

APPENDIX 1

Planning and EP Committee 6 July 2021

Item No.1

Application Ref: 21/00477/FUL

Proposal: Proposed workshop, store and replacement hobbies classic car garage

Site: 17 Crowland Road, Eye, Peterborough, PE6 7TP

Applicant: Mr Desmond Varuis
PSCC Window Film Ltd

Agent: Mr John Hartley
J J & J Hartley

Referred by: **Councillor Nigel Simons**

Reason: Neighbour impact; commercial activity within residential area; public interest

Site visit: 16.06.2021

Case officer: Mr Asif Ali

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Recommendation: **REFUSE**

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

Site and Surroundings

The application site is located within the village of Eye Green, which has a predominately linear settlement form. The site is located on Crowland Road, the main road through the village, close to its junction with Green Road.

The application site is rectangular in shape and measures approximately 1,100 sq. meters (0.27 acres) in size. It comprises of a detached 2 storey residential dwelling of No.17 Crowland Road positioned on its frontage. In addition there are 2 existing outbuildings and a car port structure on site. The largest brick built outbuilding positioned to the rear of the dwelling is to be retained on site as part of this proposal. The smaller of the two outbuildings beside it, and car port structure on the rear boundary are proposed to be removed as part of this proposal.

The largest outbuilding on site measures approximately 140 sq. meters, it was formerly used as a commercial premises, however, planning permission was approved under ref 11/02037/FUL 'for the change of use from funeral carriage garage and yard to hobby room and garden'. As such the land rear of No.17 and the associated outbuildings are now in residential use associated with the residential house. The former commercial use of the site is therefore now historic.

Vehicle access is gained via a dropped kerb crossing from Crowland Road. The access driveway sits immediately between the side gable of No.17 and No.19 Crowland Road. The side and rear of the site are enclosed by approximately 1.8m high close boarded fencing.

The surrounding area consists of No.19 Crowland Road, the 2 storey end terrace residential property positioned directly adjacent to the site to the north. On the opposite side of Crowland

Road to the east are the 2 storey residential properties of Nos.28b, 28a and 28 Crowland Road. Bounding the site to the south are the rear gardens and properties of Nos. 4, 6, 8, 10 and 12 Green Road. To the west of the site, the site backs onto No.12A Green Road which is a commercial unit for BSD Engineering.

Proposal

The application seeks planning permission for the erection of a large building at the rear of the site. The building would be L shaped, with the main part of the building adjacent to the side boundary with No.19 measuring approximately 20.25m by 10.37m, with an eaves height of 3.5m and a total overall height of 4.35m. The smaller flat roof section of the proposal positioned along the rear boundary would measure approximately 7.6m x 3.6m x 2.6 in height.

The proposal would also result in the demolition of an existing smaller of the two outbuildings and the rear car port structure on site. 3 no. parking spaces and 1no. disabled parking space are also proposed as part of this application.

It is proposed that the building would comprise of a hobbies (classic cars) unit which has an area 65 sq. meters in the main part of the building, and a store and workshop unit which would measure 130 sq. meters in total. With an office, WC and reception area to serve the store and workshop unit has an area of 21 sq. meters. As such the total internal area of the building will be approximately 216 sq. meters.

For clarity, the proposed building consists of the following:

- The hobbies (classic cars) unit would be used by the resident of No.17 Crowland Road, Mr Godsland, to house his classic/vintage car collection and carry out any works to them. For the sake of clarity, the existing outbuilding on site proposed to be retained by this proposal, is also currently used to house the classic/vintage cars of Mr Godsland as well as allowing him to carry out any works to them.
- The proposed adjoining store, workshop, office, WC and reception areas within the building would be used by Mr Jarvis to carry out his window tinting business from the premises. Mr Jarvis runs his existing window tinting business from his residential property at No.30 Crowland Road, closeby on the opposite side of the road. He has stated that should the proposal be approved then Mr Jarvis would shut down the current window tinting business at No.30 Crowland Road (approved under planning ref 06/00552/FUL and 08/01088/FUL). The business operates from his garage building on site which measure 11.7m x 5m, total of 58.5sqm.

