

11/01058/FUL: EXTENSION AND INSTALLATION OF NEW SHOP WINDOW AND ROLLER SHUTTER AND CHANGE OF USE OF SHOP FROM A1 TO A5 HOT FOOD TAKEAWAY AT 93 EASTFIELD ROAD, PETERBOROUGH

VALID: 11 JULY 2011

APPLICANT: MR F CALITRI

AGENT: MR P BRANSTON

REFERRED BY: HEAD OF PLANNING SERVICES

REASON: COUNCILLOR GOLDSPIK HAS AN OUTGOING LEASE INTEREST IN THE PROPERTY

DEPARTURE: NO

CASE OFFICER: MISS L C LOVEGROVE

TELEPHONE: 01733 454439

E-MAIL: louise.lovegrove@peterborough.gov.uk

1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact of the development on neighbour amenity – crime and anti-social behaviour
- Noise and fumes from extraction equipment
- Highways implications

The Head of Planning Services recommends that the application is **REFUSED**.

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.

Peterborough Core Strategy DPD (2011)

CS14 Transport: New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a danger to highways safety.

CS15 Retail: The strategy for retail development in Peterborough will be to support and regenerate the City Centre to maintain its position at the top of the retail hierarchy; support and regenerate where necessary existing District and Local Centres to ensure they cater for the retail needs of the communities they serve; and apply the national policy approach of PPS4 in decision making.

CS16 Urban Design and the Public Realm: New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

Peterborough Local Plan (First Replacement) (2005)

R9 Non-Retail Uses in Other Retail Frontages of District and Local Centres: Planning permission for non-retail uses outside primary retail frontages in District and Local Centres will be granted provided that the use would not be inappropriate within a retail centre; would cause a deficiency in local convenience shopping facilities; be likely to generate levels of traffic or parking that would result in

unacceptable congestion or road safety hazard; or be likely to have an unacceptably detrimental effect on the amenities of occupiers of nearby properties.

DA19 Shop Fronts: Planning permission for any new, replacement or altered shop front will only be granted if its design would be sympathetic to the building to which it would be fitted; it would not detract from the character and appearance of the street as a whole; and any advertising material is incorporated as an integral part of the design.

DA20 Security Shutters: Planning permission for the installation of an external security shutter will be granted only where the City Council is satisfied that there is a persistent problem of crime or vandalism and the property is not a listed building or located in a conservation area; the shutter is designed to a high standard, taking account of the design features of the frontage to which it would be installed.

National Planning Policies

National Planning Policy Framework (NPPF) Consultation Draft (2011)

Planning Policy Statement 1 (PPS1): Delivering Sustainable Development (2005)

Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth (2009)

Planning Policy Statement 23 (PPS23): Planning and Pollution Control (2004)

Planning Policy Guidance 24 (PPG24): Planning and Noise (1994)

3 DESCRIPTION OF PROPOSAL

The application seeks planning permission for the change of use of an existing A1 retail shop currently selling wigs and hair accessories to an A5 hot food takeaway. According to the applicant this unit is soon to be vacated. No details have been provided of the proposed occupant however it is proposed for the unit to have a kitchen to the rear, a servery and shop area with five seats for waiting customers.

In addition permission is sought for an extension of the shop front including new shop window and security roller shutters. The proposed extension measures 1.2 metres in width to incorporate an additional door. The proposed roller shutters are to have perforations of no less than 150mm x 150mm and will extend across the entire of the new shop front.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises a two storey mid-terraced Victorian building located on Eastfield Road, close to the junction with Padholme Road and opposite the cemetery. The site is located within an identified Local Centre within the Peterborough Local Plan (First Replacement) (2005) albeit there is no primary retail frontage.

The properties either side of the application site are of A1 retail use (specifically a convenience store/off license and a former domestic appliance store that is now vacant). There is also an existing hot food takeaway within the Local Centre. There is no off road parking provided at the site and Eastfield Road is restricted by double yellow lines preventing parking immediately to the front of the site. Parking is provided on-road to the south and north of the site albeit this is restricted.

