

Application Ref: 14/02222/FUL

Proposal: Development of a miniature railway and ancillary infrastructure

Site: The Hostel Site, London Road, Yaxley, PE7 3NQ
Applicant: O And H Hampton Ltd

Agent: Mr R Cannell
 Peterborough Society of Model Engineers Ltd

Referred by: Director of Growth and Regeneration
Reason: To allow full consideration by the Planning and Environmental Protection Committee.

Site visit: 12.06.2015

Case officer: Mr M A Thomson
Telephone No. 01733 453478
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Recommendation: **REFUSE**

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

Site Description

The application site area is 2ha and forms part of a wider 7.5ha parcel of land. It is understood that the site has historically been used by the London Brick Company and previous to that an army training barracks and prisoner of war camp. The site is situated within the Great Haddon Urban Extension area (CS5 & SA1) and is illustrated as an area of woodland/public open space as part of a proposed 2009 masterplan (see history section for further information). The site is accessed from London Road, a classified road situated within Huntingdonshire District Council. Along the eastern boundary are residential properties with open countryside to the south, west and north.

Proposal

The Applicant seeks consent to create a site for a miniature railway. The Applicants are group of enthusiasts, the Peterborough Society of Model Engineers, who were previously sited at Thorpe Hall, Peterborough.

The development would include;

- The laying of 1,800 feet of track, 3,000 feet of ground level track and 300 feet of long gauge track capable of accommodating a variety of scale locomotives;
- Steaming bays, used to prepare the locomotives;
- An area to accommodate steam road vehicles;
- A station ticket and refreshment kiosk;
- A clubhouse with w/c (11m x 8m);
- A site container for storage;
- Car parking for 50 vehicles; and
- Fencing.

Once operational it is understood that the site would be open to members year round with bi-monthly meetings within the club house and access to members of the public on Sundays (13:00-18:00) between Easter and September. It is understood that the site would be available to hire for

children's parties as well as open to school visits.

2 Planning History

09/01368/OUT - Development of an urban extension comprising up to 5350 residential dwellings, a district centre (with up to 9200 square metres (99031 sq.ft) retail floor space) and two neighbourhood centres (with up to 2300 square metres (24758 sq.ft) retail floor space) comprising district/neighbourhood retail (A1-A5), community and health (C2, D1), leisure (D2), residential (C3) and commercial (B1) uses. Provision for education facilities (sites for three primary and one secondary school), sports and recreational facilities, a range of strategic open spaces including new landscaping, woodland and allotments, and cemetery provision. Associated highway infrastructure (including pedestrian, bridleway and cycle routes), public transport infrastructure and car parking for all uses. Utilities and renewable energy infrastructure; foul and surface water drainage networks (including SuDS and lakes)

This application has been recommended for approval by planning committee subject to the signing of a Section 106 legal agreement. The masterplan forms part of the committee approval and as such is a material consideration.

In 2005 planning permission was refused by Huntingdonshire District Council (HDC) for the demolition of No. 9 Folly Close and the erection of 4 dwellings; the site is adjacent to the proposed miniature railway site. This application was refused and dismissed by the Planning inspectorate as the development would result in a substantial increase in traffic movements along it, which would cause material harm to the living conditions and quiet enjoyment of the occupiers of No.8 Folly Close and No.33 London Road. This is a material consideration; the appeal decision is discussed further below and a copy of the appeal has been attached as Appendix A.

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS05 - Urban Extensions

Promotes development at Hampton, Stanground South and Paston Reserve and new urban extensions at Great Haddon and Norwood subject to key criteria being met.

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non-scheduled nationally important features and buildings of local importance.

CS18 - Culture, Leisure and Tourism

Development of new cultural, leisure and tourism facilities will be encouraged particularly in the city centre.

Peterborough Site Allocations DPD (2012)

SA01 - Urban Extensions

Confirms the location of the urban extensions in accordance with Core Strategy policy CS5 and any planning permissions in place at the time of adoption.

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.

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.

PP04 - Amenity Provision in New Residential Development

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

PP08A - (a) Tourism, Leisure and Cultural Uses in Villages/the Open Countryside

Permission will be granted for development of an appropriate scale; which would support the local community; is compatible with the surrounding character / would not harm the open countryside; is easily accessible; and is supported by a robust business plan.