2 Planning History

| Reference | Proposal | Decision | Date |
|--------------------------------|---|------------------------|------------|
| For No.17 Crowland Road | | | |
| 20/01666/FUL | Proposed workshop and associated store and replacement hobbies classic car garage | Withdrawn by Applicant | 16/02/2021 |
| 12/00551/FUL | Proposed bungalow | Permitted | 29/06/2012 |
| 11/02057/FUL | Proposed bungalow | Withdrawn by Applicant | 05/03/2012 |

| | | | |
|------------------------------------|---|-----------|------------|
| 11/02037/FUL | Proposed change of use from funeral carriage garage and yard to hobby room and garden | Permitted | 16/02/2012 |
| 91/P0120 | Erection of garage | Permitted | 28/03/1991 |
| For No.30 Crowland Road | | | |
| 06/00552/FUL | Use of garage for tinting business - retrospective | Permitted | 19/05/2006 |
| 08/01088/FUL | Use garage as workshop to tint car windows | Permitted | 07/11/2008 |

3 Planning Policy

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

Peterborough Local Plan (2019)

LP04 - Strategic Strategy for the Location of Employment, Skills and University Development

LP4 a) Promotes the development of the Peterborough economy. Employment development will be focused in the city centre, elsewhere in the urban area and in urban extensions. Provision will be made for 76 hectares of employment land from April 2015 to March 2036. Mixed use developments will be encouraged particularly in the city, district and local centres.

LP4b) Employment Proposals not within General Employment Areas or Business Parks will be supported provided that there are no suitable sites within allocated sites/ built up area, it is of an appropriate scale, would impact on the viability of an existing allocated site and not result in any unacceptable impact.

LP4c) The expansion of existing businesses located outside of allocated sites will be supported provided existing buildings are re-used where possible, there would be no unacceptable amenity, highway or character impacts.

LP4d) Conversions and redevelopment of non allocated employment sites to non allocated employment uses will be considered on their merits taking into consideration the impact on the area, the viability of the development including marketing evidence and the impact of continued use of the site.

LP4e) Proposals which directly assist in the creation of a university campus will be supported.

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.

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

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

Eye Parish Council Objection -

The concerns that the Parish Council had in respect of the previously withdrawn application still remains.

The application is for a business and this is in a residential area and the concerns are for noise and traffic directly onto the A1073 Crowland Road with have a detrimental effect on the nearby residents.

It also appears to be an overdevelopment of the site.

PCC Peterborough Highways Services No objections -

PSCC Window Film Ltd is an existing business currently operating from no. 30 Crowland Road.

The proposals are to relocate the business operations from no.30 which is residential to no.17 which is an established commercially used site.

At present due to a lack of space at No.30, vehicles are parking and waiting on Crowland Road to access the business.

The application site benefits from a 5.5m wide vehicle access with adequate visibility and has ample on site space for the parking and turning of vehicles (parking standards are maximum). Given the above, the proposal for the application site are considered to be an improvement from the existing business situation, in terms of easing parking congestion on the public highway.

The on-line parts ordering service shall involve a delivery vehicle visiting the site once every 4-6 weeks and a courier vehicle visiting the site once a day.

The highway issues raised have been sufficiently addressed hence the LHA's recommendation however the LHA's support for the proposals depends upon the fact that if no.17 is to be the new site for the business the LHA would want to see the commercial use of the existing site cease.

The reason for the above is that the sites are located in close proximity to one another on the same section on Crowland Road. This could potentially cause issues if vehicles were parked outside of no.30 when vehicles were trying to access / egress the other site; particularly given the proximity of the existing bus stop.

PCC Pollution Team

Following consideration of the above application this section has some concerns relating to the development and makes the following comments and suggested conditions relating to noise, and light:

Complaints

This section has received three complaints within the last 6 months relating to noise, artificial light, and odour from fumes originating from activities at the application site, 17 Crowland Road. The complaints relating to light and noise remain open and under investigation.

