

11/00695/FUL: CHANGE OF USE OF DAY CENTRE/NIGHT SHELTER TO UNDERTAKERS (A1) AT ST THERESA'S HOUSE, MANOR HOUSE STREET, PETERBOROUGH

VALID: 13 MAY 2011

APPLICANT: A D MURFITT

AGENT: TAYLOR DESIGN

REFERRED BY: CLLR NADEEM

REASON: IMPACT ON THE AMENITY OF THE OCCUPIERS OF NEIGHBOURING RESIDENTIAL PROPERTIES

DEPARTURE: NO

CASE OFFICER: MRS J MACLENNAN

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Policy context and the principle of development
- Impact on the amenity of neighbouring properties
- Highway implications
- Impact on the historic environment

The Head of Planning and Transport Engineering Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

**Key policies highlighted below.**

#### **The Peterborough Local Plan (First Replacement)**

**CBE11 Buildings of Local Importance** - Development will not be permitted if it would involve the demolition of, or substantial alteration to the external appearance of, any building designated as of local importance, unless: all reasonable steps have been taken to retain the building, or retention of the building, would be demonstrably impracticable; or the building could not be practicably retained and the benefits of the scheme outweigh the local importance of the building.

**CC15 Car Parking** - Opportunities for shared use of existing car parks should be investigated before new parking is provided

#### **The Adopted Peterborough Core Strategy DPD**

**CS13 Developer Contributions and Infrastructure Provision** - City Council will encourage developers to enter into a planning obligation for contributions based on the payment of a standard charge. Subject to arrangements as set out in a separate Planning Obligations Implementation Scheme SPD, contributions received via this standard charge may be assembled into pools at an authority-wide level and to the relevant Neighbourhood Management Area (as

described in policy CS6). The use of a standard charge approach will ensure that any contribution is reasonably related to the scale and type of development that is proposed.

**CS14 Transport** - The transport strategy for Peterborough is to: (i) reduce the need to travel, especially by private car; (ii) deliver a sustainable transport package capable of supporting a bigger and better Peterborough; (iii) support our UK Environment Capital aspirations; and (iv) assist in improving the quality of life of people.

**CS15 Retail** - The strategy for retail development in Peterborough is to: support and regenerate the city centre, through retail and other development, in order to maintain its position at the top of the retail hierarchy; support, and regenerate where necessary, existing District Centres and Local Centres to ensure they continue to cater for the retail needs of communities that they serve; provide, in the proposed urban extensions, retail development (in the form of new centres) to serve the retail needs of the new communities created, thus assisting in creating a 'bigger and better Peterborough'; and apply, in decision making, the national policy approach in PPS4.

**CS16 Urban Design and the Public Realm** - High quality and inclusive design will be required for all new developments as part of a strategy to achieve an attractive, safe, healthy, accessible and sustainable environment throughout Peterborough. New development should be designed in a way that is accessible to all potential users and by a range of modes of transport, taking into account the transport user hierarchy of the Peterborough Local Transport Plan. New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

**CS17 The Historic Environment** - The Council will protect, conserve and enhance the historic environment throughout Peterborough, through the special protection afforded to listed buildings, conservation areas and scheduled ancient monuments and through careful control of development that might adversely affect non-scheduled, nationally important archaeological remains; other areas of archaeological potential or importance; historic features and their settings; buildings of local importance; and areas of historic landscape or parkland (including, but not limited to, those on the English Heritage Register of Parks and Gardens of Special Historic Interest).

## **Material planning considerations**

### **Planning Policy Statement (PPS) 1: Delivering Sustainable Development**

Good planning is a positive and proactive process, operating in the public interest through a system of plan preparation and control over the development and use of land.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life;
- contributing to sustainable economic development;
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities;
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

**Planning Policy Statement (PPS) 4: Planning for Sustainable Economic Growth** - the Government's overarching objective is to achieve sustainable economic growth and as stated in PPS4 to help achieve this the Government's objectives for planning are to 'build prosperous communities by improving the economic performance of cities, towns, regions, sub-regions and local areas, both urban and rural, reduce the gap in economic growth rates between regions, promoting regeneration and tackling deprivation, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and other

centres as important places for communities. New economic growth and development of main town centre uses to be focused in existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment and remedying deficiencies in provision in areas with poor access to facilities – competition between retailers and enhanced consumer choice through the provision of innovative and efficient shopping, leisure, tourism and local services in town centres, which allow genuine choice to meet the needs of the entire community (particularly socially excluded groups) – the historic, archaeological and architectural heritage of centres to be conserved and, where appropriate, enhanced to provide a sense of place and a focus for the community and for civic activity’.