5 PLANNING HISTORY

None

INTERNAL

Pollution Control Officer – Further information is required to determine whether the proposed extraction system will be sufficient. Sound Power Level (SWL) data is required to enable an adequate assessment of the likely impact on local residents. Information on stack height, location, design and efflux velocity is also required. Due to the proximity of the proposed new business to residents, the hours of business use should be considered.

Transport and Engineering – No objections.

EXTERNAL

Cambridgeshire Constabulary Police Architectural Liaison Officer – I would assess the potential of crime risk to any new Hot Food Take away, “which shutters would prevent”, as low to moderate. If you do not support the fitting of external shutters, the applicant could also be considered installing internal shutters as shown in the photograph supplied, together with heavy duty laminated windows and doors, tested to minimum security standard of LPS 1175 SR2 or higher. Such windows and doors would still be prone to damage, but would, under normal conditions, be resistant to forced entry for up to 15 minutes.

The local Neighbourhood Police Team Sergeant who is responsible for the policing of this area has been consulted and has raised fundamental concerns in respect of this application. In summary, the points of concern raised are:

- There is an existing problem of cars being parked on footpaths and illegally causing obstructions
- The provision for parking is poor, there is already consistent illegal parking on Padholme Road especially on the junction
- There are insufficient bins in the area, which already causes litter in the immediate vicinity.

Detailed crime research indicates that in the previous 24 months there have been 42 reports of Rowdy and Nuisance behaviour close to the premises. Anti social behaviour figures are the top scores. A Hot Food Take Away would not improve the situation and is likely to lead to an increase in incidents of this nature. Crime and anti-social behaviour at this type of premises is often made worse due to the effect of customers at takeaways, late at night, who have been drinking. The typical situation is that when licensed premises close for the evening the clientele move on to the nearest takeaways. The shops themselves are often small. This leads to groups of customers who are intoxicated being squeezed into confined areas inside and queues or others hanging around outside. Under these conditions arguments can quickly escalate into incidents of crime, disorder and noise, which all adds to the disturbance to local residents.

NEIGHBOURS

One letter of objection has been received from a local resident with regards to the application proposal. A copy of this letter has been provided at Appendix A of this report.

COUNCILLORS

Councillor Goldspink – I support the resident’s views and wish to see this application determined by committee. There is no need for another take away in this area and I believe the application should be refused, for all the valid reasons set out by Mr Straker. Further the landlord has let the property deteriorate despite regular requests from the current tenants to make it fit for use.

Rt Hon Stewart Jackson MP – Request that the application be referred to Committee for determination.

a) **Principle of development**

Policy R9 of the Peterborough Local Plan (First Replacement) (2005) supports the change of use to non-retail uses providing that several criteria are met. At present there are a number of non-retail premises within the Eastfield Road Local Centre albeit the frontage in which the application site is situated has good provision of local convenience shopping facilities including a Post Office. However, for the reasons given in parts c and d below specifically the impact upon neighbour amenity as a result of disturbance and anti-social behaviour, it is considered that the principle of use as an A5 hot food takeaway is unacceptable and cannot be supported.

b) **Design and impact upon the character and appearance of the area**

Part of the application proposal includes the extension of the existing shop front to create a larger window frontage. It is considered that the design of the extended shop front has sought to respect and reflect the size, scale and architectural proportions of the original building. Given the character of the Local Centre and neighbouring properties, the proposed shop front would not appear incongruous or at odds within the streetscene. As such, no harm to the visual amenity of the local area would occur. This element of the application proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy DA19 of Peterborough Local Plan (First Replacement) (2005).

