

Application Ref: 14/00908/FUL

Proposal: Change of use of agricultural paddock to parking and storage of vehicles in association with the existing plant hire business (part-retrospective)

Site: Fen Cottage, Werrington Bridge Road, Milking Nook, Peterborough

Applicant: Mr Charles Milton

Agent:

Referred by: Councillor Harrington

Reason: Inappropriate development within the open countryside; proposed activity is not conducive with permitted development within the open countryside; and highway/access issues

Site visit: 09.04.2014

Case officer: Miss Louise Lovegrove

Telephone No. 01733 454439

E-Mail: louise.lovegrove@peterborough.gov.uk

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.

Proposal

The application seeks planning permission for the change of use of the paddock to the rear of the existing Plant Hire business to allow for the storage/parking of vehicles awaiting servicing/repair within the building on site (shown as Area B on the attached plan at Appendix 1). Associated with this is the laying of hardcore to the parking area. It should be noted that the parking of vehicles has already commenced on the site and that part of the hardcore has already been laid. Therefore, the application is part-retrospective.

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
99/00291/FUL	Siting of one Portakabin office and one storage unit	Withdrawn	28/04/1999

99/00461/FUL	Storage unit and portakabin for office and use of land for storage of sand and gravel - revised scheme	Permitted	09/08/1999
04/01969/FUL	Change of use of part of paddock to be incorporated into existing builders yard	Withdrawn	26/09/2005
05/00566/FUL	Retention of use as builders yard	Permitted	21/09/2005
06/01185/WCPP	Removal of condition 9 of planning permission 05/00566/FUL to permit the use to continue with occupiers other than Mr and Mrs C J Milton (the applicants)	Permitted	20/09/2006
12/00460/FUL	Removal of five free standing storage containers from existing building and ground works compound, construction of steel clad building and siting of two Portacabins	Withdrawn	02/05/2012
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 ground works compound, construction of steel clad building and siting of two Portacabins	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 ground works compound, construction of steel clad building and siting of two Portacabins	Permitted	14/09/2012

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 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.

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)

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.

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 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

Transport & Engineering Services (23.06.14)

No objections - It is understood that the additional land is required to provide additional space for vehicles awaiting repair/servicing and that this use is ancillary to the permitted plant hire business, rather than a separate business use. Request a condition requiring the provision of temporary facilities during the period of laying the hardcore.

Newborough & Borough Fen Parish Council (10.06.14)

Objection - There is no business need demonstrated within the application and it would be overdevelopment of the site which is also at risk of flooding.

North Level District Internal Drainage Board

No comments received.

Drainage Engineer (03.07.14)

No objections - It is noted that there are concerns from local residents in respect of surface water build up on neighbouring property. The excavation of topsoil and the laying of hardcore should act to provide storage of surface water and would allow infiltration to continue to take place. Owing to the risk of sediment loading, recommend a cut-off drain or filter strip to the boundary to allow greater capacity to manage surface water.

Minerals and Waste Officer (Policy) (23.06.14)

No objections - The proposed use does not include the provision of permanent structures and so will not inhibit future mineral extraction within the Mineral Safeguarding Area.

GeoPeterborough

No comments received.

Police Architectural Liaison Officer (11.06.14)

No objections, recommendations or further observations.

Pollution Team (23.06.14)

No objection - However the Pollution Control Team are aware of issues relating to the burning of commercial waste on the land included within the application. Complaints are continuing and it suggests that burning of commercial waste is a weekly occurrence. As the Applicant has not included the whole of the paddock within the application boundary, request that this be extended and a condition imposed restricting the burning of commercial waste.

Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 10 (one of which is the Parish Council set out above)