### **Planning Policy Guidance (PPS) 5: Planning and the Historic Environment**

The PPS5 states: ‘It is fundamental to the Government’s policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. The physical survivals of our past are to be valued and protected for their own sake, as a central part of our cultural heritage and our sense of national identity. They are an irreplaceable record which contributes, through formal education and in many other ways, to our understanding of both the present and the past. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside.’

PPS5 contains policies that seek to conserve and exploit the benefits of the historic environment. It recognises the value and importance of heritage assets, whether these are designated or not and provides protection for these through the planning system. They may be listed buildings or scheduled monuments, or currently undesignated or unidentified. Heritage assets can be identified by the local planning authority as having a degree of heritage significance meriting consideration in planning decisions. Non-designated assets may be identified (by a Buildings of Local Interest - local list) or during the process of determining a planning application. Policy HE8 advises that “.the effect of an application on the significance of such a heritage asset or its setting is a material consideration in determining the application.”

**ODPM Circular 05/2005 “Planning Obligations”** Amongst other factors, the Secretary of State’s policy requires planning obligations to be sought only where they meet the following tests:

- i) relevant to planning;
- ii) necessary to make the proposed development acceptable in planning terms;
- iii) directly related to the proposed development; (in the Tesco/Witney case the House of Lords held that the planning obligation must at least have minimal connection with the development);
- iv) fairly and reasonably related in scale and kind to the proposed development; and
- v) reasonable in all other respects.

In addition Circular 05/2005 states the following principles:

The use of planning obligations must be governed by the fundamental principle that **planning permission may not be bought or sold**. It is therefore not legitimate for unacceptable development to be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms.

Similarly, planning obligations should never be used purely as a means of securing for the local community a share in the profits of development.

**Planning Obligations Implementation Scheme** – The Peterborough Planning Obligations Implementation Scheme (POIS) Supplementary Planning Document (SPD) was adopted on 8th February 2010 (Cabinet Decision). The POIS sets out the Council’s approach to the negotiation of planning obligations in association with the grant of planning permission. A planning obligation is a legal agreement made under Section 106 of the Town & Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991).

### **3 DESCRIPTION OF PROPOSAL**

The application seeks permission for a change of use from a former day centre/night shelter for the homeless to an Undertakers (A1). The site would provide services associated with the direction of funeral and would include areas within the building for the arrangement/organisation of funerals, display area for funeral furniture/memorials, two chapels of rest, a memorial area, a preparation/storage area and a service room. The building would provide facilities for humanist/civil services or small gatherings of mourners where the deceased or their family do not wish to use conventional church, chapel or other religious based premises. The service room is approximately 63m<sup>2</sup> and can accommodate up to 35 people. No changes are proposed to the external appearance of the building other than general repair and redecoration. The building will be open to visiting members of the public Monday to Friday 8.00 a.m. – 5.30 p.m. and Saturday 8.00 a.m. – 12.30 p.m. Funerals will take place primarily on weekdays, although some religious denominations may require a Saturday or Sunday funeral. The building will be available for use by the undertakers on a 24 hour basis, dependent on the needs of the business i.e. the receiving of the recently deceased.

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

Site area is approximately 910m<sup>2</sup> and is located within the city centre and within the Park Conservation Area boundaries. The site contains a single storey detached Victorian building built in 1893 originally used as a convent/school and most recently used as a day centre/night shelter for the homeless. The building is currently vacant. There is a single storey side element to the front of the building and a more recent constructed single storey flat roof extension to the rear of the building. There are two outside sheds/stores to the rear situated along the south eastern boundary. The building has an internal floor area of approximately 370m<sup>2</sup>. There is a ramped access to the front of the building. The site has a vehicular access to the north western side of the building which leads to a concreted area to the rear providing approximately 260m<sup>2</sup> of car parking provision. This area is enclosed with at 1.9m wooden fence and palisade fencing and mature trees form part of the north western boundary to the rear. The access is shared with the neighbouring property at 17 Manor House Street and there is a separate parking area to the rear which serves this property. No. 17 Manor House Street is currently vacant and its former use was for Counselling Services (CMAC and Cruse Bereavement). The immediate context comprises a mixture of residential properties and offices. The site is within 150m of the city centre, approximately 370m to the nearest primary retail frontage and can reasonably be considered as an 'edge of centre' site.

