

Application Ref: 23/00121/FUL

Proposal: Demolition of dress makers unit and ground floor rear extension of existing dwelling, construction of replacement retail unit with 1 no. 2 bedroom apartment above including associated external works (resubmission)

Site: 1 Padholme Road, Eastfield, Peterborough, PE1 5EF

Applicant: Khalil
Light UK Properties Ltd

Agent: Mr Colan Bartram
PDG Architects Ltd

Referred by: Cllr Qayyum

Reason: Contribution to local economy, student accommodation and could have an effect on decreasing local crime rates.

Site visit: 03.03.2023

Case officer: Miss Molly Hood

Telephone No. 07967 318633

E-Mail: Molly.Hood@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site Description

The application site includes a detached two storey dwelling with ancillary outbuildings along the rear boundary. Furthermore, the single storey outbuilding along the eastern boundary has been historically used for a dressmaking business as approved under P0798-85.

The dwelling and eastern outbuilding are separated by a drive suitable for the parking of one vehicle. The rear curtilage extends to the north of the built form and can be accessed via a side entrance off Corcoran Mews. Within the curtilage there are two mature trees.

The Proposal

Permission is sought for the demolition of all outbuildings within the site, including the dressmaking unit to the east. In addition, the proposal includes the demolition of the single storey utility/garden room at the rear of No.1 Padholme Road.

The application seeks to construction a two storey building with a ground floor retail unit and two bedroom flat above, in the location of the current dress makers unit. Access to the flat is through the amenity space to the rear, which has been sub-divided to provide curtilage for both the existing dwelling and the flat. The side lane, Corcoran Mews, would be utilised for vehicular access into the two new vehicular parking spaces. Each property will have an area for bin storage within the amenity spaces.

This application is a re-submission of the previously withdrawn application 22/00695/FUL. The proposal remains the same, however there a few minor tweaks to the location of bin storage and curtilage layout.

The opportunity was provided to the applicant to amend the location plan to incorporate Corcoran Mews into the red line boundary, along with serving notice on the owner of the private road, given

this is vital to allow the rear parking spaces to function.

2 Planning History

Reference	Proposal	Decision	Date
22/00695/FUL	Demolition of retail unit and ground floor rear extension of existing dwelling, construction of replacement retail unit with 1 no. 2 bedroom apartment above including associated external works	Withdrawn by Applicant	06/09/2022
P0798/85	Use for dressmaking and repair and sale of garments and installation of display window (retrospective)	Permitted	24/10/1985
P0894/88	Demolition of existing shop and erection of new retail unit with flat above	Permitted	10/11/1988

3 Planning Policy

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

National Planning Policy Framework (2021)

- 2 Achieving Sustainable Development
- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 9 Promoting sustainable transport
- 12 Achieving well-designed places

Peterborough Local Plan 2016 to 2036 (2019)

- LP02 - The Settle Hierarchy and the Countryside
- LP12 - Retail and Other Town Centre Uses
- LP13 - Transport
- LP16 - Urban Design and the Public Realm
- LP17 - Amenity Provision
- LP18 - Shop Frontages, Security Shutters and Canopies
- LP28 - Biodiversity and Geological Conservation
- LP29 - Trees and Woodland

4 Consultations/Representations

Landscape Officer (28.02.23)

No objection. The application falls below the threshold for the requirement of offsite POS PCC s106 contributions and the application would appear to not affect any existing Public Open Space or Amenity Landscaping.

Archaeological Officer (28.02.23)

No objection. The proposal is deemed to have negligible archaeological implications and programme of archaeological works is not justified in this instance.

PCC Peterborough Highways Services (30.03.23)

Additional Information required. Please provide:

- Details of the intended use of the commercial part of the application including the number of employees and their mode of travel to work;
- A parking survey to assess the availability of on-street parking spaces;
- The legal status of Corcoran Mews- The applicant suggests the alley is privately owned,

whereas on legal documents it is referred to as public highway/right of way.

The LHA advised the LPA to refuse permission for the original application (22/00695/FUL) due to concerns with the proposed access and parking provisions. That application was withdrawn later. Although the new proposals include improvements, the LHA would need more information to make a valid assessment of the proposals. A further concern for the LHA is the management of the future customer/client parking. The location of site will encourage the violation of the existing double yellow lines with consequences for road safety.

