

Item No-02

Planning and Environmental Protection Committee 1st September 2020

Application Ref: 20/00729/FUL

Proposal: Proposed building contractors yard and building

Site: Cedar House, Sommer Close, Thorney, Peterborough, PE6 0FF

Applicant: Mr N Proctor

Referred by: Councillor Nigel Simons

Reason: If minded to refuse, it is felt that this application needs to be fully explained to the committee

Site visit: 31.10.2019

Case officer: Mr David Jolley
Telephone No. 01733 45(01733) 454439
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and Surroundings

The application site is part of an agricultural field that lies adjacent to Cedar House, the applicant's residential property. The plot of land is accessed from the end of Sommer Close, a private roadway which currently serves residential properties, those being to the West adjacent to Cedar House.

Cedar House lies immediately to the West of the field which is subject to this application. Immediately to the North of the site lies the A47 trunk road and to the East and South lie agricultural fields.

Despite the existence of the small number of residential properties that lie to the west of the site, the application site lies in an area of predominantly undeveloped open countryside

Proposal

The application seeks for permission to materially change the use of an area of agricultural land to a building contractor's yard and the change of use of some of the land to be used as an extended garden in connection with Cedar House. The building contractor's yard would have an overall footprint of approximately 35m x 110m, and the garden extension would be triangular in shape, with a maximum depth of 11.5m x 110m in length.

Additionally, the application seeks the erection of 1.2m high post and rail fencing, with hedging and trees, to demark the area of land proposed for the building contractor yard and garden extension, a substantial area of hardstanding, new vehicle access and the construction of a steel framed building, faced partially in steel profiled cladding and facing brickwork.

The previous, identical planning application (reference 20/00429/FUL) was withdrawn by the applicant before determination under delegated powers.

2 Planning History

Reference	Description	Decision
20/00429/FUL	Proposed Building Contractors Yard and Building	Withdrawn 18.05.2020

3 Planning Policy

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

National Planning Policy Framework (2019)

Section 16 – Conserving and enhancing the Historical Environment

Peterborough Local Plan 2016 to 2036 (2019)

LP2 - The Settlement Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP4: Spatial Strategy for Employment, Skills and University Development

Employment development will be mainly focused in the city centre, elsewhere in the urban area (within General Employment Areas and Business Parks), and in urban extensions. Small-scale employment development will be allowed in villages where it would meet local needs and, in particular, would form part of mixed-use development.

The expansion of existing businesses which are currently located in areas outside allocated employment sites will be supported, provided, existing buildings are reused where possible; they do not conflict with neighbouring land uses; they will not impact unacceptably on the local and/or strategic highway network; and the proposal would not have an adverse impact on the character and appearance of the area.

LP11 – Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside. Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well-established agricultural unit subject to demonstration of a functional need which cannot be met by

an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- 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.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP27 – Landscape Character

New development in and adjoining the countryside should be located and designed in a way that is

sensitive to its landscaping setting, retaining and enhancing the landscape character.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

4 Consultations/Représentations

PCC Highways

No objection - As there has been no change to highway conditions the following comments mirror preceding comments for a previously withdrawn application (20/00429/FUL) those being;

The LHA would raise no highway objections to the proposals as Sommer Close is a privately maintained road and the site in question is situated in a remote location in relation to the nearest publicly maintained highway which is the B1067 (to the west of the site).

The junction of Sommer Close, where it connects onto the B1067, is approximately 16m wide (5.5m wide at its narrowest point) with adequate vehicle to vehicle visibility in both directions.

There is also adequate space within the site for parking and turning which shall enable all vehicles visiting the site to enter the nearby public highway in a forward gear.

Environment Agency

No objection - We have reviewed the flood risk assessment (FRA) submitted to support the application. We consider that the details in the FRA are appropriate for the scale, nature and location of the proposed development. Accordingly, we have no objection to the application.

Please note that our advice relates to flooding from fluvial and tidal sources only and has not considered the risk of flooding from ground water, drainage systems, reservoirs, canals or ordinary watercourses. Your Authority will therefore need to be satisfied that the proposed development is also in accordance with other requirements of the National Planning Policy Framework.

