

## **Agenda Item 3**

### **Planning and EP Committee**

**Application Ref:** 19/00924/FUL

**Proposal:** Change of use from car park to car sales and storage with modular sales office and erection of 2.2m high fencing

**Site:** Land To The North West Of 7-9, Wainman Road, Orton Longueville, Peterborough

**Applicant:** Mr Nasir Rehman  
1 Stop Investments

**Agent:** Mr D Coulling  
PDG Architects

**Referred by:** Councillor J Goodwin

**Reason:** Loss of parking to surrounding businesses, and danger to highway safety from on-street parking and unloading of car transporters

**Site visit:** 31.07.2019

**Case officer:** Mr Jack Gandy  
**Telephone No.** 01733 452595  
**E-Mail:** jack.gandy@peterborough.gov.uk

**Recommendation:** **GRANT** subject to the signing of a **LEGAL AGREEMENT** and relevant conditions

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

#### **Site and Surroundings**

The application site comprises a car park located within the identified Woodston General Employment Area (GEA11). The car park has 96 no unallocated spaces and has no restricted use, being available for parking by all surrounding units. Vehicular access to the site is taken via Wainman Road.

The site is bound to the north, east and west by industrial units within the wider employment area, and to the south by a parcel of grassed landscaping which includes stumps from felled trees. The parcel of land is surrounded by public footways, with Morley Way further to the south.

#### **Proposal**

Planning permission is sought to change the use of the car park to a car sales site (*sui generis* use), along with the siting of a prefabricated sales office and erection of 2.2 metre high weldmesh fencing to the northern, southern and eastern boundaries of the site.

The proposal would reduce the number of parking spaces from the existing 96 to 81, and would comprise: 73 'sales' spaces; 5 customer spaces (one of which is for disabled parking); and 3 staff spaces (one of which is for disabled parking).

The sales office is proposed to be erected within the north-western corner of the application site, and would measure approximately 5.9 metres in width and 5.9 metres in depth. A flat roof is proposed, which would measure 2.8 metres high above ground level. A ramp and step would provide access. Grey GRP vertical cladding is proposed, along with powder coated finishes in grey to the window and doors.

It should be noted that the proposal has been amended from that which was originally submitted at the request of Officers. The application site originally enclosed the grassed landscaping area to the south, however this has now been excluded from being within the development site.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
07/01853/FUL	Installation of telecommunications cabinet to house equipment and 2m high palisade security fence	Withdrawn by Applicant	25/01/2008

## **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**

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

- 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.
- d) 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.

#### **LP13 - Transport**

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

#### **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**

- 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.

#### **LP28 - Biodiversity and Geological Conservation**

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which

would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, over riding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

#### Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

#### Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

#### **LP29 - Trees and Woodland**

Proposals should be prepared based upon the overriding principle that existing tree and woodland cover is maintained. Opportunities for expanding woodland should be actively considered.

Proposals which would result in the loss or deterioration of ancient woodland and or the loss of veteran trees will be refused unless there are exceptional benefits which outweigh the loss. Where a proposal would result in the loss or deterioration of a tree covered by a Tree Preservation Order permission will be refused unless there is no net loss of amenity value or the need for and benefits of the development outweigh the loss. Where appropriate mitigation planting will be required.

## **4 Consultations/Representations**

#### **PCC Highways Services (30.09.19)**

No objections: Ordinarily the Local Highway Authority would expect to see supporting information such as parking surveys to demonstrate that the loss of the car park is acceptable and that as a consequence of its loss there will be no highway safety issues that arise. However, the Local Highway Authority have been informed that the car park was not linked and secured with the adjacent industrial units when originally granted, and as such it can be closed up at any time without the need for planning consent. In terms of the layout, following the removal of the area to the south of the public footway and submission of a revised plan showing an adequate access with visibility splays, the Local Highway Authority are content with the proposal, subject to restricting the use of car transporters.

#### **PCC Wildlife Officer (07.08.19)**

Objection: It is highly concerning to note that the all of the semi mature trees have apparently been felled prior to determination. It is not known whether the felled trees contained any bat roosts or nesting birds, however it can be assumed that they would have provided some wildlife habitat benefits, in addition to all the other wider benefits that trees provide to local residents including landscaping/ screening, health benefits, improved air quality as well as CO<sub>2</sub> reductions. The removal of these trees has resulted in an overall net loss of biodiversity, contrary to both local policy and section 15 of the NPPF (Conserving and enhancing the natural environment).

