

**Application Ref:** 13/01292/FUL

**Proposal:** Erection of shelter to encapsulate a holding food freezer to rear of site (retrospective)

**Site:** Anteon UK Ltd, Newark Road, Fengate, Peterborough

**Applicant:** Mr Hanif Sahim, Samsara Consultancy  
**Agent:** Mr Ray Hart, Stanza Consulting

**Referred by:** Director of Growth and Regeneration  
**Reason:** To ensure a transparent and open decision making process

**Site visit:** 07.11.2013

**Case officer:** Miss L C Lovegrove  
**Telephone No.** 01733 454439  
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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 a large detached storage and distribution warehouse (Use Class B8) set centrally within its plot and surrounded entirely by concrete hardstanding. The existing unit is of dual pitched design with buff brick construction to the ground floor and metal cladding at first and second floors. The principal elevation of the unit is entirely glazed. Parking is provided on-site to the front and sides of the unit, with vehicular access taken from Newark Road to the south-western corner of the site. The area of hardstanding to the rear of the unit was previously used for the manoeuvring of delivery vehicles and overflow car parking. The building is set back from the adopted public highway by a small strip of landscaping comprising grass, semi-mature trees and shrubbery.

The site lies within the allocated Eastern General Employment Area with the surrounding area comprising a mix of industrial and commercial units.

**Proposal**

The application seeks planning permission for the construction of a detached cold storage building to the rear of the site measuring 23.75 metres (width) x 61.275 metres (length) x 11.6 metres (height to eaves). It should be noted that development has been substantially completed and as such, the scheme is retrospective.

## **2 Planning History**

| <b>Reference</b> | <b>Proposal</b>                                                                   | <b>Decision</b> | <b>Date</b> |
|------------------|-----------------------------------------------------------------------------------|-----------------|-------------|
| DC0872           | Factory and ancillary offices                                                     | Permitted       | 05/09/1988  |
| CNT015           | Factory and office development including associated external works                | Permitted       | 08/05/1989  |
| 06/00534/FUL     | Replacement fencing with concrete pillars/posts                                   | Permitted       | 12/06/2006  |
| 12/01748/FUL     | Change of use class from B2 to B8 for the wholesale distribution of food products | Permitted       | 07/02/2013  |

## **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 7 - Good Design**

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

#### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and if required, the Exception Test.

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

#### **CS02 - Spatial Strategy for the Location of Residential Development**

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

#### **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.

### **CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

### **Peterborough Site Allocations DPD (2012)**

#### **SA11 - General Employment Areas and Business Parks**

Within the allocated General Employment Areas (GEAs) 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)**

#### **MW30 - Waste Consultation Areas**

Waste Consultation Areas will be identified through the Core Strategy and Site Specific Proposals Plan and development will only be permitted in these areas where it is demonstrated it will not prejudice future or existing planned waste management operations.

### **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.

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

#### **PP16 - The Landscaping and Biodiversity Implications of Development**

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

## **4 Consultations/Representations**

### **Transport & Engineering Services (21.10.13)**

No objections - Whilst the development results in the loss of an area currently used for delivery vehicle manoeuvring/loading/unloading and overflow car parking, adequate space is retained for these purposes. Request a condition restricting delivery vehicles from accessing the site during normal working hours owing to conflict with visitor parking and the site entrance.

**Minerals and Waste Officer (Policy) (22.10.13)**

No objections - Whilst the application site lies within the Waste Consultation Area, the development is unlikely to prejudice the waste management operations at the planned Energy from Waste scheme on Fourth Drove.

**Pollution Control (01.11.13)**

No objections – The rating level of noise emitted from the unit should not exceed 55dB LAeq and this may be secured by way of a compliance condition.

**Environment Agency (11.10.13)**

No objections.