Noise - vehicle repairs/vehicle works

The proposed development is in close proximity to nearby residential premises. The proposal includes a reception area as well as workshop, store, and hobby area. Use of these has been clarified to include vehicle works relating to a window film business, online order collection and use as a hobby classic vehicle workshop.

It is the experience of this section that noise associated with garages and repair shops can impact the amenity of nearby residential premises, particularly when they are operated outside the normal Monday to Friday working hours and are near residential properties and particularly gardens.

In this kind of situation time averaged noise limits will not provide effective control, since it will be likely that noise sources of concern will be characterised as non-continuous, short duration, high energy, impact events. Such noises are unpredictable, sudden and result in startle-effect which, by this nature, would be inherently annoying. One possible control measure for such noises is to ensure they are carried out inside a building with windows and doors closed, however the effectiveness of this is dependent on sound attenuation of the building and volume and nature of the noise.

Some ancillary activities are just as likely to result in complaint as the principal work activities. Such noise sources might include deliveries; loading/unloading; the manoeuvring of vehicles on the premises; and work not conducted within the building with closed doors due to the nature of the work, the size/awkwardness of the workpiece, and the speed in conducting the activity.

These noise sources are difficult to effectively assess the impact of and, being essential to the conduct of business, would also present difficulties for control by the developer and enforcement by the regulator. The operator would have a defence of having used the best practicable means in such situations.

It is also noted that the parking area associated with the premises, presumably to be used for vehicle drop-off and collection is adjacent to the fence and within 2 meters of the rear facade of 10 Green Road. There is likely to be disruption from the use of this area, in particularly when used outside normal working hours.

As already stated, the potential for disturbance upon local residents during unsociable hours requires consideration. Hours of use should be limited to prevent unacceptable impact during unsociable hours.

North Level District Internal Drainage Board No comments received.

Local Residents/Interested Parties

Initial consultations: 10
Total number of responses: 2
Total number of objections: 2
Total number in support: 0

2 comments were received from local residents at Nos. 10 and 12 Green Road. Both comments received were in objection to the proposal.

The objections can be summarised as follows:

- We object on the following factors: noise, pollution and environmental issues, health & safety, privacy impact, the right to light being reduced and impact on amenity.
- The noise level of the current outbuilding at this distance is a nuisance especially in summers when the doors are open. However, the new proposal having 3 additional doors open, the noise level directed southward towards our property is going to influence our right to enjoy our home.
- Uncomfortable vehicle engine noise levels (high revs).
- Unsociable noise levels of metal fabrication and vehicle repair equipment.
- Weekend disruptions due to various noise generated that will prevent us from opening our windows and having the right to fresh air circulation in our property.
- Vehicle movement and vibration from the site.
- Distribution and delivery of stock/parts to four workshops at any time.
- Vehicles loading and unloading from a trailer.
- Major noise interrupted my teams call and I had to move from the rear of property to a south facing room to continue my meeting.
- Radio noise - there are multiple occasions the side door of the garage is open with radio blaring out. This would also apply to the new proposed application where all three doors south facing.
- Vehicles revving and toxic fumes from proposed parking allocation located less than 2m from our property adversely impacting the enjoyment of the house and garden/patio area.
- Future use - if approved anyone of the workshops could become a repair centre or tyre replacement garage which generates various levels of noise disturbance.
- Noise from plant equipment.
- Toxic fumes and air quality from general use of the site.
- Unsocial hours - the current garage is utilised at various hours during the week and weekends including Saturday and Sunday afternoons. Therefore, if approved the proposal will mean people working 7 days a week impacting our right of enjoyment of our home.
- HSE Impact - high risk of fire/explosive/flammable chemicals classic car repair. Asbestos dust from classic cars.

