

| Planning Committee Report | |
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| Planning Ref: | FUL/2020/0341 |
| Site: | 260 Browns Lane, CV5 9EE |
| Ward: | Bablake |
| Proposal: | Continued use of detached building for art classes |
| Case Officer: | Ayesha Saleem |

SUMMARY

The application is for the continued use of a detached building for art classes. The proposal is considered to have an acceptable impact upon the street scene and the no detrimental impact upon the existing neighbouring properties.

BACKGROUND

The application has been recommended for approval. The application has received more than 5 public representations objecting to the proposal

KEY FACTS

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| Reason for report to committee: | More than 5 objections have been received |
| Current use of site: | The site is currently a residential property with amenity to the rear and parking to front. The art building is located to the rear of the property. |
| Proposed use of site: | Continued use of detached building for art classes |

RECOMMENDATION

Planning committee are recommended to approve planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies AC1, AC2, CO1, DE1 and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application proposes to continue using the detached outbuilding to provide art classes. The outbuilding has an internal floor area of 42 sq.m. The applicant lives at 260 Browns Lane and has been operating classes since 2017. The classes teach drawing; different artistic styles, techniques and genres; and an awareness of the history of art and artists.

The application is accompanied by many testimonies from parents and local, individual users of Artshed and also from organisations, a design and access statement and a parking survey.

The design and access statement states that the proposed use would involve continuing the following classes for children and adults:

- art classes of up to 20 children who are aged between 4-13;
- 1-to-1 GCSE tutoring sessions run at various points throughout the week with one student only attending. Their times fluctuate depending on availability, but they are always between the hours of 10am-3pm;
- the classes provide supplementary art classes to those offered in schools and, therefore, mostly operate during term-time only;
- holiday workshops during summer between 10-11.30am;

The regular weekly classes that would continue are as follows -

- Tuesday 4-5pm (art class for up to 20 children)
- Wednesday 1pm (adult class for 4-6 people on the second Wednesday of each month);
- Thursday 5-6pm (art class for 12-14 children);
- Saturday 10-11am (art class for up to 20 children) and extra 1-to-1 class between 9-10am.

Some previous classes have recently stopped and are not proposed to continue -

- holiday workshops which did run from 10-3pm and involved woodlands classes;
- Monday 1-2pm has changed to 1-to-1 tutor sessions from the previous class for up to 7 home educated children

The Agent has confirmed that the Art Shed activities are the only use that run at this premises and children parties are also no longer to run.

For the avoidance of doubt the hours of operation are to be controlled by condition (note condition 2).

SITE DESCRIPTION

The application site relates to a detached outbuilding in the rear garden of a semi-detached dwelling on the north-western side Browns Lane. The dwelling has a small paved forecourt area and a footpath to the side which provides access to a 45m long rear garden, which is surrounded by a mixture of fencing and hedging. No.260 also benefits from an extended rear garden which wraps around the rear of the property. The application building comprises a 42 sq.m pitched roof outbuilding which is set

approximately 6m from the rear of the dwelling and is currently used by the applicant for art classes (known as Artshed).

PLANNING HISTORY

| Application Number | Description of Development | Decision and Date |
|---------------------------|---|--|
| PA/2018/0158 | Application under Prior Approval for rear extension. The extension will be 6.00 metres away from the original rear wall of the building with a height of 3.7 metres at the highest point and 2.55 metres to the eaves | Prior Approval Not Required 13/02/2018 |
| HH/2017/3262 | Erection of rear extension | Withdrawn 26/02/2018 |

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in February 2019 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policies relating to this application are:

Policy DE1- Ensuring high quality design

Policy DS3- Sustainable Development Policy

Policy AC1- Accessible Transport Network

Policy AC2- Road Network

Policy CO1- New or improved social community and leisure premises

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Extending Your Home- A Design Guide

SPD Delivering a More Sustainable City 2009

SPD Coventry Connected (Transport and Accessibility) 2019

STATUTORY CONSULTATION RESPONSES

Highways- No objections

Environmental Protection- No objections

PUBLIC RESPONSES

Notification letters were sent out to adjoining neighbouring houses and a site notice were displayed on the 24th February 2020.