PCC Archaeology

No objection - The subject site and surrounding area (500m radius) contain no known archaeological remains. Absence of remains is due to the fact that the site is located in an area which would have been wet from the later Bronze Age period until the implementation of drainage scheme during the post-medieval period. Aerial photographs confirm the presence of roddons which would have been active during the prehistoric period possibly into the Roman period.

Recommendations:- The site and surrounding area would have been unsuitable for occupation during the later prehistoric, Roman and medieval periods. Therefore, the archaeological potential is considered to be low.

On the basis of the available evidence, there is no need to secure a programme of archaeological work.

North Level Internal Drainage Board

No objection - The Board has no objection in principle to the above application, however, formal land drainage consent will be required to form the proposed new access over the riparian drain forming the northern boundary to the site.

The applicant must also be made aware of the maintenance responsibilities for this riparian drain and also the drain forming the eastern boundary.

PCC Conservation

Comments - A field located adjacent to a 20thC dwelling which forms part of a small collection of buildings on the former site of 'Pigeons Off Farm' a model farm. The site is to the east of Thorney, directly south of the A47 where the old historic road adjoins the village bypass.

There are no designated heritage assets within close vicinity to proposed site, however, the site is a former part of a model farm, 'Pigeons Off Farm'. Remnants of which form part of the agricultural buildings to the west, Sommer Barns. As such the site is considered to be imbued with some historic and evidential interest.

As existing, the wider area is compactly contained by Sommer Close to the north and agricultural fields for the remaining three sides. Although the boundaries have changed slightly and there has been extensive alterations to the layout of what is now the A47, the historical farmstead can still be appreciated.

In terms of the proposed buildings and yard this would continue, albeit in a broad definition, the historical use of the wider site. In addition the proposed boundary, carved out of the existing amalgamated field would not be too dissimilar to a previous associated field on the site. As such there is no substantial concern regarding this element of the proposal from a heritage consideration.

There is concern however regarding the proposed large extension of the residential curtilage of Cedar House into designated open countryside. The expansion of the site for this purpose and loss of agricultural fields which relate to Sommer Barns has no justification and would undermine the compact working nature of the site.

Provided there was no extension of the domestic garden, from a heritage consideration there is no substantial objection

It is considered that the work will not have an adverse impact on the character and appearance of the non-designated heritage asset and would accord with Peterborough Local Plan (2019) and the National Planning Policy Framework (Heritage considerations).

PCC Pollution Control

No objection - I have no objection to the above proposal on the proviso that the use is tied to the dwelling by way of condition as proposed.

Thorney Parish Council

Comments - Thorney Parish Council advise of a split consideration on the application and comment as follows:

We note this is a re-submitted application without any perceivable changes from the original. We also note that it does not include any details about employment, the area of land to be given over to a non-agricultural use and that it chooses not to share information about a pre-application discussion with the planners.

The Parish Council had an equal number of votes in favour of and against this application.

FOR Those in favour of the application felt that, despite this being an agricultural site, local businesses should be given the support of the Parish Council.

AGAINST Those who objected to the application maintained the view given in the Parish Council's response to the original application. That is, that as we are a rural community, the loss of agricultural land to a non-agricultural use cannot be supported.

Local Residents/Interested Parties

Initial consultations: 5

Total number of responses: 2

Total number of objections: 1 (split comments)

Total number in support: 2 (split comments)

One letter of support from a residential neighbor of the site, Lovely design and consideration, will blend in nicely.

With Sommer Close as a domestic setting no commercial use from Saturday 12, all day Sunday and Bank Holidays.

5 Assessment of the planning issues

The main considerations are:

- Principle of the development
- Design and impact upon the character and appearance of the surrounding area
- Neighbour amenity
- Parking and highway implications
- Flood Risk
- Archaeology
- Impact on the historic environment

a) Principle of development

The application site lies outside of any settlement boundary within an area of open countryside.

It is understood that the applicant operates a development company which actively operates in the area along with a building contracting business. The proposal to relocate the business is to allow the applicant to manage the business from closer to home and from a single site.

As such it can be taken that the proposed building contractors yard would not be open to the public or to the trade, i.e. a retail and supply outlet, but is solely required in connection with the applicant's commercial concern. The proposal seeks to provide a building on the site to provide office space and storage space on the southern side of the application site. The building would be approximately 10.2m wide, 27.9m long and 7.5m high at its highest point. The rest of the site which has been highlighted as being within the application area for the building yard would be laid out as hardstanding and grassed area.

