

Application Ref: 13/00717/FUL

Proposal: Development of site for the sale of cars and light vans

Site: Land To The West Of McDonalds, Crowland Road, Eye, Peterborough

Applicant: Mr Zeshan Damani
Cathedral Developments Ltd

Agent: Mr Michael Cherubin
MIAN Design

Referred by: Councillor McKean

Reason: Concern regarding pedestrian safety

Site visit: 21.06.2013

Case officer: Miss L C Lovegrove

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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 application site comprises a parcel of overgrown land adjacent to McDonalds restaurant. The site is bound to the east by the existing restaurant and service station, to the south by the A47 Trunk Road and to the north and west by open agricultural fields. The Green Drain Extension forms the immediate northern and western boundary of the site. Vehicular access is via the McDonalds car park and beyond from the roundabout on Crowland Road. Surrounding uses comprise the service station, restaurant, hotel a small development of employment and industrial buildings known as 'Eye Green Industries'. Clearance works have begun on site and some hardcore has been laid.

The parcel of land is situated within the identified settlement envelope of Eye/Eye Green which is allocated as a Key Service Centre within the Peterborough Core Strategy DPD (2011).

Proposal

The application seeks planning permission to change the use of the site for the sale of cars and light vans, up to a maximum of 54 vehicles. Associated with the proposed use, permission is also sought for a portacabin sales office and a vehicle washing/preparation area. Four car parking spaces are proposed to the front of the portacabin for customer parking, with three additional spaces for staff parking.

It should be noted that this application follows three previous applications for the same proposal. The first, application reference 12/00173/FUL was refused under delegated powers for the following reason:

- R 1 There is not sufficient room within the curtilage of the site to accommodate the level of turning required for delivery vehicles (i.e. car transporters) to leave the site in forward gear, thus resulting in reversing out onto the public highway which is detrimental to highway safety. This is contrary to Policy CS14 of the Core Strategy DPD 2011.

The two subsequent applications (12/01713/FUL and 13/00418/FUL), were both withdrawn upon the advice of Officers as the above reason for refusal was not adequately addressed.

The current application has been supported by tracking diagrams which adequately show that delivery vehicles can be accommodated within the site.

2 Planning History

Reference	Proposal	Decision	Date
03/00599/OUT	Erection of veterinary centre with hospital facilities and parking	Application Permitted	17/11/2003
07/00675/OUT	Erection of 5 buildings for light industrial use and office	Application Permitted	23/07/2007
08/00960/FUL	Erection of four buildings for light industrial and office use	Application Permitted	14/01/2009
12/00173/FUL	Change of use of the land for the purposes of selling used cars and light commercial vans, the installation of a PortaCabin sales office and toilet facilities for staff and customers, car washing and valeting area	Application Refused	16/07/2012
12/01713/FUL	Change of use of the land for the purposes of selling used cars and light commercial vans, the installation of a PortaCabin sales office and toilet facilities for staff and customers, car washing and valeting area - Resubmission	Application Withdrawn	13/02/2013
13/00418/FUL	Change of use of the land for the purposes of selling used cars and light commercial vans, the installation of a PortaCabin sales office and toilet facilities for staff and customers, car washing and valeting area	Application Withdrawn	13/05/2013

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 1 - Economic Growth

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

Section 10 - Development and Flood Risk

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

Section 12 - Conservation of Heritage Assets

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

Peterborough Core Strategy DPD (2011)

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

CS22 - Flood Risk

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

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.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

4 Consultations/Representations

North Level District Internal Drainage Board

No objections - The Board's Green Drain Extension drain forms the northern and western boundary of the site, as such the Board's byelaws apply. The relaxation of the byelaw could be supported subject to receipt of a formal application. It is assumed that no increase in surface water run-off from the site will occur however details of the proposed car wash area and the method of surface water disposal is required.

Transport & Engineering Services (25.06.13)

No objections – request conditions relating to marking out of internal layout, provision of 5 visitor spaces and 3 staff spaces and retention of the turning area in perpetuity.