It is therefore advised that a scheme of replacement compensatory tree planting and biodiversity enhancement is submitted for consideration prior to determination, with the area marked as "grass with tree stumps" re-planted with native trees and shrubs.

**PCC Tree Officer (16.08.19)**

Objection: Agrees with the PCC Wildlife Officer's comments with regard to the tree removals from this site and has informed the Area Forestry Officer. Request that a full and detailed landscaping scheme be submitted for approval prior to any works commencing on site, and that any fencing restricting the footpaths/right of way across and adjacent to the area of land where the group of trees stood be omitted.

**Senior Landscape Technical Officer (19.08.19)**

Objection: The area in question is not Public Open Space either maintained by Peterborough City Council or others. However, agree entirely with PCC's Tree and Wildlife Officers regarding all aspects, in particular the loss of trees.

**Orton Longueville Parish Council (06.09.19)**

Objection: The proposal could increase vehicle access into Wainman Road which is earmarked as an ingress and egress into the proposed Gloucester Centre development. Possible increase in danger to the public due to the footpath being so close to the entrance. Loss of the aesthetics to the built in environment due to the erection of a 2.2 m high fence plus the loss of trees. Narrow path network would be obstructed or put in danger by vehicles crossing the pathway, particularly by car transporters which would add to this danger.

**Police Architectural Liaison Officer (27.09.19)**

No objections: This office has reviewed documents in regards to community safety and vulnerability to crime in regards to this planning application. Officers note the comments from Highway Officers and concur with their comment regarding car transporters at the site. It is pleasing to see the updated site plan which shows where the security fencing is to be installed. External security lighting would be beneficial that would support the column street lighting in place, in addition to the installation of monitored CCTV to protect the site when not open.

**Local Residents/Interested Parties**

Initial consultations: 23

Total number of responses: 88

Total number of objections: 81

Total number in support: 3

87 letters of representation have been received, comprising: 81 objections; 3 letters of support; and 4 letters with a neutral stance. The comments received are summarised below.

**Objection**

- There is minimal parking already in the area.
- It is impossible for visitors/employees to walk safely from alternative areas due to poor lighting along main roads, which makes it unsafe for them.
- There is nowhere to park when taking children to Big Sky.
- It is not good that staff on the estate have had to find alternative parking due to the closure of the biggest carpark in the industrial estate.
- No one wants extra traffic or pollution and it is already a struggle for parking spaces
- The car parking is needed for parking as it is already limited and the extra traffic is no wanted in the estate.
- Parking has become ridiculous since it was sold. Female staff have to park in the housing estates and have already been verbally abused by residents. Once the dark nights come in, this will be very unsafe for lone females to be walking on their own.
- Big Sky will be affected immensely as there is now not enough parking spaces for their customers.
- Before this car park was sold there was plenty of parking spaces for workers and visitors within the Wainman Road industrial unit.
- Families must be ensured safety and surrounding nurseries must have space that they can play