PP09 - Development for Retail and Leisure Uses

A sequential approach will be applied to retail and leisure development. Retail development outside Primary Shopping Areas or leisure development outside any centre will be refused unless the requirements of Policy CS15 of the Core Strategy have been satisfied or compliance with the sequential approach has been demonstrated.

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.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

PP20 - Development on Land affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be

safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

Yaxley Parish Council (11.03.15)

Object - The Parish Council object to the proposal, raising concerns of road safety and loss of a separation buffer between Yaxley and Peterborough.

Cambridgeshire County Council Highways (18.02.15)

No objection - The access proposed to serve the Miniature railway site is served from London Road. The proposed access comprises a width in excess of 5m wide, with radius kerbing and vehicle to vehicle visibility in excess of that required for the posted 30 mph speed limit. The access is suitable to cater for both the modest amount of construction traffic that is proposed and the traffic likely to be generated by visitors to the attraction.

PCC Wildlife Officer (11.02.15)

Comments - The site is likely to either host or provide foraging areas for a number of protected species, including reptiles, great crested newts, nesting birds, hedgehogs, badgers and bats. Whilst the proposal is not considered to have an impact on the identified great crested newt breeding pond, the submitted Woodland Management Strategy is required to be revised in line with Wildlife Officer concerns. There is also information outstanding with respect to bats.

The Wildlife Trusts (Cambridgeshire)

No comments received.

Peterborough Local Access Forum

No comments received.

PCC Rights of Way Officer

No comments received.

The Open Spaces Society

No comments received.

Ramblers (Central Office) (02.02.15)

No objection.

PCC Tree Officer (06.03.15)

Comments – The Tree Officer has orally confirmed that there is information outstanding explaining how the track would be laid out on site, whether the way leave would be sufficient and how the areas around the track would be maintained over the 20 year phased period. Whilst individual trees have been identified as having good health, it is the groups of trees that benefit landscape views.

Huntingdon District Council (17.02.15)

Comments - No concerns with respect to visual impact as the site is well screened. Concerns regarding properties along London Road with regard to traffic and noise implications. Highways concerns with additional traffic accessing and egressing the site along a busy road.

PCC Conservation Officer (05.03.15)

No objection - The site has heritage value and significance, being part of a former World War 2 prisoner of war camp and military operations camp. Development of the land would have an impact on the historic asset in so far as there would be new structures and features for the new use. The harm to the heritage asset would be 'less than substantial'; much of the heritage significance of the site is recorded in documentary records. The larger part of the former camp, outside the proposed site, would remain unaltered. Should there be a recommendation to approve then it would be justified to include a condition requiring the provision of an interpretation board or similar site based

information to explain the heritage interest of the site.

PCC Transport & Engineering Services (12.02.15)

No objection.

PCC Pollution Team (07.04.15)

No objection – recommends conditions be attached with respect to uncovering unknown contamination and securing a noise assessment by way of condition.

Archaeological Officer (09.03.15)

No objection – All structures have been removed but footprints may survive. In light of this archaeological monitoring and evaluation should be undertaken.

Lead Local Drainage Authority (09.02.15)

No objection - subject to drainage details being secured by way of condition.

Local Residents/Interested Parties

20 letters of representation have been received. 17 letters have been received from neighbouring properties, two additional objections from Cllr Butler (Yaxley and Farcet) and Yaxley Parish Council as well as comments from the Local MP Mr. Vara. The letters of letters of objection raise the following concerns;

- Application site is shown to be woodland under the Greater Haddon development, a buffer zone to Peterborough;
- Land designated as woodland/nature reserve;
- Access and parking;
- Highway and Pedestrian Safety;
- Folly Close is a private road;
- Traffic counts on London Road have identified 1,200 vehicle movements per hour;
- Noise;
- Hours of operation;
- Loss of privacy;
- Crime & security;
- Greenfield site, not a brownfield site;
- Protected species and wildlife;
- Loss of trees;
- D2 leisure use;
- Land should be left to remain as it is a memorial to the men who went to war never to return;
- Planning history of refusals; and
- Litter

5 Assessment of the planning issues

1) Principle of Development

Policies PP08A and CS18 seek to support leisure uses that would support the local community, providing that it is compatible with the surrounding character and is easily accessible. The development would serve a group of enthusiasts and whilst it would occupy a large area it would be commensurate in size with the nature of the intended use. However, the application site forms part of a wider strategic allocation for the Great Haddon urban extension, identified as such under Policy CS5 of the Peterborough Core Strategy DPD (2011) and SA1 of the Peterborough Site Allocations DPD (2012). These policies seek to ensure that the extensions are implemented in a comprehensive way and linked to key infrastructure requirements.

