing, however, a number of the adjoining units have introduced large signage, which does detract from the character and appearance of the area.

The proposed building would be single storey with a gable fronted roof and glazed frontage. The proposed building would sit flush with the adjoining building, therefore would respect the established building line. The proposal states it would utilise matching materials, which would be a London/Fletton brick mix, which is appropriate.

The cemetery wall on the opposite side of the road forms the eastern boundary of the Park Conservation Area.

The Council's Conservation Officer has responded with no objections, advising that whilst the boundary of the Park Conservation Area is situated opposite, in the context of the discordant row of buildings that the proposal is to be sited between, the proposal would result in little, if any, additional harm to the setting of the Conservation Area. The boundary treatment to the cemetery

would largely conceal this development from view from the conservation area, therefore the proposal would preserve the significance and setting of the Conservation Area.

Local Plan Policy LP19 and paragraph 202 of the NPPF (2021) states, 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

The proposed development would be low key and single storey, form part of an existing parade of retail and residential units, and would not harm the significance of the heritage assets or their settings so there is no requirement to carry out the balancing exercise required by Local Plan Policy LP19 and NPPF para.202.

Letters of representation have raised concerns of creating a terracing effect within the street scene. Whilst the proposed building would be flush with the attached building, it would be single storey, and is it considered that there would be sufficient articulation in roof design and appearance to not result in an adverse terracing effect on the street scene. In any case the streetscene is characterised by terraces.

An informative shall be appended setting out roller shutters would require planning permission in their own right, and any external advertisements may require separate advertisement consent.

Taking the above into account, by virtue of the scale, design and materials to be used, the proposal would accord with Policies LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021).

#### **c) Economic Benefits**

Notwithstanding the absence of harm to heritage assets, as set out under Paragraph 8 of the NPPF (2021), the proposal would provide an economic benefit by helping to facilitate a competitive economy, ensuring the right use classes are provided within the right areas, i.e. an established local centre, and the proposal would in turn support growth. As such, the proposal would provide a public benefit.

#### **d) Crime**

Concerns have been raised with respect to anti-social behaviour and are noted. However, the Police Architectural Liaison Officer (PALO) has responded with no objections, advising according to Police records, this area has a low vulnerability to crime. However, should planning permission be granted, conditions have been attached with respect to addressing vulnerabilities to crime, namely the side passage. The condition requires that an appropriate gate is installed, with lighting and CCTV. For the avoidance of any doubt, the gate would need to be flush with the front façade, and the passageway would need to be well lit in order to prevent loitering and anti social behaviour in the passageway.

Subject to these conditions, the proposal would address vulnerability to crime, and would not give rise to anti-social behaviour, in accordance with Policy LP16 of the Peterborough Local Plan (2019) and Paragraph 130 of the NPPF (2021).

Concerns regarding existing anti-social behaviour should be reported to the Police and their Community Support Officer, who have powers to enforce such matters.

#### **e) Access and Parking**

Concerns have been raised in respect of highway safety and parking issues and these are noted. However, the Local Highway Authority have raised no objections to the proposal. The application site is situated within an identified Local Centre, therefore is considered to be a sustainable location, serving the immediate population and also easily accessible by public transport.

Whilst the proposed development would remove an off-street parking space, this property would have access to parking permits for the area (3x parking permits and 1x visitor permit). In addition to this, it is not considered any deliveries to an additional unit would give rise to an unacceptably adverse highway safety hazard.

It is understood that there is a historic issue of people parking within residential bays which are subject to parking permits. Unfortunately, it is not reasonable or possible to expect a proposed development to resolve historic or existing issues. This planning application can only be considered on its own merits, and any mitigation should apply to the impacts of the development over and above the existing situation only. As such, this historic issue is a matter for parking services and the Police to enforce.

Taking the above into account, the proposal would accord with Policy LP13 of the Peterborough Local Plan (2019).

#### **f) Neighbour Amenity**

Concerns have been raised with respect to noise and disturbance, and the associated impact this has on the mental health of nearby residents. Whilst the mental health of individuals is not a material planning consideration in this case, the design of communities does have an impact on mental health generally.

Paragraph 92 the NPPF (2021) states planning decisions should aim to achieve healthy, inclusive and safe places which promote social interaction for example through mixed-use developments, strong neighbourhood centres [and places which] are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion. For the reasons outlined above, there is nothing to suggest that the introduction of a retail unit would give rise to anti-social behaviour, and the Police have raised no objections with respect to vulnerability to crime.

Furthermore, Pollution Control have raised no objections to the proposal; however, they have advised that should planning permission be granted, a standard informative be attached with respect to hours of construction.

The application site is situated within an established local centre, therefore the coming and going of people and levels of activity associated with a small retail premises would not add significantly to the current situation or go beyond what can reasonably be expected in a local centre. No hours of use have been set; however, hours of use are controlled as part of the licensing process, which is separate legislation to the planning process.

The proposal would not give rise to unacceptably adverse amenity harm, and the proposal would accord with Policy LP17 of the Peterborough Local Plan (2019).

#### **g) Other Matters**

The following additional matters have been raised within letters of representation:

##### **- issues of rubbish;**

Officer Response: There is nothing to suggest that the proposed development would give rise to littering or issues of rubbish; commercial bins to serve the development would be provided by future occupiers to the rear of the site.

There is currently some discussion as part of the High Streets Strategy (Department for Levelling Up, Housing and Communities), to help councils put controls on litter when considering applications for takeaway food businesses. However, the proposed development would be for a retail use, and not for a takeaway.

## **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:

- The proposed development would not detract from the vitality or viability of the Local Centre, and would accord with Policy LP12 and LP47 of the Peterborough Local Plan (2019);
- The proposed development would preserve the significance of the adjacent Conservation Area, and would not adversely harm the character or appearance of the immediate area, in accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, Policies LP16 and LP17 of the Peterborough Local Plan (2019) and Paragraphs 130 and 202 of the NPPF (2021);
- The proposed development would not have an unacceptable harmful impact to neighbouring amenity, nor would it give rise to crime or anti-social behaviour, in accordance with Policies LP16 and LP17 of the Peterborough Local Plan (2019); and
- The application site is situated within a Local Centre, a sustainable location with good access to car parking and public transport, as such the proposal is not required to provide any on-site car parking, and would not result in an adverse highway safety hazard, and accords with Policy LP13 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The case officer recommends to the Planning and Environmental Protection Committee 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 3 Prior to occupation of the development hereby permitted, details of security measures to protect the site from vulnerability to crime and anti-social behaviour shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of a secure pedestrian gate, external lighting and CCTV. Thereafter, the security mitigation measures shall be implemented in accordance with the approved details, and retained and maintained as such in perpetuity.

Reason: In the interest of preventing vulnerability to crime, and to protect the character of the area, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

- C 4 The development hereby approved shall be carried out in accordance with the following approved plans:

- Location Plan 0620- 03
- Existing Plans and Elevations 0620- 01
- Existing and Proposed Block Plans 0620- 02
- Proposed Plans and Elevations 0620- 04

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

Copy to Councillors – Councillor Jackie Allen  
– Councillor Samantha Hemraj  
– Councillor Shabina Qayyum