

Agenda Item 4

Planning and EP Committee 28 November 2017

Application Ref: 17/01753/FUL

Proposal: Change of use of ground floor rear lounge for religious teaching

Site: 11 Northfield Road, Millfield, Peterborough, PE1 3QQ
Applicant: Mrs I Akhtar

Agent: Mr N P Branston
Branston Assoc.

Referred by: Head of Planning Services

Reason: Opportunity for a transparent discussion of the issues of an application with wider public and Councillor support.

Site visit: 13.10.2017

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and surroundings

The application site is a semi-detached dwelling of brick and tile construction. Neighbouring dwellings are arranged in a traditional linear alignment. The dwelling is located in the Millfield area, approximately 1 mile north of the city centre. The dwelling has a small enclosed front garden with rear access to the side. The rear garden is fully enclosed. Parking to the front is on road, restricted to resident permit or 1 hour (no return within 2 hours).

Proposal

Permission is sought for change of use of the ground floor rear lounge for religious teaching.

2 Planning History

No relevant planning history

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)

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

PCC Peterborough Highways Services

No comments received

Millfield & New England Residents Planning Sub Group

No comments received

Victoria Park Residents Association

No comments received

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 3

Total number of objections: 0

Total number in support: 3

2 representations of support have been received from local councillors in relation to the proposal stating;

Cllr Nadeem: I have known the applicant for many years and can confirm that she is highly regarded within the local Asian community.

There is an increasing need for this type of study for our children and I hope you will be able to approve.

Cllr Peach: I am happy to support the above planning application in my ward.

A representation from a neighbour has been received stating; I agree, it does not matter to me and my family.

A petition in support of the application, with 71 Signatures has also been received.

5 Assessment of the planning issues

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- The highway implications of the development

The impact of the proposal on the character of the area

The proposal requires no material internal or external alterations to the property, pupils would access the rear of the property via the side access. The proposal is to provide education to approximately 20 pupils per day between 15.00 and 18.00. Whilst this is a relatively high number of visitors in a short period of time, as the site is close to two busy retail units it is unlikely that this increase would be noticeable.

Therefore aside from an increase to the intensity of the use of this part of Northfield Road it is considered that the proposal will have no material impact upon the character of the area.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The neighbour has submitted a representation but it is unclear whether they are objecting to the proposal. The neighbour has ticked the option to object but has stated on the representation that they agree to the proposal and do not believe that it would affect their family. The Local Planning Authority are of the opinion that they are not objecting to the proposal and as such no objections have been received.

The proposal would result in a maximum of 10 pupils being taught for a three hour period. It is considered that this number of pupils could generate relatively high noise levels which could unacceptably disturb the attached neighbour. The comings and goings of the pupils and their parents would also result in disturbance to the unattached neighbour who has a ground floor side window and door, as it would appear that pupils will use the side access to reach the classroom.

This level of activity is not commensurate with the use of the property as a dwelling house and therefore it is considered that the proposal would unacceptably harm the amenity of the occupiers of neighbouring dwellings.

The highway implications of the development

The application site is close to the junction of Lincoln Road and Northfield Road. At the junction there are two retail units, car spares and equipment hire. These units are outside of, but close to the boundary of Millfield District Centre and some of the on street parking is limited 1 hour, no return within 2 hours to reflect that these retail units generate a requirement for parking.

The proposed teaching establishment falls under D1 use class whereby in accordance with the councils adopted parking policy, an adequate drop off/pick up area, away from the public highway, should be provided. This area cannot be provided within the reline boundary. The application site has no designated on-site parking, however, the applicant has the option to park his/her vehicle/s in the residents parking bays adjacent to the property.

The applicant has stated that pupils would be local and as such it is unlikely that the proposal would result in unacceptable parking congestion, however this cannot be guaranteed and it would not be reasonable or enforceable to condition that no visits were made by car. The applicants have stated that there would be two classes per day, with a maximum of 10 pupils per class, and have indicated that the classes would run from 15.00 - 18.00. This conflicts with rush hour, where parking demand and general traffic levels are likely to be at their highest.

The Local Highway Authority has objected to the proposal stating that the cumulative effect of the

lack of on-site parking and the increased vehicles trips to and from the site shall mean that additional vehicles shall need to be accommodated on-street. This would in turn put pressure on an area which suffers from a lack of parking already and lead to vehicles parking in unsafe locations.

The LHA have also stated that the submitted parking survey is not admissible as evidence as it was not carried out in accordance with the standards required. Specifically the survey was not carried out between the hours of 7pm to 7am, did not specify parking restrictions and accesses along the road in the vicinity of the site and was carried out in the school holiday. Surveys carried out in the holidays do not give a true representation of available parking.

Other matters

The LPA note the support for the proposed development in the local community as witnessed by the submission of the 71 signature petition and statements of support from two local councils and acknowledge that the proposal would provide a service that has some community support. It is this level of support that has prompted the council to put the application before the planning committee as it is considered that the proposal has a wider public interest. However despite the local support for the scheme the LPA are of the opinion that the harm caused by the scheme outweighs any public benefit that would result.

The Human Rights Act 1998 means that it is, subject to certain circumstances, unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.

It is also unlawful for the local authority to fail to have due regard to the need to achieve the objectives of the Equality Act 2010, and to discharge the duty imposed by Section 149 of the 2010 Act. These are: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The need to advance equality of opportunity between persons who share and do not share a relevant protected characteristic in particular, to the need to (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities. Foster good relations between persons who share a relevant protected characteristic and persons who do not particularly, (a) tackle prejudice, and (b) promote understanding. Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act. The relevant protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

In reaching the conclusions and recommendation regarding the application (set out below), the case officer has taken into account the above duty and potential issues. [The Human Rights Act and Equality Act 2010 is not referred to directly below because no relevant circumstances have been raised which require a more careful and sensitive consideration of Human Rights issues] or [The relevant circumstances in relation to the Human Rights Act and Equality Act 2010 are set out in detail in Section 5 below].

When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local

Planning Authority's decision making will continue to take into account this balance.

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.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

- R 1 The proposal will result in an increased demand for car parking from the site, in an area with an existing parking problem. The applicant does not propose to provide any off street parking or drop off/pick up facilities for the proposed use therefore people are likely to seek on street parking. The increase in vehicle trips to the site and increased parking demand will be to the detriment of other highway users and may result in vehicles being parked in unsuitable locations on the adjoining public highway. This is contrary to policies PP12 and PP13 of the adopted Peterborough Planning Policies DPD and policy CS14 of the Peterborough Core Strategy (DPD) 2011.
- R 2 The proposal by way of the number of expected pupils per day, will result in unacceptable noise disturbance to the occupiers of neighbouring dwellings, to the detriment of their amenity. This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3of the Peterborough Planning Policies (DPD) 2012.

Copy to Cllrs Ferris, Nawaz and Peach

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