

**Application Ref:** 14/01560/FUL

**Proposal:** Proposed single storey extension to restaurant

**Site:** 63 Sycamore Avenue, Dogsthorpe, Peterborough, PE1 4JP

**Applicant:** Mr T Hussain

**Agent:** Mr Robert Gooding  
GOOD-DESIGN-ING LTD

**Referred by:** Cllr Ash

**Reason:** Concerns raised about parking

**Site visit:** 05.09.2014

**Case officer:** Miss A McSherry

**Telephone No.** 01733 454416

**E-Mail:** amanda.mcsherry@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

### Site and Surroundings

The application site was formerly a public house that was converted into a restaurant use approximately 4 years ago. The site occupies a prominent corner plot in the streetscene positioned between Hawthorn Road, Sycamore Avenue and Oakleaf Road. The character of the surrounding area is predominately residential. The existing building is a mixture of two and single storey in height. There is a vehicle access on both sides of the site onto Hawthorn Road and Oakleaf Road respectively. The land to the front and sides of the building is mainly hard surfaced and available for car parking, although there is also an area of grass landscaping on site to the side of the existing building.

### Proposal

Planning permission is sought for an additional single storey flat roof side extension to this existing restaurant, and extending into the small indentation on the front elevation of the premises. The side extension will measure approximately 8.8m x 16m, and the front extension 9m x 3.6m. The car parking layout will provide space for parking 39 cars.

## 2 Planning History

Reference	Proposal	Decision	Date
14/00522/FUL	Proposed replacement ventilation system	Permitted	06/06/2014
11/00339/FUL	Construction of single storey extension and part retrospective for external extraction system	Refused	04/05/2011
10/00012/ADV	Display of one externally illuminated fascia sign	Permitted	16/03/2010
10/00011/FUL	Construction of front and rear single storey extensions	Permitted	16/03/2010

### **3 Planning Policy**

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

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

##### **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)**

##### **PP01 - Presumption in Favour of Sustainable Development**

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

##### **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**

#### **Pollution Team**

No objection - This department have investigated noise complaints regarding this premises in the recent past. It is currently considering complaints relating to the activity of individuals (alleged to be customers) in the immediate area of the restaurant. These relate to noise from cars and fireworks, as well as related issues with car parking. However individuals in the public realm are accountable in their own right for their behaviour.

It is possible that the proposed development, increasing the capacity of the restaurant while reducing the size of the existing car park, may exacerbate the problems that are alleged to exist. This should be considered as part of the application.

Proposed construction hours should be sensitive to the surrounding residential amenity of neighbours. Generally construction hours should be restricted to 7am to 7pm Monday to Friday, and 8am to 1pm on Saturdays, with no work on Sundays or Bank Holidays. Given the close proximity to residents it may be necessary to reduce these further in the morning and evenings.

#### **Transport & Engineering Services**

No objection – In accordance with the Peterborough Planning Policies DPD, 42 parking spaces are required in accordance with the maximum parking standards. The proposed layout shows space on site for 39 spaces, this is 3 short of the maximum standards. This small shortfall in parking spaces would be unlikely to result in safety issues on the adjacent public highway, therefore there are no objections subject to conditions.

#### **Landscape Officer**

No objection - The onsite trees to be removed are of low value/quality. In addition the trees to be retained are in a similar condition, therefore there is no formal requirement for protective tree fencing.

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

Initial consultations: 19

Total number of responses: 4

Total number of objections: 4

Total number in support: 0

4 letters of objection have been received from local residents, raising the following concerns:

- Disruptive because of the parking situation. When weddings are held at this site at weekends, there are cars parked all over the footpaths, and blocking driveways. Some vehicles drive along verges and footpaths, rather than the correct access points.
- This proposal would result in fewer parking spaces on site, which would make the situation worse.
- Congestion on roads when events are held at the site, when guests arrive or leave. Vehicles come in convoys, and this blocks Sycamore Avenue, and surrounding streets, on one occasion the local bus service was disrupted for an hour
- No objection to the restaurant, but if they want to cater for large weekend weddings, with lots of guests, cars and traffic, they need to find a purpose built site, with more parking spaces.
- Weddings or large celebrations at the site, cause noise and disturbance for residents with cars blocking the roads, sounding horns continually, driving fast, wheel spins and generally showing off, hanging out cars, and loud fireworks. This also happens on Sunday mornings. It traumatises our cats and dogs.

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

The main issues are:-

- a) The siting, scale and design of the extension

The proposed extension would add 158 sqm to the existing ground floor restaurant floorspace. The extension is considered to be appropriately sited to the side of the existing premises, it follows the general proportions of the existing building and would not extend beyond the existing front building line. The height and flat roof design of the extension will also match that of the existing single storey element of the existing building, and so will be visually compatible with it.

The extension would result in the building having a very long 42m front elevation, however as the building is set within a wide plot of around 65m in width and as the existing front elevation already measures 34m, it is on balance not considered to be visually detrimental to the character or appearance of the site or the surrounding streetscene.

The proposal is therefore considered to be in accordance with Policies CS16 of the Core Strategy, and Policy PP02 of the Planning Policies DPD.

- b) The impact on neighbours

The extension would bring the building closer to the adjacent two storey residential property No.2 Hawthorn Road. It is considered however that the siting, height and proximity of the extension to this neighbouring property would not result in any unacceptable overbearing or overshadowing impact.