Whilst it has not been prescribed within the application documents, the open area of land which is proposed to be covered in a hardstanding would be likely to be utilised for the storage of materials, plant, machinery and parking of vehicles in connection with the applicant's business.

Space is also proposed to be provided within the site for the parking and manoeuvring of vehicles.

It is proposed that the Southern part of the application site would be grassed and separated from the commercial part of the site by a 1.2m high post and rail fence with trees and hedging to create an additional garden extension to the Applicant's dwellinghouse, Cedar House. Along the Southern boundary of the proposed garden extension, the applicant proposes the planting of a 'native hedge'.

Policy LP2 seeks to restrict development in the open countryside (i.e. outside the boundary settlements). The type of development that is likely to be supported in the countryside is qualified and is limited to development that is:

- demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services;
- or residential development which satisfies the 'exception' test set out in policy LP8;
- or development in accordance with Policy LP11;
- or minerals or waste development in accordance with the separate Minerals and Waste Development Plan Documents.

The proposed development does not qualify to be considered within the exceptions as stated in Policy LP2 and as such the proposal is contrary to the requirement of the Policy.

Policy LP4 states that small scale employment uses may be located in villages where they satisfy local need but the policy makes no provision for new employment uses and associated development within the open countryside. Accordingly, this proposal is contrary to this policy.

Policy LP11, Part E: The Rural Economy states that expansion of existing businesses within the open countryside is supported but makes no provision for creation of new employment uses. In addition support is given to the conversion of existing agricultural buildings, particularly those that are adjacent to or closely related to a village, rather than the construction of new buildings. Policy LP11, Part E further states that any proposal should be consistent with its rural location, would enhance the landscape in which it would be situated, it would not cause undue harm to the open nature of the countryside and if the proposal would involve the construction of a new building in the open countryside, the development is supported by a robust business plan that demonstrates the demand for the development and that the facilities to be provided would constitute a viable business proposition on a long-term basis.

Matters of design and impact on the landscape character of the countryside are discussed in further detail below, however, the proposal would involve the construction of a new building and the application has not been accompanied by a robust business plan that demonstrates that the proposal would constitute a viable business proposition on a long-term basis. As such, it is considered the proposed change of use of the land to building contractor's yard and associated erection of a storage building and ancillary offices would be wholly contrary to the provisions of Policies LP2, LP4 and LP11 (Part E) of the adopted Peterborough Local Plan (2019), and the proposal cannot be supported by Officers in this instance.

Additionally, the application seeks the extension of the garden land for the adjoining property, Cedar House. There is no identified nor demonstrated need for this intrusion into the open countryside, as such the proposed garden extension would result in an unjustified encroachment into the open countryside, and is contrary to Policy LP2 of the adopted Peterborough Local Plan (2019).

b) Design and impact upon the character and appearance of the surrounding area

The character of the area is defined by the atypical flat Fenland landscape, characterised by large arable fields punctuated by isolated farmsteads and individual or small groupings of housing, drainage ditches and trees. The application site forms part of a larger agricultural field, with Cedar House (the Applicant's property) to the immediate west.

The proposed building is agricultural in its appearance, being of a typical steel framed/clad design, with a smaller brick built projection. As such it is not considered the design or layout of the building, in isolation, would be out of character with its location on an area of agricultural land. Nevertheless, the building is not required to support an existing agricultural use, it would not be for the expansion of an existing commercial use taking place on the site nor has its need been justified as part of a robust and viable business plan. Accordingly, as there has not been sufficient justification for the

introduction of this building into the open countryside, this in itself is considered to cause unnecessary harm to the rural landscape setting and appearance of the area.

Additionally, the proposed use would bring with it associated paraphernalia that would normally be related with such a use, the open storage of building materials, construction equipment and the parking of vehicles.

The scheme also proposes to introduce an extension to the residential garden serving Cedar House; this is a triangular 'sliver' of land which extends approximately 110 metres in length. This garden extension, in isolation or in combination with the proposed building contractor's yard, would also result into an unjustified intrusion into the open countryside. The garden extension does not round off an established parcel of land or form a logical extension to the garden serving the host dwelling.

