

**Application Ref:** 13/01505/FUL

**Proposal:** Change of use from dwelling to day nursery D1 and rear extension

**Site:** 144 Elmfield Road, Dogsthorpe, Peterborough, PE1 4HB  
**Applicant:** Mrs Robina Akhar

**Referred by:** **Councillor Ash** if decision by officers is to approve

**Referred by:** **Councillor Swift** if decision by officers is to refuse  
**Reason:** **The applicant has been treated unfairly**  
**Site visit:** 21.01.2014

**Case officer:** Mrs J MacLennan  
**Telephone No.** 01733 454438  
**E-Mail:** janet.maclennan@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

The application site contains a two storey detached property located on the corner of Elmfield Road/Dogsthorpe Road. The property has an attached garage to the side (north-west) and has a single vehicular access off Dogsthorpe Road. The property has an open frontage with an area of hard-standing. To the rear of the property is a large garden area approximately 19m in width x 23m in length which is enclosed by 1.8m fencing to the west, north and east. There are mature trees along the rear boundary and along the north western boundary. The character within the immediate context is residential, directly to the west is an electricity sub-station and adjacent to this is the access to the properties at 322 and 324 Dogsthorpe Road which are set back from the highway some 35m but which lie approximately 3m to the rear boundary of the application site. The site lies on a notoriously busy section of Dogsthorpe Road and approximately 80m east of a busy junction with St Pauls Road and Welland Road. The character changes on the south western side of Dogsthorpe Road, directly opposite the site, where there is the Fire Station, a Fitness Centre and private hire/taxi office. The area to the front of the property is marked out with yellow lines.

**Proposal**

This application seeks permission for the change of use of the dwelling to a day nursery. The hours of use would be 0800 to 1800, Monday to Friday. It is proposed that there would be 32 nursery spaces and 3 full time and 1 part time staff. Access will be via the existing access off Dogsthorpe Road. The garage is to be demolished to allow entrance into the rear garden. Two alternative parking proposals have been put forward for consideration. Drg no. P1\_a proposes parking for up to 10 vehicles to the rear of the site with 1 disabled parking space to the site frontage; Drg no. P1A proposes parking for up to 10 vehicles to the rear, including one disabled parking bay.

As part of the application permission is sought for a single storey rear extension. The extension would be 'L' shaped formed by the footprint of the existing building and would project approximately 5m from the rear building line and would extend the full width of the property (8.3m). The extension would have a flat roof for half its width to a height of 2.8m and then a dual pitched roof to a height of 4.2m. The extension would be used for a play area.

This is a resubmission of a previous scheme which sought permission for the change of use of the

dwelling to a day nursery providing up to 24 spaces (10/00840/FUL) which was refused due to highway safety issues and noise and disturbance to neighbouring occupiers.

The scheme now includes visibility splays within the site, additional on-site parking to the rear of the site and a parking survey has been undertaken to assess the availability of on street parking near to the site. The number of places has increased to 32.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
04/01616/FUL	Change of use of ground floor to A1 (retail)	Application Refused	15/11/2004
08/00574/FUL	4 x 2 bedroomed flats and 2 x 1 bedroomed flats	Application Refused	09/12/2008
10/00840/FUL	Change of use from dwelling to child day nursery (D1) and single storey rear extension	Application Refused	27/08/2010

## **3 Planning Policy**

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

### **National Planning Policy Framework (2012)**

#### **Section 11 - Noise**

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

### **Peterborough Core Strategy DPD (2011)**

#### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

#### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

### **Peterborough Planning Policies DPD (2012)**

#### **PP02 - Design Quality**

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

#### **PP03 - Impacts of New Development**

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.

#### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user

groups and there would not be any unacceptable impact on the transportation network including highway safety.

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

#### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

### **4 Consultations/Representations**

**Transport & Engineering Services – Objection** – Recommend refusal due to inadequate access width which would be detrimental to highway safety.

The LHA raised various highway concerns under the previous application ref. 10/00840/FUL. The LHA considers that while the majority of the previous concerns have been addressed under this application the access width remains substandard. Less than 10m into the site the access narrows to 4.1m which is insufficient width to allow two vehicles to pass. This would result in a queuing/backing up scenario of vehicles which would then impede the free flow of traffic on the adjacent public highway – Dogsthorpe Road – which is very busy in terms of pedestrian and vehicular movements as is the junction with Elmfield Road/Dogsthorpe Road. There also remains a shortage of parking/drop off spaces on site. A parking survey has been carried out however, this is not strictly in accordance with highway standards.

**Pollution Team – No objection** - The Pollution Officer considers the proposal will introduce noise events of a new character to the rear of the existing premises which may result in concerns regarding amenity. However, the traffic noise events will be similar in character to those that persist currently in the general locality and a number of school playground/parking areas are in similar proximity as the proposal and they exist without significant community annoyance and complaints.

