

Application Ref: 14/02013/FUL

Proposal: Change of use from car parking lot and domestic garden to car sales

Site: Land To The East Of 9, Windmill Street, Millfield, Peterborough

Applicant: Mr Nadeem Youris

Agent: Architectural and Surveying Services Ltd

Referred by: Cllr Nadeem

Reason: Does not consider that the proposal would have a harmful impact

Site visit: 16.12.2014

Case officer: Mrs J MacLennan

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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 an 'L'-shaped piece of land, approximately 500m² with a frontage onto Windmill Street. The frontage is approximately 9 metres in width and lies between residential properties at nos. 3 and 9 Windmill Street. The site comprises a piece of land which extends 37 metres back from Windmill Street which was granted planning permission in 1977 for a car park; at this point the site continues to the rear of properties 9 and 13 Windmill Street; this part of the site is the former garden to no. 13 Windmill Street. The site is bounded by fencing to the west and east which encloses the rear gardens of numbers 9 and 3 Windmill Street. There is a brick built outbuilding along the boundary with number 260 Lincoln Road. To the north, the site abuts the rear area of commercial properties fronting Lincoln Road which are also within the Millfield District Centre. Access to the site is from Windmill Street and is almost opposite the car park to Iceland. Windmill Street is restricted to residential parking permits and there are yellow lines directly to the front of the site.

Proposal

The application seeks permission for use of the site for car sales with a porta cabin currently within the site to be used as an office. The operating hours would be 9.00 am to 5.00 pm Monday to Friday and 10 am to 1 pm Saturday and Sunday. It is proposed that the use would operate on an 'appointment basis' only. Two customer parking spaces would be provided. The submitted plans indicate parking spaces for 5 vehicles for sale at the far rear of the site. There would be one employee at the site.

2 Planning History

Reference	Proposal	Decision	Date
P0378/77	Formation of a car park	Permitted	12/06/1977
08/00290/FUL	Six apartments in 1 x 3 storey block	Refused	16/04/2008
09/00423/FUL	Two 3 bed semi detached dwellings	Refused	08/06/2009
11/00095/FUL	Proposed change of use from existing car parking lot to car sales	Refused	21/03/2011

3 Planning Policy

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

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.

Peterborough Planning Policies DPD (2012)

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.

4 Consultations/Representations

Police Architectural Liaison Officer - No objections, recommendations or observations.

Millfield & New England Residents Planning Sub Group - There has been no change in the circumstances of the area since refusal of an earlier scheme and there is more vehicular traffic in the area due to the increased number of people living (due to HMOs) and shopping in the area. This is a piece of land, which is outside the District Centre and which is on a narrow residential street with resident houses either side, and therefore such a business is likely to have a detrimental impact on the area. Past experience of second hand car lots in the area show that the land is packed with cars for sale, leaving no space for customer parking (regardless of what may be said within the applications of sufficient room left for customers, invariably the customer parking becomes taken up with cars for sale), resulting in parking on the street, which is already heavily used by residents (as most houses in the area have no off road parking) and also used by customers to the Millfield shopping area. Therefore to add additional traffic to an area already unable to cope with the amount of vehicles would have a substantial detrimental effect on both residents living in Windmill Street plus those using the road to access the surrounding streets and users of other businesses in the area.

In addition, there is the issue of car transporters bringing stock to the premises. Windmill Street is not a suitable road for such vehicles, in particular as the property is not far from the junction with Lincoln Road and is also opposite the car park and delivery entrance for the Co-operative and Iceland supermarkets. Their lorries already struggle to turn into the delivery area due to parked cars and other road users and car transporters offloading will just add to the frequency of the hold ups that occur around this junction and car park. We can see no benefit to the area to have this as a car

sales lot.

Transport & Engineering Services - Recommend refusal. It would appear that a 5m access could be provided with adequate vehicle to pedestrian visibility. However the parking standards under policy PP13 require space to be provided within the site for a car transporter. There is insufficient space within the site for a car transporter to turn which would result in it having to reverse onto the highway. Large vehicles reversing out of access points cause highway safety issues. Thus the proposal would be contrary to policies PP12 and PP13 of the Adopted Peterborough Planning policies DPD.

Local Residents/Interested Parties

Initial consultations: 20

Total number of responses: 69

Total number of objections: 1 – Millfield and New England Residents Group

Total number in support: 68

A petition containing 60 names has been received in support of the application on the grounds that the use of the site as a car sales lot by appointment would result in a significant improvement of the area and would bring a vacant piece of land back into beneficial use which has hitherto been a source of vandalism and antisocial behaviour.