Cambridgeshire Fire & Rescue Service

No comments received

PCC Pollution Team

No comments received

Waste Management

No comments received

PCC Tree Officer (22.02.23)

No objection on arboricultural/landscape grounds subject to a condition for two ornamental trees to be planted in the rear garden areas.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

The response has been summarised below:

- The retail unit has been vacant for the last 20 years.
- Traffic safety, parking and need for loading area for deliveries.
- Noise and disturbance from customers/deliveries.
- Increase in refuse materials, requires safe disposal and appropriate receptacles for such
- Impact on privacy.
- Parking issues in the area, parked vehicles obstructing the traffic lights or pavement.
- Already a number of retail units and a post office.
- Padholme Road is particularly busy at school times.
- Nature of retail unit or hours are specified.
- The apartment will obstruct light.

5 Assessment of the planning issues

The main considerations are;

- a) Principle of development
- b) Impact on the character of the area
- c) Impact on the amenity of the neighbouring occupiers & future occupiers
- d) Highway safety and parking
- e) Trees and Wildlife
- f) Other matters

a) Principle of Development

The site is located on the northern side of Padholme Road, just beyond the local centre boundary for Eastfield Road. The development includes a two bedroom first floor flat, with no indication if this is to serve a specific target audience. i.e. students or working professionals. Located in the urban

area of the city, the principle of residential development is considered acceptable subject to compliance with other material planning considerations.

The site has an existing single storey outbuilding separating the dwelling of No.1 with No.5, as it runs along the boundary. Historic application P0798/85 granted permission in 1985 for use of the building for dressmaking, repair and sale of garments including the installation of display window (retrospective). Street imagery from 2009 (Google Maps) for Padholme Road doesn't show the retail building in operation since this date and a neighbour response was received advising the retail use hasn't been in operation for at least 20 years.

Application P0798/85 was retrospective, therefore, confirming the use was present on the site and commercial unit established. However, a condition on P0798/85 prevents the change of use of the premises to anything other than a dressmakers, unless planning permission is secured from the LPA. The Officer site visit confirmed the building remains vacant and is not being used ancillary to the residential dwelling.

Policy LP12 seeks a sequential approach is taken for development proposals for town centre uses in an out or edge of centre location. Paragraph 81 of NPPF advises significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The site is located within the Urban Area but outside the city and local centre to the west. However, permission was received and implemented for a commercial unit on the site. Whilst the unit hasn't been in operation for a number of years, the historic permission was granted and given its retrospective nature it can be certain it was implemented. The building hasn't had any other lawful use and from the Officer site visit it was empty and remains set up as a commercial unit.

As such the sequential test is not necessary given the established commercial unit and the principle of a new commercial unit is acceptable, subject to all other material considerations being met. The proposal references a 'retail' unit, however as established above the existing use is for a dressmakers only and therefore it has been updated accordingly.

The proposed site plan indicates the ground floor unit as a commercial unit, whereas the proposal identifies this as a retail space. Clarification was sought from the agent, on what the specific use of the building will be, in particular to support the assessment for amenity and highway safety impacts. No confirmation was provided. A retail use falls within Class E(a) and therefore it has been assessed on this use only.

b) Impact on the character of the area

The proposal will replace the single storey building with a new two storey unit, comprising retail at ground floor and residential at first floor. The existing two storey dwelling will remain, with alterations predominantly to the rear of the property. The proposal will infill the existing gap between No.1 and No.5 Padholme Road. The scale, design and fenestration placement of the proposal respects the context of the site and surrounding area, ensuring it appears as a continuation of the terraces. The built form will be set back to follow the front elevations of the existing terraces and No.1, reflecting the local pattern of development.

Whilst the front elevation appearance is respectful to the surroundings, the combination of a two bedroom first floor flat, a retail unit and the existing two bedroom dwelling on the site with all the associated infrastructure is considered to result in a proposal which is contrived, cramped and overdeveloped. The amenity space to the rear is split to accommodate two rear amenity spaces, off street parking and residential bin store. It is acknowledged there was a dressmakers business on site, however it remained in operation as one unit. The sub-division into three individual units compromises the design and is considered to form overdevelopment. The volume of development exceeds the capabilities of the sites size resulting in a proposal that fails to function well or deliver high quality.