6 letters of objection were received raising the following material planning considerations:

- a) Parked cars and congestion caused by this development
- b) Parents block drives and park dangerously
- c) Drop off and pick up times cannot be monitored.
- d) Owners have been running without planning permission or consideration of the neighbours
- e) Parties cause disruptions
- f) Noise and disturbance
- g) Loss of privacy
- h) Highway safety concerns
- i) Other uses (at least 4) run at the premises
- j) Some of the sessions are run by people who do not live at the premises
- k) The owners have started and increased business activities despite neighbours speaking to the owners and an enforcement planning officer visiting. The owners have continued to advertise and run business activities that impact on neighbours.
- l) No reference to appropriate facilities for children including environmental health and safety and safeguarding requirements- no mention of toilets and security arrangements for children.
- m) The application does not include facilities for those with a disability.
- n) The application only makes reference to applying for permission with regards to the 'art shed.' This and the others business being ran is having an impact on neighbours, due to the noise, parking issues and the blocking of the highway.
- o) During the evenings and at night they have flood lights that light up the garden. A bat survey or conservation survey does not appear to have been submitted with the application documents.
- p) There are other venues locally that would be more suitable to hold the activities listed in the planning application and of those taking place not listed.
- q) The parking survey does not reflect the proposal.
- r) The additional parking in front of driveways restricts vision splays for house holders leaving their driveways. The 85th percentile speed of the road is above the 30mph limit and the additional parking restricts vision.
- s) No evidence of reduced impact upon neighbours
- t) The reports refer to other commercial properties operating in Allesley and 260 Browns Lane is not comparable with these properties.
- u) There are other art businesses that operate form church halls and community centres throughout the city and provide art parties. The report states there are no other edge of centre sites available. The applicant if looking for an edge of centre site could look into other sites on the edge of the city.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- v) Letters sent to residents by applicant conflict with the application.
- w) Website relates to prosecco and art classes- do they have a licence for the alcohol
- x) Blow up pub business- do they have a licence for the alcohol
- y) Children's boot camps run in holidays- concerns regarding health and safety
- z) Large groups are not acceptable

aa) The impact of the 'art shed' and other businesses running at the property has significantly increased over the last 12 months. Neighbours are not always able to take photographs to evidence the negative impact that the activities/businesses are having, as often children are present, and we do not have permission to take photographs where the children would be in view/included.

bb) The applicant purchased the home with only a garage.

21 letters of support have been received raising the following:

cc) Opportunities offered are a benefit to the community

dd) Unique service to the community

ee) Children enjoy the classes

ff) No notice of increased footfall of traffic

gg) Creates a sense of community

hh) Keeps children in safe environment away from danger

ii) Minor proposal compared to large housing developments within the vicinity

jj) No noise impacts or disruptions caused

kk) Improves development of children

ll) Any potential harm is outweighed by the benefit

mm) Only busy at peak times

nn) This development is an asset to the community

Any further comments received will be reported within late representations.

ASSESSMENT

Principle of Development:

Policy CO1 States 'Proposals for social, community and leisure facilities will be considered through the following sequential approach:

a) Designated centres to support the centres hierarchy;

b) Where no suitable sites are available in a designated centre, an edge of-centre location;

c) Where no edge of centre sites is available, a site adjacent to other associated facilities including existing schools and educational facilities;

d) Only where no suitable site can be identified having regard to points 1- 3, will stand alone sites be supported, subject to:

i. The proposal addressing an unmet need within a local community;

ii. There being no significant adverse impact upon the role of a defined Centre; and

iii. There being no material impact on neighbouring amenity;

2. Proposals will be considered on the basis of:

a) The appropriateness of their proposed location in relation to their scale and intended catchment;

b) Compatibility with nearby uses;

c) Accessibility by a choice of means of transport; and

d) Compatibility with other Plan Policies.'

The applicant has stated the proposal would be for the continued use of the residential property for art classes. Officers consider the proposal (art shed) to be a social and community facility albeit located in the backyard of an existing residential property. Policy CO1 would seek to locate such a proposal within a designated centre unless no suitable sites are available.

