



Appeal Decision

Site visit made on 21 August 2017

by H Baugh-Jones BA(Hons) DipLA MA CMLI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st August 2017

Appeal Ref: APP/J0540/W/17/3172903

The Golden Lion Site, Church Street, Stanground, Peterborough PE2 8HE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Thievanayagam Sivarajah against the decision of Peterborough City Council.
 - The application Ref 16/01498/FUL, dated 22 July 2016, was refused by notice dated 3 February 2017.
 - The development proposed is demolition of existing public house to be replaced by a ground floor retail unit [416sqm] and four residential flats (3 x 1 bed and 1 x 2 bed) at first floor.
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Decision

1. The appeal is dismissed.

Procedural Matter and Main Issue

2. Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) has been amended¹ to the effect that a number of previously permitted changes of use no longer benefit from permitted development rights. Included in the amendment is change of use of a building falling within Class A4 (drinking establishment) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 to a building within Class A1 (shops). The result of this is that the appellant no longer benefits from the previously permitted change of use. Consequently, the appellant's stated fallback position that forms a key strand of the dispute between the parties in this case, has fallen away.
3. The main issue in this appeal can therefore be defined as: the effect of the proposal on the safe and efficient operation of the local highway network.

Reasons

4. The appeal site occupies a prominent corner location next to the junction of South Street and Church Street. It lies within a predominantly residential area although there are also a number of commercial premises nearby. The site is currently occupied by a disused public house set within substantial grounds that wrap around the building. South Street is one of the main roads through Stanground and at my site visit I observed that it is heavily trafficked and that Church Street was also busy with parked vehicles effectively constraining its width to a single lane carriageway next to the site.

¹ Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2017

5. Policy PP12 of the Peterborough Planning Policies DPD (2012) says that planning permission for development that has transport implications will only be granted if it makes appropriate provision for safe, convenient and sustainable access and where the development would not result in unacceptable impacts including on highway safety.
6. At my site visit, I noted a significant amount of on-street parking within the vicinity of the site along South Street and Church Street. The available evidence indicates that local residents were allowed to park on the public house car park. As it has now been closed off, there is likely to be additional parking pressure in South Street and Church Street and this appears to be confirmed by what I observed during my visit.
7. The Council's parking standards require a retail development of the size proposed (calculated on the gross floor area) to provide 29 car parking spaces and a minimum of 5 cycle stands. Although the proposal would meet the cycle stand requirement, according to the submitted plans it would provide only 16 spaces to serve the retail outlet. Given the current level of on-street parking within South Street and Church Street, the proposed parking provision would be likely to result in further pressure on the availability of parking locally. Accordingly, the development would not provide satisfactory parking arrangements for the retail unit although there would be adequate parking provision for residents of the proposed flats.
8. I am not convinced that the dispersed traffic flow suggested by the appellant would be less intensive in comparison to that associated with the peak hours of a public house. Users of the latter would be inclined to park and stay for a longer period than those visiting a convenience store. In my view it is reasonable to conclude that the frequency of delivery and customer vehicles entering and leaving the site of a retail premises would be greater than that for the public house. Thus, the proposal would represent an intensification of the site's use. Furthermore, a high number of customer arrivals would be likely to take place during peak traffic hours as people sought to combine shopping trips with journeys to or from work.
9. I have taken into account the deficiency in the number of parking spaces in relation to the site's use as a public house. However, there is nothing within the available evidence that suggests the building would be re-opened as premises in that same use. The building is to be demolished and the site would therefore become a 'blank canvas'. Any previous parking deficiency therefore has little relevance to the proposed change of use given the specific parking requirement for the type of development proposed and its arrangements for servicing by delivery vehicles.
10. I have noted the contents of the appellant's Transport Statement² which indicates that the retail unit would be served by a delivery van accessing the loading area via the resident's parking area. The conclusions of the Transport Statement are therefore based on superseded plans and I cannot be certain that they can now be relied upon in assessing the highway effects of the proposal before me. The submitted plans now show a substantial vehicle in the dedicated loading area between the store/admin/welfare area and the site's northern boundary.

² Produced by Waldeck, dated 11 August 2016 Revision P1

11. It is clear from the submitted plans that delivery vehicles would need to make a reverse turning manoeuvre into the site from Church Street in order to park in the loading area as there would not be space within the site for them to enter, turn and then leave in a forward gear. This would affect the traffic flow along Church Street and the situation would be compounded given that vehicles park opposite the proposed delivery access and constrain the width of the carriageway.
12. Moreover, the location of the delivery vehicle access would be in sufficiently close proximity to Church Street's junction with South Street to result in delivery vehicles impeding the flow of traffic near to this busy junction.
13. Taking all of the above into account, the proposal would lead to unacceptable effects on local parking capacity and the free-flow of traffic along South Street and Church Street. It would therefore result in harmful effects on the safe and efficient operation of the local highway network thereby running counter to policy PP12.
14. The objectives of policy CS14 of the Peterborough Core Strategy (2011) are to support the delivery of the Council's transport strategy in the Local Transport Plan (LTP), which gets updated on a 5-yearly cycle. The transport strategy seeks to reduce the need to travel; deliver sustainable transport solutions; support the Council's UK Environment Capital aspirations; and assist in improving people's quality of life. Although the policy wording does not make specific reference to highway safety considerations it nonetheless forms the overarching basis for assessing the transport implications of development referred to in policy PP12. The proposal also therefore, runs counter to policy CS14.
15. I note the appellant's argument in relation to paragraph 32 of the National Planning Policy Framework (the Framework). The third bullet point of paragraph 32 says that development should only be refused on transport grounds where the residual and cumulative impacts of development are severe. However, whilst the Framework is a material consideration, I have no evidenced reason to indicate that the appeal should not be determined in accordance with the statutory development plan.

Other Matters

16. The appeal site is located within the Stanground Conservation Area and occupies a prominent corner position. The existing building has no particular architectural significance, particularly addressing South Street. The replacement building would be juxtaposed with the line of terraced houses to the west along South Street to create a more logical building line and the proposed eastern elevation would run parallel to Church Street. I therefore consider the proposed building to more closely reflect the overall pattern of surrounding development than the existing public house. Its design details would also be respectful of the general scale and design of nearby buildings. For these reasons, the proposal would accord with the statutory duty to preserve or enhance the character or appearance of designated heritage assets.
17. I accept that the proposed residential units would add to the overall availability of housing within the Council's area. However, no empirical evidence has been

provided to demonstrate a specific need for the type of housing proposed. Such an argument therefore carries limited weight.

Conclusion

18. For the above reasons and having had regard to all other matters raised, the appeal does not succeed.

Hayden Baugh-Jones

Inspector