- Light nuisance - inconsiderate behaviour impacting the enjoyment of our home.
- Delivery trucks and amazon vans parked in the parking spaces will infringe our privacy. - The fire engine has also been parked near the fence on a couple of occasions, causing my daughter to close her bedroom curtains during the middle of the day due to privacy issues. - These high sided vehicles parked in the proposed parking bays would also impact our right to light.
- The reception window would compromise our privacy and amenity.
- There is a clear height difference in land level between the site and Green Road, and would tower over the current residential homes based on a metre slop difference.
- Appearance of the proposal will be detrimental to the amenity of the residential properties adjoining the site.
- The proposed outbuilding will cover more than 50% of the curtilage.
- More than 50 commercial/industrial units available in Peterborough based on industrial estates away from residential properties.

5 **Assessment of the planning issues**

The main considerations are:

- Principle
- Design and character of the site and surrounding area
- Neighbour amenity
- Highway and parking provision
- Other

a) Principle

The application site is located outside of a General Employment Area (GEA), Business Park (BP) and any allocated site, Policy LP4 of the Peterborough Local Plan (2019) outlines the criteria which would allow Officers to support proposals for other employment proposals outside GEAs, BPs and allocated sites. The relevant extract of Policy LP4 is outlined below:

Other Employment Proposals

Other employment proposals not with GEAS, BP or allocated sites will be supported, provided:

- *There is a clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement;*
- *The scale of the proposal is commensurate with the scale and character of the existing settlement;*
- *There is no significant adverse impact on the character and appearance of the area, and/or the amenity of neighbouring occupiers;*
- *There are no significant adverse impacts on the local highway network;*
- *There is no significant adverse impact on the viability of delivering any allocated employment site; and*
- *The proposals maximise opportunities for modal shift away from the private car.*

There has been no clear demonstration that there are no suitable or appropriate sites or buildings within allocated sites or within the built up area of the existing settlement. The proposed uses would comprise generally of B2 and B8 uses, which are uses compatible with GEAs. The Agent

has stated that a site was required within easy walking distance from the home of Mr Jarvis (No.30 Crowland Road), it is noted that the application site is directly across the current business premises (No.30) which received a temporary permission under a 2006 permission reference 06/00552/FUL and a permanent permission under ref 08/01088/FUL both of which were approved with a personal condition to Mr Jarvis. The existing business run from Mr Jarvis' garage at his residential home is approximately 58.5sqm in size. The building proposed on the application site to accommodate his business part only, is 151sqm about 2.5m times larger than the existing. Therefore the proposal involves both a relocation and expansion of the business. Therefore, it is considered appropriate that alternative sites within GEAs, which would probably be more appropriate places for the siting of the window tinting business, should have been considered.

Whilst Officers note that the site has historically had commercial uses within the rear of the site, this has always been in connection with the occupation of No.17 Crowland Road on site. For about the last 10 years the site has only been in use as a single residential site with hobby outbuilding uses. The current proposal would introduce a new separate commercial business onto the application site, with hobby outbuilding use, and the residential property. This would lead to a significant intensification of the site, and differing residential and commercial uses. It is considered that the scale of the building and business use proposed would not be commensurate with the residential site and its context. Particularly as the commercial use is completely unrelated to the existing residential use on the site. The shared nature of the site, its shared vehicle access, all vehicles having to manoeuvre past the residential garden of the property on site to reach the business use, the business parking and manoeuvring at the rear of the site behind the residential garden etc.

Finally, the scale of the proposal would not be appropriate with the scale and character of the application site given the scale of the proposed building as well as the raised site level and the proximity to the adjacent neighbouring properties, but these matters will be expanded upon below in detail.

Therefore, it is considered that the principle of the proposal cannot be supported considering the proposed location, and the lack of demonstration of no suitable or appropriate sites or buildings.

In light of the above it is considered that the proposal would be contrary to Policy LP4 of the Peterborough Local Plan (2019).

b) Design and character of the site and surrounding area

The proposed development would introduce a large predominately commercial building in the rear of the existing residential site positioned along the northern boundary of the site with No.19 Crowland Road. The new building and retained outbuilding would result in the majority of the 40m side garden boundary with No.19 having buildings positioned along it.

