

Application Ref: 14/01558/WCPP

Proposal: Variation of condition C6 on Planning Permission 12/01154/WCPP - Change of use from builders yard to mixed use of builders yard and plant hire (Sui Generis), removal of five free standing storage containers from existing building and groundworks compound, construction of steel clad building and siting of two Portakabins

Site: Milton Builders And Groundworks, Werrington Bridge Road, Milking Nook, Peterborough

Applicant: Mr Richard Calton

Agent:

Referred by: **Director of Growth and Regeneration**

Reason: Previous Committee decision

Site visit: 09.04.2014

Case officer: Miss Louise 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 operative Plant Hire business with ancillary servicing/repairs and storage of vehicles which was granted planning permission under application reference 12/00707/FUL. The site lies outside any identified village envelopes and is therefore within the open countryside. There is an existing detached building on the site, two no. portacabins used as offices and a number of storage containers along the northern and eastern boundary. The site is accessed from Werrington Bridge Road via a shared crossing with Fen Cottage (also under the ownership of the Applicant). To the rear of the site lies an enclosed paddock (also owned by the Applicant) which has a lawful agricultural use.

Planning permission was granted earlier in the year under application reference 14/00908/FUL to change the use of an agricultural paddock to the rear of the site to allow for the parking of employee vehicles and those machines/vehicles awaiting servicing and repairs. This permission is currently being completed (the application was part-retrospective as the development had already commenced prior to the application).

Proposal

The application seeks planning permission to vary one of the conditions placed upon the original permission for the site to allow for the parking of 5 no. lorries in connection with the plant hire business. As only three lorries are currently used at any one time, Officers have amended this to the parking of only 3 no. lorries (2no. Class 2 lorries and 1no. 7500kg lorry).

The application originally sought to vary condition C6 of planning permission reference 12/00707/FUL. However, it should be noted that the extant planning permission on the site is actually 12/01154/WCPP. Accordingly, Officers have amended the description of development to relate to a variation of the correct condition which is condition C6 of 12/01154/WCPP. This condition states:

Prior to implementation of the use hereby approved, the areas shown for the purposes of parking/turning on drawing no. GDA1211P-1 3/10 Rev A shall be provided. Those areas shall thereafter be retained for the purpose of the parking/turning of vehicles in connection with use as a plant hire business and builder's yard in perpetuity.

Reason: In the interest of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy T10 of the Peterborough Local Plan (First Replacement) (2005).

This condition (and a further condition which limited the amount of plant to be hired from/stored within the site) prevents the parking of lorries and this is why the current application has been submitted.

2 Planning History

Reference	Proposal	Decision	Date
P0020/82	Haulage yard and partial use for coal storage	Permitted	26/03/1982
97/01090/CLE	Use as coal yard and haulage yard for one vehicle only	Permitted	19/01/1998
07/00120/WCPP	Removal of C1 of planning permission 06/01185/WCPP to remove coupling of house and business	Refused	26/03/2007
12/00707/FUL	Change of use from builders yard to mixed use of builders yard and plant hire (Sui Generis), removal of five free standing storage containers from existing building and groundworks compound, construction of steel clad building and siting of two Portakabins	Permitted	04/07/2012
12/01154/WCPP	Removal of conditions C2 & C3 of planning permission 12/00707/FUL dated 04/07/2012 - Change of use from builders yard to mixed use of builders yard and plant hire (Sui Generis), removal of five free standing storage containers from existing building and groundworks compound, construction of steel clad building and siting of two Portakabins	Permitted	14/09/2012
14/00908/FUL	Change of use of agricultural paddock to parking and storage of vehicles in association with the existing plant hire business	Permitted	25/07/2014

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 3 - Rural Economic Growth

Should be encouraged through sustainable growth and the expansion of business/ enterprise including sustainable rural tourism/leisure developments which respect the character of the countryside, via the conversion of existing buildings and well designed new buildings. The retention and development of local services and community facilities should be promoted.

Section 4 - Assessment of Transport Implications

Development which generates a significant amount of traffic should be supported by a Transport Statement/Transport Assessment. It should be located to minimise the need to travel/to maximise the opportunities for sustainable travel and be supported by a Travel Plan. Large scale developments should include a mix of uses. A safe and suitable access should be provided and the transport network improved to mitigate the impact of the development.

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.

CS20 - Landscape Character

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

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.

4 Consultations/Representations

Newborough & Borough Fen Parish Council

No comments received.

Transport & Engineering Services (24.09.14)

No objections – Whilst the tracking does not represent a true swept path analysis, it appears that the lorries can enter and exit the site in forward gear.