NPPF paragraph 130 seeks for decisions to ensure development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Whilst the proposal seeks to make efficient use of the land, the volume of development exceeds the capabilities of the sites size resulting in a development that fails to function well or deliver high quality. In the proposals current form, it would fail to comply with policy LP16 and NPPF paragraphs 126, 130.

c) Impact on the amenity of the neighbouring and future occupiers

No.5 Padholme Road

The western elevation of No.5 Padholme Road joins onto the existing single storey retail building and this neighbouring property has no side elevation first floor windows. The flat will join onto the western elevation and remain in line with the existing two storey massing of No.5. The location and massing of the proposal is not considered to result in unacceptable impacts to the amenity of existing occupiers. The rear elevation of the flat will introduce two first floor habitable room windows and whilst this introduces a degree of overlooking that isn't currently present it is not considered to be detrimental to the privacy No.5. The level of views from the rear elevation of the proposed flat is considered to be no greater than what the current levels of overlooking are between all neighbouring properties along the terrace and No.1.

No.1 Padholme Road

The built form of the proposed flat and retail unit is not considered to result in a loss of light, overshadowing or overbearing impacts to No.1. The existing dwelling on site will remain two bedrooms but will accommodate some fenestration changes to allow the first floor flat to join onto the eastern elevation. Whilst bedroom 2 will lose a side elevation window, the room will still have access to natural light and outlook from an existing window at the rear.

The sub-division of the curtilage has not only reduced the size of No.1 Padholme Road's garden from 117sqm to only 40sqm, but also means the kitchen/dining area has a poor relationship with the space. The habitable area of the kitchen/dining has its main window projecting towards the boundary treatment. It is expected that a boundary treatment of a minimum of 1.8m will be required to protect amenity, however this compromises the spaces outlook and the natural light.

Surrounding residents on Padholme Road

The proposal will introduce a first floor with three front elevation habitable room windows, projecting towards the property's opposite on Padholme Road. The new flat will follow the line of fenestration from the existing adjacent properties and its introduction will not be any significantly different in terms of the levels of overlooking or loss of privacy than No.1 or No.5 to the dwellings opposite. The massing or location of the flat is not considered to result in unacceptable harm to the amenity of surrounding occupiers, with a separation distance of 14.6m to the nearest opposite property.

Future Occupiers of first floor flat

Future occupiers of the proposed first floor flat could achieve an acceptable level of amenity. The flat has a private rear amenity space and there are no concerns of overbearing, overshadowing or oppressive impacts, given its elevated position. All habitable rooms have an elevational outlook and access to natural light. Consideration would be required of the potential for noise impacts with the Class E(a) use below. Whilst Pollution Control had no comments to make, matters such as the use class and operational hours could be conditioned to ensure this is appropriate to protect future occupier amenity. Details of the operational hours were sought from the applicant, however this wasn't provided and therefore a full assessment couldn't be carried out.

Retail

There are significant concerns of unacceptable amenity levels from the retail unit to No.1 & No.5 Padholme Road from noise and disruption of not only the public but also the operations/deliveries for the store. It is understood that there was a historic permission for a dressmaker for repairs and

sales, however this has not been in operation for a period of time and the approved use would be unlikely to result in a significant volume of traffic. A general retail use could result in frequent coming and goings with no details have been proposed for the intended use or opening hours. As such significant concerns are raised and in its current form the undefined retail use would be contrary to policy LP17.

d) Highway Safety and Parking

Revisions were sought to the red line boundary of the site to incorporate Corcoran Mews, as this provides access to the two parking spaces to the rear. The LHA initially questioned the legal status of Corcoran Mews as on legal documents it is referred to as public highway/right of way, rather than privately owned. Following further investigation, the agent confirmed it is privately owned. Therefore, advice was given that ownership needs to be served on the owner of the Mews and the red line boundary amended to incorporate. This confirmation of notice served and amended drawing were never received, which therefore means the parking to the rear becomes questionable as the access is not included.

An existing access off Padholme Road is also used in the development, to serve one parking space to the east of the property. The development includes two off street parking spaces for No.1 Padholme and one off street parking space for the 2 bedroom flat. The development complies with the parking requirement for No.1 Padholme Road, however there are concerns with the safety and usability of the front parking space given the proximity to the retail unit and potential conflict with pedestrians. The parking to the rear is accessed via Corcoran Mews, the highways Officer advised this access is substandard and the proposal results in an intensification of the use.

