

**Application Ref:** 12/01100/FUL

**Proposal:** Temporary residential accommodation for occupation by managers of Peterborough Dairies

**Site:** Peterborough Dairies, 3 John Wesley Road, Werrington, Peterborough

**Applicant:** Peterborough Dairies

**Agent:** David Shaw

**Referred by:** Head of Planning, Transport and Engineering Services

**Reason:** To allow open discussion as part of a transparent decision making process

**Site visit:** 16.08.2012

**Case officer:** Miss L C Lovegrove

**Telephone No.** 01733 454439

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**Recommendation:** **REFUSE**

**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 temporary accommodation is to provide three no. bedrooms and requisite living space within a temporary structure of dimensions: 19.8 metres (length) x 6 metres (width) x 2.3 metres (height to ridge).

**2 Planning History**

Reference	Proposal	Decision	Date
03/01609/NTA	Erection of cold store, vehicle workshop and amenities	Application Permitted	12/12/2003

**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 – Building a strong, competitive economy**

Planning should operate to encourage, not act as an impediment to sustainable growth and significant weight should be placed on the need to support economic growth through the planning system.

## **Section 11 – Conserving and enhancing the natural environment**

Planning decisions should ensure that the site is suitable for its new use taking account of ground conditions, including natural hazards or former activities and that after remediation, the land should not be capable of being determined as contaminated land.

### **Peterborough Core Strategy DPD (2011)**

#### **CS01 – Settlement Hierarchy**

The location/ scale of new development should accord with the settlement hierarchy.

#### **CS10 – Environment Capital**

Development should make a clear contribution towards the Council's aspiration to become Environment Capital of the UK.

#### **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 General Employment Areas identified, planning permission will be granted for development within Use Classes B1, B2 and B8.

### **Peterborough Planning Policies DPD (Submission Version 2012)**

Whilst this document is not yet adopted planning policy, it is at an advanced stage of preparation. In accordance with the National Planning Policy Framework (paragraph 216), considerable weight can be given to the policies contained within the document in decision-making.

#### **PP03 – Amenity Provision in New Residential Development**

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

#### **PP10 – The Transport Implications of Development**

Planning permission will only be granted for development if appropriate provision has been made for safe access by all user groups and that the development would not result in an unacceptable impact on any element of the transportation network.

#### **PP11 – Parking Standards**

Planning permission will only be granted for development if the proposal makes appropriate parking provision for all modes of transport in accordance with the standard set in Appendix A.

## **Peterborough Local Plan (First Replacement) (2005)**

### **H07 – Housing Development on Unallocated Sites**

Permission will be granted subject to the site not being allocated for another purpose or within an employment area, it being accessible and the layout appropriate.

### **H16 – Residential Design and Amenity**

Permission will only be granted for residential development (including change of use) where adequate amenity for the residents is provided.

### **OIW06 – Non Employment Uses in General Employment Areas**

Will not be permitted unless there is no unacceptable impact on amount/quality of employment land, there are no adverse traffic impacts and where appropriate it accords with the sequential test principles.

## **4 Consultations/Representations**

### **Building Control Surveyor (08.08.12)**

Building Regulations approval not required as the structure is a 'mobile home'.

### **The Woodland Trust**

No comments received.

### **Forestry Commission**

No comments received.

### **Transport and Engineering Services (25.07.12)**

No objections - the proposed dwelling will require two additional car parking spaces to be provided, preferably adjacent to the dwelling and it is assumed that the refuse collection arrangements will be incorporated into the existing arrangements for the dairy.

### **Parish Council**

No comments received.

### **Section 106 Minor Group (19.07.12)**

No planning obligations sought as the proposal is for temporary residential accommodation. However this should be secured through appropriate conditions restricting the occupation.

### **FAO Emma Doran Pollution Team (15.08.12)**

No objections subject to the imposition of conditions relating to noise assessment and contaminated land.

### **Education Department**

No comments received.

### **Waste Management**

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. However for the reasons detailed below, the current proposal is not considered to be acceptable.

The proposed temporary dwelling extends to a footprint of approximately 110 square metres and will provide three bedroomed living accommodation including study, ensuite, family bathroom, kitchen, living/dining room and utility room. The total length of the unit is to extend to approximately 19.8 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. This should be considered in comparison to more conventional permanent dwellings and on the basis of other developments within the City, 3 bedroomed dwellings are typically of an internal size of between 74 and 91 square metres. Furthermore, there are a large number of similar temporary units available on the market of smaller dimensions which accommodate adequate living space for a family and which Officers would accept.

It is considered that the dwelling proposed on the site far exceeds the level of ancillary accommodation that is required on the site to support the business and represents development tantamount to the creation of a permanent dwelling which would not be acceptable for the reasons highlighted above. Accordingly, it is considered that the proposal represents inappropriate development within the identified General Employment Area and is therefore contrary to Policies H7 and OI7 of the Peterborough Local Plan (First Replacement) (2005).

### 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 emerging parking standards set out in Policy PP11 of the Peterborough Planning Policies DPD (Submission Version). At the time of submission, no parking spaces were proposed 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 H16 of the Peterborough Local Plan (First Replacement) (2005) and Policy PP3 of the emerging Planning Policies DPD (Submission Version).

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 would be sought in this case.

## **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 reason given below.

## **7 Recommendation**

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**.

R 1 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) which state:

#### Policy H7

Within the Urban Area residential development on any site not allocated in Policy H3, including by infilling, redevelopment, and change of use of existing buildings, will be permitted where the site:

- (a) is not allocated for any other purpose; and
- (b) is not within a defined Employment Area; and
- (c) is, or will be, well related to existing or proposed services and facilities to meet residential needs, including public transport;

and where development would:

- (d) make efficient use of the site or building in terms of density and layout; and
- (e) respect the character of the surrounding area; and
- (f) provide good quality living conditions for residents; and
- (g) be acceptable in terms of highway safety and traffic flow; and
- (h) not unacceptably constrain development on adjoining land for an allocated or permitted use; and
- (i) not result in loss of open space of recreational or amenity value or potential.

#### Policy OIW6

Within General Employment Areas, planning permission for uses other than those within Use Classes B1, B2 and B8 will not be permitted unless:

- (a) the amount or choice of land or premises available for employment use would not be reduced to a level below that needed in the Plan period; and
- (b) the development would not unacceptably inhibit or prejudice the activities of an existing or future employment use; and
- (c) the proposal would not lead to the loss of an employment site considered by the Council to be of particularly high quality; and
- (d) the development would not generate levels of traffic or parking which would result in unacceptable congestion or road safety hazard; and
- (e) the development would provide safe and convenient access by foot, cycle and public transport and maximise the proportion of trips generated by these modes; and
- (f) where necessary, the proposal would be in accordance with the principles of a sequential approach to development as outlined elsewhere in the Plan.

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