

**Application Ref:** 14/00088/PRIOR

**Proposal:** Change of use from B1(a) Office to C3 Residential

**Site:** The Old Bakery, 31 Huntly Grove, Peterborough,  
**Applicant:** Mr S Roe

**Agent:** Monte Calvo

**Referred by:** Councillor Shearman

**Reason:** Level of neighbour objection

**Site visit:** 20.02.2014

**Case officer:** Miss L C Lovegrove

**Telephone No.** 01733 454439

**E-Mail:** louise.lovegrove@peterborough.gov.uk

**Recommendation:** Prior Approval is NOT REQUIRED

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

### Site and Surroundings

The application site comprises a two storey detached office building located within a predominantly residential area. There is an area of hardstanding to the front of the property and a rear car park, accessed via a dropped kerb from Huntly Grove and driveway which runs along the side of the building.

### Proposal

The application is submitted in accordance with Part 3 Class J Paragraph N(9)(a) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), which seeks confirmation as to whether the prior approval of the Local Planning Authority is required for a change of use from B1 offices to C3 residential.

## 2 Planning History

Reference	Proposal	Decision	Date
04/00790/FUL	First floor extension to form two-bed flat	Refused	06/08/2004
06/00657/FUL	Conversion to four flats	Refused	03/07/2006
07/00455/FUL	Conversion to 3 flats	Permitted	21/12/2007

## 3 Planning Policy

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

### Town & Country Planning (General Permitted Development) Order 1995 (as amended)

#### **PRT03J - Schedule 2 Part 3 Class J Town and Country Planning (General Permitted Development) Order 1995 (as amended)**

In accordance with paragraph J.2 of the above Order, the prior approval of the Local Planning Authority is required in relation to the impact of the proposed development in terms of: transport and highways implications upon classified or proposed roads; contamination risks on the site; and

flooding risks on the site.

#### **4 Consultations/Representations**

##### **Transport and Engineering**

No objections – It is the view of the LHA that, irrespective of the previous use, the traffic generation from six flats would not have a material impact on the nearby classified highway network.

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

Initial consultations: 2

Total number of responses: 7

Total number of objections: 7

Total number in support: 0

Six objections from local residents have been received on the following grounds:

- The site is clearly not large enough to contain six reasonably sized flats and there are no submitted plans. Clarification is required.
- The Applicant lives outside of the area and will turn the area into a slum.
- Whilst I would be happy to see the property converted to a single dwelling with garden and off road parking.
- The Applicant should not be allowed to destroy the green space for additional parking.
- The surrounding area already suffers from over-parking and there is clearly not enough space within the site for six plus cars - this will mean even more traffic congestion on the roads.
- If Peterborough City Council are not careful, the surrounding area will be bought up by unscrupulous landlords and converted into bedsits. This will have a devastating impact and knock-on effect upon the locality. Crime will rocket and anti-social behaviour will increase.
- The road is already busy and used as a 'rat run'. Further domestic expansion would only exacerbate the situation and increase traffic and pollution levels.
- The Old Bakery has previously and unsuccessfully applied to change from commercial usage to domestic.
- The area has already gone far beyond saturation point as far as Houses in Multiple Occupation are concerned.
- There is absolutely no benefit to local residents as evidence by my experience, the only benefit goes to private landlords.
- I am not convinced that there is much benefit to tenants of these properties either, as these properties are not properly managed.
- The submission does not include detailed plans and for this reason alone should be refused.
- Currently there is room for only 3 cars to be parked and easily moved at the rear of the property. The proposal will result in on-street parking in an area already heavily congested along Huntly Grove.
- There could be disputes between the occupants of the six flats over the limited parking spaces leading to excessive noise. Six allocated parking spaces should be provided. It is understood that households are allowed to apply for two residents' permits and 1 visitor permit per day. Therefore it seems possible that demand could increase by 18 spaces.
- Recommend that this goes to a full planning application based on crime and loss of amenity concerns. Such an application should also explore amenity concerns over light, overlooking, noise, proximity of development and overdevelopment.
- The area has been designated by the council as having low demand for housing, therefore there is no demand/need for more residential buildings.
- It is clear that the new legislation has been designed to allow landlords and developers to take full advantage of the system by avoiding the existing application route. This in effect takes all power away from local authorities and communities and will create serious problems.
- Request that the Local Planning Authority goes out to photograph the outside of the building to ensure that extensions are not built without going through the proper planning channels.
- The construction of two storey development to the rear which is likely to be needed to accommodate the number of flats, would cause loss of daylight to the rear of our property

(No.27 Huntly Grove).

