

Application Ref: 12/01726/FUL

Proposal: Installation of a temporary mobile home for occupation by managers of Peterborough Dairies

Site: 3 John Wesley Road, Werrington, Peterborough, PE4 6ZP

Applicant: Peterborough Dairies

Agent: David Shaw

Referred by: Head of Planning Transport and Engineering Services

Reason: Previous application refused by Committee

Site visit: 04.12.2012

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 an area of open landscaped grassland within the curtilage of the industrial building currently occupied by Peterborough Dairies. The wider site is occupied by a large B2 General Industrial Unit which receives deliveries of fresh milk for processing before being distributed to local businesses within Peterborough and the wider area. There is an associated car park immediately at the site entrance and a large area for the turning and manoeuvring of delivery vehicles to the rear. The application site is located within the identified Werrington General Employment Area and is accessed via the Werrington Parkway. The surrounding units are occupied by a variety of general industrial and storage/distribution businesses.

Proposal

The application seeks planning permission for the erection of temporary residential accommodation to allow the owners of Peterborough Dairies to live on the site of their business until it is established. The size of the temporary accommodation has been reduced following refusal by Members of application reference 12/00100/FUL. The current proposed accommodation comprises three no. bedrooms and requisite living space within a temporary structure of dimensions: 16 metres (length) x 6 metres (width) x 2.2 metres (height to ridge). The unit has been reduced in length only from the previously refused application scheme by a total of 3 metres.

Application reference 12/00100/FUL was refused for the following reasons:

- R1 *The site is located in a General Employment Area as identified in the Peterborough Site Allocations DPD (2012). Policy SA11 of that DPD does not list residential as an acceptable use and Policy H7 (part b) of the Peterborough Local Plan (First Replacement) (2005) does not permit residential use within defined Employment Areas. The principle is therefore unacceptable in accordance with these policies.*
- R2 *The proposed temporary residential unit is considered far larger than that which could reasonably be deemed ancillary accommodation in relation to the existing business on the site. The level of accommodation proposed is tantamount to the creation of a permanent dwelling and, given the location of the site within an identified General Employment Area, represents wholly inappropriate development. The proposal is therefore contrary to Policies*

H7 and OIW6 of the Peterborough Local Plan (First Replacement) (2005).

- R3 The nature of the location, particularly given its proximity to the East Coast Main Line and the Royal Mail depot means that occupants of the proposal would be subject to a noisy environment which makes it unsuitable for residential occupancy. The proposal is therefore contrary to emerging Policy PP3 of the Peterborough Planning Policies DPD (Submission Version incorporating the modifications recommended by the Inspector following examination 2012) and Policy H7 (part f) of the Peterborough Local Plan (First Replacement) (2005).

2 Planning History

Reference	Proposal	Decision	Date
03/01609/NTA	Erection of cold store, vehicle workshop and amenities	Application Permitted	12/12/2003
12/01100/FUL	Temporary residential accommodation for occupation by managers of Peterborough Dairies	Application Refused	13/11/2012

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 11 - Contamination

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Section 11 - Noise

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS12 - Infrastructure

Permission will only be granted where there is, or will be via mitigation measures, sufficient infrastructure capacity to support the impacts of the development.

CS13 - Development Contributions to Infrastructure Provision

Contributions should be secured in accordance with the Planning Obligations Implementation Scheme SPD (POIS).

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 Site Allocations DPD (2012)

SA11 - General Employment Areas and Business Parks

Within the allocated General Employment Areas and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B8 within the GEAs, classes B1(a) and B1(b) within the Business Parks).

Peterborough Planning Policies DPD (Submission Version 2012)

Whilst this document is not yet adopted, it is at an advanced stage of preparation having been found 'sound' subject to amendment by an Inspector of the Secretary of State. It is anticipated that the document will become adopted planning policy at Full Council on 5th December 2012, prior to the Committee date but after the date which this report was produced. As such, this report has been written on the basis of the following policies being adopted. If the document is not adopted, an updated will be provided to Members.

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

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.

PP20 - Development on Land affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

FAO Emma Doran Pollution Team (04.12.12)

No objections subject to conditions relating to contamination assessment and where required, remediation and noise assessment to ensure the development is appropriate for occupants.

Anglian Water Services Ltd

No comments received.

Archaeological Officer (21.11.12)

No comments.