A previous planning permission ref 12/00551/FUL approved a bungalow at the rear of the site near the northern boundary in a similar position to the proposal. This bungalow was domestic in appearance, size and scale, and was positioned 3m off the side boundary with No.19, so it would not appear cramped on site and to minimise the impact on the adjacent residential neighbour. This approved permission also removed 2 existing outbuildings and car port structure, leaving only the existing dwelling and new bungalow on site. It was considered the site could acceptably accommodate the existing residential property at the front of the site and the new residential bungalow at the rear. The planning permission for this new bungalow was never implemented and the permission has no lapsed.

However, in the current proposal, unlike the 2012 permission, it is not proposed to remove all the existing outbuildings on site, with the largest outbuilding remaining. It is therefore Officers view that given the size of the existing outbuilding together with the large footprint of the proposed building, and the existing dwelling, the proposal would not be acceptable. The resulting development would have a large amount of built development being present on site creating a cramped

overdevelopment of the site and not one that is in keeping with the layout pattern and character of development in the surrounding area. The original application ref 20/01666/FUL, which was withdrawn, proposed the removal of the existing larger and small outbuildings. As the current application has been submitted with the removal of one smaller outbuilding and car port structure with the larger outbuilding remaining, Officers can only make a recommendation based on this submission.

Whilst there have been some commercial uses on this site in the past, the introduction of this large commercial building on the site, is not considered to be characteristic of the surrounding area. There is a commercial building to the rear of the site, which occupies a backland location. However this has its own independent access separate to the residential dwelling on the site frontage and this is a much longer site which offers a greater separation and relationship with the surrounding residential sites. Therefore the presence and nature of this site could not justify an approval of the proposed commercial use and building proposed on this site.

It is therefore considered that the proposed development would result in a cramped and overdeveloped form of development on this site. That would not be in keeping with the general character and layout pattern of development in the surrounding area, contrary to Policy LP16 of the Peterborough Local Plan (2019). **c) Neighbour amenity**

The proposed building would extend 20.25m in length along the northern boundary of the site adjacent to the residential garden of No.19 Crowland Road set in from the boundary by 1m, with an eaves height of 3.5m and total height of 4.35m. As the building is positioned due south of No.19 it would result in a significant overshadowing and overbearing impact for most of the day to the detriment of their residential amenity. The existing outbuildings positioned along No.19 already have an overshadowing/overbearing impact for this neighbouring site but not to such a degree as that proposed, as they are lower in height and length. Whilst the small prefabricated outbuilding is to be removed from this boundary, it is not sufficient to outweigh the harm resulting from the new building and retained outbuilding. The proposed development would result in the majority of the 40m deep neighbouring garden having buildings all the way along it which would feel very overbearing for the occupiers of this site, resulting in an unacceptable impact on their residential amenity.

The residential properties on Green Road to the south of the site, have very short rear gardens and are positioned in extremely close proximity to the boundary of this site. The introduction of the scale and nature of this commercial use at the rear of this site, particularly with the coming and going of customers throughout the day with parking of vehicles along their shared boundary would by virtue of noise and disturbance, adversely impact on the residential amenity of these sites. 4 parking spaces (including one disabled space) are proposed along the southern boundary. The rear of the application site is set higher, by approximately 1m, than the adjacent neighbouring properties to the south on Green Road. The proposed building is an L shape with the flat roof reception, WC and Office area, projecting along the western boundary closest to these neighbours. The proposed building would therefore be set off 10.8m from the southern boundary to the main higher part of the building and 3.5m to the end of the flat roof projection at its closest point. The building to building distance from the proposed building to No.10 Green Road would be approximately 6.2m at its closet point.

Officers consider the proposal by virtue of its size, scale and mass as well as the separation distances and raised site level would result in an adverse outlook and amenity for adjacent neighbouring properties. The proposal would result in a dominant structure that would dominate the immediate views of the neighbouring properties resulting in an unacceptable level of impact on the enjoyment of their properties.