With regards to the proposed roller shutters, Policy DA20 of the Peterborough Local Plan (First Replacement) (2005) clearly states that the City Council must be satisfied that there is a persistent problem of crime or vandalism affecting a property which cannot be satisfactorily or reasonably addressed by alternative measures. The Architectural Liaison Officer has recommended that the risk to the application site of crimes that shutters would prevent is only low to moderate. As such, it is considered that the principle of the installation of security roller shutters is not accepted. Alternative measures could readily be implemented if required.

c) **Impact of the development on neighbour amenity – crime and anti-social behaviour**

Objection has been received from one resident with regards to the detrimental impact of the proposal upon the amenities of surrounding neighbours. In addition to this, the Cambridgeshire Constabulary Police Architectural Liaison Officer and local Sergeant have raised concerns with regards to anti-social behaviour. From statistics provided by the Police, in addition to 6 reported incidents of crime, over the previous 24 months there were 42 reports of Rowdy/Nuisance behaviour in and around the applicants address.

It is considered that the proposed change of use to a hot food takeaway will result in an unacceptable increase in incidences of rowdy/nuisance and anti-social behaviour. As mentioned in the applicant's own Crime Area Statement containing data which has been taken from the City Council's public access mapping system, the area surrounding the application site is a highly active area for street level crime and anti-social behaviour (figures of which are the top scores). This evidence in addition to the above reports of anti-social behaviour clearly indicate that the introduction of a hot food takeaway in the area would not improve the current situation and is instead likely to lead to an increase in incidents of this nature.

The Cambridgeshire Constabulary Police Architectural Liaison Officer advises that the type of use proposed is generally associated with crime and anti-social behaviour. Typically, given the small nature of the premises, groups of customers who are often intoxicated, are squeezed into confined areas inside and queues or others congregating outside. Under these conditions, arguments can quickly escalate and lead to incidents of crime, disorder and noise which in turn result in disturbance to neighbouring residential premises. As such, it is considered that the proposal is likely to result in detriment to the amenities of these occupants, contrary to Planning Policy Statement 1 (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005).

Officers consider that planning conditions would not alleviate the problems associated to a take away use in this location.

d) **Noise and fumes from extraction equipment**

Some details relating to the extraction and ventilation equipment associated with the proposed use have been provided. Further details are, however, required in order to be content that no unacceptable levels of emission, noise and odour result. This could reasonably be met through conditioning an approval and therefore cannot be used as a reason for refusing the application.

e) **Highways implications**

It is acknowledged that one of the key grounds for the objections received from the local resident and Police Architectural Liaison Officer bases upon the impact on the highways network and most notably, the poor level of parking in the area resulting in cars parking on the footway creating an illegal obstruction. Whilst these objections are valid, Highways Engineers have considered the application proposal and have raised no objections. Given that the application site is located within a Local Centre and that the current use is retail, it is considered that the proposed change of use would not result in an intensification in demand for parking and as such, any objection on highways grounds could not be sustained or supported at appeal.

8 CONCLUSIONS/REASONS FOR RECOMMENDATION

It is considered that the proposed change of use from A1 retail unit to A5 hot food takeaway is unacceptable and contrary to the relevant development plan policies against which any proposal must be assessed. Particularly, the proposal would result in an increase in the levels of crime and anti-social behaviour in the area which in turn, would lead to a detrimental impact upon the amenities of surrounding residential properties by virtue of noise and general disturbance. This is contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005).

Furthermore, the applicant has failed to satisfy the City Council's requirement that there is a clear need for security roller shutters as a result of crime and vandalism affecting the property. As such, it is considered that the proposal would result in the unnecessary proliferation of roller shutters within the area, resulting in harm to the character, appearance and visual amenity of the locality.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is **REFUSED** for the following reasons:

- R1** The proposed change of use from an A1 retail unit to A5 hot food takeaway is likely to result in increased levels of rowdy/nuisance and anti-social behaviour already experienced within the surrounding area. As such, the proposal will result in significant noise and general disturbance to the occupants of surrounding residential properties, to the detriment of their amenity and contrary to Planning Policy Statement 1: Delivering Sustainable Development (2005), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy R9 of the Peterborough Local Plan (First Replacement) (2005) which state:

Paragraph 27 of PPS1

In preparing development plans, planning authorities should seek to:

- iii. Promote communities which are inclusive, healthy, safe and crime free, whilst respecting the diverse needs of communities and the special needs of particular sectors of the community.