- in. By allowing 100+ cars, this will drastically change the environment and cause various complications. Nursery drop-offs will become increasingly difficult to do.
- The traffic is now impossible to manoeuvre with people having to park on both sides of the road. There will be a serious accident before long.
  - There was no reason to sell the car park off in the first place, it was in use by the entire estate employees and visitors.
  - The mess that has been left from the cutting down of the established trees around the car park is still causing trip hazards and has not been cleaned up for months.
  - There is a car sales place at the end of Shrewsbury Avenue on Oundle Road and a new one opening on Morley Way. Is there really a necessity to have another one? Three within a mile radius of each other is ridiculous and is not reason enough to take away parking from the industrial estate.
  - Less customers can visit the site due to lack of parking. Arranging deliveries and collections is a huge problem. Stress to business owners because of this issue is unfair and is having a negative impact on their livelihood.
  - Many of these businesses have rights of access (within their leases) and have always used these parking spaces. The access to the car park has been blocked off by the new owner with 2 vehicles (both without MOT's).
  - Mature trees have been unnecessarily chopped down for the first submitted plan. Why chop them down and ruin a whole estate without making sure planning is approved first? Now the area where the trees were is extremely overgrown with weeds and are blocking the footpath and visibility.
  - Solicitors have been instructed and a court case will follow the determination of this planning application.
  - Vehicle damage from vehicular manoeuvres.
  - Cars are parking alongside the roads obstructing the vision of drivers and pedestrians.
  - With the car park being closed, some customers thinking that businesses have gone out of business and gone elsewhere.
  - Staff are now continuously late as they have nowhere to park.
  - Impacts on the efficiency and production of surrounding businesses including Big Sky.
  - The proposed new business will bring more traffic to the estate, when there is inadequate parking already. It is also assumed that the cars being sold on the car lot will be test driven on the estate as well, therefore making the traffic situation worse and heightening health and safety concerns.
  - Obstructions into surrounding yards.
  - This is a ludicrous application on health and safety grounds. When someone is killed, who would the blame be given to?
  - There are no clear footpaths around the backs of these units and with the increase in cars parking and blocking the road it only further forces employees to walk out in the road.
  - It is dangerous to remove the much needed parking of a busy industrial estate and then to plan a car sales business which would only increase the amount of traffic the estate sees.
  - There are lots of children that come the estate to use Big Sky. During the peak periods, especially school holidays, the amount of cars using Wainman Road increases tenfold. There is no other infrastructure to support the safety of these children other than that of the existing car park.
  - Vehicles now park in Oakleigh Drive & Morpeth Close which are already busy roads and where they are parking it makes both roads dangerous, especially where these roads join.
  - Object to car sales being so close to residential housing given the increase in traffic, with one access in and out of Wainman Road proposed by the future development of the Gloucester Centre this is only going to get worse.
  - Car sales was previously refused for another business on the Wainman Road estate.
  - There is no decent alternative to park other than this car park.
  - Unloading and loading to surrounding units is dangerous and difficult.
  - The turn round roundabout at the end of Wainman Road becomes completely choked causing the employees to the Gloucester Centre and housing estate who use Wainman Road as a quick cut through to turn around and then head off the estate by the main entrance.

- The whole episode is a complete disaster caused by the freeholders of the estate trying to earn a 'quick buck'.
- There have been road rage issues because of the current lack of parking and along with two accidents
- There are 999 year leases which state that we have rights to park in communal parking and that an adequate amount for the estate should be provided. With Elmdon selling off the 100 space car park, adequate and safe parking is no longer available. Legal advice is being sought.
- The terms of the lease 1.2.4 clearly state: 'The right of the tenant, its servants, agents and contractors to park motor cars only in the areas designated as car parks on the estate'. At present, this condition cannot be complied with as parking has to occur on PCC un-designated roadside areas and verges. Further into the contract, it states 'no obstruction shall be caused to the service roads serving the estate or any part thereof by permitting or suffering the standing parking of storage of goods, vehicles apparatus or merchandise on the hard standing'. This is listed under the Property and Charges Register title number CB126214 for a term of 999 years commencing 2003.
- Approval of this proposal will cause Wainman Road to be completely blocked, causing major financial difficulty to the companies operating in the industrial estate.
- The surrounding area is flooded with cars and prevents any form of services such as fire engines or ambulances from manoeuvring between these spaces.
- The proposed use would be a fire hazard and an eyesore.

**Councillor Janet Goodwin** has also raised objections to the proposal as follows:

- Loss of existing parking to affected retail businesses in the immediate area.
- Traffic going to the retailers, both staff and customers who had use of the car park, now having to park on the roadside.
- Ongoing obstruction to the narrow road by car transporters bringing vehicles to the car sales site.

### In support

- As a customer to Big Sky, parking is not an issue if people around the estate parked in allocated or designated parking areas. Mostly the estate designated parking areas always available.
- This application will create jobs. The car park was never full so there should be no issues with a car lot there and there are other parking area on the estate which no one uses and leaves cars dumped on the road side. The other parking areas include the first car park to the right on entrance off Wainman Road and the second the overflow car park outside Clearview Windows to serve Big Sky.
- Surrounding businesses should consider clearing their drives and entrances which have containers and entrances to allow for additional parking.

