

Application Ref: 14/01187/FUL

Proposal: Change of use from workshop and offices to accommodation for Ara Community Association for social and religious purposes

Site: 9A Norfolk Street, Millfield, Peterborough, PE1 2NP

Applicant: ARA Community

Agent: Mr Langford-Smith

Referred by: **Cllr Khan, Cllr Nadeem**

Reason: Inadequate access, potential for congestion and noise implications resulting from the use of the building.

Site visit: 31.07.2014

Case officer: Mrs J MacLennan

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Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings: The site is approximately 0.08ha and is situated between Lime Tree Avenue to the south and Norfolk Street to the north and there is vehicular access from both streets with residential properties tightly abutting the accesses. The site contains a two storey building of brick construction and of Victorian era which has a footprint of approximately 16m in length by 4.8m in width. There are single storey elements to the west and to the east is a storage building with a footprint of 10m in length by 8m in width; the building has high level windows and forms the rear boundary to no. 13 Norfolk Street. There is hardstanding to the front of the building. To the rear of the building is a large area of land which is overgrown. The site has not been occupied for some years and is falling into a state of disrepair. The building formerly had a B1 use operating as a tie manufacturing company known as 'Delany Hanaper'. The surrounding area is predominantly residential in character.

Proposal:

The application seeks approval for the use of the site as a community building for social and religious purposes including religious gatherings/instruction and meetings for educational, medical and social purposes. The application proposes a vehicular access to the site via Lime Tree Avenue and egress on to Norfolk Street. 15 no car parking spaces would be provided within the site. The scheme has been revised twice since the initial submission in order to resolve the access to the site and now proposes an undercroft vehicle access to enable a one-way system through the building.

2 Planning History

Reference	Proposal	Decision	Date
P0584/76	Provision of covered area for storage purposes	Withdrawn	14/09/1976
02/00839/OUT	Residential development	Permitted	19/08/2002

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 8 - Social, Cultural and Recreational Facilities

Developments should plan for the provision and use of shared space, community services and other local services; guard against the unnecessary loss of valued services/facilities; allow established shops, facilities and services to develop/modernise; and ensure an integrated approach to the location of housing, economic uses and communities facilities and services.

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.

4 Consultations/Representations

Transport & Engineering Services – No objections - Having reviewed the revised plans the LHA considers the proposed undercroft to be acceptable and would enable vehicles to enter the site from Lime Tree Avenue and exit via Norfolk Street. Recommend approval subject to conditions regarding signage for the management of the one way system, bin store provision, cycle parking and temporary facilities.

Councillor M Jamil – Objects – Cllr Jamil appreciates that the building has not been utilized for a long time however, is supporting residents of Norfolk Street and Lime Tree Avenue who all say that the resulting traffic will cause even more congestion in an area that is already congested. He

considers the car park has limited capacity compared to how many people will potentially use the building and is not convinced that this location is ideal for this use.

Councillor N Khan – Objects - Request for referral to committee if the officer recommendation is for approval. Cllr Khan is supporting local residents and their objections to the proposal on grounds of inadequate width of access particularly for emergency vehicles, congestion in an already busy street and noise implications resulting from the use of the building.

Councillor M Nadeem – Objects - The access to the site is very narrow and a single vehicle would struggle on this let alone vehicles on both sides, I think this is not practical and should not be approved. Agrees with Cllr Khan and requests the application is referred to committee.

Pollution Team – No objection - The information provided is generally limited. Although there is nothing there that causes us great concern, equally there is not enough for us to comfortably say that we are happy with the application. Recommend limiting the maximum occupancy, and restricting hours (9am - 9pm could be acceptable) while the latter could be capped at the usage level indicated by the application (25/30 people). Recommend a condition requiring details of physical and administrative measures to control noise to be submitted and approved in writing. If in future there are works that could create a pollutant linkage (such as the construction of a new building or the introduction of a grassed area), investigation of the potential contamination issue is likely to be required.

Environment Agency – No objection - We have assessed this proposal as having a relatively low environmental risk. We therefore have no further comments on the current application, as submitted.

Local Residents/Interested Parties

Initial consultations: 107

Total number of responses: 5

Total number of objections: 5

Total number in support: 0

Consultation was undertaken with all neighbouring properties adjoining the site however, as the use of the property would have a wider public interest all properties in Norfolk Street and Lime Tree Avenue have now been consulted on the revised scheme.

