

Item No. 5.4

Planning and EP Committee 2 April 2019

Application Ref: 18/02001/FUL

Proposal: Change of use of ground floor retail storage area and flat, and upper floor flat to MOT/Service Centre with upper floor storage; associated car parking and installation of new roller shutter doors at 3 Green Lane, and rear of 185 and 187 Lincoln Road.

Site: 3 Green Lane , Millfield, Peterborough,
Applicant: Mrs S Kausar

Agent: Mr N P Branston
Branston Assoc.

Referred by: Aasiyah Joseph

Reason: I have been advised that the application is to be refused on the grounds that the plans have not provided Amenity space for the possibility of future conversion of first floor offices to residential (flats), which would be permitted development.

Site visit: 02.01.2019

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: REFUSE

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

Site and surroundings

The application site is located to the rear of 187 Lincoln Road and is part of a retail unit within the Taverner's Road local centre which fronts Lincoln Road and has a rear storage facility in the building accessed via Green Lane. There are two flats within the application site, one at ground floor and one at 1st floor.

Directly to the east of the building is Bonham Upholsterers and both properties are accessed from a shared drive off Green Lane and there is parking provision within the site serving both properties. In addition, space is provided within the site for one parking space serving a recently approved taxi office at 185 Lincoln Road. The surrounding character within Green Lane is predominantly residential.

Proposal

The application seeks permission to split the existing planning unit through the change of use of ground floor retail storage area and flat, and upper floor flat to MOT/Service Centre with upper floor storage; associated car parking and installation of new roller shutter doors at 3 Green Lane, and rear of 185 and 187 Lincoln Road. The opening times would be 0800 to 2000 Monday to Saturday and 10:00 to 16:00 Sunday and Bank Holiday.

That part of the existing shop that fronts Lincoln Road would be retained and it would be served from Lincoln Road as the rear access and storage area would be lost to the proposed new use.

2 parking bays are to be formed in the access between Green Lane and the MOT bays with access to further parking accessed by driving through the building.

N.B. A similar proposal was refused under application number 11/00981/FUL.

2 Planning History

Reference	Proposal	Decision	Date
18/00543/FUL	First floor extension including removal of existing stairway and structure and replacement with new stairway access to first floor - retrospective	Permitted	29/06/2018
11/00981/FUL	Change of use from existing workshop and shop to MOT bay and alterations to existing building, including removal of first floor, increase in roof height and installation of roller shutters	Refused	19/08/2011

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)

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.

Peterborough Local Plan 2016 to 2036 (Submission)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. The plan has now been examined by the Inspector who has published a list of proposed modifications. These

are being consulted upon for 10 weeks. The Inspector's final report is expected shortly after and the Council anticipates being in a position to adopt the Plan in Spring 2019.

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 Peterborough Highways Services (15.02.19)

It has not been demonstrated that the on-site arrangements for all existing and proposed uses will not result in vehicles parking within the service yard and turning area. This in turn would lead to manoeuvring vehicles causing an obstruction to the access to the site, or having to manoeuvre within the public highway.

To the detriment of highway safety, contrary to Policies CS14 and PP12.

PCC Pollution Team (07.01.19)

Whilst we have no objection to the submitted application; the application will however need to be subject to, conditions on specific working hours as against the limited working hour proposed in the applicant design and access statement and no use of power tools outside of the unit if granted in other to protect the residential properties amenity nearby from noise and general disturbance.

Police Architectural Liaison Officer (PALO) (20.12.18)

I have reviewed the documents supplied, and whilst I would not ordinarily support roller shutters in a residential area, the motor trade does attract a criminal element due to the high value power tools and other items of machinery found within. Whilst this area of Peterborough is medium to low in terms of reported burglary offences, I support their use of roller shutters and this Application.

Local Residents/Interested Parties

Initial consultations: 26
Total number of responses: 0
Total number of objections: 0
Total number in support: 0

No representations have been received in relation to the proposal.

5 Assessment of the planning issues

The main considerations are;

- The impact of the proposal on the character of the area
- The impact of the proposal on the amenity of the occupiers of nearby dwellings
- The impact of the proposal on highway safety

N.B. The case officer is not aware of discussions relating to the refusal of the application on the basis of a lack of amenity space. However as the application was passed to the current officer from another officer who has now left the authority, it is considered reasonable to bring the application before planning committee for the sake of transparency.

