

## Planning and EP Committee 23 April 2019

### Item 4.1

**Application Ref:** 19/00097/FUL

**Proposal:** Change of use from dwelling (C3) to café use (A3) at ground floor, garden and rear garage and dwelling (C3) first floor

**Site:** 18 Wisbech Road, Thorney, Peterborough, PE6 0SB

**Applicant:** Mr Michael Sly

**Agent:** Mr Ross Thain  
Ross Thain Architects

**Referred by:** Cllr Simons

**Reason:** The cafe is a valuable resource for the village and community. It has much support in the village from the Parrish and residents alike. Unfortunately the existing site is proving unworkable in size and infrastructure.

**Site visit:** 03.04.2019

**Case officer:** Mr D Jolley

**Telephone No.** 01733 453414

**E-Mail:** david.jolley@peterborough.gov.uk

**Recommendation:** **REFUSE**

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

### Site and surroundings

The application site is a Grade II listed terraced property, originally built as a mixed use property with commercial front ground floor and residential rear ground floor and first floor.

The terrace was built in the mid C19 as improved dwellings for the labouring classes by the Duke of Bedford on his Thorney agricultural estate. The terrace comprised largely residential with the two end properties and the two centre properties being commercial. The commercial properties show themselves by way of the timber windows, as opposed to the cast iron lattice windows used for the residential dwellings.

The property has a rear garden, enclosed by walls without outbuilding to the rear.

### Proposal

Permission is sought for a change of use from dwelling (C3) to café use (A3) at ground floor, garden and rear garage and dwelling (C3) first floor.

The café has space for 24 covers within the main property, with an unspecified number of covers in the garden area and to be converted garage. No proposed opening hours have been specified.

The upstairs dwelling will have two bedrooms.

The proposal is to facilitate an alternative site for the existing tea room currently located in the local centre in Thorney at 21 Wisbech Road, adjacent to the application site. The team room is seeking to relocate as the existing site has poor insulation and heating, no indoor toilet and lacks space for storage.

## 2 Planning History

Reference	Proposal	Decision	Date
19/00098/LBC	Change of use to convert ground floor to a cafe and first floor to a residential dwelling	Pending Consideration	

## 3 Planning Policy

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

### Planning (Listed Building and Conservation Areas) Act 1990

#### **Section 66 - General duty as respects listed buildings in exercise of planning functions**

The Local Planning Authority has a statutory duty to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses.

#### **Section 72 - General duty as respects conservation areas in exercise of planning functions.**

The Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area or its setting, or any features of special architectural or historic interest which it possesses.

### 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.

#### **CS15 - Retail**

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate the district and local centres. The loss of village shops will only be accepted subject to certain conditions being met.

#### **CS17 - The Historic Environment**

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

### Peterborough Planning Policies DPD (2012)

#### **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.

#### **PP09 - Development for Retail and Leisure Uses**

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

#### **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.

### **PP17 - Heritage Assets**

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

### **Peterborough Local Plan 2016 to 2036 (Submission)**

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. The plan has now been examined by the Inspector who has published a list of proposed modifications. These are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

### **LP12 - Retail and Other Town Centre Uses**

Development should accord with the Retail Strategy which seeks to promote the City Centre and where appropriate district and local centres. Retail development will be supported within the primary shopping area. Non retail uses in the primary shopping area will only be supported where the vitality and viability of the centre is not harmed. Only retail proposals within a designated centre, of an appropriate scale, will be supported. A sequential approach will be applied to retail and leisure development outside of designated centres.

The loss of village shops will only be accepted subject to certain conditions being met. New shops or extensions will be supported in connection with planned growth and where it would create a more sustainable community subject to amenity and environmental considerations provided it is of an appropriate scale.

### **LP13 - Transport**

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

### **LP19 - The Historic Environment**

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

### **LP17 - Amenity Provision**

LP17a) Part A Amenity of Existing Occupiers- 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.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

## **4 Consultations/Representations**

### **PCC Peterborough Highways Services**

there is no provision for off street parking for the proposed cafe or the first floor flat, furthermore we understand that the number of staff is due to increase which will potentially exacerbate the parking situation. The four bays outside the proposed development are unsuitable as they are for a maximum stay of 30 minutes and as the development is outside the local center it requires it's own parking.

It should also be noted that as this is a relocation and the original premises directly opposite at 21 Wisbech Road has the potential to open as a cafe or similar in the future, which could further impact the parking situation and highway safety.

### **Thorney Parish Council (01.02.19)**

We welcome the change of use, particularly the use of the outdoor areas.

### **PCC Conservation Officer (30.01.19)**

From a heritage consideration the proposed works can be supported, subject to suggested amendments.

### **PCC Pollution Team (29.01.19)**

No objection subject to conditions

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

Initial consultations: 10

Total number of responses: 5

Total number of objections: 2

Total number in support: 2

4 Representations have been receive in relation to the proposal;

2 Objections stating;

Do we really need a café in the village, we have a Tea Room, the Pub and the Chip Shop, besides car parking is bad enough in the road already. Being a resident it is difficult enough already getting parking near my house.