- The proposed entrances will be changing the situation greatly and fear possible disturbance at all hours of the day and night with residents' comings and goings.
- The businesses long Huntly Grove already cause parking and congestion problems. This would only be exacerbated.
- Concerned that there will be insufficient space to accommodate the number of bins for the six flats (18 in total).
- Concerned that any possible building extension could affect the views into the Conservation Area.

**Councillor Shearman** - Should Officers be minded to approve the application, request that it be referred to the Planning Committee. There is a strength of feeling amongst local residents who deserve better.

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

The main considerations are:

- Whether the prior approval of the Local Planning Authority is required

### **a) Whether the prior approval of the Local Planning Authority is required**

In May 2013, new regulations were introduced by Central Government as part of their programme of improvements to the planning process. Included within this was the introduction of Part 3 Class J of Schedule 2 of the Town and Country (General Permitted Development) Order 1995 (as amended) which now permits the change of use from Class B1(a) (offices) to Class C3 (dwellinghouses). Such changes of use, whilst falling within the remit of 'permitted development' are however subject to a requirement for the Developer to apply to the Local Planning Authority (LPA), before the commencement of development, as to whether the prior approval of the authority is required. This is the subject of the current application - it is an application for determination in relation to prior approval and not a formal planning application.

The prior approval procedure set out within the above regulations only permits determination of the proposal on the grounds of: transport and highway impacts of the development; contamination risks on the site; and flooding risks on the site. There are further restrictions in respect of each of these which are discussed in turn below.

#### Transport and highway impacts

The regulations state that the prior approval of the LPA is only required whereby the authority are of the opinion that the development is likely to result in a material increase or change in the character of traffic in the vicinity of the site and where this relates to traffic entering/leaving a classified road.

Huntly Grove is not itself classified and whilst Broadway is, the Local Highway Authority has considered the proposal and raised no objections. It is their view that, irrespective of the previous use of the site as offices, the traffic generation from six flats would not have a material impact upon the nearby classified highway network.

Whilst it is noted that several local residents have raised concerns regarding the parking and highway impacts of the proposal, the proposed flats would not trigger any of the relevant restrictions as detailed above. On this basis and in accordance with the guidance set out in the regulations, the prior approval of the LPA is not required in respect of transport and highway impacts of the proposal.

#### Contamination risks

The regulations require the LPA to determine whether the proposed use would constitute contaminated land as described in Part 2A of the Environmental Protection Act 1990. The application site has no known history of contamination and is not registered on the City

Council's contaminated land register. Therefore, on this basis, the prior approval of the LPA is not required in respect of contamination risks on the site.

#### Flooding risks

The application site is located within Flood Zone 1 and as such, prior approval shall only be required where there are identified critical drainage problems that have been identified by the Environment Agency. The site does not fall within any such area and therefore, the prior approval of the LPA is not required in respect of flood risk on the site.

#### **b) Other matters**

It is noted that there have been a number of objections received from local residents in respect of considerations which fall outside of the above categories (neighbour amenity, overdevelopment, future unauthorised development, impact upon the nearby Conservation Area, loss of green space and crime/anti-social behaviour). Whilst these objections are noted and fully appreciated, the regulations under which the LPA must assess the proposal do not allow for any other considerations and therefore, Officers cannot determine the proposal on the basis of these.

### **6 Conclusions**

Upon assessment of the proposed development and following consultation with relevant bodies, it is considered that the proposed development will not result in any unacceptable impact upon the safety of the public highway, contaminated land, increased flood risk elsewhere or be at risk of flooding itself.

As such, in accordance with Part 3 Class J Paragraph N(9)(a) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the prior approval of the Local Planning Authority is not required.

### **7 Recommendation**

The case officer recommends that prior approval is **NOT REQUIRED** however in accordance with the relevant regulations, the following conditions are applicable:

C 1 Development must be carried out in accordance with the details submitted to the Local Planning Authority.

Reason: In accordance with Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

C 2 Development must be completed on or before 30th May 2016.

Reason: In accordance with Schedule 2 Part 3 Class J of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Copies to: Councillors Kreling, Peach and Shearman**