The proposed building and commercial use would also have an unacceptable impact on the residential amenity of the existing property on site No.17. The commercial use would be positioned at the rear of the site, and all traffic to it would have to share the existing residential access and drive beside and behind their rear garden to access the commercial building. It is considered the traffic movements, parking area would cause noise and disturbance for this property to the detriment of their residential amenity. It is considered the shared nature of the site proposed and the scale of the commercial use proposed could not safeguard an acceptable level of residential amenity for occupiers of this site.

The Pollution Control team have received 3 complaints from activities on the application site within the last 6 months relating to noise, artificial light and odour. Neighbour comments received to this application have also raised concerns over noise, light and odour issues from the current use of the site. This complaint is being investigated, but as this is in respect of an existing permitted use on the site, this planning application could not be resisted on that basis.

The existing outbuilding on site proposed to be retained as part of this proposal has a lawful use as a classic car and hobby garage for Mr Godsland, the occupier of No.17 Crowland Road and this will remain as such. In addition part of the new building proposed is to be used as hobbies (classic cars) use for Mr Godsland.

It is the experience of Pollution Control team that noise associated with garages and repair shops can impact the amenity of nearby residential premises, particularly when they are operated outside the normal Monday to Friday working hours and are near residential properties and particularly gardens. One way to try and control noise is to ensure all works take place inside a building with all doors and windows closed, however the effectiveness of this is dependent on the volume and nature of the noise and the attenuation of the building. The existing business is run within the garage on a residential site, therefore it may be possible to contain the noise within the building, and an hours of operation condition could be imposed to ensure that reasonable working hours are followed e.g. (Mon-Fri: 08:00am to 18:00pm, Sat: 08:00am to 12:00noon). Details of any mechanical plant equipment and external lighting would also need to be conditioned to minimise impacts.

However the noise and disturbance that can't be more easily controlled, is the noise external to the building, from the coming and goings of customers, staff, cars and deliveries etc. In view of the close proximity of the properties and gardens surrounding the application site and the existing residential property at No.17 it is not considered even with the restriction in hours that the noise, that the noise, nuisance and disturbance associated with the business could be maintained at level that would not cause detriment to the residential amenity of surrounding properties.

Finally, the Pollution Control stated that when considering complaints of nuisance under the Environmental Protection Act 1990 it is important to note that planning decisions that alter the character of the area and therefore affect the acceptability of particular noise and use, impact on whether certain activities would be judged as nuisances [Wheeler v JJ Saunders Ltd, 1996].

The designation via the planning regime of areas suitable for certain uses is an important contribution to the operation of the decision-making process in the statutory nuisance regime. Consequently, should following granted planning permission, residents complain about noise,

odour, light etc. emitted from this development it is highly unlikely that any action would be possible under the statutory nuisance regime.

Given the above it is considered that the proposal is contrary to Policy LP17 of the Peterborough Local Plan (2019).

d) Highway and parking provision

It is proposed that the existing 5.5m wide access driveway serving the site would remain, and would be the sole vehicle access to serve all the uses on site e.g. the residential use, hobby/classic cars use and the proposed car tinting business use.

The Local Highway Authority (LHA) during the course of the application requested the submission of further information and clarification from the Agent in respect of the nature of the proposed business, parking layout, turning areas and deliveries. On the basis of the additional information received the LHA raised no objections subject to No.30 Crowland Road, the current site for the window tinting business for Mr Jarvis, to be closed should the current proposal be granted. The Agent has stated that this is the intention of the Applicant, however, a Unilateral Undertaking legal agreement would be required to ensure this is binding and enforceable. However, as Officers recommendation is one of refusal, the preparation of such a legal document has not been sought.

Further, the LHA also recommended the inclusion of conditions for parking and turning, and temporary facilities during construction. These are conditions are considered to be reasonable and as such the LHA has raised no concerns which cannot be overcome should the application be approved.

In light of the above it is considered that the proposal is in accordance with Policy LP13 of the Peterborough Local Plan (2019).

e) Other

Eye Parish Council have objected to the proposed application raising concerns in respect of the commercial use proposed within a residential area. In particular how noise and traffic from the proposed uses would affect surrounding residents, and the resulting overdevelopment of the site.