### Additional comments (neither in support or objection)

- Although frustration can be understood, 60-70 static vehicles on display would not make much difference with the Applicant's own off road parking for staff and customers. Car sales is usually on an appointment basis and around a handful of customers on a weekly basis.
- With or without car sales, the private car park cannot be used. The new owners will leave the site blocked off and will use it for another purpose. Would stationary cars make a difference to parking in or around the estate?

## 5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Parking and highway implications
- Design and impact to the character and appearance of the site and the surrounding area
- Impacts to trees and ecology
- Neighbour amenity

## **a) Principle of development**

The existing, private car park is not currently secured under any previous planning permission or tied to surrounding units in planning terms. As such, there is no requirement in planning-terms for it to remain open for use by staff/visitors of the wider industrial estate. Accordingly, the car park could be closed at any time without the need for planning permission and this therefore constitutes the 'fall-back position'. The proposed change of use would not preclude the continuation of other implemented uses/units within the surrounding area in planning terms.

As detailed in Section 1 above, the application site lies within the identified Woodston General Employment Area (GEA). Policy LP4 of the Peterborough Local Plan (2019) advises that in such areas, planning permission will be granted for Class B1 (office and light industrial), B2 (general industrial) and B8 (storage and distribution) uses. The proposed car sales is a 'sui generis' use (i.e. not assigned to any of the specified use classes), and therefore does not fall within those use classes which are supported within GEAs. Accordingly, it must be considered whether such a use is appropriate within the GEA. At present, the site does not benefit from any formal employment use and therefore the proposal would not constitute a loss of employment land that is needed to meet the Local Plan target. Furthermore, whilst not directly an 'employment' use, car sales are established within the City as being appropriate within such areas by virtue of their similar impact. Accordingly, Officers consider that the use of the application site for car sales is appropriate in principle.

On the basis of the above, Officers consider the principle of development is acceptable, subject to consideration of all other material planning considerations which are set out below.

## **b) Parking and highway implications**

### *Loss of existing parking*

It is noted that the main area of concern raised by objectors in respect of this application relates to the loss of parking for staff/visitors of the wider industrial estate and the associated implications in terms of on-street parking and highway safety. Whilst these concerns are noted, and significant parking congestion has been observed by Officers, as detailed above, the car park that comprises the application site is not required to be retained for the parking of staff/visitors of units within the wider industrial estate in planning-terms. Therefore, its closure (which has already taken place) does not require the benefit of planning permission.

Whilst the loss of this parking is regrettable, given this 'fall-back' position, the loss of parking which has previously been available for use by the surrounding units is not a reason for which the current proposal could be resisted. The proposed change of use would not alter this 'fall-back' position and would therefore not, in planning terms, represent the loss of parking to the wider locality.

It is noted that some objectors have made reference to rights contained within their leases which grant use/access to the car park subject to this application. However, these rights are a civil matter which falls outside the remit of the planning system and therefore cannot be considered as part of the determination of this application.

### *Proposed parking provision*

As set out above, the proposal would provide 5no. parking spaces for customers and 3no. parking spaces for staff. This is considered sufficient to meet the needs arising from the proposal and no objections in relation to this provision have been raised by the Local Highway Authority (LHA).

### *Public footpaths/footways*

Further to alterations from the original scheme submitted, the LHA raises no objections to the proposed development. Previously, the inclusion of the grassed landscaping area to the south would have resulted in the obstruction and enclosure of adopted footpaths/footways which the LHA did not accept. The proposal has accordingly been revised to remove this area from the application scheme and all footpaths/footways would remain unobstructed.

### Vehicle movements and access

The proposal seeks to alter the access to the site from Wainman Road, such that it would be set 6 metres from the back edge of the public highway and would measure 8 metres in width. This is considered to be sufficient to enable two vehicles to enter/leave the site at the same time without any conflict, and would also stop cars obstructing the public highway when entering the site. Furthermore, the proposal would provide the requisite vehicle-to-pedestrian and vehicle-to-vehicle visibility splays to either side of this access, ensuring the safety of users of the highway is maintained. On this basis, the LHA has raised no objections to the proposed access changes as it is considered the access proposed would not pose an unacceptable danger to the safety of users of the public highway.

