

Application Ref: 23/01310/FUL

Proposal: Change of use to car sales/showroom and external alterations

Site: 1 Grove Street, Woodston, Peterborough, PE2 9AG
Applicant: Kasim Properties Ltd

Agent: Mr Robert Gooding
 Good-Design-Ing Ltd

Referred by: Cllr Nick Thulbourn
Reason: Issues with traffic and noise to residents. Concerns for increased traffic and safety issues. Business not practical to a residential area and loss of quality of life for residents.

Site visit: 10.10.2023

Case officer: Karen Ip
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Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings

The site contains a vacant building with an existing use for commercial/light industry. The building is positioned on the rear part of the site and set back from the road by 28.3m and is a two storey flat roof building in the front and a single storey pitched roof building behind. There is a large parking area to the front of the site.

To the north, west and south of the site are residential dwellings. To the east of the site is Grade II listed 'Fletton Tower', with the listed building curtilage extending along the southern and eastern boundaries of the application site.

The application site received planning permission for change of use to workshop, offices and stores for hot and cold drink vending machine business under planning permission reference P0136/82. Condition 1 of planning permission P0136/82 is as follows:

'The site shall only be used for light industrial purposes as defined in the Town and Country Planning (Use Classes) Order 1972 and not for any general or special industrial purposes as so defined'.

Proposal

The applicant is seeking planning permission for a proposed change of use to car sales/showroom (sui generis) and external alterations.

2 Planning History

Reference	Proposal	Decision	Date
P0136/82	Change of use to workshop, offices and stores for hot and cold drink vending machine business	Permitted	01/04/1982
P0682/82	Erection of two-storey extension to form offices, reception and toilets	Permitted	11/11/1982
15/00305/OUT	Proposal of 7 two-bedroom flats with associated parking and amenity space	Withdrawn by Applicant	17/04/2015
15/00653/OUT	6 x one-bedroom flats with associated parking and amenity space - Revised application	Permitted	31/07/2015
PDL/0015/17	Brownfield Site Register - 1 Grove Street - Outline permission for 6 dwellings (0.07ha)	Permission(s) granted	
23/00106/OUT	Outline application for six one bedroom flats with associated parking and amenity space with all matters reserved	Permitted	06/04/2023

3 Planning Policy

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

Peterborough Local Plan 2016 to 2036 (2019)

LP02 - The Settlement Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP12 - Retail and Other Town Centre Uses

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

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

LP13 - Transport

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

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

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

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

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

PCC Conservation Officer (23.10.23)

No objections - The proposed changes to the building are not considered to materially change the contribution the building provides to the setting of the Grade II Listed Fletton towers.

PCC Peterborough Highways Services (15.11.23)

Objection to the use of car transporter - LHA requests a section 106 agreement between the applicant and PCC to agree no use of transporter on this site for the stocking and restocking of cars. If applicant agrees, LHA should be re-consulted for appropriate conditions.

Police Architectural Liaison Officer (PALO) (13.10.23)

Low to med risk - CCTV, External lighting, CCTV signage and alarms should be considered.

Police Architectural Liaison Officer (PALO) (26.10.23)

In addition to my previous comments. Cycle storage: This area should be overlooked by staff, and Sheffield stands provided to allow both wheels and frame to be locked, covered by CCTV and well lit. If this is for staff use only - all doors should be access controlled.

Local Residents/Interested Parties

Initial consultations: 10

Total number of responses: 16

Total number of objections: 16

Total number in support: 0

From the public consultation, a total of 16 letters of objection have been received over 2 consultations, concerns summarised below:

1st consultation

Summary of issues raised by members of the public:

Design

- This area of Woodston as a residential area - a car sales room would spoil area and also become a danger to the residents.

Amenity

- The building overlooks my home, causing a loss of privacy.
- It overshadows my back garden, which causes a loss of light.
- The car sales business according to this proposal will disturb the neighbours and lead to increased traffic and parking, as well as create other forms of nuisance, such as noise.

Highways

- As the building is on a bend where are the low loader vehicles going to park. Along with noise pollution to the surrounding homes.
- This site is on a blind double bend. It is completely unsuitable for car transporters delivering vehicles. There is no available road parking for potential customers as already taken up by residents.
- The site is small so limited space for cars to be parked in the site.
- Parking is already problematic on the days that Peterborough United have match days with antisocial parking all around the area.
- The adequacy of parking/loading and turning has not been made clear in the application. How will this be managed? Visitors will park on road verges when the proposed car park area will be full. This behaviour is already evident around other showrooms but the impact is less felt as it's in a commercial area with wider roads.
- Families with children, in prams or walking along are my primary concern. This is a disaster waiting to happen.
- The roads here were not designed for cars (many houses built in 1900) let alone larger vehicles.
- The roads are narrow and winding with various blind spots
- Palmerston Road is nearly impossible to walk or drive down safely now because there are way too many cars parked for the size of the street.
- The access routes to the site are not appropriate for transporters.

