

The DEVELOPMENT MANAGEMENT COMMITTEE 19th DECEMBER 2022

Case No: 20/00274/FUL (FULL PLANNING APPLICATION)

Proposal: RETENTION OF PORTABLE BUILDING FOR B1 (TAXI BUSINESS) AND SUI GENERIS USE (CAR SALES) FOR A TEMPORARY PERIOD OF 5 YEARS

Location: PORTAKABIN AT STATION BRIDGE BROADWAY YAXLEY

Applicant: MR RAJA RIZWAN ULLAH (ARTSU PROPERTIES LTD)

Grid Ref: 519477 293434

Date of Registration: 06.02.2020

Parish: YAXLEY

RECOMMENDATION - APPROVE

This application is referred to the Development Management Committee (DMC) in accordance with the Scheme of Delegation as Yaxley Parish Council's recommendation of refusal is contrary to the Officer recommendation of approval.

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The application site comprises approximately 0.13 hectare of land located within a predominantly commercial area of Broadway Business Park, Yaxley and to the east of the mainline railway.
- 1.2 The site comprises two portacabins (Taxi Business and Car Sales), portable toilet and valeting building set within a large forecourt with hardstanding. Vehicular access is provided off of Broadway which is a shared access road, shared with the Haulage company to the rear and an adjacent warehouse building.
- 1.3 The site lies within Flood Zone 1 on the Environment Agency Flood Maps and the Huntingdonshire Strategic Flood Risk Assessment 2017 and is considered to be at low risk of flooding by any other means. There are no heritage assets in the vicinity.
- 1.4 This application seeks planning permission for a temporary period of 5 years, for the continued use of the site for car sales (sui generis use) B1 office use and taxi business (sui generis

use) and the retention of four portable buildings, including a taxi office, car sales office, valeting building and toilet block.

2. NATIONAL GUIDANCE

- 2.1 The National Planning Policy Framework (20 July 2021) (NPPF 2021) sets out the three objectives - economic, social and environmental - of the planning system to contribute to the achievement of sustainable development. The NPPF 2021 at paragraph 10 provides as follows: 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).'
- 2.2 The NPPF 2021 sets out the Government's planning policies for (amongst other things):
- delivering a sufficient supply of homes;
 - building a strong, competitive economy;
 - achieving well-designed, beautiful and safe places;
 - conserving and enhancing the natural, built and historic environment
- 2.3 Planning Practice Guidance, National Design Guide and the Noise Policy Statement for England are also relevant and material considerations.

For full details visit the government website [National Guidance](#)

3. PLANNING POLICIES

- 3.1 Huntingdonshire's Local Plan to 2036 (Adopted 15th May 2019)
- LP2: Strategy for Development
 - LP4: Contributing to Infrastructure Delivery
 - LP6: Waste Water Management
 - LP8: Key Service Centres
 - LP11: Design Context
 - LP12: Design Implementation
 - LP14: Amenity
 - LP16: Sustainable Travel
 - LP17: Parking Provision and Vehicle Movement
 - LP18: Established Employment Areas
 - LP30: Biodiversity and Geodiversity
 - LP37: Ground Contamination and Ground Water Pollution
- 3.2 Supplementary Planning Documents (SPD) and Guidance:
- Huntingdonshire Design Guide SPD (2017)
 - Huntingdonshire Townscape and Landscape Assessment 2022
 - Developer Contributions SPD 2011
 - Cambridgeshire Flood and Water SPD 2017

No Neighbourhood Plans are relevant to this site.

For full details visit the government website [Local policies](#)

4. PLANNING HISTORY

The key planning applications relevant to this application are:

- 4.1 15/00121/FUL – Proposed erection of temporary building for B1 office use (Retrospective) or, use of building and land for car sales (Sui Generis) – Approved 22.04.2015
- 4.2 1401359FUL – Erection of temporary building for office use (B1a) or Taxi Office (sui generis) and erection of 15 metre high aerial – Approved 11.11.2014.
- 4.3 1301323FUL – Resubmission of withdrawn application 1300893FUL for B1/B2/B8 industrial/office unit – Approved 28.10.2013.
- 4.4 1300638FUL - Change of use of site to commercial vehicle depot (Sui Generis) with associated fencing, gates and mobile office – Approved 31.07.2013.