Policy CS16

High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. Design solutions should take the following principles into account:

- New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

Policy R9

At locations within District and Local Centres but outside primary retail frontages, planning permission will be granted for non-A1 uses, provided that the proposal would not:

- (a) be inappropriate within a retail centre; or
- (b) cause, or contribute to, a deficiency in local convenience shopping facilities; or
- (c) be likely to generate levels of traffic or parking which would result in unacceptable congestion or road safety hazard; or
- (d) be likely to have an unacceptably detrimental effect on the amenities of occupiers of nearby properties.

R2 The City Council is not satisfied that there is a persistent problem of crime or vandalism affecting the application property which cannot be satisfactorily and reasonably addressed by alternative measures. The proposal is therefore contrary to Policy DA20 of the Peterborough Local Plan (First Replacement) (2005) which states:

Policy DA20

Planning permission for the installation of an external security shutter will be granted only where the City Council is satisfied that there is a persistent problem of crime or vandalism affecting the property which cannot be satisfactorily and reasonably addressed by alternative measures, and:

- (a) the property is not a listed building or situated in a conservation area; and
- (b) the shutter is designed to a high standard, taking account of the design features of the frontage to which it would be installed.

Copy to Councillors Goldspink, Shabbir and Todd

Appendix A – Objection letter from Mr C Straker

Head of Community Safety
Operations Directorate
Bayard Place
Broadway
Peterborough
PE1 1HZ

4th August 2011

Dear Sir/Madam

Ref: Road Safety, Parking Issues, Antisocial Behaviour and Community Safety in Eastfield Road, Peterborough & Planning Application (Change of Use) – 93 Eastfield Road, Peterborough (11/01058/FUL).

I am writing to you with reference to the enclosed copy letter regarding a recent planning application at 93 Eastfield Road in Peterborough.

I feel that this copy letter is self-explanatory. However I would like address issues surrounding Road Safety, Parking, Antisocial Behaviour and Community Safety, which I believe are now of paramount concern to residents living in this area. And I understand that various people such as the Police, Community Safety groups and local Councillors have been involved in raising and dealing with these issues also.

I believe that this current planning application and all others concerning past, current and possible future business in this area, are closely linked to and are mainly responsible for having made a major contribution to the impact in creating these negative issues which have arisen in this part of Eastfield Road.

Therefore I feel that any current and future applications for business in this area need to be carefully considered, so as to not create any future or add to any currently existing negative issues affecting this area.

Due to the very high concentration of business selling food and alcohol in such a densely populated residential area, this area has suffered severely in the past few years from a plague of antisocial behaviour, mainly related to the sale and consumption of food and alcohol, but this has also brought with it serious concerns surrounding road and personal safety.

Therefore as I recognise that these issues cross boundaries and require a multidisciplinary approach, I have also copied this letter to other organisations I feel relevant such as Parking Services, The Police and Local Councillors.

Therefore as I recognise that these issues cross boundaries and require a multidisciplinary approach, I have also copied this letter to other organisations I feel relevant such as Parking Services, The Police and Local Councillors.