Total number of objections: 10

Total number in support: 0

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

- Concern regarding the increase in traffic and noise that any extension will bring.
- Concern regarding the increased number of lorry movements as Werrington Bridge Road is in poor condition and requires levelling and resurfacing.
- The Applicant not long ago converted the former builder's storage yard to a place of active trade, which included erecting a quite tall shed which can clearly be seen from our property (Willow Tree Farm, Thorney Road). I raised no objections as I imagined that it would be confined to the former site boundary and not go beyond. This application would increase the extent of the site to include the paddock which has always been open countryside. I have always been told that open countryside cannot be built on and this is one of the reasons for moving here.
- The Applicant already stores large plant and machinery within the yard which are an eyesore. To extend into the paddock will be like having a scrap yard next to my property (Willow Tree Farm) which is not what any of the residents want.
- Strongly believe the Applicant has been shown enough generosity and flexibility by his neighbours and the Council and it is now time he stopped and considered the feelings of others.
- The application is not in keeping with the local landscape. The additional height and larger construction will be detrimental to the surrounding area.
- Neighbouring properties will be affected which has already occurred due to additional flooding resulting from the infilling of dykes.
- The Applicant is allowing a gentleman to live in a campervan on the site which is being ignored by your Enforcement Officers.

- The site is already overdeveloped, not helped by the company allowing parking of vehicles that do not belong to them on a long-term basis.
- Also note that they have asked for longer opening hours. We have already lost our privacy by allowing buildings with overlooking (45 Peterborough Road, Eye). We constantly get employees sitting in their vehicles hooting their horns causing distress to animals and people that use the site next door. The company is already working on Saturdays and Sundays which is a breach of their planning permission. Please do not allow these extended hours.
- Constant burning of commercial waste within the rear paddock which has been brought onto the site.
- Over the years the Applicant has increased the ground level of the site, causing flooding issues to my land (Kirby Meadows Stables). No further increased land level should be permitted.
- Insufficient consultation with the local community.
- The development is contrary to Policy CS1 of the Peterborough Core Strategy DPD. The Applicant is not the only company offering these services and as such, it is not essential development to the effective development of agriculture.
- The development is contrary to Policy CS12 of the Peterborough Core Strategy DPD. The road network is not capable of accommodating any further traffic increases.
- The development is contrary to Policy CS17 of the Peterborough Core Strategy DPD. There are a number of important archaeological sites in close proximity to the site (1.5 km away) and as such, a full survey is required before any work takes place.
- The development is contrary to Policy CS20 of the Peterborough Core Strategy DPD. The site is not compatible with the fen landscaping surrounding it.
- The development is contrary to Policy CS22 of the Peterborough Core Strategy DPD. The Applicant has not carried out a proper sequential/exception test as it must be demonstrated that there are no sites in the local area which could facilitate plans to extend the business. If it is necessary to use an adjacent site and not move premises, it suggests the business use is unviable and therefore a business plan must be submitted to show that it is a sustainable business and that permission is not just granted owing to occasional congestion.

Councillor Harrington - In the public interest, request that the application be referred to Committee. Concerns that the development is inappropriate within the open countryside and that the proposed activity is not conducive with permitted development in the countryside. In addition, concern with regards to highways and access, in particular that the entrance/exit is too near to other permitted sites.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Impact upon the character and appearance of the surrounding area/landscape character
- Highway implications
- Neighbour amenity
- Drainage and flood risk

a) Principle of development

Paragraph 28 of the National Planning Policy Framework (2012) clearly states that the planning system should support economic growth in rural areas by supporting the '...expansion of all types of business and enterprise in rural areas'. To the front of the application site, a now existing Plant Hire use occupies a yard area which has been used for general industrial/storage purposes since 1981 (shown on the attached plan at Appendix 1 as Area A). It is acknowledged that initially, this part of the site was located within the open countryside and as such, the uses were restricted in terms of personal or temporary permissions. However, over the intervening years these restrictions have been removed and the site has an established an historic employment use.

Several objections from local residents, Parish Council and Councillor Harrington have expressed concern that the use of the site, and proposed expansion (shown as Area B), is at odds with the rural nature of the locality. These concerns are noted however the above national policy clearly supports the expansion of all types of business. In terms of the current proposal, this expansion is solely in relation to the plant hire business already in operation on the site shown as Area A. This business was previously granted a permission under application reference 12/01154/WCPP, restricted by way of a personal permission to the Applicant and the operator of the plant hire business. This restriction requires cessation of the plant hire use and reversion to the former builders yard use once the site is no longer used by those persons. Therefore, it is considered appropriate and necessary to similarly restrict the extension currently under consideration as it would no longer be required. Accordingly, it is proposed to impose a condition which requires the land to be reverted back to agricultural paddock once the plant hire business is no longer in operation (for Area B).

