

Item No 5.2

Planning and EP Committee 17 December 2019

Application Ref: 19/01363/FUL

Proposal: Change of use of outbuilding from residential to mixed use

Site: 89 Grange Road, West Town, Peterborough, PE3 9DZ

Applicant: Mr A Hussain

Referred by: Head of Planning

Reason: Applicant is related to an elected Member

Site visit: 31.10.2019

Case officer: Mr Christopher Mohtram
Telephone No. 01733 45(01733) 454439
E-Mail: Christopher.Mohtram @peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The application site comprises a two storey semi-detached residential dwelling located on the northern side of Grange Road, close to the junction with Westfield Road within the urban area of Peterborough. The property is of red brick construction, with render to the first floor and architectural detailing in the form of a bay window to the principal elevation.

The property has been extended with a two storey extension to the side and rear and a single storey extension to the rear under planning permission 18/01167/HHFUL.

There is existing parking provision for two cars to the front of the site, with dropped kerb access from Grange Road.

Proposal

The application seeks retrospective permission for the change of use of a recently built outbuilding from residential to mixed use. The outbuilding was constructed under 'Permitted Development' rights as a building incidental to the enjoyment of the dwellinghouse.

The material change in use that is being sought is for a mixed use of ordinary use incidental to the dwellinghouse and for the provision of religious instruction classes. The classes are already taking place within the building and as such this application is retrospective in nature. The applicant has indicated that the operating hours for the classes are Monday - Thursdays between 15.30 and 19.40, with 4 classes each day with between 4 and 10 children.

2 Planning History

18/01167/HHFUL - Two storey side and rear and single storey rear extension – Permitted
22.08.2018

3 Planning Policy

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

Peterborough Local Plan 2016 to 2036 (2019)

LP13 - Transport

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

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

- 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.
- 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/Représentations

Highways

We recommend refusal on the grounds of Highway Safety under LP13 of the Peterborough Local Plan 2016-2036.

While there is enough parking space within the red boundary, this is for the residential element and there is insufficient parking provision to accommodate the traffic generated by the Prayer School which would result in parked vehicles blocking access to footways and other residential properties. It would also appear evident that the school is operating a business that operates outside the hours stated on the covering letter.

Local Residents/Interested Parties

Initial consultations: 6
Total number of responses: 2
Total number of objections: 2
Total number in support: 0

Two objections has been received from 85 and 91 Grange Road on the following basis:

- The proposed use is for business purposes not family and friends
- Increased traffic from use of outbuilding for teaching, blocking driveways and pavement from associated vehicles using classroom, considered hazard as drive is close to a junction.

5 Assessment of the planning issues

The main considerations are:

- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking and highway implications

a) Design and impact upon the character and appearance of the surrounding area

The proposed outbuilding measures 9.7m in width, 4m in depth and 2.5m height with a flat roof. Its dimensions fall within the parameters of 'Permitted Development' for an incidental outbuilding. Though appearing cramped as the applicant is currently constructing the extension permitted under 18/01167/HHFUL, with minimal rear garden space being retained, the outbuilding appears large and appears as an overdevelopment. Taking into account the remaining available open land surrounding the property the outbuilding takes up less than 50% of the remaining land and could meet that provision of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015. The building also meets additional limitations of Class E by virtue of its dimensions.

Nevertheless, the building appears to have been constructed with the intension of a mixed use, for both residential use and that of religious instruction. On this basis, the construction of the building would have required planning permission, not being incidental to the enjoyment of the dwellinghouse. On this basis, whilst the construction of the building does not fall to be determined as part of this application, the fact that the building supports an unauthorised use is a consideration should permission be refused, as technically, the building would also be unauthorised. The 'fallback position' of the building being used for a sole use incidental to the dwellinghouse would technically meet the parameters of permitted development.

The building cannot be seen from the public highway and as such does not impact on the character or appearance of the surrounding area.

On the basis of the above considerations of permitted development, it is considered that the proposal would not result in unacceptable harm to the character, appearance or visual amenity of the surrounding area and is therefore in accordance with Policy LP16 of the Peterborough Local Plan (2019).

b) Impact on Neighbour amenity

The outbuilding shares its boundaries with 91 Grange Road to the north and 87 Grange Road to the south, as well as sharing its rear boundary with 36 Westfield Road. As detailed above, as an incidental building, the outbuilding itself could have been constructed under 'Permitted Development Rights'. The consideration is whether the continued use for teaching/prayer classes would have an impact on the amenities of the occupiers of the adjoining properties.

The classes are held on 4 days, Monday - Thursday, between 15.30 and 19.40. There will be 4 classes containing between 4 and 10 children at any one time. With 4 classes a day, this could mean an additional 16-40 visitors to the property each day. As those that are being taught at the property are generally children, they would be likely to be brought to the property by an adult, either by foot or by car.

Objections have been received alleging that the classes are operating beyond the hours stated within the covering letter and that there is considerable disruption occurring to neighbouring dwellings because of its use. The additional comings and goings of users of the outbuilding for classes, as indicated by the objections that have been received, already cause noise disturbance to neighbouring dwellings.

The continued use of the outbuilding for the provision of education would be detrimental to the amenities of the local residents on the basis of the increase in visitors, the noise and disturbance that the comings and goings would create and the parking of visitors vehicles, with the noise from engines and closing doors. On this basis, it is considered that the proposal would result in an unacceptable degree of harm to the amenities of neighbouring occupants and is therefore contrary to Policy LP17 of the Peterborough Local Plan (2019).

c) Parking and highway implications

The main issue related to parking and highways is the increase in traffic associated with the educational use as the existing off street parking only accommodates a maximum of 2 vehicles. Objectors have noted that parents regularly park and drop off students in and around the site which has led to parking concerns curb side as well obstructions to neighbouring drives from vehicles. The application site is near to the junction with Westfield Road to the North and it has allegedly been observed that obstructions to neighbouring parking and the increased curb side parking is posing a dangerous hazard close to a busy junction, which is also subject to double yellow lined parking restrictions.

The Highways Officer has commented that whilst off street parking is considered adequate for the residential element of the proposal there is insufficient parking provision to accommodate the traffic generated by the Prayer School which would result in parked vehicles blocking access to footways and other residential properties. Furthermore the Highways Officer notes that it is evident that the school is operating as a business which operates outside the hours stated on the covering letter, this is attested by the objections received.

On the basis of the above the proposed development is considered to be detrimental to highway safety due to its proximity to the junction, and lack of parking provision contrary to the requirements of Policy LP13 of the Peterborough Local Plan (2016-2036) Adopted 2019.

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 reason given below.

In making this recommendation, due regard has been given to the Public Sector Equality Duty and the relevant protected characteristics.

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed change of use to the outbuilding would result in disturbance from those attending the premise by virtue of noise from attendees, parking and maneuvering of vehicles, banging car doors and running engines to the unacceptable detriment of the amenity of the occupiers of the neighbouring dwellings. This is contrary to Policies LP13 and LP17 of the Peterborough Local Plan (2016-2036) Adopted 2019.

R2 There is a lack of sufficient off street car parking available at the property to serve the proposed change of use which would be likely result in on road parking, close to a junction on a residential street and blocking footways as such that it would result in highway dangers to the detriment of the safety of other highway users including neighbouring properties. This is contrary to policy LP13 of the Peterborough Local Plan (2016-2036) Adopted 2019.

Copies to Cllrs. Murphy, Nawaz. Robinson

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