Cllr Alan Dowson

With ref to the above may I, as one of the councillors for the area, object to this application, on the following grounds; the site is a largely residential location, which we hope to promote retail outlets. A few streets away there are two car dealers businesses. The area roads are already block at times by parked vehicles. This business will only add to local traffic difficulties as the highway will be used for business activities. Children use this location on their way to local schools.

Cllr Nick Thulbourn

I cannot support the change of use from light industrial to car showroom for this site.

Local experiences of second hand car businesses in Woodston show that significant nuisance comes when they are located in residential areas. There is an impact to the enjoyment of residents' homes and property. The parking of stock, staff and customer vehicles on the public street has had significant impact on street parking spaces for residents.

The impact has already been evidenced in Botolph Green, where growth in the business there caused the parking of several stock vehicles in the street, eventually controlled through yellow lining and a change in the business owner.

In Wharf Road the car business nearby caused substantial disruption displacing residents with stock and staff cars, regular traffic obstruction by deliveries on car transporter vehicles into narrow residential streets and on one occasion obstruction to emergency service vehicles due to poor parking.

In Morley Way the large second hand car business there causes significant disruption to residents by staff parking in local residential streets rather than on their facility car park and creating obstruction to access to a primary school and community centre, followed by significant poor parking on grass verges and double parking over pavements and cycle lanes. This has resulted in a consultation to restrict parking in this area. Vehicle transporters are also seen regularly queueing in the main road to drop vehicles, which causes unacceptable obstruction to the free passage along the highway,

This current site is on a small residential street with two sharp bends, restricted sight lines and congested street parking during the day and overnight. The roads nearby are fully congested with parked cars overnight. The plan shows external parking for 19 cars but no assessment as to the number of cars likely to be in the building or sited outside. There are three employees, restricting private parking outside the proposed showroom to 16 spaces.

No information is provided as to whether vehicles for sale would be held on the exterior parking area, but in such a case it is appropriate to assume the area would be used as a sales area.

The planning documentation states that an online sales system would be used for customers to come to the venue to view cars. I am not satisfied that this would mitigate the numbers of customers driving to the venue to view cars and parking in the residential streets nearby - indeed the example in Wharf Road, which used a similar system, actually encouraged more visitor parking in the roads accessing the sales showroom.

The road would be completely obstructed should vehicles be delivered on a transporter and unloaded on the street outside the premises. I do not think there is sufficient turning area for a transporter to enter the property and unload according to the current plan and knowing the current siting of parked cars owned by residents. This problem is well known in Woodston - it has been a constant issue for residents at Wharf Road being blocked in while the transporter unloaded outside on the street. Any repeat of this issue is unacceptable.

Local residents are also concerned about noise and disturbance of the new business in the area, which is surrounded by homes. The current proposals of hours of business show 7 day operation including bank holidays which suggests the business will cause disruption to residents' enjoyment of their homes over rest days but there is insufficient detail to explain what work would be undertaken on site on vehicles and what noise would be generated as a result. Without explicit information one must assume there is a possibility of unacceptable levels of noise.

I cannot therefore support this change of use at this location.

2nd consultation – Revised plans and Design and Access statement submitted

Summary of issues raised by members of the public:

Design

- Not an appropriate location for this type of business in what is largely a residential area, with surrounding streets being Victorian.
- This is a residential area.
- As stated in a previous comment, this is a residential street which had a low key business with no disruption to the community previously, having experienced the havoc that is just off Celta Road, there is a big risk that the plans submitted and the promises made are for planning purposes only.
- Please consider the residents who live directly next door, this business brings no direct benefit to the local community and business this close to residents should benefit us locally
- This is a satellite business so could be anywhere in Peterborough not on residents doorsteps

Amenity

- There will be added noise, pollution and additional traffic and on street car parking.
- Will be detrimental to the area and the community wildlife projects currently underway.
- The building overlooks my home, causing a loss of privacy.
- It overshadows my back garden, which causes a loss of light.
- We do not need or want a 7 day facility located here, nor a five day nor any day.
- The car sales business according to this proposal will disturb the neighbours and lead to increased traffic and parking. It will also create other forms of nuisance, such as noise etc.