An application has been submitted for the Great Haddon urban extension and has been recommended for approval by the Peterborough Planning and Environmental Committee subject to

the signing of a Section 106 legal agreement. Within the master plan for Great Haddon, the application site has been identified as public open space. As the model railway application is not seeking a temporary consent, and would be securely fenced for security purposes, the land would not be available for use as public open space. Therefore whilst the proposal would go towards providing a new leisure use, it would potentially prejudice this strategically allocated site coming forward. As such the development is contrary to Policy CS5 (Urban Extensions) and SA1 (Urban Extensions).

2) Neighbour Amenity

Policy PP3 seeks to ensure that any development would not harm neighbour amenity.

- Traffic

The development as proposed would be available to society members seven days a week, and would be open to members of the public on Sundays between 13:00-18:00 between Easter and September.

Adjacent to the vehicular access from London Road are a number of residential properties. No. 9 Folly Close sought consent to replace an existing dwelling with 4 properties in 2005 (App Ref: 05/01295/OUT) and HDC refused planning permission. This application was subsequently dismissed at appeal by the Planning Inspectorate as '*... the development of the appeal site ... would result in a substantial increase in traffic movements along it ... this would cause material harm to the living conditions and the quiet enjoyment of their homes for the occupiers of those two properties [No's 8 Folly Close and 33 London Road]*'.

The Inspectorate concluded that an increase in vehicle movements, over and above the movements generated by a single dwelling (No. 9 Folly Close), would be unacceptably harmful to the amenity of adjoining properties. With this in mind it is considered the development would result in a material increase of traffic into the site which would generate movements from members, members of the public on Sundays, as well as potential visits from children's parties and school trips, which would be unreasonably harmful to the living conditions of adjoining residents.

- Noise

The scheme would introduce a club house available to members for meetings, which would typically happen bi-monthly in the evenings. It is understood that the club house would not be available for public hire. Accordingly it would be possible, and reasonable, to condition that the club house is not available for public hire, as well as limiting the use of amplified music. Notwithstanding this there remains information outstanding with respect to noise generated by persons using and/or visiting the site as well as noise generated by the locomotives themselves, and whether this would be within acceptable noise limits. In the absence of a noise assessment the development could have a harmful impact on the living conditions of adjoining residents.

-Privacy

There are residential gardens situated immediately adjacent to the application site, which are bounded by 1.8m high close board fencing. The majority of visiting traffic would be by car therefore given the height of the existing boundary treatment there would not be a loss of privacy to these properties. However, if the site were to be visited by coaches or minibuses, which have a higher ground clearance, these properties gardens would be open to view. Given the scale of development proposed, and that the site is only open to members of the public on Sundays, it would be unlikely that many, if any, journey's to the site would be by coach. Any school trips which would likely generate a coach trip would be during weekdays when gardens are less likely to be in use. Therefore on balance the development is not considered to result in a harmful loss of privacy to neighbouring properties.

The proposed development would result in an increase in vehicle movements to and from the site, which would have an unreasonably harmful impact on the living conditions of adjoining residents. This unacceptably harmful impact could be exacerbated through noise generated by the locomotives as well as persons using the site. As such the development fails to accord with Policy

CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

3) Contamination

Policy PP20 of the Peterborough Policies DPD (2012) seeks to protect future users from known or potential environmental impacts arising from pollution. The submitted application form identifies the land to be brownfield and it is understood that the site has been occupied as a former training area for the army as well as London Brick Company. Whilst a Phase 1 investigation has not been submitted this information could be secured by planning condition, should planning permission be granted.

4) Biodiversity

Policy PP16 seeks to protect and retain ecological and biodiversity features.