There have been 8 individual letters of support for the proposal for the following reasons:

- This is a good move as otherwise the land will fall into a state of disrepair and become derelict
- I have bought a car from this person before on an appointment basis and I was the only person viewing at the time. I could choose a time that suited me and there were no other customers viewing the car
- I have found the applicant to be reliable, honest and helpful
- I only had to travel 1 mile instead of 15-20 miles
- The use of the land would be a welcome change to the local area
- At present the site is attracting yobs, alcoholics and drug users
- The use would be a great venture for the community
- The site is used for people to dump rubbish

5 Assessment of the planning issues

a) Background

Planning permission was refused in 2011 for a similar application for a change of use to car sales (11/00095/FUL). The application was refused on the grounds of impact from the intensification of use of the site on neighbouring amenity, inadequate access width, lack of appropriate visibility splays and subsequent impact on highway safety.

Pre-application advice has been sought for the current proposal which also included land to the rear of 9-13 Windmill Street; a larger site area to the former proposal. No indicative layout or access details were provided as part of the submission. The advice provided to the applicant was that the Planning Officer's view remained unchanged; primarily, the use of the site for car sales would result in a significant change in character and an intensification of use where there would be an increase in noise and activity to that which currently exists, which would be detrimental to the amenity of neighbouring residential occupiers.

In addition, the Local Highways Officer advised that in order to overcome the highway objections adequate parking spaces were required along with an access width of 5m with appropriate vehicle to pedestrian visibility splays and a swept path analysis of a car transporter to show that one could enter the site, turn and leave in forward gear.

b) Impact on residential amenity

The site lies between two residential properties; no 9 and no. 3 Windmill Street and extends to the rear of numbers 9 to 13 Windmill Street and within an area which is predominantly residential in character. The side elevations of these properties have windows which have an east and west aspect respectively. The gardens to these properties also abut the application site. It is acknowledged that part of the site has a lawful use as a car park where there would be an element of noise associated with this use. However, the formal use of the site for car sales would result in a significant intensification of use and an increase in noise and activity. This would include the delivery of vehicles to the site, the starting of car engines and general noise and disturbance which would be caused by the general activity of visitors to the site.

The application proposes that the site would operate on an appointment basis however, it is considered that this would not prevent customers spontaneously visiting, particularly once the use of the site has become established.

It is noted that there have been a number of letters from neighbouring occupiers supporting the change of use, many of whom consider that the current vacant site is often subjected to fly-tipping and attracting antisocial behaviour and that a formal use of the site would be a benefit to the area. It is not disputed that the site would benefit by a sense of ownership however the current misuse of the site does not outweigh the potentially harmful impact that would be caused to neighbour amenity.

The proposal would result in an adverse impact on the amenity of the occupiers of these properties contrary to policy PP3 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy.

c) Highway implications

The application has addressed a number of highway concerns identified at pre-application stage. The site could provide an access with a width of 5m and the submitted plans indicate that appropriate vehicle to pedestrian visibility splays could be provided. However, a parking and turning area would also be required for a car transporter so that it could enter the site, turn and leave the site in forward gear. The Local Highway Authority considers that such vehicles cause highway safety issues when parked on the highway for loading and unloading purposes; and although Windmill Street is a fairly wide road a car transporter would not be able manoeuvre into the site with the access as proposed even if there were sufficient space within the site for parking, turning, loading and unloading. Even if the access were to be revised there would be insufficient space within the site and the car transporter would have to reverse onto the public highway. Such manoeuvres cause highway safety issues as the driver cannot see when the road is clear and so are reversing blind into what is a predominantly residential street. The proposal would impact on the safety of users of the public highway and is therefore contrary to policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD.

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 case officer recommends that Planning Permission is **REFUSED** for the following reasons:

- R1 The use of the site for car sales would result in a significant intensification of use and an increase in noise and activity resulting from the delivery of vehicles to the site, the starting of car engines and general noise and disturbance which would be caused by the general activity of visitors to the site. The proposal therefore would result in an adverse impact on the amenity of the occupiers of neighbouring residential properties contrary to policy PP3 of the Adopted Peterborough Planning Policies DPD and Policy CS16 of the Adopted Core Strategy DPD.

R2 The site could not provide for the turning of a large car transporter vehicle that would need to visit the site. As a consequence the manoeuvring of such vehicles would cause danger to the users of the adjoining public highway contrary to policies PP12 and PP13 of the Adopted Peterborough Planning Policies DPD 2012.

Copies to Councillors M Nadeem, N Khan MBE, M Jamil

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