Highways

- The roads are narrow and winding with various blind spots and a fair number of children in the area and there is a local primary school around the corner.
- Similar businesses are carried out off the nearby Oundle Road which cause local residents numerous problems.
- Even if the applicant sticks to their plan of one car in, one car out, the proposed use would result in a dangerous increase in traffic in comparison to the previous business use.
- It can be difficult to get past that corner as vehicle drivers can't see or get impatient. It is a busy street used as a rat run. Any increase in cars manoeuvring would make it unsafe.
- Having worked in the motor trade since 1992, and now representing a large global manufacturer at head office, I have no record of a "one for one" style of sales. I feel this statement is an attempt to circumvent existing objections but would be impossible to police once permission was granted. It is also not credible to assume cars are or would be sold "one at a time" and that multiple vehicle movements, requiring a transporter or low loader, would not take place. These movements would also be needed in the event of mechanical or other repair off site. As such I do not feel this access statement represents sufficient redress to existing objections.
- They do not state that low loaders will not be used and constant moving of vehicles on and off the property which is situated on a busy corner will cause disruption to the traffic and people using the path on a daily basis to get to work and school.

Cllr Alan Dowson

May I repeat my strong objection against this application. The site is totally unsuitable for such a business. This corner site should be visited by officers/committee members. The area is an attractive one, greenery/trees, at the entry to a number of streets we are gradually upgrading through improvement schemes. Tower st, for example. Let us not take a step backwards. I am sure that this type of business would be more suitable located in a commercial rather than a residential neighbourhood.

Cllr Nick Thulbourn

I still have concerns - it's a lightly used, regards traffic, site for many years and this will move it in to a 7 day a week business in a tight urban area. It will create significant change causing significant impact on peoples home lives. Cars in and out of the site on a tight bend will be a safety issue. The level of traffic and noise will again be a problem. My experience of these of these type of car sales, for instance on Wharf Road, have lead to significant access issues for residents and the safety issues that have become a real problem. Again from experience locally promises not deliver cars on a lorry will be ignored and the moving of cars in and out always causes real problems. Despite the mitigation the 7 day a week car intensive business will not be practical for a residential area and the safety and loss of quality of life need to be considered. Therefore I still object and believe the committee should take a look if granted.

5 Assessment of the planning issues

The main considerations are;

- a) Principle of development**
- b) Impact on the character of the area**
- c) Impact on the amenity of the neighbouring occupiers**
- d) Highway safety and parking**

a) Principle of Development

The application site is situated within the urban area of Peterborough where, the principle of the development would be supported under Policy LP2: Settlement Hierarchy and the Countryside, subject to compliance with other material planning considerations and local plan policies.

In accordance with policy LP12 the council will apply a sequential approach to the consideration of applications for other town centre uses, in line with the NPPF, considering the above hierarchy of centres. Paragraph 81 of the NPPF advises significant weight should be placed on the need to

support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The proposal is an out of centre development, however it is a sui generis use and not retail as well as being a change of use of an existing commercial premises. The proposed car sales/showroom is not an uncharacteristic use for an out of city, district or local centre location.

The location of the development is considered acceptable and in line with policies LP2 and LP12 of the Peterborough Local Plan 2019.

b) Impact on the character of the area

This plot was permitted for light industrial use in 1982. The character of area has changed significantly since permission was given. At the time, this area would have had various other types of industrial uses. This particular plot was originally a factory canteen until the change of use in 1982. Through the years, the industrial businesses have gradually moved out and the area here is now mostly residential with the Woodston Local Centre nearby.

The proposed development would change the use from the existing light industrial use to sui generis for car sales and car showroom. The courtyard at the front would be part show room and part staff and customer parking. The main building would be the showroom and the lobby at the side would provide cycle storage. On the front elevation, the existing loading door and window would be replaced by a set of bi-fold doors and there would be additional CCTV to monitor the site. Shop signage is covered by advert regulations, so therefore not part of this application. There would be no other external changes to the building externally, the footprint would remain the same as existing.

Although the character of the area is now predominantly residential and the area is no longer an industrial area as previous years, a balanced assessment is needed with regards to the use of the site itself.