In addition, the officer considers that the acoustic fence is unlikely to make any difference regarding the likely acceptability of the proposal for neighbouring residents, since it is the noise character, rather than the noise level of those events, that is likely to result in disturbance. Whilst an acoustic fence of increased height may result in a reduction in noise levels by 5dB (for example), this will have very little effect on the subjective response to that event by receptors.

**Landscape Officer – No objection** – The Officer considers that the trees and shrubs on site are a mix of poor quality conifer and shrubs with a single semi-mature multi-stemmed Chestnut. None are worthy of TPO. Replacement tree planting should be considered as part of a landscape scheme.

**Councillor C D Ash – Objection** – Cllr Ash has looked at the plans on the website for this and the previous, unsuccessful application. He asks that if officers are minded to approve this application it be referred to committee for the following reasons:

The current application has not addressed the Highways issues and he agrees with the comments of the LHA. The councillor also notes that it appears that there are proposals for a number of parking spaces at the rear of the property and he is concerned that this will be harmful to the amenity of properties in Birchtree Avenue and to a degree 142 Elmfield Road. He adds that given the proposed arrangement for parking there seems to be no other option than for the play area to be adjacent to 142 and therefore as raised in the 2010 application this will be harmful by way of noise and disturbance to the amenity of 142 Elmfield Road.

**Councillor C Swift – Support** – Requests that the application is referred to Planning Committee

for determination by the full membership. Cllr Swift considers that the applicant has been treated extremely unfairly.

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

Initial consultations: 15

Total number of responses: 2

Total number of objections: 1

Total number in support: 0

Two letters have been received from neighbouring occupiers raising the following issues:

- Why is the application being considered again after being refused 2/3 years ago?
- Insufficient parking
- The grassed area outside the site is being used for parking this will be made worse as a result in the proposal
- There are too many other businesses in the area
- There would be highway safety issues due to busy junction, yellow lines already forcing people to park on the grassed area
- All landscaping/trees should be contained within the boundary of the property - the boundary fence has been broken down causing significant nuisance and cost in the form of unwarranted landscaping work

## **5 Assessment of the planning issues**

### a) The Principle of development

This is a revised submission for the change of use of a dwelling to a day nursery and the scheme has been amended to address the reasons for the refusal of the previous scheme. The scheme now includes visibility splays within the site, additional on-site parking to the rear of the site and a parking survey has been undertaken to assess the availability of on street parking near to the site. The number of places has increased to 32.

It is noted that there are many examples of former dwellings being converted and subsequently occupied as nurseries and each case is considered on its merits. The main planning considerations with the proposal are the highway implications and the impact on neighbouring amenity.

### b) Highway implications

The revised scheme proposes an amended access which now includes vehicle to vehicle and vehicle to pedestrian visibility splays within the site boundary. This has been achieved by shifting the access slightly to the east enabling space to accommodate the visibility splay to the west of the access and within the applicant's control. The plan also indicates that there would be a 5m wide access for 10m into the site this will also incorporate highway land and result in an area of grassed highway verge to be hard surfaced. This is acceptable to highways. Thereafter a shared access of only 4.1m is available within the site. The Local Highways Authority considers that this is insufficient width to allow two vehicles to pass safely in and out of the site, particularly if cars were to park along the access and this may result in a queuing/backing up of vehicles on to Dogsthorpe Road which would then impede the free flow of traffic on Dogsthorpe Road.

Furthermore the LHA would not wish to see vehicles waiting on the adjacent carriageway to enter the site whilst another vehicle is exiting the site.

It is acknowledged that the site lies very close to the busy intersection with St Pauls Road/Welland Road and also close to the junction with Elmfield Road/Dogsthorpe Road. However, notwithstanding the view of the LHA, it is considered that there would be sufficient space at the site entrance for vehicles entering and leaving the site to pass safely without causing detriment to the

adjacent highway.

A further consideration is that on street parking directly to the front of the site is restricted by yellow lines due to the site's proximity to the junction. A parking survey has been undertaken by the applicant which suggest that there is capacity for on street parking along Dogsthorpe Road and Elmfield Road. The LHA has advised that the survey has not been undertaken in accordance with Highway requirements however, it does demonstrate that there would be some on street parking provision. The applicant has verbally advised that there would be up to 32 children attending the nursery. It is the officer's view that there would not be available space near to the site for many vehicles dropping children off to park. Due to the age of the children, parents would need to park cars and take children into the nursery. It is likely that parents would take the easiest option and as it would not be desirable to park too far away from the site it is likely that they will pull up on to the site frontage and on to the grassed highway verge thus restricting the visibility of vehicles and resulting in cars pulling off/reversing on to Dogsthorpe Road.