Local Residents/Interested Parties

Initial consultations: 15

Total number of responses: 2

Total number of objections: 2

Total number in support: 0

Two objections have been received from local residents on the following grounds:

- The proposal is not at all clear as it does not state at which side of the yard the vehicles would be entering or leaving the rear paddock. I think I am clear to assume that the variation applies to the paddock at the rear of the yard so that lorries can turn and be parked on the site at any time.
- The lorries would have to pass down the side of the portacabin offices and along the boundary fence that runs down the side of my property (Kirby Meadows Stables). This is a very narrow entrance and the fence has been hit several times already. The Applicant is refusing to mend the fence, presumably so that my animals get into his property and then he can harm them.
- The lorries would cause pollution from diesel fumes which would harm people, visitors and animals that are kept at my premises (Kirby Meadows Stables).
- I have previously complained about the extra stone and rubble being laid to heighten the ground level in the yard and in the paddock. Allowing the lorries to enter or leave alongside the portacabins would only increase more damage and vibration, causing the ground to subside (which was the reason for the extra rubble in the first place) into my property (Kirby Meadows Stables) and harming my property and animals.
- The site has been used as a race track by a younger male. The boy is being allowed to race around the yard and paddock at high speeds and sometimes unsupervised. This is causing a menace to my animals and I fear for their welfare and safety.
- I understand that the ground would have to be made stable and rubble added. This would again heighten the ground level and would cause more flooding to my property (Kirby Meadows Stables). I am not aware that the drainage system you previously required has been installed yet.
- If you do give permission to this variation, please give great consideration to not allowing heightening of the ground level and the pollution that would affect my property (Kirby Meadows Stables). This site is already overdeveloped and allowing this variation would allow the Applicant to continue developing the site and laughing in your faces.
- There are caravans being stored on the yard and rear paddock which do not have permission.
- Concerned that this site keeps expanding with more and more things being added to the use of the yard. As a resident living opposite (No.3 Werrington Bridge Road), there is constant traffic in and out with lorries unloading plant and it being moved around the site. Constant noise results 6 days a week.
- The area is rural residential not industrial and has been classed as green belt by the City Council so why is this site being allowed to expand?
- I also question that the planning process is underhand by not informing local residents of planning requests and local views are not taken into account.
- I am sure that if I wanted to develop land I own area this would be refused because of green belt rules so why is industrial development taking place?

5 Assessment of the planning issues

The main considerations are:

- Parking and highway implications
- Neighbour amenity

a) Background

As detailed in Section 1 above, the application site was granted planning permission under application reference 12/00707/FUL for the use as a Plant Hire Business. This was originally granted a temporary consent however this temporary permission was removed under application reference 12/01154/WCPP. However, given the location of the site within the open countryside and owing to the sensitivity of nearby residential properties, restrictions were imposed upon the permission. These restrictions include:

- A personal permission so that the Plant Hire use is only for the benefit of Mr Richard Calton and Mr Charles Milton;
- A restriction on the amount of plant that may be hired from or stored within the site; and
- A restriction to the hours of operation to not outside the hours of 0800 to 1700 Monday to Friday; 0800 to 1200 on Saturdays; and at no time on Sundays or Bank/Public Holidays.

Earlier this year, planning permission was granted to change the use of an agricultural paddock to the rear of the application site (shown on the attached drawing as Site B) to permit the parking of employee vehicles and those vehicles awaiting servicing/repairs. This site was restricted in terms of its use and is not permitted to be used for any other purposes, including the parking/storage of plant for hire.

The business operating from the site collects and delivers the hired plant using three no. lorries (2no. Class 2 lorries and 1no. 7500kg lorry) however the original permission did not allow for these vehicles to be parked on the site overnight (restricted by virtue of condition C6) which is now being sought. The supporting documentation with the application seeks permission for the parking of up to 5 vehicles to accord with the terms of an Operating License issued.

b) Parking and highway implications

The Local Highway Authority (LHA) has not raised any objections to the proposed variation. Whilst the submitted revised site layout drawing does not show an accurate and true swept path demonstration for the vehicles, it is the opinion of the LHA that the vehicles proposed could enter and exit the site in a forward gear. As such, the manoeuvring to/from the site would not represent a danger to the safety of the public highway.

With regards to the relocation of the plant originally stored to the front of the site, the parking of the lorries would result in this being repositioned to the rear of the buildings. It is noted that confusion has resulted to neighbouring residents as they believe that this would result in the parking of plant on the extended paddock area to the rear, contrary to the conditions imposed upon planning permission referenced 14/00908/FUL. However, the plant is actually to be stored within the confines of the original site. Whilst this area is not of a large size, owing to the nature of the business there are very few occasions whereby all the plant is kept on-site (it is predominantly kept off-site at the locations it has been hired to). However the Applicant has confirmed that all plant can be kept in this area without spilling to other parts of the site. To ensure that this is secured, it is considered necessary it impose a new condition which restricts the positions for storage and the use of the rear 'paddock' site.

It is noted that the neighbour to the south (Kirby Meadows Stables) has objected to the proposal owing to concerns relating to the tight space for manoeuvring along the shared boundary. This concern is noted however the proposal would not materially alter the existing situation with regards to movements in the location and there is adequate width.