The site has existing use as a light industrial unit, with planning permission having been granted in 1982, ref P0136/82. The proposed use would not be significantly different to the existing light industrial use in terms of intensity and impacts. Light industrial use is defined in current legislation under Class B1(c) (light industrial). of The Town and Country Planning (Use Classes) Order 1987(As Amended)

Class E. Commercial, Business and Service:

*(i) an office to carry out any operational or administrative functions,
(ii) the research and development of products or processes, or
(iii) any industrial process,
being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.*

The applicant has confirmed that there would be no repair works on site and that vehicles would be transferred from their Fengate site to this one as and when a vehicle is sold. As such, this satellite site would operate on its own, and would be used as a car sales and showroom only. Overall the level and nature of activity would not be dissimilar to the current authorised use as B1(c) light industrial, having no greater harmful impact on the character of the area than what is allowed under its current use, which itself is defined (as set out above) as an activity which is appropriate in a residential area.

The appearance of a car sales unit would not be considered out of place, as there are already examples of smaller car sales/showrooms amongst residential areas within Peterborough. Close to this site, there is Marshall Honda on Oundle Road, Lucky Motor Peterborough Ltd off Wareley Road and JJ Premium Cars off Wharf Road. The majority of the larger car sales/showrooms are located within the industrial areas such as Fengate, Westwood and Werrington.

With regards to designing out crime, Cambs Constabulary has advised that the cycle storage should be overlooked by staff, and Sheffield stands provided to allow both wheels and frame to be locked, covered by CCTV and well lit. The proposed plans show CCTV to the front which covers the forecourt and front access and the lobby area which is where the proposed cycle storage would be viewable from the indoor showroom.

In addition, the Council's Conservation Officer has also advised no objections as the change of use would not materially impact the setting of Grade II listed Fletton Towers.

Officers note that on some car sales sites, vehicles for sale have tended to expand beyond the site boundary and end up parked in front of the premises, resulting in car clutter in the street scene. A condition shall be added to restrict this activity and vehicles associated with this site shall be on the site only.

On balance, given that the proposed use is no more harmful than the existing use class without restrictions, it would be unreasonable to refuse the proposal on this basis.

Due to the above, the proposal is in accordance with Policy LP16 and LP19 of the Peterborough Local Plan (2019).

c) Impact on the amenity of the neighbouring occupiers

As per above, the existing use class B1(c) allows for "any industrial process, being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit."

Planning Permission P0136/82 only limits the site for use as light industry, and no other restrictions, such as operation hours.

With regards to the neighbour amenities, the footprint and height of the building remains as existing, therefore there would be no impact to neighbour amenities by means of overbearing or overshadowing. The first floor offices remain at the front of the building, so therefore there would be no increase in overlooking as a result of the proposal. The only changes to the external of the building would be front elevation and addition of CCTV which faces the forecourt. These changes would not amount to harm to neighbour amenities.

In terms of the use, the site would be for car sales and show room for used cars. Although it would attract footfall of customers onto the site and there would be movement of vehicles, there would be a limit to this as the operations of the site would be relatively small in scale, and the vehicle movements would be similar to the use if the site was to re-start as its existing use of light industry. The activity within the building would still be able to operate within a residential area and the movement of vehicles at the front would be no less harmful for a commercial plot in terms of staff, deliveries, customers etc.

The proposed opening hours are Mon to Sat 09:30 - 18:00 and Sun and Bank Holidays 10:30 - 16:00. Although it is proposed as a 7 day a week business, the opening hours are reasonable working hours during the day and there are no late nights.

Officers recognise that the activities resulting from the proposed use would be greater than the current situation with the unit being vacant and unused. However, on balance, the change of use to car sales/showroom is likely to result in less impact on the residential amenities of the occupiers of neighbouring properties than the light industrial use already permitted which has no restrictions on hours of operation or traffic movements. Given this fallback position, it would not be reasonable to refuse of planning permission for this reason.

On balance, the proposal is in accordance with Policy LP17 of the Peterborough Local Plan (2019).

d) Highway safety and parking

As mentioned above, the character of the area has transformed and the area is now predominately residential since most of the industrial business moved away from the area. There has been a lot more newer dwellings built here, in addition to the existing Victorian terraces that already exist, which typically have narrower roads, due to the on street parking. The main roads that feed into the area are Oundle Road, Palmerston Road and Queens Walk. As the area has no parking restrictions within this residential area, due to its close proximity to the Peterborough Football Stadium, it is well known for congestion particularly on match days.