The proposal would replace part of an agricultural field with a large area of hardstanding (3,850sqm) to form a builders yard and it would introduce an unjustified commercial building into the open countryside, which would unacceptably harm and detract from the rural character, setting and openness of the area. This unacceptably adverse harm would be exacerbated through a further unjustified encroachment into the open countryside through the change of use of agricultural land to residential garden (630sqm). As such the proposal would result in an unjustified encroachment into the open countryside, which would adversely detract from the character and appearance of the immediate area. As such the proposal would be contrary to Policies LP11, LP16 and LP27 of the Peterborough Local Plan (2019).

c) Impact on Neighbour amenity

The proposed development is accessed from the end of Sommer Close, a private roadway which serves a small number of residential properties, all which are set back from the highway. Lying between these properties and the application site is Cedar House, the applicant's dwellinghouse to which this proposal would be linked, which would shield these properties from the visual impact of the proposal. The impact would be felt by the occupiers of Cedar House, but this is the applicant's dwellinghouse and as such any loss of amenity would be the sole result of their own commercial activities. Limiting the impact of the proposal on any future occupiers of this property could be controlled with a planning condition that links the proposal to the adjoining property Cedar House and restricts the use being severed from the residential property.

The impact on the neighbour's amenity would be limited to the passage of vehicles accessing the site along the private roadway and as they are set back from the roadway, this is likely to be limited. Conditions could be placed upon the hours of use of the proposed building contractor's yard that could control and limit access to the site to hours which would ensure that any disturbance would be during normal working hours and limit weekend and bank holiday working.

The closest neighbour to the application site supports the proposal, but has suggested limiting operational times to limit any impact. This has been covered above.

The closest property to the site lying to the East is Comer Farm which is approximately 200 metres away. It is considered that at this distance, there would be no impact on the residential amenities afforded by this property.

Accordingly, it is considered that, with appropriate controls, the proposed development would not detrimentally impact the amenities of neighbouring properties. As such the proposal would meet with the provisions of Policy LP17 of the adopted Peterborough Local Plan (2019)

d) Parking and highway implications

The main issue related to parking and highways is the increase in traffic associated with the proposed commercial use.

The Local Highway Authority has raised no objections to the proposal.

There has been no indication of the number of commercial vehicles that would be likely to require access to application site. The application form states that there would only be a requirement for the parking of 3 cars on the site. The application states that the applicant operates a development company which actively operates in the area along with a building contracting business; accordingly, it is considered that whilst the application only states parking for three cars, it would be highly likely that it would be necessary for commercial vehicles and vans and delivery vehicles to access the site.

The Local Highway Authority have not objected to the proposal as Sommer Close is a privately maintained road and the site in question is situated in a remote location in relation to the nearest publicly maintained highway which is the B1067 (to the west of the site).

The junction of Sommer Close, where it connects onto the B1067, is approximately 16m wide (5.5m wide at its narrowest point) with adequate vehicle to vehicle visibility in both directions.

There is also adequate space within the site for parking and turning which shall enable all vehicles visiting the site to enter the nearby public highway in a forward gear.

On the basis of the above the proposed development is considered to meet the requirements of Policy LP13 of the Peterborough Local Plan (2016-2036) Adopted 2019.

e) Flood Risk

The application site is located within Flood Zone 3, and the application has been accompanied by a Flood Risk Assessment. The FRA concludes that:

- The proposed development is in a defended floodplain. It is in the floodplain of the River Nene and protected during the 1% annual probability (1 in 100 chance each year) fluvial event. During the design life of the development, including an allowance for climate change, it is not anticipated that there would be flooding at the site.
- The site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 2% annual probability (1 in 50 chance each year) which accords with DEFRA guidelines for rural development. The risk of flooding is lowered further due to the North Level IDB high priority watercourses incorporating a significant freeboard. This provides storage during events greater than 2% annual probability (1 in 50 chance each year).
- To mitigate the residual risk associated with a breach it is recommended that there is 0.5m of flood resilient construction above finished floor level. Surface water run-off from the development should be discharged to soakaways to BRE365 design requirements so that adjoining land and properties are not affected.
- The development passes the Sequential Test and is therefore suitable for the proposed location.