Archaeological Officer (24.06.13)

No objections - The site has previously been evaluated by means of trial trenching and whilst a number of undated shallow remains, including ditches and postholes, were discovered, there is high possibility that no significant archaeology survives. Therefore, no further work is deemed necessary.

Eye Parish Council

No comments received.

Drainage Team (26.06.13)

No objections – consent may be required from the North Level District Internal Drainage Board.

Local Residents/Interested Parties

Initial consultations: 12

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

No neighbour representations have been received.

Councillor D McKean - The site proposes 61 bays for car sales but just 4 bays for visitor parking (1 of which is disabled). Given the remote location, where will visitors park when visiting the site? The entrance to the site is directly through the parking area of McDonalds which has a number of parking bays that pedestrians would need to pass in front of traffic to access. This car park is already very busy and as such, there will be a danger to pedestrians. There is poor pedestrian access when walking from Crowland Road to the site.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Parking and highway implications
- Design and impact upon the character and appearance of the surrounding area
- Flood risk
- Archaeology
- Landscape implications

a) Principle of development

The application site is located within the identified village envelope of Eye/Eye Green which itself is identified as a Key Service Centre. Whilst the site is at the edge of the settlement, it lies within an area of existing commercial and employment uses - notably a restaurant, petrol filling station, hotel and small industrial development. The proposed use, although not a strict employment use in accordance with established use classes, is considered to be employment generating and will contribute towards economic growth in the locality. Furthermore, it is considered that the proposed use for car/van sales is compatible with the surrounding character of the area and accordingly, the principle is acceptable in accordance with the National Planning Policy Framework (2012).

b) Parking and highway implications

The application site is accessed from Crowland Road, through the car park of the adjacent McDonalds restaurant, with the entrance positioned to the north-eastern most corner of the site. The layout within the site has been altered following refusal of planning application reference 12/00173/FUL to provide adequate space within the curtilage of the site to allow a full car transporter to enter, turn and exit in a forward gear. This will ensure that potential delivery vehicles will not create any danger to highway safety by virtue of reversing out of the site, or parking on the public highway.

With regards to customer and staff parking, the proposal seeks to provide a total of five customer parking bays (1 disabled) and three staff parking bays. Given the scale of the proposed vehicle sales (up to 54 vehicles displayed), 5 visitor parking bays are in accordance with adopted parking standards. In addition, the level of staff parking is sufficient.

It is noted that Councillor McKean has raised concern regarding the potential conflict that may arise as a result of vehicles accessing the site through the McDonalds car park. However, the proposed site layout affords sufficient turning and therefore, all vehicles travelling into and out of the site will be moving in a forward gear. There is sufficient visibility along the access road to prevent any conflict between the site access and car parking area/pedestrians and accordingly, it is not considered that any unacceptable danger will result.

The Local Highway Authority has not raised any objections to the proposal and on the basis of the above, it is considered that the development will not result in any unacceptable impact upon highway safety. The proposal is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

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

Associated with the proposed use of the site, the application also seeks planning permission for the erection of a portacabin to provide a sales office and toilet facilities. The proposed site layout, including portacabin, are set back from the public highway, behind an established tree belt. As such, the site is not readily visible from the public realm. It is acknowledged that the development will be hard up against open agricultural fields, with little natural screening at present. In order to soften the impact upon the wider countryside, it is considered appropriate to require additional native hedge planting along the northern and western boundaries. This may be readily secured by way of a condition.

The Police Architectural Liaison Officer has previously raised some concern regarding the proposed security measures at the site, particularly in relation to the proposed 1.5 metre high post and rail fencing. Given the intended use for car/van sales, this boundary treatment is not considered to be sufficient to address the vulnerability of the site to crime. As such, it is considered appropriate to secure a minimum boundary treatment of 2 metre high security fencing by condition. Subject to an appropriately design fence e.g. weld mesh as opposed to steel palisade fencing, it is not considered that this will appear unduly obtrusive or incongruous within its setting.