5. CONSULTATIONS

- 5.1 Yaxley Parish Council recommends refusal and states that the original permission was supposed to be temporary for 5 years and there has been no planning application for a permanent building, full copy of the comments are attached.
- 5.2 Cambridgeshire County Council, Local Highways Authority (LHA) raised no objections.
- 5.3 HDC, Environmental Health Officer (EHO) – No objections subject to conditions and commented – “As the application is for a further temporary period I think we can be satisfied this is why they do not have a mains drainage connection, however, due to the nature of the toilet block proposed and the history of complaints I have had about the arrangements I recommend that a condition is used ensure it is maintained and operated properly and there is no adverse impact on the environment (pollution) or public health, in line with Policy LP14 and LP37.

Suggested wording for a condition:

The toilet block, WCs and associated storage tank must be maintained by a competent person and regularly emptied by a licensed waste carrier to ensure no harm to the environment and public health. Records of maintenance and emptying should be

kept throughout the 5 years and should be made available to the LPA on request.”

6. REPRESENTATIONS

6.1 None received.

7. ASSESSMENT

7.1 When determining planning applications, it is necessary to establish what weight should be given to each plan's policies in order to come to a decision. The following legislation, government policy and guidance outline how this should be done.

7.2 As set out within the Planning and Compulsory Purchase Act 2004 (Section 38(6)) and the Town and Country Planning Act 1990 (Section 70(2)) in dealing with planning applications the Local Planning Authority shall have regard to have provisions of the development plan, so far as material to the application, and to any other material considerations. This is reiterated within paragraph 47 of the NPPF (2021). The development plan is defined in Section 38(3)(b) of the 2004 Act as "the development plan documents (taken as a whole) that have been adopted or approved in that area".

7.3 In Huntingdonshire the Development Plan consists of:

- Huntingdonshire's Local Plan to 2036 (2019)
- Cambridgeshire and Peterborough Minerals and Waste Local Plan (2021)
- St Neots Neighbourhood Plan (2016)
- Godmanchester Neighbourhood Plan (2017)
- Houghton and Wyton Neighbourhood Plan (2018)
- Huntingdon Neighbourhood Plan (2019)
- Bury Neighbourhood Plan (2021)
- Buckden Neighbourhood Plan (2021)
- Grafham and Ellington Neighbourhood Plan (2022)

7.4 The statutory term 'material considerations' has been broadly construed to include any consideration relevant in the circumstances which bears on the use or development of the land: *Cala Homes (South) Ltd v Secretary of State for Communities and Local Government & Anor* [2011] EWHC 97 (Admin); [2011] 1 P. & C.R. 22, per Lindblom J. Whilst accepting that the NPPF does not change the statutory status of the Development Plan, paragraph 2 confirms that it is a material consideration and significant weight is given to this in determining applications.

- 7.5 The main issues to consider in assessing this application are whether there is any conflict with Development Plan Policies and if there is any conflict, whether the application can be considered to be in accordance with the Development Plan when taken as a whole.
- 7.6 Where an application is not in accordance with the Development Plan, it must be considered whether there are any material considerations, including local and national guidance, that indicate that planning permission should be granted.
- 7.7 With this in mind, this report addresses the principal, important issues which are in this case:
- The Principle of the Development
 - Design, Visual Amenity and the Impact upon the Character and Appearance of the Area
 - Neighbour Amenity
 - Drainage
 - Highway safety, Parking Provision and Access
 - Biodiversity

The Principle of the Development

- 7.8 Policy LP8 of the Huntingdonshire Local Plan to 2036 identifies Yaxley as a Key Service Centre. LP8 states that “Development proposals within the built-up areas which is additional to those allocated in this plan will be supported where it is located within a built-up area of a Key Service Centres and acknowledges that opportunities for development within built-up areas will largely be limited to redevelopment opportunities, intensification of use and development of land which wholly relates to existing buildings rather than the surrounding countryside.
- 7.9 The site is located within the built-up area and Established Employment Area (EEA) of Yaxley. The area comprises a mixture of uses, industrial, warehouse, car sales, hand car wash and retail.
- 7.10 The introductory text to Policy LP18 states that the purpose of this policy is to safeguard and enhance existing areas of employment uses across Huntingdonshire to help maintain a thriving economy.
- 7.11 Policy LP18 states a proposal for business development (class ‘B’) will be supported on land within as EEA. Proposals for a use other than business (class ‘B’) within and EEA will only be supported where it demonstrates that:
- a. It will be compatible with surrounding employment uses taking account of amenity and public safety issues;

- b. It will not adversely affect the role and continuing viability of the EEA as an attractive and suitable location for employment uses;
- c. It will not significantly reduce the range, availability and suitability of land and buildings for employment uses in the nearest Spatial Planning Area or Key Service Centre; and
- d. The sequential approach to site selection, as set out in the National Planning Policy Framework, has been followed of the proposals includes main town centre uses.