Officers note the applicant's sequential assessment of sites within the Birmingham Road defined local centre is based on the applicants stated, 'local catchment'. Officers have accepted the identified catchment and are satisfied that the proposal does accord with the criterion of the aforementioned policy such that the proposal:

- Has been subject to an appropriate sequential assessment;
- Has considered edge of centre locations; and
- Has considered sites adjacent to associated facilities such as the local school.

Furthermore, the standalone nature of the site is considered to clearly address an unmet need within the local community based on the evidence put forward in the applicants supporting statement. Given the unique nature of the proposal, officers do not consider this proposal would have a significant adverse impact upon the role of the Birmingham Road local centre.

Impact on visual amenity:

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

Chapter 12 of the NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The use is carried out from an existing former domestic outbuilding in the rear garden and there is no intention to change its design or make any other alterations to the site. The outbuilding is not prominent to the street scene given the siting of it, thus there are no concerns regarding the impact upon visual amenity.

Impact on residential amenity:

The application site is located in the curtilage of a dwelling and both adjacent properties (258 and 262 Browns Lane) are also dwellings. The properties each have large rear gardens. The application relates to the use of an existing domestic outbuilding, which is set 6m from the rear of the dwelling. The building is approximately 12.06 metres from the main rear elevation to No.258 and adjoins the shared boundary fence, which is between 1.6 metres and 1.8 metres high. The building is approximately 3.0 metres from the fence and 13.05 metres from the rear elevation to No.262. the building is to have no detrimental impact upon the immediate neighbours.

Highway considerations:

The 'Art Shed' is easily accessible by all. Upon consideration of a parking survey submitted by the applicant, (based on a methodology acceptable to the Highway Authority) which has demonstrated adequate on-street parking capacity at this

location, this proposal is not considered to present detriment to the adjoining local highway network. Highways officers have no objections to the proposals.

Other Matters:

Environmental protection officers have raised no objections in regard to noise and the hours of use are considered to be reasonable. Officers have raised no concerns regarding the lighting. The lights being referenced in the neighbour comments are domestic garden lighting and therefore permissible, there is no evidence of such lighting causing disturbance to neighbouring properties

The alcohol element is not a material planning consideration but a matter for licensing. Just for clarification officers are only considering the Art Shed for the use of art classes. No other use has been considered under this application.

Equality implications:

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

Having reviewed the proposals officers are satisfied that the proposal meets the Equality Act. There are no known equality implications arising directly from this development.

CONCLUSION

In view of the acceptable principle, design and no detrimental impact upon neighbouring properties, the scheme accords with development plan policies, supplementary planning guidelines and the NPPF 2019 therefore the application is recommended for approval. The development is in accordance with Policies AC1, AC2, CO1, DE1 and DS3 the Coventry Local Plan 2016.

CONDITIONS:/REASON

1. The development hereby permitted shall be carried out in accordance with the following approved documents:
Grouped Plans DWG: 260BL FP-001A

Planning Report- Received 26/05/20
Parking Survey
Email regarding use dated 06/03/2020

Reason: *For the avoidance of doubt and in the interests of proper planning.*

2. The use hereby permitted shall not take place other than between 12.00 hours and 18:00 hours Mondays to Fridays, 10:00 hours and 18:00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016*

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any Order revoking and re-enacting that Order with or without modification, the Art Shed shall be used only for art classes and for no other purpose (even if such other purpose would not otherwise require planning permission or would otherwise be permitted by any legislation)

Reason: *It is considered necessary to strictly control the nature and intensity of the use of the site and only the approved use has been considered in establishing whether the proposal would have acceptable impacts in this location, and other use would require further detailed consideration in accordance with Policies DE1 and DS3 of the Coventry Local Plan 2016.*

4. The use hereby permitted shall enure solely for the benefit of Jackie Clarke and for no other person, and specifically not for the benefit of the property/land known as 260 Browns Lane CV5 9EE.

Reason: *The approved development has only been considered to be acceptable in this location because of the special circumstances of the applicant and would not otherwise accord with Policy DE1 of the Coventry Local Plan 2016.*

5. There shall be no more than 20 persons attending a class at any one time

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016*