5 neighbour objection letters have been received raising the following issues:

- The property has previously been used for gatherings; the noise and congestion was unbearable
- Norfolk Street and the vicinity is not suitable for that volume of people and traffic
- Limiting the numbers to 30 would make no difference to the level of noise and nuisance
- There is insufficient parking
- There are already meeting centres in Gladstone Street, Bourges Boulevard, Lincoln Road and Cromwell Road which are appropriately placed, have sufficient space
- It is unclear what activities will be taking place, when and how often.
- The former factory use raised no issues as there were few people and we had peace and quiet at evenings and weekends.
- Concern regarding overlooking and loss of privacy.
- The proposal would have a negative effect on the neighbourhood as a whole
- The intended use of the property and hours should be clarified
- Concern regarding noise from activities particularly late into the evening
- Both access and egress are too narrow
- Both access and egress should be gated
- Norfolk Street already has fairly heavy traffic due to the Courtyard Business Centre and

a local madrassa at number 17. The traffic would increase as a result on the proposal. Group Action In Norfolk Street (GAINS) (local residents' association) have made the following comments:

- Why weren't all residents consulted? *Officer response: All residents in Norfolk Street and Lime Tree Avenue have subsequently been consulted*
- The application would result in the increase in traffic and parking pressures as the Kurdish community is spread across the city
- The entrance to the site is very narrow
- The proposal could result in congestion in an already busy street
- Norfolk Street is already widely used by people visiting the local madrassa at number 17 and The Courtyard Business Centre.
- Concern regarding access to the site by emergency vehicles
- Noise implications as a result of use of the centre during the evenings/weekends

Following the first re-consultation on the revised scheme the 2 letters of objection were received raising the following issues:

- The site is directly to the rear of my property however, I was not consulted
- There would be an adverse effect on the residential amenity of neighbouring occupiers (noise, disturbance, overlooking and loss of privacy)
- The building will overlook our property and impact on the peaceful enjoyment of our house and garden
- The parking is close to our garden causing noise, pollution, dust
- Lime Tree Avenue is a busy and congested road
- Driveways along Lime Tree Avenue are always blocked by parked cars
- The additional concentration of traffic and roadside parking will cause traffic problems
- There will be safety hazards and friction caused between residents and users of the community centre
- The main use of the building is at the same time as Friday prayers at the Cromwell Rd and Gladstone St Mosques and both Norfolk St and Lime Tree Avenue are used for parking at these times
- We have the right to use the site entrance which lies adjacent to our property - the right of use would be compromised

Following the second re-consultation on the revised scheme 1 letter has been received from a neighbouring occupier raising the following comments:

- No objection to the undercroft however, still consider the access track is very narrow
- Access by a fire engine could be a real challenge.
- The windows within the elevation abutting our property would need to be sound-proofed and obscured glazed to protect our amenity
- The hours of use should be restricted and we would support a restricted use that requires the centre to be closed by 9pm
- The occupancy numbers should be restricted to 30
- Lighting should be designed to minimise light pollution
- We remain concerned about noise however with restrictions on hours of use, maximum capacity and adequate noise and light pollution control, we would not object to the change of use.

5 Assessment of the planning issues

a) The Principle of Development

The site contains a two storey building of brick construction and a large storage building to the eastern side which tightly abuts the rear gardens of nos. 13 to 15 Norfolk Street. The lawful use of the site is B1 light industrial and there are no restrictions on hours of use or the level of occupancy

of the building. The site would be used by the Kurdish Community as a meeting place; the group currently have no permanent premises and meet at different member's houses. The application states that half of the members are within walking distance of the site and that the maximum number of people that would use the building at any one time would be 30. It is acknowledged that limited information has been submitted on the actual use of the site and the hours of use, however the building is of modest scale and given the former B1 use of the site it is not considered that the use would adversely impact on character of the surrounding area. The NPPF states that planning should support the provision of social and cultural facilities/services to meet the needs of residents and communities. It is considered that with limitations on the hours of use and occupancy levels the proposal is acceptable and accords with the principles of the NPPF.

b) Highway Implications

The site has two accesses one from Lime Tree Avenue and one from Norfolk Street however, it is understood that the Lime Tree Avenue access has never been formally used to serve the site. The width of both accesses are below the current highway standard for a shared access being only 3m in width. Whilst the building could be occupied as a B1 use whereby the Local Planning Authority would have no control over access and egress arrangements for the site, as this is a change of use vehicles both entering and exiting the site from either of the access points would not be acceptable in highway terms as two cars would not be able to pass. The initial application proposed the demolition of single storey elements to the building located at the western end of the site in order to allow for vehicles to manoeuvre around the building and to create a one-way system. However, having visited the site it was not considered that there would be sufficient space for vehicles to manoeuvre around the building.

A revised drawing has now been submitted which proposes an undercroft within the main building which would enable vehicles to enter the site from Lime Tree Avenue and leave via Norfolk Street. The arrangement is considered to be the most suitable option as there is better visibility for vehicles leaving the site onto Norfolk Street. The provision of the one way system would prevent any adverse impact on the adjacent highway and would be an improvement on the existing situation with the site and thus accords with policy PP12 of the Adopted Peterborough Planning Policies DPD.

15 no parking spaces would be available within the site which is considered acceptable. Cycle parking would also be provided, the details of which would be secured by condition. The proposal therefore accords with policy PP13 of the Adopted Peterborough Planning Policies DPD.

It has been noted that the access would not be suitable for emergency vehicles, however, as stated earlier the building could be occupied today as a B1 use and the Local Planning Authority would have no control over this issue. The change of use would require Building Regulations approval whereby the issues of emergency vehicles will be considered. Notwithstanding the narrow access width the building may need to be fitted with a sprinkler system which would negate the need for fire appliances to enter the site. It should be noted that the installation of a sprinkler fire suppression system could not be made the subject of a planning condition.