In terms of the lorries to be parked, the Applicant has requested that 5 in total be permitted albeit only 3 are in use at any one time. This request results from the Operators License issued which permits up to 5 vehicles. Given that only 3 are required for the operation of the

business, and the limited capacity of the site to accommodate parking for lorries, it is considered necessary to impose a limit by way of condition.

On the basis of the above, the proposal would not result in any unacceptable impact to the safety of the public highway and is therefore in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

c) Neighbour amenity

The application site is located in close proximity to neighbouring residential dwellings, particularly to the front of the site opposite the vehicular access. It is noted that concern has been expressed in respect of disturbance resulting from the proposed variation however the proposal seeks only to park those lorries already in use on a daily basis. The proposal would not result in an intensification of the use of the site, particularly if restricted to no more than three lorries being parked at any one time. Accordingly, the proposal would not give rise to any additional noise and general disturbance to residential amenity.

In terms of objections from the owner of Kirby Meadows Stables to the south of the site, it is acknowledged that the proposal would result in plant for hire being stored to the rear of the site and being manoeuvred along the shared boundary. However, this situation does not differ significantly from the present situation and it is therefore considered that any increase would not materially alter the impact to the livestock and horses within the adjacent field.

On this basis, the proposal would not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

d) Other matters

In response to the objections received from local residents, Officers comment as follows:

- **Failure to repair an already broken fence** - This is not a material planning consideration.
- **Pollution from diesel fumes** - The proposal seeks to permit the parking of lorries already used within the site and as such, there shall be no increase in vehicles using the site.
- **Unauthorised uses within the site** - The current application cannot be determined on the basis of unauthorised development either present or in the future. This matter is to be investigated by the City Council's Enforcement Team.
- **Heightening of ground level and laying of hardcore** - This matter was subject to an earlier planning application (reference 14/00908/FUL) which was granted by Members. The current application does not propose any further alterations to the site in terms of physical development.
- **Inadequate public consultation** - The Local Planning Authority has fulfilled its statutory duty in respect of public consultation on the application.

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 variation would not result in any undue impact upon the safety of the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012); and
- the proposal would not result in any unacceptable impact upon the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011)

and Policy PP3 of the Peterborough Planning Policies DPD (2012).

7 Recommendation

The Director of Growth and Regeneration recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

- C 1 This permission shall enure only for the benefit of Mr Richard Calton and Mr Charles Milton 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. When the use of the site ceases to be occupied by both Mr Richard Calton and Mr Charles Milton, the mixed use hereby approved shall cease and the site shall revert back to a builder's yard only.

Reason: Permission would not otherwise have been forthcoming taking account of the location within the open countryside and in accordance with Policy CS1 of the Peterborough Core Strategy DPD (2011).

- C 2 Notwithstanding the details hereby approved, at no time shall more than the following schedule of plant be hired from or stored within the site:

6 no. Micro Diggers
6 no. Mini Diggers
4 no. 2.5 Ton Diggers
4 no. 3.0 Ton Diggers
2 no. 6.0 Ton Diggers
2 no. 8.0 Ton Diggers
2 no. 14.0 Ton Diggers
6 no. 1.0 Ton Dumpers
2 no. 2.0 Ton Dumpers
4 no. 3.0 Ton Dumpers
4 no. 6.0 Ton Dumpers

Reason: In order to protect the amenity of surrounding residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012)

- C 3 Notwithstanding the submitted information, detached rear trailers/bodies and containers associated with and from Heavy Goods Vehicles shall not be stored on the site unless in accordance with drawing number RTC140805OP (Revision A).

Reason: In the interests of the visual amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 4 The areas shown for the purposes of parking/turning on drawing number RTC140805OP (Revision A) shall be provided and those areas shall be retained for the purpose of the parking/turning of vehicles in connection with use as a plant hire business and builder's yard in perpetuity. Notwithstanding this approved drawing, a maximum of three lorries, comprising two Class 2 lorries and one 7500kg lorry), shall be parked within the site at any one time.

Reason: In the interest 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 5 The use hereby permitted (including the manoeuvring of vehicles/plant within the site) shall not be operated outside the hours of 0800 to 1700 Monday to Friday; 0800 to 1200 on Saturdays; and at no time on Sundays or Bank/Public Holidays.

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

- C 6 The portacabins hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the use of the site as plant hire or builder's yard (including the use for overnight security accommodation) and shall not be occupied, leased or rented as a separate dwelling.

Reason: The site is not adequate to support a separate dwelling because of its inappropriate location within the open countryside and therefore this development is only acceptable as ancillary accommodation in accordance with Policies CS1 and CS16 of the Peterborough Core Strategy DPD (2011).

- C 7 The portacabins hereby permitted shall be removed from the site by 14th September 2017 and the land re-instated to its former condition.

Reason: In order to protect and safeguard the amenity of the area by ensuring that the temporary buildings do not become unsightly, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).