Building Control Surveyor (14.11.12)

If the proposal is a 'mobile home', the building regulations and Part 'M' relating to disabled requirements are not applicable.

Education Department

No comments received.

Transport and Engineering Services (19.11.12)

No objections subject to a condition requiring the provision of two car parking spaces for occupants.

S106 Planning Obligations Officer (14.11.12)

No developer contribution is sought as the dwelling is only of a temporary nature.

Police Architectural Liaison Officer (21.11.12)

No objections - any residential use should meet urban design requirements and future occupants will experience isolation and lack of other community links. However, the necessities of the Business Model may outweigh these concerns.

Landscape Officer

Comments awaited.

Parish Council

No comments received.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 0

Total number of objections: 0

Total number in support: 0

No neighbour representations have been received.

5 Assessment of the planning issues

The main considerations are:

- Principle of residential development
- Parking and highway implications
- Residential amenity
- Contamination
- Developer contributions

a) Principle of residential development

As highlighted above, the application site is located within the identified Werrington General Employment Area in accordance with the Peterborough Site Allocations DPD (2011). Accordingly, the site is safeguarded for employment uses falling within Classes B1, B2 and B8. At present, the site is occupied by Peterborough Dairies, a general industrial use which process and distributes milk to businesses in the surrounding area. The application scheme has been submitted by the owners of the Dairy as they require on site residential premises in order to establish the business. At present, the owners live away from the site in South Bretton but are required to be on site 24 hours a day, seven days per week in order to oversee incoming and outgoing deliveries which take place throughout the day and night.

Given the location of the application site, Officers would not support the construction of a permanent dwelling as it would be wholly contrary to adopted planning policy. General Employment Areas can be occupied by a number and variety of heavy industrial uses which generate considerable levels of noise, odour and traffic and can cause significant disturbance to the amenities of occupants.

However, in line with the City Council's and national agenda for the promotion of economic growth, it is accepted that there is a need for temporary residential accommodation on the site to allow the owners and their family of two children to be present at all times and ensure that the business runs effectively and efficiently while being established. On this basis, the principle of residential accommodation for a temporary period and on a personal basis during the infancy of the business is accepted, given that the owners cannot at present afford for 24 hour management by another worker.

The proposed temporary dwelling extends to a footprint of approximately 94 square metres (some 16 square metres less than previously applied for) and will provide three bedroomed living accommodation including study, en-suite, family bathroom, kitchen, living/dining room and utility room. The total length of the unit is to extend to approximately 16 metres with the overall width at just over 6 metres and will be constructed of a traditional dual pitched roof with small projecting gable to create a covered storm porch. It is considered that the reduced size of the dwelling proposed on the site represents a suitable level of ancillary accommodation required to support the establishment of the existing business on the site. Accordingly, whilst the proposal is within the identified General Employment Area, the principle is acceptable providing the unit is of a temporary nature, will not be occupied by any person other than the applicant and their family, and is tied to the existing business use on the site through suitably worded conditions.

b) Parking and highway implications

The Local Highway Authority (LHA) has raised no objections to the proposed temporary dwelling on the basis that two car parking spaces are provided for the occupants, in line with the parking standards set out in Policy PP13 of the Peterborough Planning Policies DPD. At the time of submission, no parking spaces were proposed and the applicant's agent has advised that the current submission will not be providing any additional car parking for the dwelling as this is not considered necessary. Sufficient parking is provided at present on the site for the Dairy and given that the dwelling is solely for occupation by the owners of the site who are present already, no additional car parking is required. The LHA maintains its position in requiring the provision of two parking spaces. There is concern from the LHA Officer that any visitors to the occupants of the dwelling would need to park in the existing parking area for staff working at the Dairy and cross the internal access road in order to reach the dwelling, thereby creating health and safety issues.

Whilst this is acknowledged, a common sense approach must be taken and Officers consider that the situation would be no worse in safety terms than crossing a roadway in a residential area. Furthermore, the applicant's position in terms of parking for occupants of the dwelling is accepted. As such, a reason for refusal could not be justified on this basis.

c) Residential amenity

Given that the application site is located within a General Employment Area there are a number of surrounding uses which could generate significant noise disturbance to the occupants of the proposed dwelling, particularly the Dairy within the site itself. In order to ensure an adequate level of amenity for the occupants of the dwelling, it is necessary to require the applicant to undertake a full noise assessment and detail suitable measures for mitigating against any harmful impact. Without such measures, occupants of the proposed dwelling could suffer from an unacceptable level of noise disturbance which would be contrary to Policy PP4 of the Planning Policies DPD.