It is acknowledged that the one-way system would not be suitable for large delivery/service vehicles as they would not be able to pass under the undercroft. However, it is likely that such vehicles would visit the site infrequently and at these times the vehicle would either park on the road or enter the site and leave through the same access point.

The main concern with neighbouring occupiers is the likely increase in traffic that would result from the change of use. It has been stated in the application that most people using the site live locally and would walk to the site, however, it is acknowledged that there would be more vehicle movements to and from the site. The occupancy of the building would be limited to 30 and 15 car parking spaces are available within the site which is considered sufficient to serve the use. With regard to additional parking on Norfolk Street and Lime Tree Avenue there are yellow lines to the front of the site in Norfolk Street and most of the road is limited to residential permit holders. There are yellow lines at the entrance to Lime Tree Avenue and most of the road is also limited to

residential permit holders. Therefore if people choose to park on the street they do so at their own risk.

It is considered that the proposal would not unduly impact upon the adjacent highway and therefore the proposal accords with policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD

c) Neighbouring Amenity

There have been a number of concerns raised regarding the potential impact on the amenity of neighbouring occupiers in terms of noise and disturbance generated by the activities taking place within the building. A condition would be appended to the decision requiring details to be submitted on how the applicant proposes to mitigate any noise implications and the general management of the site. It is acknowledged that this is particularly important as the site is so closely situated to neighbouring occupiers. In addition the maximum number of people occupying the building at any one time should be restricted to 30, though it is fair to say that these two controls might not be straightforward to enforce. The hours of use would be restricted to between 9.00 am and 9.00 pm Monday to Saturdays and 10.00 am to 4.00pm Sunday and Bank Holidays. Comments have been made on the former occupiers of the building and there being few people and the site did not operate during the evenings and weekends. The site, however, could be used both day and night as there are currently no restrictions on the use of the site.

Some objectors have expressed concern with regard to loss of privacy but given that the level of overlooking would be no greater than if the building were reoccupied by a B1 user, the proposal is considered acceptable.

It is considered that the proposal would not unduly impact upon the amenity of neighbouring occupiers and hence the proposal accords with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

d) Design and Visual Amenity

The building lies well within the site and is not directly visible from the street. The building is in need of refurbishment and it is considered that the proposal would bring the building back into beneficial use as well as tidying up the site and enhancing the appearance of the site as a whole. The proposal therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the site has a former commercial use and the proposed use, with appropriate restrictions, would be sympathetic with the surrounding residential character and would support the needs of the community;
- the one-way system would avoid any impact on the adjacent highway and a satisfactory level of parking would be available within the site;
- with conditions in place regarding the hours and level of occupancy, the proposal would not unduly impact upon the amenity of neighbouring occupiers; and the proposal would bring the site back into beneficial use.

Hence the proposal accords with policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD, policies PP2, PP3, PP12 and PP13 of the Adopted Peterborough Planning Policies DPD and the NPPF.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 Prior to the commencement of any development hereby approved details of a signage scheme to show how vehicles will be prevented from accessing the site via Norfolk Street and exiting from the site from Lime Tree Avenue shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the occupation of the development for its proposed use.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 3 Prior to the commencement of any development hereby approved revised plans showing the bin store located in the area of widening adjacent to 9A Norfolk Street shall be submitted to and approved in writing by the Local Planning Authority. The bin store shall be located in accordance with the approved details prior to the occupation of the development for its proposed use.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 4 Prior to the occupation of the development hereby approved 2 cycle parking stands shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle parking stands should be covered in accordance with Peterborough City Council standards.

Reason: To encourage alternative modes of travel to the car and in accordance with policy PP13 of the Adopted Peterborough Planning Policies DPD.

- C 5 Adequate temporary parking, turning and loading/unloading shall be provided clear of the public highway for any construction/contractors vehicles.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 6 Before the development hereby permitted commences a scheme shall be agreed with the local planning authority which specifies the provisions to be made for the control of noise emanating from the site. These provisions could include physical and/or administrative measures. The scheme shall be implemented in accordance with the approved details prior to the building being brought into use.

Reason: In the interests of neighbouring amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C 7 The building shall not be used outside the hours of 9.00 am to 9.00 pm Monday to Saturday and 10.00 am and 4.00 pm Sunday and Bank Holidays.

Reason: In the interests of neighbouring amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C 8 Notwithstanding the details hereby approved the building shall not be occupied by more than 30 people at any one time.

Reason: In the interests of neighbouring amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD and policy PP3 of the Adopted Peterborough Planning Policies DPD.

- C 9 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C10 No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority.

- Elevation drawings of the front and rear elevations with undercroft vehicle access to a scale of 1:100
- The finishing materials to be used in the elevations (The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800)
- The surfacing material for the car parking areas
- Lighting for the building and outside areas
- Security measures for the site
- The development shall be implemented in accordance with the approved details prior to the building being brought into use.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance and in the interests of neighbouring amenity in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors M Nadeem, N Khan MBE, M Jamil