**Local Residents/Interested Parties**

Initial consultations: 16

Total number of responses: 3

Total number of objections: 3

Total number in support: 0

Three letters of objection have been received (two on behalf of the same neighbouring occupant) on the following grounds:

- The description of development is rather disingenuous and suggests a rather less substantial building that is actually proposed.
- It seems odd that an application so obviously lacking in any meaningful justification would be validated, although its retrospective nature may have a bearing on this.
- The sheer scale of development requires a degree of site coverage that leaves only a small amount of space to cater for the operational requirements of the business without activities such as car parking spilling on to the highway.
- With regards to sustainable development, assessment should also consider the re-use of the premises by users in the future and whether the constraints that the proposal forces on the site restricts future occupant.
- The development results in fewer on-site car parking spaces than originally proposed, despite an increase in floor space and this can only be achieved by removing areas of landscaping previously required to deliver a development of adequate quality.
- The provision of soft landscaping is an important element to secure quality in the wider area and that should not be weakened by this proposal.
- Policy CS16 of the Peterborough Core Strategy DPD (2011) clearly states that: new development should respond appropriately to the particular character of the site and its surroundings; new development should improve the quality of the public realm; and new development should not result in unacceptable impact on the amenities of occupiers of any nearby properties. The key principles of this policy should be taken into account for alterations/extensions to existing buildings and it seems clear that they have not.
- Policy PP2 of the Peterborough Planning Policies DPD (2012) details that proposals should: make a positive contribution to the quality of the natural and built environment; and not have a detrimental effect on the character of any immediately adjoining premises or the surrounding area.
- Policy PP3 of the same policy document states that planning permission will not be granted for development which would result in unacceptable: loss of light to and/or overshadowing of any nearby properties; or overbearing impact on any nearby properties.
- The proposal lacks consideration of the context set by the site which is a fundamental weakness in delivering high quality development.
- Concern regarding the impact of the building upon neighbouring sites, particularly in terms of development opportunities/options in the future.

- The company concerned have chosen to ignore all reasonable planning and construction practice.
- The building is disproportionately overbearing.
- It cannot be considered simply that a refusal of permission here will impact on jobs as the specific requirements can be found or created in a proper manner in Peterborough.
- The building dwarfs those surrounding it and is not in keeping with the character of the surrounding area.
- The building has significant visual impact to neighbouring units.
- As the building is to house a freezer/cold room, no doubt external refrigeration equipment will be present which can be a source of noise nuisance. The application does not include the location of this equipment

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Design and impact upon the character and appearance of the area
- Parking and highway implications
- Impact upon neighbour amenity
- Flood risk
- Waste consultation area

### **a) Principle of development**

As detailed in Section 1 above, the application site is located within the identified Eastern General Employment Area, as set out in Policy SA11 of the Peterborough Site Allocations DPD (2012). Within such an area, the Policy identifies that planning permission will be granted for development within Use Classes B1, B2 and B8. Furthermore, paragraph 19 of the National Planning Policy Framework (2012) highlights that 'significant weight should be placed on the need to support economic growth through the planning system', including the expansion of existing employment generators. The development which has been undertaken relates to construction of a large detached cold room store associated with the existing storage and distribution use on the site (Class B8). Accordingly, the development represents expansion of an existing employment use and as such, the principle of development is acceptable in accordance with these policies.

It is noted that an objection has been received in relation to sustainable development and the requirement for planning decisions to ensure that the development undertaken does not prejudice the future reuse of the site by other users. This is accepted and the assessment of other material planning considerations below takes account of this fully.

### **b) Design and impact upon the character and appearance of the area**

It is acknowledged that the constructed detached cold store building is of a large size, scale and mass and of a height which exceeds other properties within the locality. Notwithstanding this, it is not considered that the proposal appears an incongruous or alien element within the streetscene. Throughout the wider Fengate area, there is a large variety in the size, scale and height of buildings - all however retaining an 'industrial' character. The constructed building is sited to the rear of the existing building, running across almost the entire width of the plot. Whilst the scale is significant, by virtue of the positioning of the building within its plot, it does not appear an unduly dominant or overbearing feature when viewed from Newark Road.

The letters of objection received from neighbouring occupants, detail the harm that would result from the removal of the existing soft landscape strip which fronts the site adjacent to the public footway. The streetscene along Newark Road is characterised by verdant, landscaped frontages however the depth and landscape qualities of these frontages varies significantly. The development as constructed has retained an area which would allow for some landscaping to the front of the site albeit to a reduced width. Upon completion of landscaping

works (to be secured by condition), it is not considered that this will significantly detract from the overall amenity of the locality, subject to suitable replacement planting.