The main areas of concerns raised within the objections received have been addressed above, however in respect of those issues not covered.

Concerns were raised over weekend disruptions. The proposed hours of operation for the window tinting business include Saturday from 08:00-12:00noon, and not on Sundays.

Concerns were also raised over the storage of flammable chemicals for classic car repair as well as asbestos dust from classic cars, the Applicant has not advised the LPA of any storage of such materials. Flammable chemicals or asbestos dust should be handled in accordance with relevant advice from either the Health & Safety Executive or other relevant authority.

Further concerns were raised over high sided vehicles i.e. delivery van would impact the light and privacy of the adjacent neighbours. Any high sided delivery vans visiting the site would only be there for a temporary period whilst the delivery took place, and therefore the impacts on light and privacy could not be considered to be adverse or unacceptable in planning terms.

Concerns in respect of the loss of privacy and amenity of the neighbouring properties from the proposed reception window were raised. However the 2m high boundary treatment on the southern boundary and separation distance to the window would ensure no unacceptable impact on amenity or privacy would result.

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

- R 1 The proposal would introduce an unrelated commercial use to this existing residential site. The size and scale of the business is considered would be more appropriately accommodated within a General Employment Areas (GEA). There has been no clear demonstration that there are no suitable or appropriate sites or buildings within allocated employment sites or within the built up area of the existing settlement as required by Policy LP4. No information has been provided into any alternative sites considered within GEAs which would be more appropriate places for the siting of the window tinting business, particularly one that has no association with the existing residential property on site. In light of the above it is considered that the proposal would be contrary to Policy LP4 of the Peterborough Local Plan (2019).
- R 2 The proposal would result in a large proposed commercial building whilst also retaining a large existing ancillary outbuilding to the rear of the application site, behind the residential dwelling. Combined, this would result in a cramped and overdeveloped form of development on this plot and one that would fail to respect the layout, form and character of development in the surrounding area. The proposal would therefore be contrary to Policy LP16 of the Peterborough Local Plan (2019).
- R 3 Officers consider the proposed building by virtue of its siting, height, scale and size would have an unacceptable overbearing and overshadowing impact on No.19 Crowland Rd. Further, with the retention of the existing larger outbuilding, together with the proposed building would result in the majority of No.19 boundary being enclosed by buildings, to the detriment of their residential amenity. The building would result in a large structure that would dominate the outlook of the neighbouring properties on Green Road to the south of the site resulting in an unacceptable impacts on their residential amenity. In addition the introduction of this business use at the rear of the site, in such close proximity to the residential properties on Green Road, the residential property No.17 on site and No.19 in particular by virtue of the access and parking arrangements would have an adverse impact on their residential amenity from general noise and disturbance from movements to and from the site. It is therefore considered that the proposal would result in an adverse level of impact on the amenity of the neighbouring properties to the north and south of the application site, contrary to Policy LP17 of the Peterborough Local Plan (2019).

Copies to Councillors Nigel Simons, Steve Allen and Richard Brown.

BRIEFING UPDATE

P & EP Committee 6 July 2021

| ITEM NO | APPLICATION NO | SITE/DESCRIPTION |
|---------|----------------|--|
| 1. | 21/00477/FUL | 17 Crowland Road Eye Peterborough PE6 7TP , Proposed workshop, store and replacement hobbies classic car garage |

1) An email was submitted by the Agent in support of the application on 28/06/2021 as follows:

Dear Mr Kalley,

Thank you for your letter dated 23 June 2021 regarding the *call-in* of the above application to the 6th July committee. I would like the following bullet points to be included in your report to the committee:

- **PRECEDENT** The BSD commercial buildings, immediately to the west of the application site are more than double the size and height of our proposal and have existed for years with no nuisance to neighbours.
- **APPLICATION SITE USE** Mr Howard Godsland, the site owner, has traded as a funeral director from the site for decades, and since retiring he has traded vintage vehicles from the site and has continued to do so until this day. In 2011, a new bungalow was approved on the site, *but was never implemented* and the site has been used for business ever since.
- **BUSINESS HISTORY & PROPOSED SITE USE** PSCC Window Film Ltd. currently trades from 30 Crowland Road (the private house of the applicant, Mr Desmond Jarvis). Mr Jarvis has planning consent to extend his house and wishes to relocate his business across the road to the application site, and this relocation equates to a *planning gain*.