- 7.12 In this instance the proposal is for the continued use of the site for the Taxi business and Car sales business uses and buildings which fall under a sui generis use. The proposals are considered to be compatible with the surrounding employment uses and would not adversely affect the continued viability of the EEA as a suitable location for employment uses and are considered to meet criteria a – d of Policy LP18. The proposals are therefore considered to be acceptable in principle meeting the aims and objectives of the NPPF and Policies LP8 and LP18 of the Local Plan.
- 7.13 Under section 72 of the Town and Country Planning Act 1990 the Local Planning Authority may grant planning permission for a specified temporary period only. In accordance with S72, the continued approval of temporary consents is generally not acceptable. The second temporary consent is usually only justified in instances where the permanent redevelopment proposals of the site have been postponed. In the supporting information of the original proposal on site, it was the intention of applicant that these proposals were only a temporary solution, until more permanent buildings could be proposed, and, in this instance, the applicant has confirmed, that a further temporary permission is required due to the uncertainty in the market and the general economic conditions. By the submission of this secondary temporary application, it is clear that the permanent redevelopment proposals of the site must have stalled. Therefore, in this instance Officers are of the view that a further temporary consent could be supported to allow a more permanent redevelopment of the site to be sought and for the existing businesses to continue which provides employment for 3 full time and 2 part time employees and, whilst a permanent solution for their business needs be found. If Members were to consider a further temporary consent acceptable, it would be advisable for the applicant to use this addition time to find a permanent solution, as it is unlikely that further temporary consents could be supported. In accordance with the s72 there is no presumption that a temporary grant of planning permission will then be granted permanently.

Design, Visual Amenity and the Impact on the Character and Appearance of the Area

- 7.14 Policy LP2 of the Local Plan to 2036 sets out the Development Strategy for Huntingdonshire. Amongst other points, the development strategy for Huntingdonshire is to protect the character of existing settlements and recognise the intrinsic character and beauty of the surrounding countryside.
- 7.15 Policies LP11 and LP12 of the adopted Local Plan to 2036 states that new developments should respond positively to their context, draw inspiration from the key characteristics of its surroundings and contribute positively to the area's character and identity. These aims are also reinforced by paragraphs 124 and 130 of the NPPF 2021.
- 7.16 The area is characterised by a mixture of light industrial and retail buildings of different scales and mix of materials all set within large areas of hardstanding. There are other portable buildings in the area in this busy urban area.
- 7.17 The proposals seek to retain the existing buildings and uses within the site. Whilst the buildings are temporary in nature, they are relatively well maintained and in a good state of repair and are not considered to be harmful to the locality providing. The buildings and uses are of a design which is compatible with the existing surrounding buildings and prevailing character. As the buildings are of temporary construction it is considered appropriate and necessary to condition their removal within a period of 5 years, in order to protect the character and appearance of the locality.
- 7.18 Overall, the proposal is considered to respond positively to its context within the surrounding built form and contributes positively to the areas character and identity in general. The proposal is therefore considered to accord with Policies LP2, LP11 and LP12 of Huntingdonshire's Local Plan to 2036 and the NPPF (2021).

Impact upon Residential Amenity

- 7.19 Policy LP14 of the Local Plan states that a proposal will be supported where a high standard of amenity is provided for all users and occupiers of the proposed development and maintained for users and occupiers of neighbouring land and buildings. Paragraph 130 (f) of the NPPF (2021) also seeks to secure a high standard of amenity for existing and future users of developments.

Policy LP37 seeks to ensure, amongst other things that there would be no adverse health impacts to surrounding occupiers or, on the environment as a result of contamination.

- 7.20 The proposals have been assessed in consultation with HDC's Environmental Health Officer (EHO) in regard to any potential issues regarding the cesspool for the toilet block and contamination. Whilst details of the cesspool have not been provided within the application the EHO has recommended a condition to ensure the toilet block, WCs and associated storage tank are maintained by a competent person and regularly emptied by a licensed waste carrier. The condition will also require the applicant to keep a record of the maintenance and emptying taking place for the purposes of inspection by the LPA. If members are minded to approve the application a condition will be attached to the decision in this regard.
- 7.21 Subject to the required condition, the proposed use is considered to be compatible with the existing uses and is not considered to be detrimental to the amenities of the occupants of neighbouring land and buildings.
- 7.22 Overall and subject to a condition, officers are satisfied that a high standard of amenity would be provided for all users of the development and maintained for neighbours and that there will be no risk of contamination. The proposal is therefore considered to be in accordance with Policies LP14 and LP34 of the Local Plan and paragraph 130(f) of the NPPF (2021).