The revised Design and Access statement confirms that the intention is that a transporter would be used initially to stock the site, and then after that, cars would be replaced on a one to one basis as and when sold. The cars would be driven over from the Fengate site, so therefore, no transporter would be used after the initial stocking.

The Local Highways Authority have expressed concerns with regards to the suitability of the site due to its location to nearby schools and also the 7 days a week trading proposed. They have also sited concerns with the increased congestion to the area, particularly on match days.

Officers note the concerns, however, as mentioned above, the proposed use of the site is not entirely different from its existing permitted use which imposes no restrictions on operating hours or vehicular movements. Although the area surrounding the site has changed, the site itself could still operate on its existing use and result in an increase of traffic.

In addition to this, the granting of planning permission cannot be used to solve highways issues that already exist. Although there may be an increase in road use to access the site and the test driving of vehicles, the volume it would generate would not be substantially different from vehicles going to and from a commercial light industrial site.

The LHA have also advised their objection to the proposed use of a transporter to stock the site and as per experience with other similar car sales sites, the continued use of transporters to restock, as they are the most economical way to transfer vehicles. The LHA have advised that if the proposal was to be permitted, or condition would be necessary to ensure there would be no using of car transporters, to stock or restock the site.

Officers share this concern. As mentioned above, the roads surrounding the site were not designed for vehicles the size of car transporters. With the exception of Oundle Road, the other 2 main roads that feed into Grove Street serve Victorian terraces. The on road parking on these streets makes it exceptionally difficult for a transporter to access in addition, result in obstruction of the road and inconvenience for local residents.

As a result, in an email dated 21 November 2023, the applicant has agreed to no using of car transporters for the stocking or re-stocking of the site, the restocking of vehicles is done on a one by one basis. This shall be secured by condition, with additional restrictions to ensure the stocking of the site is not at busy times like school runs or match days, then the activity should not result in regular obstructions to local residents.

With regards to a local resident concern that there may be a need for use of transporter/low loader in case of mechanical or other repair required off site. Transporting or moving a vehicle which requires repair would be no different to any other broken down vehicle at any site, not limited to the application site. It would not be unreasonable to expect a vehicle to be recovered on any road if it has broken down or repairs are required. It is not expected that this would be a daily occurrence, but nevertheless, the use of a vehicle transporter would be restricted in association with this site.

The Council's Planning Enforcement team advise that the use of a planning condition to restrict the use of a transporter would satisfy the 6 tests of a condition and would be enforceable should a breach occur.

Therefore, with a planning condition in place to restrict the use of car transporters in association with the site, together with adequate off street parking as per the plans and restrictions to limit display vehicles to within the site, the highway concerns can be adequately mitigated and address public concerns.

As such, the proposal adheres with Policy LP13 of the Peterborough Local Plan (2019).

6 Conclusions

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

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** 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 Section 91 of the Town and Country Planning Act 1990 (as amended).

- C 2 The development hereby permitted shall be carried out in accordance with the following drawings:

- Existing and proposed elevations and location plan 231407 - 02 Rev A
- Proposed plans 231407-03 Rev A
- Existing and proposed site plan 231407 - 04 Rev A

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

- C 3 The car sales/showroom use hereby permitted shall only be carried out between the hours 09:30 - 18:00 Monday to Saturday and 10:30 - 16:00 on Sundays and Bank Holidays.

Reason: To ensure that the operation of the use is such that no undue harm results to neighbouring occupants in accordance with Policy LP17 or the Peterborough Local Plans (2019)

- C 4 No vehicle transporters or low loaders shall be used for the delivery of vehicles at any time to and from this site.

The initial stocking of the vehicles shall not take place during peak times, such as school runs or match days to avoid added congestion to the roads that serve this area.

The re-stocking of vehicles shall operate as detailed in the Design and Access statement Rev B (received 25 Oct 2023), on a one by one basis and cars delivered individually.

Reason: To ensure the development would not give rise to unacceptable harm to the amenity or highway safety of the area in accordance with Policies LP13 and LP17 of the Peterborough Local Plan (2019)

C 5 The parking and forecourt area shall be laid out in accordance with plan 'Existing and proposed site plan 231407 - 04 Rev A', and retained in perpetuity.

The parking and display spaces, as designated on the plan for staff, visitor and for the display of cars shall be made available for that use at all times and for no other purpose. The manoeuvring space adjacent the parking areas shall be kept clear of vehicles at all times.

Reason: In the interests of highway safety, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

Copies to Councillors- Councillor Andy Coles
Councillor Alan Dowson
Councillor Nick Thulbourn

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