With regards to the delivery to and collection of vehicles from the application site associated with the proposed use, the LHA has requested that this is not carried out by car transporters as the surrounding area cannot safely accommodate such large vehicles and no turning/loading/unloading space is available within the application site. A condition has therefore been requested however such a condition could not be imposed as the ability to undertake lawful parking within the public highway cannot be controlled or enforced. The only mechanism therefore to prevent deliveries by car transporter near to the site and within the wider industrial estate, is through a S106 legal agreement. The Applicant has advised that no car transporters would be used but notwithstanding this, they would be prepared to enter into a legal agreement. This would be secured in the event that Members were to resolve to grant planning permission before any decision was issued.

In light of the above, it is considered that the proposal would not result in unacceptable harm to the safety of the surrounding highway network above and beyond the lawful ‘fall-back’ position and is therefore in accordance with Policy LP13 of the Peterborough Local Plan (2019).

### **c) Design and impact to the character and appearance of the site and the surrounding area**

The proposed site office is considered to be of a basic design which, whilst visible within the surrounding area, would not adversely impact upon the character and appearance of the site and the surrounding area. The proposal would retain the overall industrial appearance of the locality and not appear an incongruous feature. As with all buildings of a temporary nature, over time there is the possibility that they become rundown and of a poor appearance which harms the visual amenity of areas. Therefore, as is standard practice by the Local Planning Authority, a temporary 5 year permission for this element of the proposal is to be secured by condition.

The proposed weldmesh fencing would also be readily visible within the surrounding area. A characteristic of the wider estate includes high brick wall enclosures with mesh gates forward of industrial units, which can be seen directly opposite the site access. Whilst weldmesh fencing would be notably different to these brick walls, it is not considered that it would be so incongruous as to unduly impact upon the character and appearance of the locality such that unacceptable harm results. Whilst no details of the proposed fencing colour have been provided, Officers are of the view that powder coating in either black or dark green would be acceptable and a condition to this effect is proposed.

The Police Architectural Liaison Officer has raised no objections to the proposed development. There is however the recommendation to provide CCTV and additional lighting, as none are currently proposed. However, as the site is already served by lighting provisions and that the Police Architectural Liaison Officer has raised no objection to the development proposed, Officers do not consider it necessary to secure these details to approve the proposed development.

On the basis of the above, the proposal is considered to be in accordance with Policy LP16 of the Peterborough Local Plan (2019).

### **d) Impacts to trees and wildlife**

To the rear of the application site is a relatively large grassed landscape area within the same ownership as the Applicant, and therefore not maintained at public expense. A number of trees within this area have been removed, which the City Council's Wildlife and Tree Officers have raised objections to.

The Wildlife Officer has objected to the application and highlighted that the removal of the semi-mature trees prior to determination of the application is concerning because it is not known whether the felled trees contained any bat roosts or nesting birds. The trees would also have had other wider benefits to local residents, including landscaping/ screening, health benefits, improved air quality as well as CO<sub>2</sub> reductions. The Wildlife Officer is of the view that their removal has resulted in a net loss of biodiversity and requested that prior to determination of this application, a scheme for compensatory replacement trees and landscape enhancements is submitted. The Tree Officer has advised that he is in agreement with the Wildlife Officer.

The concerns of the Wildlife and Tree Officers are noted, however the felling of the trees did not require consent from the Local Planning Authority as none were formally protected by virtue of a Tree Preservation Order. Furthermore, the loss of the trees is not directly related to the application under consideration, as this parcel of land no longer forms part of the application site. On this basis, to impose a condition securing a scheme of replacement/compensatory planting would not be relevant to the development and therefore fails one of the six key tests that planning conditions must meet. A condition therefore cannot be applied in this instance.

Although it is clear that relatively significant harm that has been caused through the felling of these trees, the proposal itself is not contrary to Policies LP28 and LP29 of the Peterborough Local Plan (2019).

#### e) Neighbour amenity

There are no residential dwellings within the surrounding industrial area and there would be no unacceptable overbearing, shadowing or loss of privacy from the proposed development.