With regards to impact upon the character along Storeys Bar Road, it is not considered that the development has an unacceptably harmful impact. Owing to existing developments along the street, views of the building are mainly screened from the public realm with only glimpses visible through the access roads leading off the highway. As such, whilst the building when viewed near-to may appear oppressive, its impact is lessened within the public realm.

Accordingly, it is not considered that the application scheme results in any unacceptably harmful impact upon the character, appearance or visual amenity of the surrounding area, in accordance with paragraph 58 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012).

### **c) Parking and highway implications**

#### Car parking

The development as constructed results in the loss of the rear yard area of the site, which was previously used for the parking, turning, loading and unloading of delivery vehicles and for overflow car parking. As such, the scheme has sought to amend the internal layout by removing part of the existing soft landscape strip to the front of the site (adjacent to the public footway) in order to accommodate additional car parking. Further car parking is also provided alongside both side elevations of the existing building. As such, the application scheme provides for a total of 64 parking spaces, a reduction of 4 spaces from the original site layout prior to development. The current adopted parking standards for B8 uses (within which the application site falls) require a maximum of three parking spaces per unit plus the provision of one parking space for every 300sqm of gross internal floor space. Even taking into consideration the additional floor space generated by the development, the car parking provision achieved on the site exceeds these maximum parking standards. Accordingly, it is considered that sufficient car parking is provided within the site and therefore, undue pressure for parking on the adjacent public highway network will not result.

#### Delivery vehicle access and manoeuvring

Included within the application scheme are revised access and turning arrangements for delivery vehicles, required owing to the loss of the rear yard area. The proposal details that delivery vehicles will enter the site and turn within the increased area of hardstanding to the front of the original building. This area is also to be used for visitor and staff parking (as detailed above) and as such, the Local Highway Authority (LHA) has raised concerns regarding the potential for conflict. If delivery vehicles were to be manoeuvring within this area during 'normal' working hours, visitors and staff wanting to enter the site would be prevented from doing so, thereby having to queue on the adjacent public highway and creating an impediment to the free flow of traffic. In order to overcome this, the LHA has requested that a condition be imposed which restricts delivery vehicles from accessing the site during 'normal' working hours - generally between 8.30am and 5.30pm. It is considered that such a condition would remove the potential for conflict and prevent any unacceptable risk to highway safety. The Applicant is happy with the imposition of such a condition as it does not impact on the operation of the development.

On the basis of the above, the development provides adequate parking within the curtilage of the site and does not pose any unacceptable risk 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).

**d) Impact upon neighbour amenity**

By virtue of the size of the building erected and its position within the site, it is acknowledged that the development results in some level of harm to surrounding units. Most notably, the building is sited immediately adjacent to the rear boundary of the site, in close proximity to Barber House and No.4 Bramhall Place (Adcock). The majority of the building dominates the car parking/yard areas to these units however, it is not considered that it result in such an overly dominant or oppressive impact to warrant refusal of the scheme. The neighbouring units themselves are not subject to any significant levels of overbearing or overshadowing impact and as such, the working conditions for occupants are not unduly harmed. Similarly with regards to the neighbouring units to the north and south of the site (Unity Automotive and The Lindum Group respectively), the impact predominantly results to external parking/yard areas and not to the units themselves. As such, it is not considered that the development results in an unacceptable impact to the working conditions of neighbouring occupants.

In terms of potential noise impact from the refrigeration equipment, this is all housed internally within the building. As such, there are no external plant/machinery/ducting or flues which could generate noise disturbance to neighbouring occupants. Notwithstanding this, the City Council's Pollution Control Team has requested a condition be imposed which limits the noise emissions from the site to 55dB LAeq at the nearest noise sensitive receptor. This is considered to be reasonable and appropriate.

On the basis of the above, the development will not result in any unacceptably harmful 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).