I would like to address the following issues:

Area: The main area in question is the Eastfield Road, from the beginning at the large roundabout, up to the Princess Gardens Road junction. Whilst this area is predominantly a residential area, there are a substantial number of businesses operating also. Most of these businesses occupy the ground floor of the property, with the upper floors being residential flats or apartments. In this area there are a total of 30 visible businesses, with 15 of them, that is 50% selling food until late. At least 9 of these businesses are also selling alcohol. In the last few years this area has seen a mushroom growth of these 'Off-Licence' style shops and 'Fast-Food' outlets with many being open until 2am in the morning, and in line there has

also been a dramatic increase in Antisocial Behaviour, Parking, Road Safety and Community Safety issues.

Parking: This small area has a mixture of both parking permit bays for residents and short term parking bays for visitors to the various businesses. However I have noticed that few customers use these designated parking bays and choose instead to park on double yellow lines or on pavements. I have outlined in my copy letter the main reason why people park on double yellow lines. However too many customers are blocking footpaths, forcing pedestrians to walk on the road. This is of course extremely hazardous, especially for those with pets, mobility issues, pushchairs, prams and for wheelchair users as an example.

Many of those parking on the pavements, appear to be the owners or staff at the shops, but some residents are also committing this offence. I have noted that there are some houses where the owner has removed the front garden wall and paved over the front garden, thus creating a parking space. However they have to drive over a raised kerb and still then a substantial portion of their vehicle is protruding onto the pathway, causing blockage and inconvenience for pedestrians. Some of the shops appear to have done this also. I had understood that it was an offence to park on a footpath, yet the Traffic Wardens (as I have discussed in my copy letter) appear to be ignoring this fact and doing nothing to contribute to Road Safety!

It is clear that parking resources in this area are insufficient to cater for or cope with the volume of customers these businesses generate. And therefore careful consideration should be given to these issues before any further permissions for additional business are granted in this area.

I personally would like to see the rising of all dropped kerbs in this area, except for where the property has a genuinely authorised right of access to a designated driveway. The path and roadway are in places wide enough to provide additional parking spaces on both sides of the road. However I am uncertain as to how far into the pathway the shops boundaries extend. But in some places you literally have the shop boundary, then cars parking on the pavement. The area between 'Upgrade Barber's' at No.30 and 'A2Z Food and Wine Centre' at No.48 is especially prone to this problem.

However towards the other end where you have the Traffic Light T Junction onto Padholme Road, there is a serious issue with people parking on double yellow lines so close to the junction as to cause a serious and hazardous situation. The worst places for this offence are right outside the Post Office, with the Royal Mail Van itself being a daily offender, and right outside 93 Eastfield Road, which coincidentally is where the aforementioned planning application is for!

Road Safety: Having made the above comments concerning parking, I feel that it is now clear what the Road Safety issues are in this area. People parking so as to block the view for other car drivers at junctions, blocking views for pedestrians, forcing pedestrians to walk into the road, parking on footpaths rather than in designated parking spaces etc.

Sale of Fast Food: This small area of Eastfield Road appears to have become saturated with food outlets. As shown in my copy letter, there are now over 16 businesses selling food in this small area, with at least 9 of them selling alcohol. Whilst I have no issue with people selling or purchasing these items, I question the need for such a high density of these outlets in this small area, and do not feel that any future applications for such outlets can now be justified in this section of road. I am concerned that any additional outlets will add to the already existing problems discussed and place additional burden upon the already stretched resources of local services.

Sale of Alcohol: My comments on the sale of alcohol are much as above for 'Fast Food'. However I would like to add that since PCC in their wisdom introduced 'No Drinking' zones into the city, all that has happened is the problem has moved out of the City Centre and into areas such as Eastfield Road. PCC are fully aware that these policies do nothing to resolve such issues, they merely transfer the issue from one area to another! Since the introduction of this policy and the increase in outlets selling alcohol in this area, the issue of antisocial behaviour and personal safety in the Eastfield Road has risen dramatically. I am now seeing the Police visiting this area on a daily basis.

