

Application Ref: 13/00064/MMFUL

Proposal: Proposed change of use to vehicle dismantling and recycling

Site: Warehouse B1, First Drove, Fengate, Peterborough
Applicant: ASR Autobreakers

Agent: Mrs Julie Robinson
 Robert Doughty Consultancy Limited

Referred by: Head of Planning, Transport and Engineering

Reason: Number of objections to the proposal

Site visit: 13.02.2013

Case officer: Mr A O Jones
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Recommendation: **GRANT** subject to relevant conditions

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

Site description

The proposal site lies within an existing area of industrial development on First Drove, Fengate within the 'Eastern General Employment Area' (Peterborough Site Allocations DPD - April 2012, Policy SA11; GEA3). The site is surrounded to all sides by commercial / industrial premises, and is separated from the nearest residential properties to the north by a warehouse. The site is accessed via First Drove, and the two single storey industrial units comprising the site are accessed via a securely gated yard.

Proposal

The proposal is to use the existing yard and buildings for the dismantling of vehicles for export. Two people will be employed on site dismantling approximately 5 vehicles per week which will be brought to the site on a flat bed vehicle transporter van. Vehicle parts will then be stored and loaded into a shipping container for collection approximately once every 6 weeks.

2 Planning History

Reference	Proposal	Decision	Date
T7666	Erection of saw mill and timber yard	Application permitted	08/11/1962

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.

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.

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).

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

MW18 - Waste Management Proposals Outside Allocated Areas

Waste management development proposals outside allocated areas will be considered favourably where they meet the listed criteria.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse affect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

Peterborough Planning Policies DPD (2012)

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.

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.

4 Consultations/Representations

Transport and Engineering Services (18.02.13)

No objections subject to appropriate layout of the site in accordance with plans to ensure parking and turning clear of the public highway, and provision of appropriate cycle parking.

Environment and Pollution Control Officer (18.02.13)

No objections subject to ensuring that deliveries etc do not take place during unsociable hours and that the level of noise emitted from the site does not exceed 50 dB LAEQ, 1 hour at the nearest noise sensitive premises.

Wildlife Officer (08.02.13)

No objections as the proposed development will not impact on wildlife given the lack of suitable habitats or features.

Environment Agency (08.02.13)

No objections as there is no material increase in vulnerability or risk to occupants and no increase in impermeable area. The proposed development will require an Environmental Permit.

Natural England - Consultation Service (12.02.13)

No objections as there will not be significant adverse impacts on a Natural 2000 site or SSSI. Possible contamination through site drainage will have to be addressed through an Environmental Permit.

Local Residents/Interested Parties

Initial consultations: 30

Total number of responses: 8

Total number of objections: 8

Total number in support: 0

The objections raise the following points:

- a) The access and exit are not suitable for the type of vehicles used for this kind of operation.
- b) Numerous large vehicles have already used the site causing damage to the road and disturbance to other users - this has been undertaken illegally as there has not been appropriate planning permission in place.
- c) The proposal represents an intensification of use and contributes to congestion on First Drove and is a danger to other users, particularly motor-cyclists.
- d) There is a negative impact on the local community and existing businesses due to vehicles being parked unsuitably.
- e) There is not sufficient room for vehicle turning / manoeuvring.
- f) The proposal should require construction of an appropriate and adoptable junction (at the First Drove / Fengate junction).
- g) Previous operations at the site have required the involvement of the Police, VOSA (Vehicle and Operator Services Agency) and the Environment Agency which raises concerns as to the suitability of this type of use (this is not a material planning consideration, please refer to main body of the report).
- h) Concerns relating to the legality of the use which has been occurring at the site (this is not a material planning consideration, please refer to main body of the report).
- i) Amenity concerns regarding noise, litter, smell and nuisance.
- j) The proposal represents poor design and is a health risk
- k) Pollutants will not be contained and the Environment Agency have failed to request measures to contain spillages from pollutants, and should be aware that the site is not wholly impermeable.
- l) The proposal fails a sequential test insofar as other sites with permission are available.

5 Assessment of the planning issues

The main considerations are;

- **Suitability of the proposal**
- **Transport and Access**
- **Amenity Impact**
- **Environmental Impact**

Suitability of the proposal

The proposed use of the site is considered a waste management use. As such it accords with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS18 for waste management proposals outside allocated areas in so far as the proposal is on land identified for general industrial use, i.e. land within the Eastern General Employment Area (GEA3) - in the Peterborough Site Allocations DPD policy SA11. The extant permission for the site is a historic permission for a saw mill and timber store. Whilst the site does not appear to have been used in such a way for many years, the B2 usage of the site has been retained and the proposal must therefore be considered against how else the site might be used for B1, B2 or B8 usage; as such the proposal does not represent an intensification of use and is acceptable from this point of view.

A sequential approach to site selection only applies to retail and leisure uses and is therefore not applicable to this proposal. A sequential test may be required in relation to flood zones and site suitability - this aspect is covered under the report heading 'Environmental Impact'.

Concerns have also been expressed in relation to how the site may have been operated previously, including concerns as to the legality of any previous use. The site is currently unoccupied and in the event that planning permission is granted an Environmental Permit will also be required by the Environment Agency. Should vehicle dismantling and / or recycling operations take place on site without the requisite planning permission and environmental permitting the operators would be liable to enforcement action under the provisions of both the Local Planning Authority and the Environment Agency.