### **5 PLANNING HISTORY**

No recent history at application site

Number 17 Manor House Street – neighbour to the west

Application Number	Description	Date	Decision
0468'80	Change of use to Day Centre for the depressed and isolated people	02.06.1980	PER

### **6 CONSULTATIONS/REPRESENTATIONS**

#### **INTERNAL**

**Head of Transport and Engineering – No objections** – The Local Highway Authority (LHA) do not consider the proposal would have an adverse impact on the highway network. The existing parking provision of 10 spaces does not meet the requirements PCC's parking standards for A1 use, however given the likely trip generation, the location of the site and the proximity of public parking facilities the LHA raise no objections.

**Conservation – No objections** – There is no objection to this proposal. The building is identified as a draft Local List entry and a new use will keep the building in correct maintenance and repair.

**Principal Regulatory Officer: Environment and Pollution Control – No objections** – The Officer is unaware of any complaint investigation associated with such uses. There is a very low potential for nuisance associated with such use providing suitable precautions are taken with respect to plant noise (e.g. refrigeration).

**Architectural Liaison Officer – No objections**

## **NEIGHBOURS**

Three letters of objection and a signed petition containing 12 names have been received. The main issues are summarised as follows:

- The use should not be in a residential street
- The use of the building for this purpose is upsetting and disturbing
- My garden overlooks the yard where the hearses will gather/load coffins
- Distressed people will be assembling within earshot of my garden
- The continuing situation of death/funerals and hearses carrying coffins up and down out street is depressing
- The undertakers should be in a commercial area
- Impact on quality of life
- Impact on the Conservation Area
- Narrow street will not accommodate large hearses
- Impact on residential parking where there is already a shortage
- Devalue of our properties (not a planning issue)
- 'Resident Permit' signs should be either made larger or painted on street (not a planning issue)
- Manor House Street should be made one way
- There needs to be signs directing visitors to the rear car park

## **COUNCILLORS**

Cllr Nadeem has referred to application to Planning and Environmental Protection Committee having been approach by neighbours to the site objecting to the proposal on grounds of amenity. These issues are listed above.

## **7 REASONING**

### **a) Policy context and the principle of development**

The use as undertakers and the direction of funerals is included under Class A1 of the Use Classes Order and allows for both the administrative arrangements and functional arrangements incidental to the primary use. Applications for retail uses are primarily assessed against PPS4 and in particular policy EC14 which requires a sequential approach to be taken for site selection for such uses. The first choice within the sequence would be for a city centre site, however, it is considered that there is limited scope for a building with appropriate site characteristics to be available within the city centre. The second choice within the sequence would be an 'edge of centre' site described in PPS4 'as a location that is well connected to and within easy walking distance (i.e. up to 300 metres) of the primary shopping area. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances. For example, local topography will affect pedestrians' perceptions of easy walking distance from the centre. Other considerations include barriers, such as crossing major roads and car parks, the attractiveness and perceived safety of the route and the strength of attraction and size of the town centre.'

The site is within easy walking distance to the city centre is on a clear legible route with no major barriers and is considered an 'edge of centre' site. The main thrust of PPS4 is to ensure that retail development and other main town centre uses are located in the city centre as the first preference, thus protecting the vitality and viability of the City Centre. Despite this being an A1 use, it is not one, due to the activities associated with the use, that would normally occupy a site within a primary or secondary retail frontage and as such an 'edge of centre' location is a preferable choice of location. It is reasonable, however, to condition the planning consent to removed permitted development rights thereby preventing the site becoming retail use that would put at risk the retail strategy. The proposal therefore, does not undermine the core objectives of policy CS15 of the Adopted Peterborough Core Strategy and PPS4.

## **b) Impact on neighbouring amenity**

This is an important material planning consideration and the proposal is primarily assessed on the potential amenity issues arising from the use including the likely increase in the general activity at the site and the subsequent noise and disturbance likely to be caused to neighbouring properties.

Due to the sensitive circumstances the very nature of undertakers/funeral directors are quiet and discrete operations, capable of being undertaken without disturbance to adjoining neighbours. The site has a number of characteristics which make it a suitable for use as undertakers. The site benefits by having vehicular access to the rear of the building. This area is reasonably enclosed and would allow for the receiving of the deceased/loading of hearses to a rear annex of the building which would be out of public view. This could be further enhanced by the erection of a screening panel adjacent to this entrance; and this requirement would be secured by condition. The internal layout of the building would provide the opportunity for displays of funeral furniture and memorials without being visible to passers by from outside the building. It is proposed that a condition preventing either cadavers or coffins being taken through the front of the building is attached to any grant of consent.

