

**Planning and EP Committee - 15 November 2022.****Application Ref:** 22/01159/FUL**Proposal:** Conversion of ground floor dwelling to shop, installation of new storefront, ground floor rear extension and associated internal and external works**Site:** 85 Eastfield Road, Eastfield, Peterborough, PE1 4AS**Applicant:** Huggins Property Company Limited

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**Agent:** Mr George Smith

Marrons Planning

**Referred by:** Councillor Jackie Allen**Reason:** "Object - I would like to call in this planning application based on the following points:

- loss of the Victorian bay window of architectural interest and in keeping with the age of the building.
- Highways safety - The parking allocated along this stretch is for residents, which is already in short supply; Additional deliveries to two retail units if planning consent is given to both applications will undoubtedly put more pressure on the residents parking for which they pay.
- Anti-social behaviour - Known ASB behaviour in this area with a proliferation of late night shops
- Environmental - Noise causing distress to residents that live in flats above shops and nearby houses."

**Site visit:** 31.08.2022**Case officer:** Karen Ip**Telephone No.** 01733 453405**E-Mail:** karen.ip@peterborough.gov.uk**Recommendation:** GRANT subject to relevant conditions**1 Description of the site and surroundings and Summary of the proposal****Site Description**

The application site comprises a 2 storey Victorian terraced dwelling, subdivided into a ground floor and first floor flat, situated within Eastfield Road North Local Centre. The ground floor flat appears to have been vacant and boarded up for a number of years

Situated to the immediate north is a retail shop, and to the immediate south is a cafe.

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.

**Proposal**

The applicant is seeking planning permission for the conversion of the ground floor flat to a shop, installation of new storefront, ground floor rear extension and associated internal and external works

For the avoidance of doubt, this application relates to the ground floor only. The first floor would remain residential.

## **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.

### **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 Pollution Team (25.10.22)**

No objections to proposal

### **Police Architectural Liaison Officer (PALO) (02.09.22)**

Low risk to crime - external lighting and CCTV recommended

### **PCC Conservation Officer (27.10.22)**

No objection - Whilst it is near to the Park Conservation Area, the immediate surroundings are not of high historic integrity or significance. The building dates from the late C19 and has a stone bay window at ground floor. the ground floor at least appears to have been boarded up for approx 10 years and the building has been left to deteriorate. Whilst the loss of the bay is unfortunate, the commercial and much altered character of the terrace does limit the benefit of seeking to retain this somewhat.

### **PCC Peterborough Highways Services (06.09.22)**

No objections to this proposal - The proposed shop is to sit among an existing row of shops with time restricted kerbside parking readily available. The addition of another shop is not expected to overburden the existing stock.

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

Initial consultations: 6

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

3x letters of representation have been received from 2 x addresses raising the following concerns:

- There is already a convenience store and if this opens as another store it would affect business
- Limited parking for the number of shops already in place as it is residential parking after 6pm.
- Street drinking, ASB and litter is a worry
- Lessons should be taken from Lincoln Road and Millfield, allowing these type of shops only has a detrimental impact to an area and the residents in it.
- There are already 7 shops selling the same products and cheap alcohol between Dickens Street and Padholme Road as well as 3 take aways. Increasing the number of shops will just accelerate

the worsening of the area.

## **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 proposal would see the ground floor element altered with the removal of the bay window to the front and its replacement with a new shop front and a single storey extension to the rear for ancillary storage and office use.

The cemetery wall on the opposite side of the road forms the eastern boundary of the Park Conservation Area. The cemetery gates are also locally listed structures.

The Council's Conservation Officer has responded with no objections. The building dates from the late C19 and has a stone bay window at ground floor. The ground floor appears to have been boarded up for approximately 10 years and the building has been left to deteriorate. Whilst the loss of the bay is unfortunate, the commercial and much altered character of the terrace does limit the contribution of the bay to the character of the area and therefore the benefit of seeking to retain it to a significant degree.

Local Plan Policy LP19 and paragraph 202 of the NPPF (2021) state, '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 only affect the ground floor, and would 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.

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 sought with respect to addressing vulnerabilities to crime. As such, a condition would be sought ensuring appropriate security measures such as lighting and CCTV.

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.

In terms of parking, as the proposed development would involve replacement of one use with another, the need for parking for the occupiers would not significantly change. In any case this property would have access to parking permits for the area (1x 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).

### **e) 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).

#### **f) Other Matters**

The following matters have been raised within letters of representation, which have not been addressed above:

- noise and associated impact on mental health;

**Officer Response:** Concerns have been raised by Cllr Allen with respect to noise, and the associated impact this has on the mental health of nearby residents. Whilst mental health is not a material planning consideration, the design of communities does have an impact on this important topic.

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.

As such, it is not considered the proposal would give rise to levels of noise and disturbance which would not otherwise be expected within an established Local Centre. In addition, planning applications cannot be used to address historic issues, and these issues should be directed to the relevant authorities/bodies to enforce where necessary.

- 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 has only been specified as a shop and form 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 Executive Director of Place and Economy 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 approved shall be carried out in accordance with the following approved plans:

Location Plan

Existing Plans and Elevations (Drawing number 85-1a)

Proposed Plans, Elevations and Block Plan (Drawing number 85-2a)

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

C 3 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 4 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 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).

Copy to Councillors – Councillor Jackie Allen

- Councillor Samantha Hemraj
- Councillor Shabina Qayyum