The parking standards within the Adopted Peterborough Planning Policies DPD require that day nurseries provide 1 parking space for every full time member of staff as well as drop off/pick up facilities. It is proposed that the nursery will employ 3 full time members of staff and 1 part time. Two alternative site layouts have been submitted both of which propose 10 parking spaces to the rear of the site. It is considered that the additional parking provision would be sufficient for staff parking and would provide drop off and pick up facilities for parents. However, the on-site parking provision and the limited capacity for on street parking near to the site would not provide sufficient facilities for 32 children, thus cars would park in unsafe locations causing detriment to the users of the adjacent highway. It is considered that this site would not provide an appropriate location for a day nursery as the available space within the site is a constraint. Hence the proposal is contrary to policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

c) Neighbouring Residential Amenity

The change of use: As with the previous scheme it is proposed that a play area would be positioned within the rear garden adjacent to the shared boundary with number 142 Elmfield Road. The impact on neighbouring amenity was one of the reasons for the refusal of the previous application.

In addition, the previous application proposed 6 parking spaces within the rear garden area and it was considered that the noise and disturbance likely to be generated by vehicles would alter the domestic character of the site which would be detrimental to the occupiers of neighbouring dwellings.

The revised scheme now proposes 10 car parking spaces to the rear of the site. The application includes a 2m high acoustic barrier to the east and northern boundaries.

The pollution control officer agrees that the proposal would introduce noise events of a new character however the officer considers that there are many situations where school playgrounds/parking areas are close to dwellings which exist without significant community annoyance and complaints and that few complaints are received. The officer believes the acoustic fence is unlikely to make any difference regarding the likely acceptability of the proposal for neighbouring residents, since it is the noise character, rather than the noise level of those events, that is likely to result in disturbance. Whilst an acoustic fence of increased height may result in a reduction in noise levels by 5dB (for example), this will have very little effect on the subjective response to that event by receptors.

While it is acknowledged that the fence would prevent some noise emanating from the site, the proposed use of the site as a day nursery for up to 32 children would alter, significantly, the domestic character of the property and would result in an unacceptable level of noise and disturbance which would be harmful to the amenity of the occupiers of the neighbouring dwellings. Hence the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

The extension: The extension would project from the rear building line by 5m and would have a height of 4.2m. It is considered that the height and scale of the extension would not unduly impact on the amenity of the neighbouring property to the east.

d) Design and Visual Amenity

The proposed extensions would be to the rear of the property and not directly visible from the street scene. There are alterations proposed to the front elevation, primarily the addition of double doors and an access ramp. It is considered that the proposed extensions and alterations are in keeping with the existing building and would not result in any adverse impact on the visual amenity of the area and therefore conform to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP2 of the Adopted Peterborough Planning Policies DPD.

e) Landscape Implications

The location of parking within the rear garden would encroach on the root protection area of trees along the boundaries. The Landscape Officer considers that the trees/shrubs on site are a mix of poor quality conifer and shrubs with a single semi-mature multi-stemmed Chestnut and that none of the trees are worthy of a TPO. It would be more appropriate if the trees were replaced as part of a landscape scheme. The proposal therefore complies with policy PP16 of the Adopted Peterborough Planning Policies DPD.

## **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.

While some restrictions could be placed on the use through planning conditions, in this instance the site is not in an appropriate location for use as a day nursery due to lack of parking and subsequent highway implications and the detrimental impact on the amenity of occupiers of neighbouring dwellings. The proposal is recommended for refusal.

## **7 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **REFUSED**

- R1 The application site would not be able to provide an appropriate number of drop off/pick up facilities for 32 children and notwithstanding the on street car parking survey which has demonstrated some capacity for on street parking provision, there would be insufficient on street parking capacity near to the site. As a result vehicles would park on yellow lines or on the wide grassed/paved area to the site frontage which would be detrimental to highway safety given the proximity of the site to the junctions. Hence the proposal is contrary to policy PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.
- R2 The proposed play area, by virtue of its proximity to the shared boundary with the neighbouring property at number 142 Elmfield Road, would result in an unacceptable level of noise and disturbance which would be harmful to the amenity of the occupiers of that property. Hence the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD:
- R3 The proposal would result in vehicles parking and turning in the rear garden of the property. The use of the site as a day nursery for up to 32 children has the potential for significant numbers of vehicular movements in and out of the site. The noise and disturbance likely to be generated by the vehicles of both clients and staff would alter, significantly, the domestic character of the property to the detriment of the occupiers of the neighbouring dwellings. Hence the proposal is contrary to policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

Copies to Councillors A J Miners, C M Saltmarsh, C D Ash

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