It is acknowledged that the use would generate a level of activity in the form of comings and goings of visitors and mourners. This is likely to be more intense when funeral services are held at the site. The service room has the capacity to accommodate up to 35 mourners. Consideration was given to the need to limit the number of funerals in any one day in order to avoid the overlap of services and possible numbers of people at the site at any one time. It is considered, however, that the number of funerals that could be delivered in any one day is limited by the modest size of the site. In any event, due to the sensitivity of these occasions, it would be inappropriate organisation on behalf of the funeral directors to have mourners/visitors waiting for one funeral to end before another one begins. The numbers of people accessing the site is likely to be considerably lower that would have been the case with the former use of the building as day centre/night shelter.

The main objection from neighbouring properties is the witnessing of coffins several times a day and the thought of dead bodies in the building. It is acknowledged that the characteristics of the activity can be disconcerting to some people even though an undertaker provides as necessary social function. The planning considerations are amenity and highway issues, as discussed within this report and in your officer's opinion the 'psychological effect', is not a material planning consideration.

It is the view that the proposed Undertakers would devalue the residential properties in the immediate area; again this is not a material planning consideration.

The Pollution Control Officer has been consulted on the proposal. To his knowledge there has never been any complaints regarding Undertakers in the city, however, consideration should be given to any likely noise implication arising from the use of plant equipment within the building. The details of this and any other extraction/filtration equipment would be agreed by condition.

The proposal will result in a degree of activity to and from the site however, this is unlikely to unacceptably impact on the amenity of the occupiers of neighbouring properties and accords with policy CS16 of the Adopted Peterborough Core Strategy DPD.

## **c) Highway Implications**

The site has existing provision for the parking of 10 vehicles. There is some on-street parking along Manor House Street; however, most of Manor House Street has limited parking restricted to 'resident permit holders' on the north side and yellow lines on the south side. Drivers are therefore unlikely to park their vehicles outside permitted areas. There are however, public car parks within close walking distance to the site notably, Craig Street Car Park and the Multi Storey Car Park in Northminster. The site is also served well by public transport; Lincoln Road which approximately 50m to the west of the site, is a primary network route with a frequent bus service. The bus station and railway station are within reasonable walking distance. As the site lies within the city centre boundary the level of parking is considered adequate and planning policy CC15 seeks to resist car parking within the city centre particularly where off street parking is provided within easy walking distance, which is the case in this instance. Concern has been raised regarding the road being of inadequate width to accommodate large

hearses. Parking however, is restricted to the northern side of the street and the road is of sufficient width to accommodate larger vehicles.

Neighbouring residents are concerned that visitors to the site will park in the resident permit areas and that the signs should be made bigger. It is accepted that some visitors to the site may parking in these designated areas however, they do so at their own risk, as there is a penalty for doing so. Having larger 'permit holder' signs erected or areas marked out on the highway is not for the planning department to consider and should be taken up with the Local Highways Authority.

There is currently no cycle parking provision at the site and it is considered reasonable for the applicant in accordance with policy CC16 of the Adopted Peterborough Local Plan (First Replacement) 2005 to provide 5 no. cycle parking stands within the site.

The site is at a sustainable location within a short walk of the city centre and accessible by a choice of modes of transport. The proposal therefore accords with policies CS14 and CS16 of the Adopted Peterborough Core Strategy DPD.

#### **d) Impact on the historic environment**

The site is located within the Park Conservation Area boundary and the building is a good surviving example of Victorian architectural style. The building retains many of its original features including a large tripartite central window and provides variety and interest to the street scene and contributes to the Victorian character of the area. The building has been added to the draft list of 'buildings of local importance' and is considered as one of Peterborough's heritage assets. One of the Government's objectives as outlined in PPS5 is 'to conserve England's heritage assets in a manner appropriate to their significance by ensuring that wherever possible heritage assets are put to an appropriate and viable use that is consistent with their conservation'. The Conservation Officer supports the proposal as the change of use to undertakers would bring the building back into beneficial use, is sustainable and would ensure the ongoing maintenance of the building. There would be no alterations to the external appearance of the building and hence the character and appearance of the conservation area would be preserved. Hence the proposal accords with policy CBE11 of the Adopted Peterborough Local Plan (First Replacement) 2005 and PPS5.