The Environment Agency has not raised any objection to the proposed development, considering that the details in the FRA are appropriate for the scale, nature and location of the proposed development.

Additionally, the North Level Internal Drainage Board has no objection in principle to the application. They have identified that formal land drainage consent would be required to form the proposed new access over the riparian drain forming the northern boundary to the site. This could be added as a note to the applicant as this would be a private matter.

With the provision of appropriate conditions and controls it is not considered that the proposal would give rise to risk of flooding either on or off-site and would accord with Policy LP32 of the Peterborough Local Plan (2019).

f) Archaeology

PCC's Archaeologist advises that the application site and the immediate surrounding area contain no known archaeological remains. Absence of remains is due to the fact that the site is located in an area which would have been wet from the later Bronze Age period until the implementation of drainage scheme during the post-medieval period. Aerial photographs confirm the presence of roddons which would have been active during the prehistoric period possibly into the Roman period.

The site and surrounding area would have been unsuitable for occupation during the later prehistoric, Roman and medieval periods. Therefore, the archaeological potential is considered to be low.

On the basis of the available evidence, there is no need to secure a programme of archaeological work.

g) Impact on the Historic Environment

PCC's Conservation Officer has stated that there are no designated heritage assets within close vicinity to the application site, however the site is a former part of a model farm, 'Pigeons Off Farm'. Remnants of which form part of the agricultural buildings to the west, Sommer Barns. As such the site is considered to have some historic interest.

As existing, the wider area is compactly contained by Sommer Close to the north and agricultural fields for the remaining three sides. Although the boundaries have changed slightly and there has been extensive alterations to the layout of what is now the A47, the historical farmstead can still be appreciated.

In terms of the proposed buildings and yard this would continue, albeit in a broad definition, the historical use of the wider site. In addition the proposed boundary, carved out of the existing amalgamated field would not be too dissimilar to a previous associated field on the site. As such there is no substantial concern regarding this element of the proposal from a heritage consideration.

Despite the above, the Conservation Officer has raised concern over the proposed large extension of the residential curtilage of Cedar House into the open countryside. There has been no justification for the expansion of the residential garden and associated loss of agricultural fields, which relate to Sommer Barns, which would undermine the historic compact working nature of the site.

Whilst it is considered that the proposed building contractor's yard would not have an adverse impact on the non-designated heritage asset the proposed garden extension is unjustified and would be an unwarranted intrusion undermining the compact working nature of the site, thereby detracting from the historical significance of the non-designated heritage asset. As such the proposal is contrary to Policy LP19 of the Peterborough Local Plan (2019) and Paragraph 197 of the NPPF (2019)

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. It is considered that the harm arising from the development, in that the principle is wholly contrary to the policies and objectives of the adopted Local Plan, is not outweighed by the benefits of the development which would be primarily restricted to that of private commercial benefit for the Applicant.

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission is **REFUSED** for the following reason:

- R 1 The proposed use of the agricultural land for a building contractor's yard, along with the construction of a building and the associated open storage of building materials, plant, machinery and commercial vehicle parking would represent an unwarranted and unjustified intrusion into the open countryside in a highly visible and exposed location. The proposed use and development has not been demonstrated as being essential to warrant such an intrusion and as such is considered to be wholly contrary to the vision, objectives, development strategy and policies of the adopted Peterborough Local Plan (2019), specifically Policies LP2, LP4 and LP11.
- R2 The proposed extension of the garden land associated with Cedar House represents an unjustified erosion of the agricultural land for residential purposes and is considered to undermine the historic compact working nature of the site, as such is considered to be contrary to the objectives, development strategy and Policies LP2, LP16 and LP19 of the adopted Peterborough Local Plan (2019) and Paragraph 197 of the NPPF (2019)
- R3 The proposal would introduce an unjustified commercial use into the open countryside including the construction of a building and related paraphernalia associated with a buildings contractor's yard such as open storage of building materials, plant and machinery and the parking of commercial vehicles which would detract from the rural character and setting of the area, and is therefore contrary to Policies LP11, LP16 and LP27 of the Peterborough Local Plan (2019) and Paragraph 197 of the NPPF (2019)

Copies to Councillors- Cllr Peter Hiller and Cllr Jogn Holdich

This page is intentionally left blank