PLANNING POLICY LP4

- My client is registered disabled and has been searching for a suitable alternative site within easy walking distance from his home for some 2 years without success. He needs a secure site which can be locked up at night, as very expensive cars are sometimes on site overnight waiting for their owners to collect them the next day, and the application site ticks all his boxes.
- The scale of the development is commensurate with the scale and character of the existing settlement. You only have to look at the 12A Green Road site to the immediate west, to see the council approved BDS buildings, 6 metres to eaves and more than double the foot print of our proposal.
- Assuming that LP4 (or similar policy) was operative when the council approved BSD's development, then the impact of our scheme will have far less adverse impact than that of the BSD approved development.
- Mr Godsland has, and still does, trade vintage vehicles from the site. In other words, the sites use has been, and is still commercial. The local highways network will remain the same and complies with all the regulations.
- There will be no impact, adverse or otherwise, to the local employment situation, save that jobs will be saved and maintained for my client, his receptionist, two technicians and an apprentice technician.
- The proposal, being close to my client's home, will obviate the need for two motor car journeys (himself and his daughter receptionist), leaving two technicians to arrive and depart by car, albeit they work offsite 50% of the time. The young apprentice uses public transport to travel to and from work.

PLANNING POLICY LP17

- Where was this Policy when the BSD site was approved? By the way, the objector from no. 12 instigated the BSD operation at 12A Green Road for her son, and whilst we have no problem with this, it seems rather rich for her to object to our proposal.

ACCESS & MANOEUVRING SPACE

- Bearing in mind that fire engines with turntable ladders have been driven into and out of the yard, there will be no problem with access or turning.

EXISTING LOCATION & PROPOSED SITE

- On approval of the application, the 30 Crowland road site will be shut down to enable Mr & Mrs Jarvis to implement their recently approved house extensions. Two technicians will work on the new site, or off site, as the work demands. When off site, they will travel direct from home, and when on site, they will park their cars on the site.

PARKING

- The window tinting business is by appointment only, so there will be one car in the workshop, which will then be replaced by the next customer's car. The disabled bay will be used solely by disabled visitors, as the name suggests, and not by Mr Jarvis who will walk to and from work.
- Royal Mail are the chosen couriers who arrive with their van at 4.30pm every day to deliver inward parcels, and collect outward going parcels for the on-line side of the business. The Royal Mail van is on site for all of 5 minutes.
- You will see from the site plan that there is room for even more parking if you decree that this is necessary.

EXISTING BUILDING

- The existing building is and will be used to store vintage vehicles. The new building will be for working on those vehicles, polishing etc.
- You will note if that 2no. existing vintage vehicle buildings are to be demolished, as shown on the *Site Plan as Existing*.

NOISE

- Mr Jarvis' business generates no noise. The loudest sound comes from a domestic hair dryer which is used to warm the glass for tinting. The BSD site comprises motorbike tuning and metal fabrication, need I say more?

SITE VISIT

- I note that the planning officer is not doing site visits due to COVID-19 (unlike the council's Building Inspectors). However, Mr Jarvis would welcome you to witness a typical window tinting operation at his now premises, completed with face masks and any other PPE you desire. You would then see how innocuous his business is.

- In light of the compelling information, Mr Jarvis asks to be treated in an even-handed manner as was the BSD applicant.

On receipt of this email, my client may wish to add his own thoughts, and if so, I will convey them to you this week.

Officer response

The matters raised above are addressed within the Committee Report.

2) Councillors on site queried the height of the adjacent BSD commercial building to the rear of the site. The height to the apex of the BSD building is approximately 4.4m.

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