Transport and Access

The proposal is for a relatively small scale vehicle dismantling and export operation, with vehicles brought to the site on a flatbed vehicle transporter (van) approximately five times a week, with the resultant vehicle parts being removed by container approximately once every six weeks. As such sufficient space needs to be retained within the site to allow for the safe storage of vehicles prior to dismantling, employee and visitor parking, and vehicular manoeuvring within the site; concerns have been raised in this regard, and it is understood previous unauthorised operations of a similar nature at the site have caused concern for other users of First Drove. However, the Local Highways Authority have confirmed that the types of vehicles used to transport stock to the site will be suitable (i.e. not large car transporters) and that there is sufficient space within the site for storage, parking and safe access / egress subject to appropriate layout of the site in accordance with policies CS14 of the Peterborough Core Strategy and PPS13 of the Peterborough Planning Policies DPD. Additionally, appropriate provision for cycle parking can be secured by condition at the site ensuring the availability of sustainable transport options in accordance with policy PP13 of the Peterborough Planning Policies DPD. Furthermore, as the proposal does not constitute an intensification of use there are no reasonable requirements to improve the existing junction of First Drove and Fengate as the traffic generation from the proposal will not be materially different to the previous saw mill and timber storage use. The requisite external space for safe storage, parking and manoeuvring within the site can be satisfactorily controlled by condition in line with Peterborough Planning Policies DPD policy PP12.

Amenity Impact

The site is located within an existing industrial area separated from the nearest residential buildings by a warehouse. Furthermore, all depollution and dismantling operations - which are to be carried out with handtools such as an oxyacetylene cutting torch and disc cutter - will be carried out within the building, allaying any concerns with regards noise and smell. Vehicle dismantling is not an inherently litter producing activity. The site is contained within a locked yard and contained within palisade fencing, which is a requirement of the Environmental Permitting Regulations and a deterrent to nuisance. As such surrounding uses including sensitive receptors such as residential

uses will be protected from negative impacts in accordance with Minerals and Waste policy CS34.

The proposal has been criticised as being of poor design and a health risk. No changes are proposed to the physical design or layout of the site. Depollution and dismantling will take place within the buildings on site which is a common design feature of such operations. The proposed use will also be subject to Environmental Permitting Regulations which help ensure the health and safety of employees of the site and other persons in the vicinity.

Environmental Impact

The proposal makes provision for the depollution of vehicles - as such there is potential for fluids to enter drains and watercourses if not managed appropriately. Natural England have stated that whilst they have no objections to the proposal, adequate pollution control including site drainage, will be particularly important for this site to prevent possible contamination of designated sites. Depollution of vehicles is proposed to take place within the buildings at the site and site operations will also be subject to environmental permitting regulations, hence the proposal accords with Minerals and Waste policies CS34 for Biodiversity and Geodiversity and CS39 on water resources and pollution prevention. The proposal site also lies within flood zone 3a and has been subject to a Flood Risk Assessment (FRA). The proposal is classed as a 'less vulnerable use and the Environment Agency have not raised any objections to the proposal.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision making this means approving development proposals that accord with the development plan without delay. Although the proposal is for a waste management use outside an allocated area the site is acceptable for the use as it falls within the Eastern General Employment Area. The proposal does not represent an intensification of use at the site, and furthermore, to allay any residual concerns relating to parking and manoeuvring of vehicles beyond the site boundary sufficient space can be retained within the site for such purposes by condition to ensure the proposal fully accords with planning policy in relation to transport implications of the development. Amenity and environmental impacts of the development can be satisfactorily controlled by condition and the proposal will also be subject of environmental permitting regulations. The proposal therefore accords with policies CS18, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SA11 of the Peterborough Site Allocations DPD and policies PP1 and PP12 of the Peterborough Planning Policies DPD. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions:

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 Prior to occupation of development the spaces shown on drawing no. PFP01 shall be laid out for vehicles to park and turn clear of the public highway and those areas shall thereafter be retained for the purposes of parking and turning.

Reason: In the interest of Highway Safety and in accordance with policies CS14 of the Peterborough Core Strategy and PP12 and PP13 of the Peterborough Planning Policies DPD (December 2012).

C 3 No development other than the operations hereby permitted shall be carried out on the site except between the following times;
08:00 - 18:00 Mondays to Saturdays
and at no other times including Sundays and Bank Holidays.

Reason: In order to safeguard the amenity of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C 4 All depollution and dismantling operations shall take place within the curtilage of the existing buildings on site.

Reason: In order to safeguard the amenity of surrounding occupiers and pollution prevention in accordance with policies CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C5 Noise emitted from the site shall not exceed 50 dB LAEQ, 1 hour at the nearest noise sensitive properties.

Reason: To safeguard the amenity of surrounding users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

C6 The development shall not be occupied until space has been laid out for 2 cycles to park in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Those areas shall thereafter be retained for the purposes of parking of cycles.

Reason: In the interest of encouraging sustainable modes of transport to visit the site and in accordance with policy PP13 of the adopted Peterborough Planning Policies DPD (December 2012).

Copy to Councillors Shabbir N, Todd M Y and Johnson J