Highway Safety, Parking Provision and Access

- 7.23 Policies LP16 and LP17 of the Local Plan to 2036 seeks to ensure that new development incorporates appropriate space for vehicle movements, facilitates access for emergency vehicles and service vehicles and incorporates adequate parking for vehicles and cycles for each dwelling.
- 7.24 Access to the site is provided to the site via the existing access off of Broadway., no changes are proposed to the access.
- 7.25 As part of the assessment of the application, Cambridgeshire County Council as the Local Highways Authority have reviewed the proposals and raised no objections.
- 7.26 On balance, given the scale of the development the development is considered to accord with Policy LP17 of the Local Plan to 2036 and the NPPF (2021).

Biodiversity

- 7.27 Paragraph 174 d) of the NPPF states Planning policies and decisions should contribute to and enhance the natural and local environment. Policy LP30 of the Local Plan requires proposals to demonstrate that all potential adverse impacts on biodiversity and geodiversity have been investigated and ensure no net loss in biodiversity and provide a net gain where possible, through the planned retention, enhancement and creation of habitats and wildlife features, appropriate to the scale, type, and location of development.
- 7.28 The site is considered to be of low ecological value within the site with only a grass verge outside of the site along the frontage. The application is not supported by a preliminary ecological survey. The development will not result in net loss in biodiversity and provides no opportunities for a net gain. Given the scale and type of development and temporary nature applied for it is not considered appropriate or necessary to require any enhancements in this instance.
- 7.29 Overall, it is considered the proposed retention of the temporary buildings and uses are considered acceptable in this instance.

Conclusion:

- 7.30 This development is considered to be compliant with the relevant national and locally policies as:
- * The principle of the development is acceptable in this location;
 - * it would not have an adverse impact upon the character and appearance of the area;
- It would not have a detrimental impact upon the amenity of the neighbours
- * it would not have a harmful impact upon highway safety.
- 7.31 The retention of the buildings and uses of the site is considered to acceptable for a temporary period of 5 years given the temporary nature of the buildings.
- 7.32 Having regard to all relevant material considerations, it is concluded that the proposal would contribute to the economic, social and environmental dimensions of sustainability. The harm identified is limited and is not considered to significantly and demonstrably outweigh the scheme's benefits when assessed against the policies in the Local Plan and NPPF taken as a whole. Therefore, it is recommended that planning permission be granted.

8. RECOMMENDATION – APPROVAL subject to conditions to include the following:

- Time limited permission of 5 years
- In accordance with the approved plans
- Details of cesspool and its maintenance

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CONTACT OFFICER:

Enquiries about this report to **Debra Bell, Senior Development Management Officer. Email Debra.bell@huntingdonshire.gov.uk**

From: developmentcontrol@huntingdonshire.gov.uk
To: [DevelopmentControl](#)
Subject: Comments for Planning Application 20/00274/FUL
Date: 06 January 2021 15:00:57

Comments summary

Dear Sir/Madam,

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 06/01/2021 3:00 PM from Mrs Helen Taylor.

Application Summary

Address: Portakabin At Station Bridge Broadway Yaxley Peterborough PE7 3EL

Proposal: Retention of building for B1 and Suis Generis use (Car Sales)

Case Officer: Debra Bell

[Click for further information](#)

Customer Details

Name: Mrs Helen Taylor

Email: clerk@yaxleypc.org.uk

Address: Yaxley Parish Council, The Amenity Centre, Main Street, Yaxley pe7 3lu

Comments Details

Commenter Type: Town or Parish Council

Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: The Parish Council cannot support this application. The initial approval in 2015 was for a temporary building, to allow the construction of a permanent building, with the temporary building removed after a maximum of 5 years. This application, 8 months after the expiry of that 5 year period seeks another 5 years in which to not build a permanent building. Disappointingly there has been no planning application for a permanent building.