1. PRIVACY, NOISE & SECURITY. The proposed cafe has the potential to attract as many as 24 customers. The interior of the cafe is unlikely to cause any noise disturbance as there is a passage way separating our two properties however the additional seating for customers in the courtyard and renovated outbuilding could, at times, be noisy and smoky thus disturbing the peaceful nature of this residential area. Additionally, because of the low walls dividing the rear courtyards all privacy, and some security, will be lost during trading hours as customers will be able to overlook

into my private courtyard garden. Has any additional screening between the two properties been considered in this proposal? Will the rear courtyard only be accessed through the main cafe or down the shared passageway/driveway to the rear of the property where I park my car and store personal belongings.

2. COMMERCIAL WASTE. What provision has been made for the food, packaging and general waste generated by this cafe? The residential apartment will naturally require the mandatory 4 collection bins, but where does the cafe propose to store commercial waste products before refuse collection day?

## APARTMENT

3. ACCESS AND SECURITY. The passageway between 16/18 Wisbech Road will become the main access to the new apartment's only entrance at the rear of the property. The previous tenant and I unanimously agreed that the passageway door should be secured and bolted at all times, whilst not in use, for the following reasons:

a. If the passageway gate is left open it becomes a 'Wind Tunnel' and significantly reduces the temperature in the living accommodation, especially in winter, as there is no interior or exterior wall insulation. During improvements a few years ago I took the initiative to have the lower part of the door extended to reduce the level of draft and this was highly effective.

b. If the passageway door is not properly secured it slams open and shut with the slightest wind; and at 3am this is certainly an unwelcome irritation.

c. The closed passageway door reduced the volume of street waste and rubbish being blown onto our adjacent properties.

d. The passageway was regularly used as a midnight urinal. With a closed and secured door this is not now possible.

e. A closed door provides a passive level of security from the main road and uninvited curiosity. Naturally visitors and deliveries would need to have unhindered access to the apartment. Has it been considered that this doorway now requires some sort closing device and an alternative type of latch to prevent the door from being left inadvertently open, especially at night?

4. LAYOUT. The layout of the apartment above the cafe will result in the new living room of 18 Wisbech Road being immediately next to the two main bedrooms of my property at 16 Wisbech Road. Bedrooms are generally considered to be a quiet and restful room for sleeping, whilst a living room is generally the centre of living accommodation and potentially noisy with televisions, music and sometimes loud conversation. Regrettably the structure and fabric of the Bedford Cottage's is such that noise is easily transmitted through the thin walls. In order to prevent unwanted noise being transmitted from living room to bedroom, will the living room be, in anyway, sound proofed?

5. FIRE WALL IN ROOF VOID. When I purchased 16 Wisbech Rd in 2011, our two properties shared the same open loft space over the coaching arch, thus enabling access to either property through the respective loft access hatches. My Surveyor insisted that a Fire / Security Wall be installed between the two halves of the open loft. The vendors consequently installed a Fire / Security wall in the loft prior to me being offered a mortgage. As this work was done from my side of the two properties I have no idea whether this satisfies Current Fire Safety Regulations when considering the proposed change of use for 18 Wisbech Road. Would this be improved?

6. PROPERTY VALUE. I purchase my property at 16 Wisbech Road in 2011 because it was in a very quiet residential block that benefited from the relative privacy and quiet in the rear courtyard. Over my tenure I have developed my property and invested all

my savings to create my idyllic living space. I am very concerned that the value of my property at 16 Wisbech Road will be proportionally reduced as it will become less attractive and less desirable to any potential purchaser due to the commercial nature of the neighbouring property. Last year I had my property valued with the view of selling at some point during 2019/2020. However, even if the areas of concern are properly addressed my only major issue would still be the potential loss in value of my property once a commercial business is up and running.

1 Letter of support stating;

As Principal of Park House School in Thorney, a specialist school for children with Autistic Spectrum Disorder and other Special Educational Needs, I am writing to support the planning application for the change of use for 18 Wisbech Road.

Moving The Lovely Little Tearoom from its current position to the new site would support and help the work we do at the school. We make use of the tearoom regularly as part of the socialisation programme for non-verbal children with very significant needs, teaching them how to behave in a public place, how to order what they would like, how to wait patiently for their orders and how to communicate with unfamiliar adults using the Picture Exchange Communication System.

The Lovely Little Tearoom is the only place in Thorney we can do this and were it to close because this application is rejected we would lose this very important facility, that we can walk to in 5 minutes. Other than this, we would be faced with car journeys to different cafes in Peterborough or Crowland, all of which lack the familiarity that enables us to work successfully with these students, who cannot manage the noise, number of people and distractions that these other venues present.

The cafe is now also, from our terms, a victim of its own success. It is a delightful facility and , rightly, is now popular with village residents and people from outside the village. This has meant that we are not always able to access the cafe when it is best for us because so many people now travel into the village to enjoy the facility as much as we do. Larger premises would enable us once again to make good use of the cafe, supporting local business and enterprise.

We often meet members of the public who have been to see the Abbey at the cafe. This enables us to habituate our pupils to a variety of people and also helps us to familiarise people with the needs of young people with disabilities, showing them that they are not to be feared or a cause for anxiety.