The proposed car parking layout shows car parking spaces adjacent to the side elevation of No.2, however this area on site is presently used for car parking spaces, therefore there would be no reduction to the existing residential amenity for this neighbouring property.

The proposed extension is located a sufficient distance from all other surrounding residential properties so as not to reduce their current levels of residential amenity.

Conditions 5-8 in respect of hours of operation, no music being audible at the site boundaries, limiting the use to restaurant only etc, are recommended, to help minimise the impact of the development on the amenity of surrounding residents.

In respect of the objections received in respect of noise disturbance from customers arriving and leaving the site, the applicant has put signage up on site, to ask people to respect neighbours and keep the noise down, to help address this. The application could not reasonably be resisted on this basis.

The proposal is therefore considered to be in accordance with Policies CS16 of the Core Strategy, and Policy PP03 of the Planning Policies DPD.

#### c) Parking

The site currently has a large hard surfaced area to the front and sides of the building for car parking, but this area is not formally marked out on site to denote each individual space. The area of the land on site where the proposed extension will be positioned is currently an area of grass landscaping, therefore its loss will not reduce the currently available space on site for car parking.

The extended restaurant in line with Peterborough's maximum car parking standards has a requirement for 42 car parking spaces to be provided on site. This includes a requirement for 12 additional spaces, as a result of the extension, from the 30 required by the existing restaurant. The proposed parking layout provides for 39 car parking spaces, 3 short of the required maximum standards. It should be noted that the parking standards for restaurants are maximum rather than minimum standards, therefore a shortfall in spaces from this maximum would not automatically result in the proposal being contrary to policy or unacceptable. Officers are of the view on balance, that a shortfall of 3 parking spaces from the maximum parking standards, could not justify a refusal of planning permission, as it would be unlikely to result in any highway safety dangers on the adjacent public highway.

Whilst the concerns of residents in respect of the inconsiderate car parking of some customers outside of the application site are understood, the applicant can only reasonably be expected to advise their customers to be considerate of surrounding residents, and cannot control the behaviour of individuals outside of their site. The applicant should make customers aware when booking, particularly for weddings or large parties, of the availability of car parking on site, and encourage the use of alternative transport modes such as taxis, car sharing, minibuses etc to help prevent problems in the surrounding streets for residents. However, this is could not reasonably be an issue on which to refuse an extension to the existing restaurant building.

The proposal is therefore considered to be in accordance with Policies PP12 and PP13 of the Planning Policies DPD.

## **6 Conclusions**

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

- The siting, scale and design of the proposed extension is considered to be visually compatible for the site and the surrounding streetscene.
- The proposed car parking provision, is considered on balance to be sufficient for the extended restaurant proposed.
- The proposed extension will not adversely reduce the current residential amenity of neighbours in terms of any overbearing or overshadowing impacts.
- The proposal is therefore considered to be in accordance with Policy CS16 of the Core Strategy, and Policies PP02, PP03 and PP12 of the Planning Policies DPD.

## **7 Recommendation**

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

**C1 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).

**C2 No development shall take place until details of the external wall and roof materials have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.**

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

**C3 Prior to the extension being brought into use, the parking, turning and loading/unloading of all vehicles shall be laid out in accordance with the details shown on plan 09197-02 Rev K, and shall thereafter be retained for this purpose and not out to any other use.**

Reason: In the Interests of highway safety in accordance with Policy PP12 of the adopted Planning Policies DPD.

**C4 Prior to the commencement of development a Construction Management Plan (CMP) shall be submitted to and approved by the Local Planning Authority. The CMP shall contain the following details:-**

- **The construction hours of operation on site;**
- **Siting of parking, turning and loading/unloading facilities for contractors vehicles**
- **Siting of compounds/storage facilities**
- **Wheel washing facilities**

Reason: In the Interests of highway safety and amenity for surrounding sites in accordance with Policies PP12 and PP3 of the adopted Planning Policies DPD.

**C5 The restaurant use hereby permitted shall not be open to customers outside of the following times 12.00 noon to 23.00 Monday to Sunday.**

Reason: To help safeguard the amenity of the area, in accordance with Policy PP03 of the adopted Planning Policies DPD.

**C6 The extension hereby permitted shall be used for the purposes of a A3 Restaurant use only and for no other purposes, in accordance with the Schedule to the Town & Country Planning (Use Classes) Order 1987) (or any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification), notwithstanding the provisions of the Town and Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re-enacting that Order).**

Reason: To ensure the compatibility of the proposed use with surrounding uses, in accordance with Policies CS16 of the Core Strategy and PP03 of the Planning Policies DPD.

**C7 Access doors (including fire doors) shall be kept closed at all times except for the explicit purpose of entry to or exit from the premises. The 5 proposed western side windows shall be kept closed after 19.00 each day to prevent noise disturbance for surrounding residents.**

Reason: To safeguard the amenity of the area, in accordance with Policy PP03 of the adopted Planning Policies DPD.

**C8 No music and/or any other amplified sound shall be audible at the boundary of any adjacent residential sites to which this permission refers. No fireworks shall be let off from the site at any time.**

Reason: To help safeguard the amenity of the area, in accordance with Policy PP03 of the adopted Planning Policies DPD.

Copies to Councillors A Miners, C Saltmarsh, C Ash