With regards to the neighbouring industrial units, as they flank the existing car park, it is not considered that the proposed change of use would be unacceptable, given that vehicles entering and leaving the site would not be substantially different compared to the operation of the car park. The proposed site office would not be adversely overbearing to No. 10 Wainman Road given that existing boundary wall serving the neighbouring enclosure would be retained.

The proposed weldmesh fencing would be visible within the surrounding area, however, Officers do not consider that it unacceptably impacts upon the amenity of surrounding industrial units.

In light of the above, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

#### f) Other matters

Concern has been expressed from objectors in regards to the impact of the proposal alongside the currently pending application for redevelopment at the Gloucester Centre. As this nearby application will not be determined at this time, the cumulative impacts do not need to be considered as part of this application. Determination of the application at the Gloucester Centre will however need to consider the implications of any cumulative impacts arising as a result of this application. Furthermore, Officers do not consider that the current proposal would prejudice the site allocation relating to the Gloucester Centre.

### **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 principle of development is acceptable;
- The proposal would not unacceptably impact upon the character and appearance of the site and the surrounding area, in accordance with Policy LP16 of the Peterborough Local Plan (2019);
- Adequate parking to serve the use would be secured and the proposal would not adversely impact upon the safety of the surrounding highway network, in accordance with Policy LP13 of the Peterborough Local Plan (2019);
- The proposal would not unacceptably harm the amenity of trees and wildlife, in accordance with Policies LP28 and LP29 of the Peterborough Local Plan (2019); and
- The amenity of surrounding industrial units would be retained, in accordance with Policy LP17 of the Peterborough Local Plan (2019).

## **7 Recommendation**

The Executive Director of Place and Economy recommends that Planning Permission is **GRANTED** subject to the signing of a **LEGAL AGREEMENT** and the following conditions:

If the required Section 106 legal agreement is not completed within a reasonable period, then the Committee delegates the issuing of a notice of refusal to the Executive Director of Place and Economy on the grounds that the development has failed to adequately mitigate its impacts.

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 approved plans:

- Site Location Plan (Drawing number 19016/L(90.1)01 Revision A)
- Existing Site Plan (Drawing number 19016/PL01)
- Proposed Site Plan, Elevations and Floor Plan (Drawing number 19016/PL02 Revision B)

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

C 3 The site office building hereby permitted shall be finished externally in GRP vertical cladding coloured grey to the wall elevations, with powder coated windows and door frames coloured grey. These materials shall be retained and maintained thereafter.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

C 4 The site office building and associated steps/ramp hereby permitted shall be removed and the land restored to its former condition on or before 18 October 2024.

Reason: To ensure that the building does not come into such a state of appearance that harm to the amenity of the area results, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

C 5 The car sales use hereby permitted shall not commence unless and until the revised vehicular access shown on drawing number 19016/PL02 Revision B 'Proposed Site Plan, Elevations and Floor Plan' has been provided and made available for use.

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

C 6 Prior to first use of the revised vehicular access hereby permitted, the vehicle-to-pedestrian and vehicle-to-vehicle visibility splays shown on drawing number 19016/PL02 Revision B 'Proposed Site Plan, Elevations and Floor Plan' shall be provided. Thereafter, those visibility splays shall be kept clear of any permanent obstruction above 600mm in height from ground level in perpetuity.

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

C 7 The car sales use hereby permitted shall not commence unless and until the areas shown on drawing number 19016/PL02 Revision B 'Proposed Site Plan, Elevations and Floor Plan' for staff parking, customer parking and the turning of vehicles have been marked out and made available for use. Thereafter, those areas shall solely be used for staff parking, customer parking and the turning of vehicles in connection with the car sales use hereby permitted, and the turning area shall be kept clear of any obstruction, in perpetuity.

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

C 8 The weldmesh fencing hereby permitted shall be finished in powder coating coloured either black or dark green.

Reason: In order to preserve the visual amenity of the locality, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

C 9 Notwithstanding the provisions of Part 2 Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), any gating to the revised vehicular access hereby permitted shall be set back no less than 6 metres from the back edge of the public highway (including footway).

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

Copies to Cllrs Farooq, Goodwin and Howard

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