Last year a group of our more able students worked with staff to renovate the outside area and one of our students then took on responsibility for the upkeep of the outside courtyard garden area as part of his work experience and community service.

To reiterate, on behalf of the pupils and staff at Park House School, we would support this application for the move of The Lovely Little Tearoom, as its loss to all of us and to the village as a whole , should this not be possible would be a cause of considerable sadness and regret.

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

The main considerations are;

- The principle of development
- 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
- Highways implications of the development

### **The principle of development**

The site is located outside of the Thorney Local Centre which bookends the terrace of which the application site is one of the properties. There is also a small area of local centre adjacent to the application site. Regardless of the proximity of the cite to the local centre, it is outside of its

boundaries and as such a sequential approach to site selection should be undertaken in accordance with policies CS15 and PP9. However as the business is vacating a site within the local centre, the existing unit becomes the sequentially preferable site and as such the LPA do not believe it is possible for the applicants to pass a sequential test.

The applicant has failed to demonstrate a sequential approach to site selection and as such the principle of development is not acceptable in this instance.

### **The impact of the proposal on the visual character of the area**

The proposal will not result in material physical change to the outside of the property and as such the only change is that of the intensity of the use of the site, which is likely to significantly increase over that of a dwelling. Given the location of the site, between two areas of Local Centre and fronting a busy thoroughfare, it is considered that the proposal will not materially harm the character of the area

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

The proposal will result in a significant increase in the intensity of the use of the site during opening hours, which although not stated on the application form are likely to be during week days and potentially weekends also. The proposed plans show 16 tables, with 4 tables within the outside yard area to the rear of the property. This number of covers and the noise generated by the day to day operations of a cafe, collecting cups, operating coffee machines etc. is likely to result in unacceptable noise disturbance to the occupiers of neighbouring dwellings, particularly during the summer months when the outside areas are utilised and windows are open or neighbours are in their gardens.

The low height of the garden walls means that customers will be able to see into the neighbour properties amenity space and as such the proposal will result in an unacceptable loss of privacy for the occupiers of the neighbouring dwellings.

A representation states that the living room of the proposed first floor flats living room will be adjacent to a neighbour's bedrooms. This arrangement is likely to result in unacceptable disturbance to the occupiers of the neighbouring dwelling. Whilst any impact may be reduced through the use of sound proofing it is unlikely that all noise would be eradicated.

In light of the above it is considered that the proposal will result in unacceptable harm to the amenity of the occupiers of neighbouring dwellings.

### **Highways implications of the development**

The proposal will result in an increased demand for on street parking spaces, as a cafe with two bedroom flat is considered to be a much more intensive use than a three bedroom dwelling. In addition the proposal will result in an expansion in the size of the Thorney Local centre, increasing the number of retail units available. No additional parking is proposed to serve the application site. It has not been demonstrated that there is sufficient on street parking spaces in the vicinity of the application site and as such it is considered that the proposal is likely to result in harm to the safety of the surrounding highway infrastructure through parking in unsafe locations. The Local Highway Authority has objected to the proposal on the grounds of highway safety.

In light of the above it is considered that the proposal will harm the safety of the surrounding transport network.

### **Other matters**

An objector has stated their concern that the access gate, which could be used to access the yard of the proposed cafe may result in a loss of privacy and security for the occupier of number 16 who shares access. As it is not necessary for the patrons to use the gate to get to the rear yard, as this can be accessed via the cafe it would be straightforward to control the access of this gate, which

could have been secured by way of condition.

The objector has raised concern regarding the fire safety of the premises and whether a void in the roof has been filled. This is not considered to be a material planning consideration and would likely be addressed during the building regulations approval stage. Lack of a fire void could not form the basis of the refusal of the application.

The objector has also raised concern on the grounds of the impact upon the value of their property. This is not a material planning consideration.

## **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 applicant has failed to undertake a sequential approach to site selection and is vacating a unit within a local centre to one outside of any designated centre. The proposal therefore fails to safeguard the vitality of a designated local centre. This is contrary to policy PP9 of the Peterborough Planning Policies (DPD) 2012 and policy CS15 of the Peterborough Core Strategy (DPD) 2011.
- R 2 The proposed cafe use and 1st floor flat by way of noise generated by staff and patrons, the use of the yard area and the siting of the proposed 1st floor lounge adjacent to two neighbouring bedrooms will result in unacceptable noise disturbance and a loss of privacy, to the unacceptable detriment of the amenity of the occupiers of neighbouring dwellings. This is contrary to policy PP3 of the Peterborough Planning Policies (DPD) 2012, policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy LP17 of the Peterborough Local Plan (Submission) 2018.
- R 3 There is no provision for off street parking for the proposed café or first floor flat which shall result in a greater intensity of the use of the site and will likely result in vehicles being parked in unsuitable locations on the adjacent public highway to the detriment of all highway users. This is contrary to policy PP13 of the adopted Peterborough Planning Policies DPD and policy LP13 of the Peterborough Local Plan (submission) 2018.