#### **e) S106 contribution**

In accordance with the Planning Obligations Implementations Scheme applications for a change of use are considered on a case by case basis. S106 contributions are not sought for A1 retail floorspace under 500m<sup>2</sup>. The floorspace for the proposed A1 use is 370m<sup>2</sup> and therefore in accordance with policy CS13, no contribution is sought for this proposal.

## **8 CONCLUSIONS**

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

- The site is within an 'edge of centre' location which is considered appropriate for use as undertakers (A1); and the use would not impact on the viability and vitality of the city centre;
- The use would be sympathetic to the surrounding character and would not result in any detrimental impact on the amenity of occupiers of neighbouring properties.
- All activities associated with the use shall be undertaken inside the building and shall not be visible from any public view or from the adjoining neighbouring properties;
- The site is accessible by a choice of means of transport and the proposed use is unlikely to result in any adverse impact on the adjoining highway;
- The proposal would bring the building back into beneficial use.

Hence the proposal accords with policies CBE11 and CC15 of the Adopted Peterborough Local Plan (First Replacement) 2005, policies CS13, CS14, CS15, CS16 and CS17 of the Adopted Peterborough Core Strategy DPD and PPS4 and PPS5.

## 9 **RECOMMENDATION**

The Head of Planning, Transportation and Engineering Services recommends that this application is APPROVED 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 the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C 2 The building shall be used as an Undertakers and for no other purpose (including any other purpose within Class A1 of 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 & Country Planning (General Permitted) Development Order 1995 (or any statutory instrument revoking and re enacting that Order).**  
Reason: In order to protect the viability and vitality of the Central Retail Area and in accordance with CS15 of the Adopted Peterborough Core Strategy DPD and PPS4.
- C3 Notwithstanding the details hereby approved; a privacy screening panel shall be erected at the rear entrance to the building. The details of the height, material and position of the screening panel shall be submitted to and approved in writing by the Local Planning Authority. The screening panel shall be erected in accordance with the approved details prior to the Undertakers being brought into use and shall remain in situ in perpetuity.**  
Reason: In order to protect the amenity of the occupier of neighbouring properties and in accordance with Policy CS16 of the Adopted Peterborough Local Plan (First Replacement).
- C4 Notwithstanding the details hereby approved; no coffin or deceased person shall be taken in through or out of the front entrance of the building.**  
Reason: In order to protect the amenity of the occupiers of neighbouring properties and in accordance with Policy CS16 of the Adopted Peterborough Core Strategy DPD.
- C5 All extraction equipment to the atmosphere shall be suitably filtered to avoid nuisance from odours to persons in nearby properties. Unless otherwise agreed in writing by the local planning authority details of the nature and location of such filtration equipment shall be submitted to and agreed in writing with the Local Planning Authority before installation. Installation shall be in accordance with the approved details before the Undertakers hereby approved is brought into use.**  
Reason: In order to protect the amenity of neighbouring properties and in accordance with policy CS16 of the Adopted Peterborough Core Strategy.
- C6 The noise levels of any plant equipment to be used on site (e.g. refrigeration) shall be submitted to and approved in writing by the Local Planning Authority prior to the Undertakers hereby approved being brought into use.**  
Reason: In order to protect the amenity of neighbouring properties and in accordance with policy CS16 of the Adopted Peterborough Local Plan (First Replacement) 2005.
- C7 No works to the external appearance of the building shall be undertaken, other than re-painting and general maintenance, without the prior approval of the Local Planning Authority. Details of any external works shall be submitted to and approved in writing by the Local Planning Authority and development shall be implemented in strict accordance with the approved details.**  
Reason: In order to protect the character and appearance of the building and in accordance with Policy CBE11 of the Adopted Peterborough Local Plan (First Replacement) and Policy CS17 of the Adopted Peterborough Core Strategy.
- C8 Prior to the Undertakers being brought into use details an area shall be made available within the site for the parking of cycles. The details of the cycle parking measures shall be submitted to and approved in writing by the Local Planning Authority and that area**



**shall thereafter be retained for the purpose of cycle parking in connection with the approved Undertakers, in perpetuity.**

Reason: In the interest of Highway safety, and to encourage travel by sustainable modes in accordance with Policy CS14 of the Adopted Peterborough Core Strategy DPD.

Copy to Councillors Nadeem, Khan and Jamil

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