With regards to drainage, no details regarding this have been submitted. However, should

Members consider the application acceptable, this could be secured by way of a condition.

d) Contamination

Owing to the location of the application site on industrial land, there is potential for ground contamination to exist. Where there is known or suspected contamination, it is the responsibility of the Local Planning Authority to ensure that this is fully and responsibly assessed and mitigated by the Applicant prior to the commencement of development, in accordance with the National Planning Policy Framework (2012). Accordingly, the City Council's Environmental and Pollution Control Officer requires a condition be imposed if planning permission is to be granted on this basis.

e) Developer contributions

In line with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011), all new development is required to make a financial contribution towards the infrastructure demands that it will generate. However, as the proposal would not provide permanent accommodation, no financial contribution is sought in this case.

6 Conclusions

Whilst the Committee refused the previous application, planning officers have to be consistent with their recommendation. If Committee is minded to accept the officer recommendation, members need to satisfy themselves that either their concerns have been addressed by the revised proposal or that their concerns regarding the original proposal were mis-judged.

Officers are recommending approval subject to the imposition of the attached conditions as 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:

- whilst the temporary dwelling would be located within an identified General Employment Area which is contrary to Policy SA11 of the Peterborough Site Allocations DPD (2012), it is necessary to ensure the establishment of an employment generating use and is therefore in accordance with the National Planning Policy Framework (2012);
- the proposal provides sufficient car parking for occupants of the dwelling and the existing business within the site and as such, will not result in any danger to 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); and
- an acceptable level of amenity will be afforded to the occupants of the proposed dwelling, in accordance with Policy PP4 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 building hereby permitted shall be removed and the land restored to its former condition on or before 3 years from the date of this decision in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. The scheme of work shall be submitted to the Local Planning Authority at least 3 months prior to the expiry of the date (as above) for the restoration of the site.

Reason: In order to reinstate the original use of the land for employment purposes, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy SA11 of the Peterborough Site Allocations DPD (2012).

- C 2 The temporary dwelling hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the employment use of the existing building on site known as

Peterborough Dairies, Unit 3, John Wesley Road and shall not be occupied, leased or rented as a separate dwelling.

Reason: The site is not adequate to support a separate dwelling because residential use is not compatible with the allocated of the site for employment purposes, in accordance with Policy SA11 of the Peterborough Site Allocations DPD (2012).

- C 3 This permission shall enure only for the benefit of Mr A Chaudari and it shall not enure for the benefit of the land or any other person or persons for the time being having an interest therein. The temporary dwelling hereby permitted shall only be occupied by Mr A Chaudari and any person of a direct family relation.

Reason: Permission would not otherwise have been forthcoming taking account of the location within an identified General Employment Area and in accordance with Policy SA11 of the Peterborough Site Allocations DPD (2012).

- C 4 No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has been submitted to and approved in writing by the Local Planning Authority. The results of the site investigation shall be made available to the Local Planning Authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation of the site shall incorporate the approved additional measures.

Reason: To ensure that the site is suitable for the use and will not pose a danger to health, in accordance with the National Planning Policy Framework (2012) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 5 Prior to the commencement of development, a scheme which specifies the provisions to be made for the control of noise emanating from the site shall be submitted to and approved in writing by the Local Planning Authority. The provisions should include either physical and/or administrative measures and should ensure that the level of noise when measured at the temporary dwelling hereby approved does not exceed 55dB LAeq between the hours of 0700 to 2200 and 35dB(A) outside these hours.

Reason: To ensure an adequate level of amenity for occupants of the dwelling, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP4 of the Peterborough Planning Policies DPD (2012).

- C 6 Prior to first occupation of the temporary dwelling hereby permitted, full details of the means of surface water and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The drainage shall be installed as approved and prior to first occupation.

Reason: To ensure the proposal does not result in increased flood risk elsewhere, in accordance with the Policy CS22 of the Peterborough Core Strategy DPD (2011).

Copy to Councillors Fower D, Thacker PV (MBE) and Davidson J

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