Kind regards

Development Management Committee



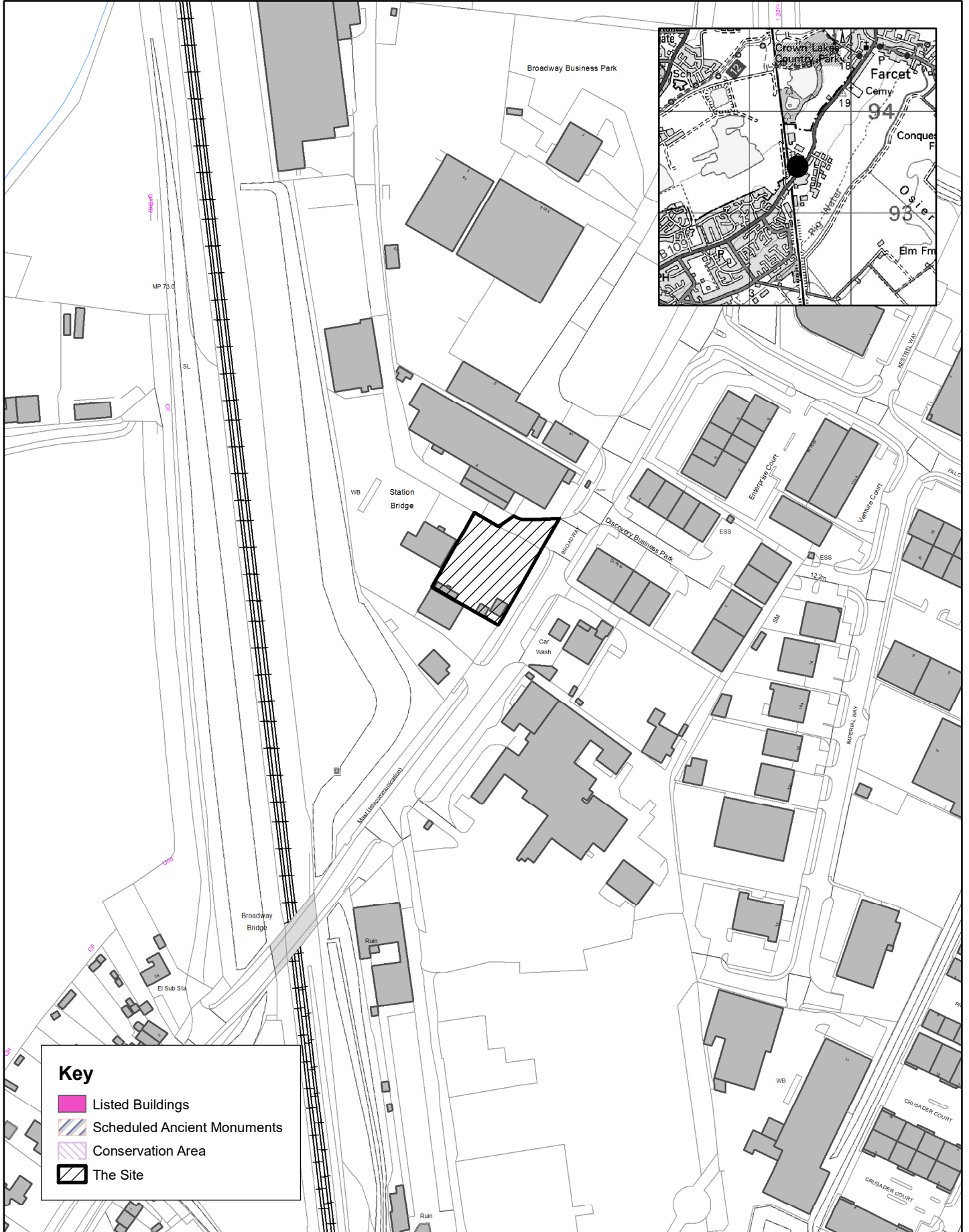
Scale = 1:2,500

Application Ref:20/00274/FUL

Date Created: 02/11/2022

Location: Yaxley

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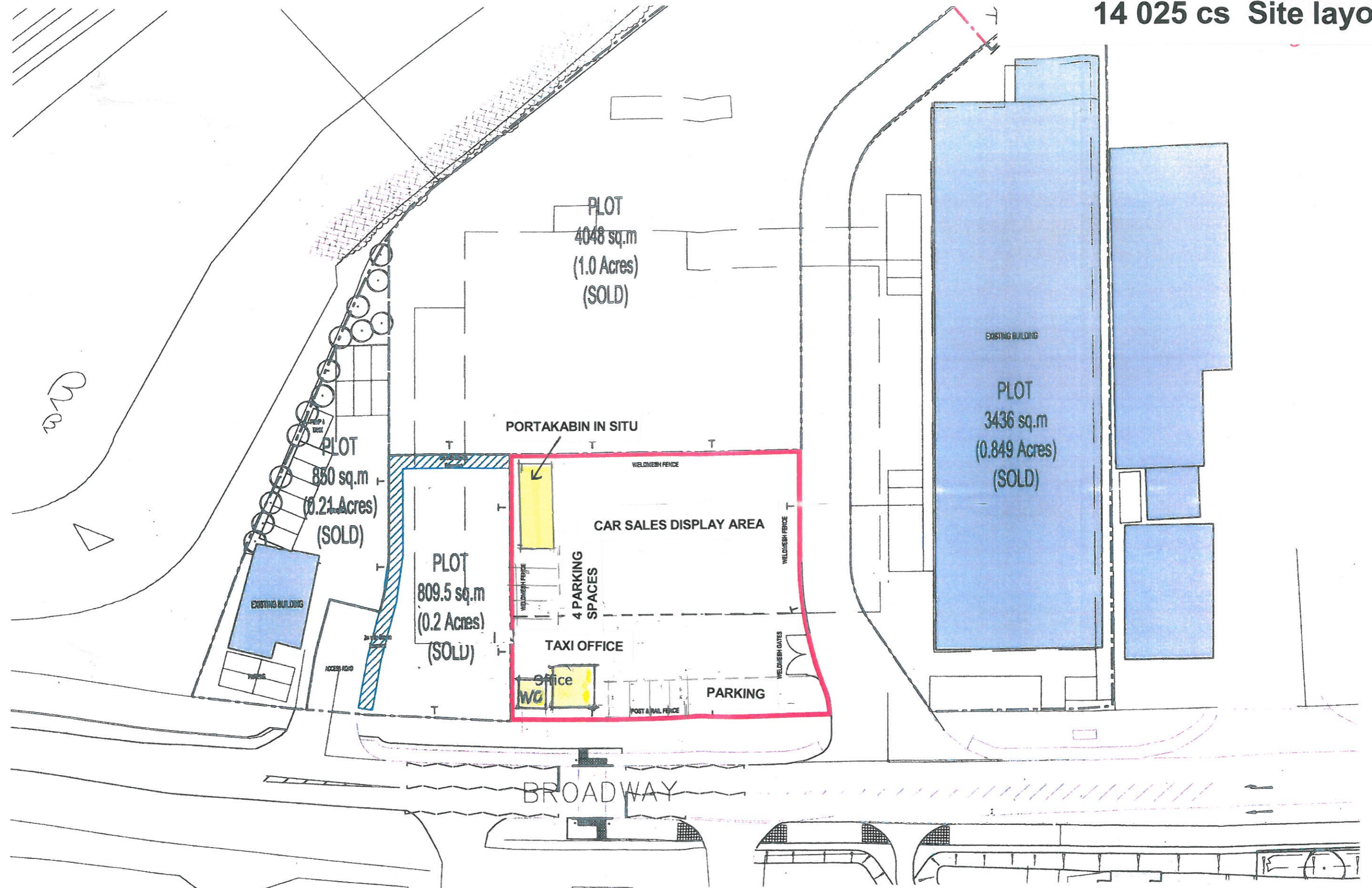


Land at Station Bridge Yaxley



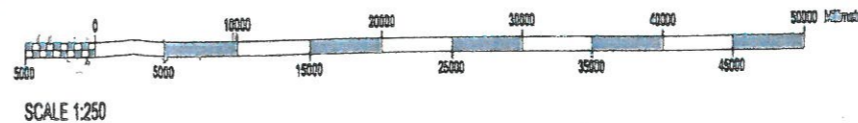
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Barker Storey Matthews
37 Priestgate, Peterborough



STATION BRIDGE DEVELOPMENTS, STATION BRIDGE, YAXLEY
Easements and Boundary Responsibilities

PROJECT No: 1921 SCALE: 1:250@A1
 DRAWING No: AK0207_P01 DATE: August 2014



DAVID TURNOCK ARCHITECTS
 Datum House 3 Commerce Road
 Lynch Wood Peterborough PE2 6LR
 Phone 01733 393010 Fax 01733 393013
 Email info@dtarchitects.co.uk



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12.22 VALETING BAY ADDED

Art 3200
Arts Properties Ltd
Car Mart
Broadway
Yaxley

existing/proposed
general arrangement

11.20
DR 1/200



rickett architects
168 parade
leamington spa
cv32 4ae