On the basis of the above, it is not considered that the development will result in any unacceptably harmful impact upon the character, appearance or visual amenity of the surrounding area and will not represent an unacceptable crime risk. The proposal is therefore in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012).

d) Flood risk

As detailed in Section 1 above, the northern and western boundaries of the site are formed by the Green Drain Extension drain. The North Level District Internal Drainage Board (NLDIDB), who are responsible for the maintenance of this drain, has not raised any objections to the proposal. They have indicated that relaxation of a byelaw preventing development in proximity to the drain could be approved, however this is subject to different legislation and processes.

It is not anticipated that surface water run-off from the site will increase as a result of the proposal, given that it is proposed to surface the site using gravel core. However, the proposal does include an area for car washing. The NLDIDB have requested that full details of the proposed car wash in terms of the method of surface water disposal from this activity be provided. This is considered appropriate to prevent any increased surface water flooding arising from the development and may be secured by condition. On this basis, the proposal is in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

e) Archaeology

The application site lies within an area of known archaeological interest. However, in 2010 the site was evaluated and no remains of definite prehistoric or historic date were revealed. The evaluation did identify shallow undated remains including ditches and pits/postholes however no finds were retrieved during the investigation. Accordingly, the City Council's Archaeological Officer has raised no objections to the proposal and has confirmed that no further archaeological investigation is required. On this basis, it is considered that the proposal will not result in any unacceptable harm to heritage assets and is therefore in accordance with the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

f) Landscape implications

At present, there are some trees and shrubs within the site. The City Council's Landscape Officer has raised no objections to the loss of these trees as they offer little value to the overall amenity of the surrounding area. Furthermore, the proposal is set back a sufficient distance from the existing tree belt which lines the southern boundary of the site and therefore, no harm will result to these trees. Accordingly, the proposal is in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

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 and specifically:

- the proposed use for car/van sales is compatible within its locality and appropriate within its context, in accordance with the National Planning Policy Framework (2012);
- the proposal provides sufficient access, parking and turning within the site and will not result in any unacceptable impact upon highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposed site layout and portacabin will not result in any unacceptable impact upon the character, appearance or visual amenity of the surrounding area and will not result in an unacceptable crime risk, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP3 of the Peterborough Planning Policies DPD (2012);

- the proposal will not result in any unacceptable increase in surface water flood risk, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);
- the proposal will not result in any unacceptable harm to heritage assets within the locality, in accordance with the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012); and
- the proposal will not result in any unacceptable harm to existing trees surrounding the site, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The Head of Planning, Transport and Engineering Services 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 site shall be laid out in accordance with the details shown on drawing number P188-10 Revision D, with the car display bays, staff parking and visitor parking bays clearly marked out. Those areas shall not thereafter be used for any purpose other than those shown on the approved drawing.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 3 The area shown on drawing number 7332-001 Revision A for the turning, loading and unloading of all delivery vehicles within the site shall be kept clear of any obstruction and retained in perpetuity for no purpose other than the turning, loading or unloading of vehicles in connection with the use of the car sales operation.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C 4 Notwithstanding the details hereby approved and prior to implementation of the use hereby permitted, the entire site boundary shall be secured by way of 2 metre high weld-mesh fencing finished in green or black, including the vehicular access gates.

Reason: In the interests of reducing the risk of crime, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 5 Notwithstanding the submitted information and within one month of the implementation of the use hereby permitted, a natural hedgerow comprising 50% Blackthorn (*Prunus Spinosa*), 20% Hawthorn (*Crataegus Monogyna*), 20% Field Maple (*Acer Campestre*) and 10% Dog Rose (*Rosa Canina*) shall be planted along the northern and western boundaries of the site. The hedge shall be planted in two staggered rows, 300mm apart, with plants spaced 400mm apart (no less than 5 plants per linear metre). All plants shall be protected by shrub guards.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 6 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development and the enhancement of biodiversity in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 7 Prior to implementation of the use hereby approved, full details of the method of disposal of surface water from the car wash area hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved method shall be implemented prior to first use of the car wash area.

Reason: To prevent increased surface water flood risk, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

Copy to Councillor Harrington