The LHA sought details of the intended occupier of the retail unit, however the business is unknown and as such employee numbers and modes of travel to work cannot be provided.

Whilst the site has an existing use for dressmakers only, it was not a flexible commercial use and therefore any other use requires an assessment against parking policy. In accordance with Appendix C of the Local Plan the minimum for a retail store is 14 sqm. As such the development would require 2 parking spaces. The LHA sought a parking survey to access the availability of on-street parking, however this survey was not supplied.

The section of the highway forward of the site is double yellow lined and as such is not suitable for vehicles to park on street whilst using the retail unit. The LHA were concerned with the management of the future customer/client parking, as the location of site will encourage the violation of the existing double yellow lines with consequences for road safety. The retail unit will attract customers and is located within an area with parking restrictions and no off street parking provision.

In light of the above, the proposal fails to comply with policy LP13 and Appendix C of the Peterborough Local Plan 2019.

e) Trees and wildlife

The application site contains three mature trees in the rear curtilage of No.1. In order to accommodate the development, these trees will be removed. However, the Trees Officer has no objection to the removal subject to the inclusion of 2no. small ornamental trees. It is recommended replacement trees could be secured via a condition, compliant to Policy LP29.

f) Other matters

Bin storage for the properties for the residential dwelling and flat is indicated within the rear curtilages. Each residence would have their own storage area with an access gate allowing bins to be dragged along Corcoran Mews. The commercial waste is not acceptable situated forward of No.1 Padholme Road. Not only will this be visually intrusive and harmful to the street scene, it is also unacceptable to the amenity of No.1 Padholme Road. The bin storage of the retail unit to the

front of No.1 Padholme Road, will result in noise, odour and poor outlook. The failure to provide storage facilities for the retail unit in a more appropriate location which would be acceptable both in visual and amenity terms, further adds to the conclusion that the proposal is an overdevelopment of the site.

No contribution is required to the Open Space team as the development falls below the threshold for the offsite requirement for public open space and the development appears to not affect any existing public open space.

The scheme is considered to have a negligible archaeological implications and programme of works is not required.

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 case officer recommends that Planning Permission is **REFUSED** for the following reasons:

- 1 The combination of a two-bedroom first floor flat, a retail unit and the existing two-bedroom dwelling on the site with all the associated infrastructure is considered to result in a proposal which is contrived, cramped and overdeveloped. Whilst there is an existing commercial unit on site, it remains in operation as one unit with the dwelling No.1. The subdivision into three individual units compromises the design, and the volume of development exceeds the capabilities of the site's size resulting in a proposal that fails to function well or deliver high quality. In the proposals current form, it would fail to comply with policy LP16 of the Peterborough Local Plan and NPPF paragraphs 126 & 130.
- 2 The amenity No.1 Padholme Road would be significantly compromised as main window serving the dining/kitchen area will project onto a solid boundary treatment, obscuring light and outlook. In addition, the curtilage of No.1 Padholme has been significantly reduced from approximately 111sqm to only 40sqm and the scale of the remaining amenity space is not well designed or located to deliver acceptable amenity for occupiers. As such the proposal is considered to be contrary to policy LP17 of the Local Plan and paragraph 130(f) of the NPPF.
- 3 There are significant concerns of unacceptable amenity levels from the retail unit to No.1 & No.5 Padholme Road from noise and disruption of not only the public but also the operations/deliveries within the store. A general retail use could result in a variety of businesses operating from the site, with no details on the openings hours or movements. Given the close proximity of the adjacent dwellings, caution should be taken and in its current form the undefined retail use would be contrary to Policy LP17 and paragraph 130(f) of the NPPF.
- 4 The application failed to incorporate the private access road into the development boundary or serve notice on the landowner; given this is a private road and not public highway access to the rear parking spaces cannot be guaranteed and without, the residential units would have an even greater shortfall. As it stands the proposal fails to demonstrate sufficient parking provision for the retail unit and two bedroom flat in accordance with Policy LP13 and Appendix C of the 2019 Local Plan. Highway safety concerns are raised with the substandard access width of Corcoran Mews, potential for pedestrian conflict from the front

parking space and violation of the existing parking restrictions. The proposal is contrary to Policy LP13 of the Peterborough Local Plan 2019.

Copies to Councillors - Councillor Jackie Allen
- Councillor Samantha Hemraj
- Councillor Shabina Qayyum