**e) Flood risk**

The majority of the application site lies within Flood Zone 1 (low risk) although a small area of the north-eastern corner lies within Flood Zone 2 (medium risk). The application has been accompanied by a Flood Risk Assessment which has been accepted by the Environment Agency and no objections to the development have been raised. The development does not result in a significant increase of impermeable surface and the building itself, is considered to be 'less vulnerable development', as defined in the National Planning Policy Framework (2012). In terms of applying the requisite Sequential Test, it is acknowledged that within the Fengate area there are likely to be sites which could accommodate the development and which are sequentially preferable. However, the site is owned and operated by the Applicant and the area within Flood Zone 2 is minimal. As such, it is not considered reasonable, or in the interests of economic development, to refuse the application on the basis of failure to accord with the Sequential Test - particularly in light of no objections having been received from the Environment Agency. It is not considered that the development would be at unacceptable risk of flooding itself, nor would it result in unacceptably increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

**f) Waste consultation area**

The application site lies within the identified Waste Consultation Area (as set out in Policy CS30 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD) which is intended to ensure that development in this area does not prejudice the existing or future planned waste management operations of the City - most notably the planning Energy from Waste development on Fourth Drove. The City Council's Minerals and Waste Officer has not raised any objections to the development as it is not considered that the proposal is likely to prejudice the waste management operations of this planned facilities.

**g) Other matters**

With regards to neighbour objections that are not discussed in the preceding sections, Officers make the following comments:

**Inaccurate description of development** - It is considered that the description of development used for the application scheme adequately details the development that has been undertaken.

**Development was undertaken without the requisite permissions** - The commencement of development without first seeking planning permission is unauthorised however, the Local Planning Authority has a statutory duty to determine any planning application it receives. The fact that the application is retrospective does not affect the determination which must be in accordance with the adopted Local Plan and all material planning considerations.

## **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 development represents the expansion of an existing employment use (Class B8) within an identified and allocated General Employment Area, in accordance with paragraph 19 of the National Planning Policy Framework (2012) and Policy SA11 of the Peterborough Site Allocations DPD (2012);
- the constructed building and proposed external alterations will not result in any unacceptable harm to the character, appearance or visual amenity of the surrounding area, in accordance with paragraph 58 of the National Planning Policy Framework (2012), Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP16 of the Peterborough Planning Policies DPD (2012);
- adequate car parking is provided within the site and the development will not result in any unacceptable risk 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);
- the development does not result in any unacceptable harm 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);
- the development is not at unacceptable risk from flooding or will result in increased flood risk elsewhere, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011); and
- the development does not prejudice the waste management operations of the planned Energy from Waste development on Fourth Drove, in accordance with Policy CS30 of the Cambridgeshire and Peterborough Minerals and Waste Development Plan Core Strategy DPD (2011).

## **7 Recommendation**

The Director of Growth and Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 No delivery vehicles shall enter or exit the site during the hours of 08.30 to 17.30 on any day.

Reason: In the interests 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 2 The areas shown on drawing number P5109 RH\_SZA\_GF\_S\_004 for the parking, turning, loading and unloading of delivery vehicles visiting the site shall not be used for any other purpose in perpetuity.

Reason: In the interests 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 3 Those areas shown on drawing number P5109 RH\_SZA\_GF\_DR\_S\_001 for staff and visitor parking shall not hereafter be used for any purpose other than the parking of vehicles in connection with the use of the site.

Reason: In the interests of 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).

- C 4 Within three months of the date of this permission, a scheme for the landscaping to the front of the site (adjacent to the public footway) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out as approved no later than the first planting season following approval of the details. The scheme shall include planting plans, including retained trees, species, numbers, size and density of planting.

Reason: In the interests of the visual appearance of the development, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 5 Any trees, shrubs or hedges forming part of the approved landscaping scheme that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of the visual appearance of the development in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

- C 6 The rating level of noise emitted from the building shall not exceed 55 dB LAeq determined at the windows of the nearest noise sensitive premises (including commercial uses). In the event of a reasonable noise complaint to the Local Planning Authority, the Developer (or their successors in Title) shall submit a full assessment showing compliance with this limit, or where necessary, additional mitigation measures and a timetable for their implementation. The measurements and assessment should be made according to BS:4142:1997.

Reason: In the interests of preserving 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).

Copies to Cllrs N Shabbir, M Todd, J Johnson

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