Previous application 11/00981/FUL

The previous application proposed a far smaller area of altered floor space and differed by proposing a smaller area of MOT related floor space access from Green Lane and the retention of part of the A1 use of the unit as accessed from Green Lane, with the A1 units fronting Lincoln Road being unchanged.

This application was refused on harm to neighbour amenity through noise connected with the MOT use, harm to the character of the area through the installation of an additional shutter, inadequate provision of parking for the proposed MOT use and harm to the highway safety network.

The impact of the proposal on the character of the area

There are two roller shutters erected upon the building, both of which have been in situ for more than 4 years and as such are immune from enforcement action. Whilst neither shutter has planning consent, in light of the length of time that they have been in place, it would not be reasonable to refuse the application on this basis.

In light of the above it is considered that the proposal will not unacceptably harm the character of the area.

The impact of the proposal on the amenity of the occupiers of nearby dwellings

The site is situated to the rear of Green Lane which is predominantly residential in character. It is considered that the proximity of the use to these properties would result in significant disturbance, not least through the likely noise which would be generated but also by the level of activity in and out of the site. This would be particularly detrimental to the occupiers of no.1 Green Lane which lies to the east of the access way.

In light of the above it is considered that the proposal will unacceptably harm the amenity of the occupiers of neighbouring dwellings.

The impact of the proposal on highway safety

The proposed access serves the existing shop at 187 Lincoln Road for deliveries, Bonham Upholsterers and one staff parking space serving the taxi office at 185 Lincoln Road. It is considered that there would be inadequate parking provision for the MOT use which would result in

vehicles parking on the public highway or on site frontages to the detriment of the safety of pedestrian. The applicant disputes this and states that vehicles in connection with the MOT test centre will not be left on site all day and will be taken on completion of a test and as such sufficient space exists. However the LHA maintains that there is not useable space on site for all existing and proposed uses and that the proposal will result in vehicles parking within the service yard and turning area. This in turn would lead to manoeuvring vehicles causing an obstruction to the access to the site, or having to manoeuvre within the public highway. It should be noted that a condition requiring it to be a 'while you wait' only operation would not overcome this issue.

In addition, the use would result in the loss of existing facilities within the site for parking, turning, loading and unloading of vehicles delivering to the shop (proposed supermarket). Therefore the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

In light of the above it is considered that the applicant has not sufficiently demonstrated that the proposal will not unacceptably harm the safety of the surrounding highway network.

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 Interim Director of Growth and Regeneration recommends that Planning Permission is **REFUSED**

- C 1 The site is situated to the rear of and in close proximity to residential properties fronting Green Lane. The proposed use as MOT testing station has the potential to generate significant levels of noise and disturbance which would be detrimental of the amenity of the occupiers of nearby properties.

This is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011, policy PP3 of the Peterborough Planning Policies (DPD) 2012 and policies LP16 and LP17 of the Peterborough Local Plan (Submission) 2018.

- C 2 The proposed development would not provide adequate facilities within the curtilage of the site for the parking of vehicles visiting the MOT bay. As a result, vehicles will park on site frontages, crossing and often partially obstructing the footways, to the detriment of the safety of pedestrians.

This is contrary to policy CS1a of the Peterborough Core Strategy (DPD) 2011, policy PP12 and PP13 of the Peterborough Planning Policies (DPD) 2012 and policy LP13 of the Peterborough Local Plan (Submission) 2018.

- C 3 The proposed development would result in the loss of existing facilities within the curtilage of the site for parking, turning, loading and unloading of vehicles delivering to the existing shop. As a result, the manoeuvring of vehicles likely to be generated by the proposed development would have an adverse effect on the safety and free flow of traffic on the adjoining public highway.

This is contrary to policy CS1a of the Peterborough Core Strategy (DPD) 2011, policy PP12 and PP13 of the Peterborough Planning Policies (DPD) 2012 and policy LP13 of the Peterborough Local Plan (Submission) 2018.