An Arboricultural Survey (Hall, August 2014), Updated Arboricultural Notes (Hall, April 2015) and Woodland Management Plan (Hall, November 2014) have been submitted in support of the application and have identified a hedgerow (H1), 4 tree groups (G1-G4) and 38 trees graded A2-C2.

It is understood that track construction would typically require a 100mm deep concrete base and two metres way leave either side of the track. The way leave areas would need to be maintained on a regular basis to avoid injury to users, but also to prevent woodland growth creating a corridor effect that could potentially leave parts of the track in darkness.

Whilst sections of track construction have been provided and a no-dig method of construction has been stated it is not clear whether the track layout would harm the health of trees identified of good health, and the group value that they collectively provide, as the final layout does not appear to have been agreed with the Applicant's Arboriculturalist. Further, a topographical survey has not been provided and no details of whether any new access track(s) or parking areas would harm existing trees. As such there has been insufficient information provided to demonstrate that the proposed development would not harm biodiversity features of the site.

A Preliminary Ecological Appraisal Report (Greenwillows, Sept 2014) has been undertaken and identified that a number of protected species are likely to use the site. There has been an identified Great Crested Newt breeding pond at the southern corner of the site and the site is likely to support foraging bats, nesting birds, badgers, hedgehogs and reptiles.

The Council's Wildlife Officer has reviewed the report and whilst certain information and safeguarding could be secured by planning condition, such as ensuring trees to be removed are first checked for bat roosts, there is information outstanding which includes providing details of identified bat foraging routes. Until this information is provided it is not be possible to establish which trees could be affected by the proposal.

As such there has been insufficient information provided to demonstrate that the development would not harm protected species or biodiversity features of the site, and is contrary to Policy PP16 of the Peterborough Policies DPD (2012).

The Local Planning Authority has worked with the Applicant to overcome issues of trees and wildlife. This application is due to be refused for two other reasons. As it is not considered that these two issues could be overcome the Applicant has requested the application be determined in its current format. Accordingly there is information outstanding with respect to trees and biodiversity which could have otherwise been overcome in time.

5) Highway and Pedestrian Safety

The access to the site is served from London Road situated within Huntingdon District Council. Further to receiving comments from Cambridgeshire County Council, the presiding highway authority, no objections have been raised. Notwithstanding the amenity issues identified above the

proposed development is not considered to result in a highway safety hazard. A pedestrian footway could be secured by condition if planning permission were granted.

6) Heritage

Policy CS17 and PP17 seek to preserve or enhance the significance of heritage assets.

The application site is not a designated heritage asset, however it is part of one of over 800 former Second World War prisoner of war camps and has also been used as an operational training camp.

The site is a smaller part of the former camp and contains no surviving above ground structures and has largely naturally regenerated. There are surviving parts of tracks and roadways. The development of the land would have an impact on the historic asset in so far as there would be new structures and features for the new use, however the Council's Conservation Officer has advised the harm to the heritage asset would be 'less than substantial'. Much of the heritage significance of the site is recorded in documentary records. The larger part of the former camp, outside the proposed site, would remain unaltered. The Conservation Officer has advised if the proposal be recommended for approval it would be justified to include a condition requiring the provision of an interpretation board or similar site based information to explain the heritage interest of the site.

Whilst all structures have been removed footprints may remain. The Council's Archaeology Officer has advised that monitoring and evaluation should take place, therefore if planning permission is granted a suitably worded condition shall be attached.

7) Design and Layout

Policies CS16 and PP2 seek to ensure any development would not have an adverse impact on the character of the area, and would mitigate crime through secure design.

Given the amount of screening surrounding the site and the distances from London Road the proposed use and associated infrastructure, including kiosk and club house, is not considered to harm the visual amenity of the area. It is noted that there are concerns relating to crime and gaining access to properties on Folly Close and London Road. If permission were granted appropriate boundary treatment could be provided to discourage unauthorised access.

The submitted drawings illustrate a station canopy and platform area. No details of these features have been provided therefore it is not possible to assess these features. However, given the amount of screening around the site it is considered reasonable to secure these details by condition if permission were granted.

8) Other Matters

- Litter - providing that the site was well managed there is no information to indicate that the surrounding area would be subject to increased litter.