Rubbish: A substantial amount of rubbish is generated in this area, most of which appears to originate from either the shops or takeaway's, in the form of food wrappers, beer cans or bottles, foam trays etc. I see the council street cleaners working in this area at least on a weekly basis to clear away the rubbish that has appeared. And much of this rubbish is now spilling into Vergette Street. I have to now routinely check my car to ensure that I do not drive over any glass bottles and damage my tyres.

Antisocial Behaviour: I have heard of and witnessed various forms of anti-social behaviour occurring in this area. My personal experience is of people whom I am presuming to be drunk harassing me for money almost everytime I walk down this stretch of road. Many of these people hover outside of the 'off-licences' or near to the cemetery, but usually in that area of Eastfield Road where all the shops are. I have also witnessed people routinely urinating in side alleys & private parking bays. There is a rear parking space/access area for a block of bed-sits directly opposite my front door where people routinely urinate, often with bottle in hand!

I have already mentioned in my copy letter the man who last year lost his life in this area because people thought he was a drunk, when in fact he was having a heart attack. I point the finger of blame for this incident not at those passers by who ignored him, but at PCC and other agencies for allowing or indeed encouraging this type of attitude to grow in the first place by their lack of action! This surely is as good an example as any that positive action is needed now to combat these issues, how many more people need to lose their lives before these issues are taken on board and dealt with?

Noise: As I have a severe hearing loss, I cannot personally comment on this issue too much as I may not hear much of the noise generated. However I have been informed by several sources that there are problems relating to noise pollution in this area. I myself have noted very loud bass frequencies generating from unknown areas, when I have been in my house and garden, but so far have been unable to trace their source, with the exception of a neighbour who routinely has parties/barbeques in their back garden.

When I first moved into this area three years ago I found it quite a pleasant area to live in, with good neighbours and easy access to local and central amenities. I feel now that all that has changed and I have seen the area slowly disintegrate, not only due to the issues discussed above but also due to the high rate of rental properties and flat conversions that PCC has allowed to creep into this area. I find it intriguing that whilst there does not appear to be any issue with owners converting houses into flats or bed-sits in this particular area of Park Ward, this does not appear to occur in the more affluent areas of Park Ward, even though owners have sought planning permission to do so, and question why that should be so? Surely all areas should be treated with the same level of protection and concern, otherwise this could be seen as a discriminatory approach allowing one area to degrade whilst protecting another!

[REDACTED]

I thank you for taking the time to look into the issues I have raised and look forward to receiving your response shortly.

Thank you.

Yours sincerely

Mr Christian Straker

CC: Mr Nick Harding, Head of Planning Management, Planning Services, PCC.
Mr Simon Machen, Head of Planning Services, Peterborough City Council.
Mr Stewart Jackson MP, House of Commons, London.
Mr John Peach, Councillor Park Ward, Peterborough City Council.
Ms Pam Krelling, Councillor Park Ward, Peterborough City Council.

Mr John Shearman, Councillor Park Ward, Peterborough City Council.
Community Safety Team, Bayard Place, Peterborough City Council.
Police Community Support Team, Thorpe Wood Police Station, Peterborough.

In addition, the following comments have also been received from Mr Straker

In any event my objection and reasons for as set out in my letter still stand. I would be grateful if you could please arrange for my letter to be read out in full at committee as I feel it important that all committee members should be made fully aware of the issues which are facing residents in this area as a direct result of such business in the Eastfield Road. I feel that my letter does not solely reflect my own personal opinion on the matter, but also offers a true reflection of other residents living in this area. Before writing my objection I conducted extensive research taking into account issues from both points of view, as I understand these issues from both the residents and business viewpoints and I wished to make sure that any comment I made was factual, fair and truly reflective of current circumstances. During the course of my research I have not come across anyone, Resident, Police, Council Officer, or Community Representative who feels that this type of application is appropriate given current issues in the Eastfield Road area and that further extensive review is needed in order to deal with existing anti-social issues before granting permission for a venue that may only add to existing problems.

Perhaps you would add these comments above to my objection also.