On this basis, the proposed development within the open countryside would allow for the effective operation of a business within the rural area but, owing to the temporary nature of this business permission, the proposed development itself is only acceptable for a temporary period.

b) Impact upon the character and appearance of the surrounding area/landscape character

The paddock subject to this application is already fully enclosed by a mixture of 2 metre high close boarded fencing and hedging. As such, it is already segregated from the fields and open countryside beyond. It is acknowledged that significant objection has been received from local residents regarding the visual impact of the machinery currently parked on the site and its incompatibility with the landscape character of the area. However, it is felt that the parking of vehicles represents a natural extension to the existing business use to the front of the site. Whilst some level of harmful impact does result to the overall visual amenity of the area from the existing site, it is not considered that the development to the rear represents such a significantly additional impact as to be unacceptable. Furthermore, landscaping around the paddock to form additional screening can be secured by condition to soften the appearance of the site from the wider locality.

On the basis of the above, whilst some harm would result to the overall visual amenity of the surrounding area, on balance it is considered that this would not be to an unacceptable level. Accordingly, the development is in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

c) Highway implications

The parking area subject to this application is to allow for the parking of vehicles and machinery awaiting servicing/repairs within the service building located within the main yard area to the front of the site. The Applicant has advised that, owing to the nature of the machinery/vehicles involved, it can sometimes take significant periods of time to source parts, gain the approval from the owner and carry out the repairs. Given the limited level of space to the front of the site within the yard (which is full of plant and machinery for hire, as well as staff vehicles), there is insufficient room to accommodate these vehicles and therefore additional space is required. It is not proposed that the area would be used for the storage of further plant for hire and therefore, no significant increase in traffic generation would result. This is accepted by the Local Highway Authority who have raised no objections to the application. Notwithstanding this, it is considered necessary to re-impose all those restrictive conditions imposed upon the original permission for the plant business, to ensure that compliance continues in perpetuity.

On this basis, the development would not pose any unacceptable danger to 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).

d) Neighbour amenity

Within the immediate vicinity of the application site are a number of residential properties and a stables, housing horses and other animals. It is noted that objections have been received in relation to noise and general disturbance (including the burning of commercial material) arising from the existing business on the site. These are noted however the proposal does not seek to expand the plant hire business or materially increase the number of vehicles that can be serviced/repaired on site. In addition, objections have been received in respect of increased hours of operation and failure to accord with previous restrictions in terms of those hours. It is considered that the originally approved hours of operation for the site (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) represent the maximum hours of operation which could be supported to ensure that no unacceptable disturbance arises to neighbouring residents. It is therefore proposed to re-impose these restrictions in respect of the current application scheme. Whilst some objections for local residents relate to the failure of the Applicant/operator to adhere to these hours, this cannot form part of the consideration of this application and is a separate matter to be investigated.

Subject to the imposition of the condition detailed above, it is considered that no unacceptable impact would result to neighbouring residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

e) Drainage and flood risk

The application site is located within Flood Zone 3, which is at highest risk of flooding and as such, in accordance with the National Planning Policy Framework (2012), the application has been accompanied by a Sequential Test. It is noted that an objection has been received regarding the inadequacy of this test however Officers consider that it is acceptable. The development is an extension to the existing business premises, which themselves are in Flood Zone 3. It is not reasonable for alternative sites to be considered within areas at less risk of flooding, given that the immediate surroundings are all within Flood Zone 3. Further, the development only involves the parking of vehicles and laying of hardcore which would be porous. As such, the development is classified as less vulnerable in accordance with Technical Guidance to the NPPF.

With regards to surface water flooding issues, the City Council's Drainage Engineer has reviewed the application scheme and raised no objections. The concerns from local residents appear to be in relation to the build-up of surface water on the neighbouring property (Kirby Meadows Stables), how this has been exacerbated by previous activity and how the proposal may increase this. The details submitted with the application identify that the existing topsoil is being excavated and replaced with voided, porous hardcore. It is the view of the Council's Drainage Engineer that this should act to provide storage of surface water in addition to that which is currently provided on site, and would also allow infiltration of surface water to take place. There is a small risk that sediment loading within the site is significant, given the types of vehicles to be trafficked. In light of this and existing disputed flooding concerns, it is considered prudent to require the installation of a cut-off drain or filter strip to the boundary of the site to allow for greater capacity to manage surface water and mitigate any future risks (e.g. through the accidental leaching of oil into the soils). On this basis, it is considered that the surface water retention within the site shall be improved, reducing the risk of surface water flooding. Accordingly, the proposal is in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

f) Other matters

In response to the objections raised by local residents:

Burning of commercial waste within the site - The City Council's Pollution Control Team are currently investigating these activities which are subject to legislation outside the planning

process. The planning process cannot replicate other legislation and therefore it would not be reasonable or lawful to require the remaining paddock area to be included within the red line and a condition imposed restricting the burning of commercial waste, nor could the current application be refused on this basis.

Unauthorised residential occupation - The Local Planning Authority can only determine the planning application submitted, and cannot take into consideration any other potential unauthorised existing or future uses/development. Any existing unauthorised development cannot be used as a reason for refusing this application.

Insufficient consultation with the local community - The Local Planning Authority has consulted all those persons immediately adjoining the application site and as such, has fulfilled its statutory duty in this respect.

Archaeology – The application site itself is not known to contain any important archaeological remains and the nearest Scheduled Monuments are at least 1.5km away. It is therefore not considered that the site is likely to contain significant undiscovered buried archaeology. Furthermore, the proposal would not involve excavations to a depth that would disturb any buried artefacts present.

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 would allow for the continued effective operation of a business within the rural area but is only acceptable for the duration of the associated plant hire business which itself has a limited personal permission, in accordance with paragraph 28 of the National Planning Policy Framework (2012);
- the existing paddock has historically been segregated from the wider open countryside and the development represents a natural extension to the existing business use. The parking of vehicles would result in some detriment to the overall visual amenity of the locality however this is not considered to represent unacceptable harm, in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- the development would not materially increase the traffic generation from the site and would not result in unacceptable impact to the safety of the nearby public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- the development 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); and
- the development has met the requirements of the flood risk sequential test, would increase surface water storage within the site and would not result in any increased surface water flood risk to neighbouring sites, in accordance with paragraph 100 of the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough 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 This permission (for both Sites A and B shown on the attached plan) shall ensure only for the benefit of Mr Richard Calton and Mr Charles Milton and it shall not ensure for the benefit of the land or any other person or persons for the time being having an interest

therein. When the use of Site A ceases to be occupied by both Mr Richard Calton and Mr Charles Milton, the mixed use of builders yard and plant hire business shall cease and Site A shall revert back to a builder's yard only. Site B shall revert back to an agricultural paddock. Within three months of the cessation of Site A by these persons, the hardcore shall be removed from Site B and the land reinstated to agricultural paddock in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

Reason: Permission would not otherwise have been forthcoming taking account of the location within the open countryside and in accordance with Policies CS1 and CS16 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).

- C 3 Notwithstanding the submitted information, the area of hardcore shown on the submitted Site Plan shall be used for the parking of vehicles associated with the ancillary service/repair use on the site only and shall not be used for the storage of additional plant and machinery for hire. No repair/servicing or washing of vehicles shall take place within this area throughout the lifetime of this permission.

Reason: In order to preserve the amenity of neighbouring occupants and to prevent the leaching of contaminants into the surrounding countryside, in accordance with Policies CS16 and CS22 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C4 Notwithstanding the submitted information, no excavated topsoil shall be retained within the site.

Reason: In order to preserve the visual amenity of the surrounding area, in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 5 Within six months of the date of this permission, a surface water drain shall be installed along the southern boundary of the area shown for the laying of hardcore on the submitted Site Plan, in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter, that drain shall be retained throughout the lifetime of this permission.

Reason: In order to prevent surface water flooding to neighbouring sites, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C 6 Detached rear trailers/bodies associated with and from Heavy Goods Vehicles shall not be stored on the site unless in accordance with drawing no. GDA1211P-1 3/10 Rev 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 7 The areas shown for the purposes of parking/turning on drawing no. GDA1211P-1 3/10 Rev A 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.

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 8 The use hereby permitted 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 9 The portacabins 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 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).

- C10 The portacabins shall be removed from the site on or before 14th September 2017 and the land re-instated to its former condition.

Reason: In order to protect and safeguard the amenity of the area, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011).