- Letters of representation have raised concern that the proposal would erode the buffer between Peterborough and Yaxley. The area of land is allocated as public open space / woodland under the Great Haddon urban extension masterplan. In basic land use planning terms the land would remain as is, a buffer; for example it is not coming forward as residential development, which would be materially different.

- Letters have also raised concern that the use of the land would change to D2. This is not the case. If permission were granted it would allow the site to be used for model railway only. The use of the land could be restricted by planning condition.

- Private Roads – It is understood that houses accessed from the western side of London Road and Folly Close are private roads maintained by residents. Were permission granted it would be reasonable to condition improved signage to emphasise this, however were members of the public

to use the roads this is a civil matter between parties.

- Relocation – In light of the Officer recommendation on this application the Local Planning Authority and PCC Strategic Property have engaged with the Society to find an alternate location within the Authority area.

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 reasons given below.

The development proposed would go towards providing a community facility which in time could be of a wider appeal and contribution to the City. The application site however is identified as public open space within the Great Haddon Urban Extension masterplan; the applicants are not seeking a temporary consent therefore if the development were approved it would prevent the land from being available to use as public open space and could prejudice this major allocated site from coming forward.

The proposed development would be accessed via an existing concrete road situated between two residential properties (8 Folly Close and 33 London Road). The proposal would result in an increase in vehicle movements to and from the site, which given the roads proximity to adjoining residential properties would have an unreasonably harmful impact on the living conditions of adjoining residents. Issues of noise and disturbance could be exacerbated through noise generated by locomotives and persons using the site, and is likely to impact to an unsatisfactory degree on a wider number of nearby residential properties.

The proposed development would be situated within an area of dense woodland, which has also been identified as being host to a number of protected species. Insufficient information has been provided to demonstrate a satisfactory woodland management strategy can be secured and the proposed development, rail track, access and parking areas would not harm protected species or biodiversity features of the site.

For these reasons the development is contrary to Policies CS5 and CS16 of the Peterborough Core Strategy DPD (2011), Policies PP2, PP3 and PP16 of the Peterborough Policies DPD (2012) and Policy SA1 of the Peterborough Site Allocations DPD (2012).

7 Recommendation

The case officer recommends that Planning Permission is **REFUSED** for the following reasons:

- R1 The scheme is contrary to Policies CS5 of the Peterborough Core Strategy DPD (2011) and SA1 of the Peterborough Site Allocations DPD (2012), which seek to ensure that Urban Extensions are implemented in a comprehensive way and linked to key infrastructure requirements. The application site is situated within the Great Haddon Urban Extension, a development for up to 5,350 dwellings, retail, education and associated infrastructure, which has a resolution to grant subject to the signing of a Section 106 legal agreement. The site is identified as public open space within the masterplan. The model railway application is not seeking a temporary consent and would be securely fenced for security purposes therefore the land would not be available for use as public open space. Therefore whilst the proposal would go towards providing a new leisure use, it could potentially prejudice this strategically allocated site coming forward. As such the development is contrary to Policies CS5 of the Peterborough Core Strategy DPD (2011) and SA1 of the Peterborough Site Allocations DPD (2012).
- R2 The scheme is contrary to Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012), which seek to ensure that any development

would not harm neighbour amenity. The proposed development would result in an increase in vehicle movements to and from the site, which would have an unreasonably harmful impact on the living conditions of adjoining residents (8 Folly Close and 33 London Road). This unacceptably harmful impact could be exacerbated through noise generated by the locomotives as well as persons using the site that would impact on a wider number of residents. As such the development fails to accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 of the Peterborough Policies DPD (2012).

- R3 The scheme is contrary to Policy PP16 of the Peterborough Policies DPD (2012), which seeks to protect and retain ecological and biodiversity features. The site is host to a large amount of primary and secondary woodland and a number of protected species have been identified as either occupying the site or using the site for foraging. Insufficient information has been provided to demonstrate that the proposed development, track layout, access and parking areas would not harm these identified protected species or biodiversity features of the site. As such the proposal fails to accord with Policy PP16 of the Peterborough Policies DPD (2012).

Copy to Councillors North N, Scott OBE S and Seaton D