



Appeal Decision

Site visit made on 15 July 2025

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2025

Appeal Ref: APP/J0540/W/24/3353257

Ascot House, Lynch Wood, Peterborough PE2 6WZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr B Saxby of MJS Projects (March) limited against the decision of Peterborough City Council.
 - The application Ref is 24/00158/OUT.
 - The development proposed is described as 'outline application for the erection of up to 42 one-bedroom apartments on part of existing car park with all matters reserved except access'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved other than the access. I have therefore taken any details pertaining to the reserved matters, namely appearance, landscaping, layout and scale, as shown on the submitted drawings, to be for indicative purposes only.
3. The fourth reason for refusal refers to the impact of the proposed building on the amenity of principle habitable rooms of the adjacent care home. However, the adjacent building, Ascot House, has been converted to 96 apartments. As such, the reference to a care home use was clearly in error.
4. It is, however, apparent from the Officer report that the assessment undertaken when determining the planning application was in respect of residential occupation of Ascot House and not specifically as a care home. I also note that the appellant has responded to the fourth reason for refusal on that basis. I am therefore satisfied that the appellant has not been prejudiced by that error. Accordingly, I have dealt with this reason for refusal as referring to the adjacent apartments.
5. During the appeal process the Council reassessed the appellant's Financial Viability Appraisal and now considers that the proposal could support infrastructure improvements amounting to £140,465. It is common ground between the parties that such a contribution would not be sufficient to secure both full affordable housing provision requirements and a contribution to off-site play provision, to satisfy policies LP8 and LP21 of the Peterborough Local Plan (LP), adopted July 2019. In such circumstances, the Council states its priority for the proposal would be to secure some affordable housing through the Local Authority Affordable Housing Fund, rather than on site provision.

6. The appeal is supported by a planning obligation in the form of a signed and certified legal agreement, dated 16 January 2025, made pursuant to section 106 of the Town and Country Planning Act 1990 (the Agreement). The Agreement makes, in accordance with the Council's identified priority, provision for the payment to the Council of an affordable housing contribution, amounting to £140,465. Consequently, it is reasonable to assume that Council is satisfied that its concerns set out in the sixth reason for refusal relating to affordable housing and off-site public space have been addressed. Based on the evidence before me, I have no reason to disagree.

Main Issues

7. The main issues are:
- Whether the site is a suitable location for the proposal having regard to local and national policy;
 - The effect of the proposal on highway safety, having particular regard to its impact on the highway network, and the adequacy of the proposed access and parking provision;
 - The effect of the proposal on the character and appearance of the site and the area; and
 - Whether appropriate living conditions would be provided for the future occupiers of the proposal and maintained for the occupiers of Ascot House, with particular regard to privacy, outlook, noise, anti-social behaviour, on-site open space, and internal space.

Reasons

Suitable location

8. The appeal site is located within the Peterborough Business Park (BP). The site comprises part of the car park to Ascot House, previously used as an office, which, as referred to above, has been recently converted to 96 apartments.
9. LP Policy LP4 sets out the spatial strategy for employment, skills and university development which seeks to promote and develop the Peterborough economy by offering a wide range of employment opportunities. Amongst other things, the policy states that within named business parks, that includes Peterborough BP, planning permission will be granted for development within Use Class B1, and that other development will not be permitted unless it is ancillary to B1 use. LP Policy LP4 also indicates that the conversion and redevelopment of, or change of use from, existing non-allocated employment sites to non-employment uses will be considered on its merits.
10. The appellant considers that, because of the conversion of Ascot House to a residential use, the employment use of the site has already been lost. However, even if I were to agree with the appellant in this regard, and consequently disagree with the Council, it remains that the proposal is within one of the named business parks, and is not, therefore, on a non-allocated employment site. Furthermore, the proposal is not for a use ancillary to Use Class B1. For such reasons it conflicts with LP Policy LP4 irrespective of whether, or not, the site could reasonably be said to have a lawful and extant employment use.

11. As highlighted by the appellant, Use Class B1 no longer exists as it has been consolidated into Use Class E. Nonetheless, the intent of the policy to protect the site for certain employment uses is consistent with the Framework, which states that the conditions where businesses can invest, expand and adapt should be created, and highlights the need to support economic growth and development. Therefore, I do not agree that LP Policy LP4 is out of date and give it full weight.
12. Accordingly, I find that, insofar as the proposal would be contrary to the spatial strategy set out at LP Policy LP4, the appeal site is not a suitable location for the proposal.

Highway safety

13. As referred to above, the appeal site forms part of a car park to Ascot House, now in residential use, and shares its access.
14. The application was submitted and determined without any supporting technical information to enable an assessment of the transport impacts of the proposal. This led to the Council including the second reason for refusal in its decision, which sets out that it had not been demonstrated that the proposal would not give rise to a severe impact on the highway network, that it would be served by a safe vehicle access, and that the site could provide satisfactory parking for the maximum number of dwellings proposed.
15. In response, a Transport Statement (TS) has been submitted with the appeal documents, which includes a forecast trip generation assessment that suggests, for a development of 42 one-bedroom apartments, there would be an average of 12 and 13 two-vehicle trips during the AM and PM peak hours, respectively, with a total of 120 two-way vehicle trips anticipated throughout the day. The TS indicates that in peak hours this equates to one additional vehicle movement every 5 minutes, and projects that this will have a minimal impact on the capacity and safety of the local highway network.
16. The evidence before me indicates that when considering the conversion of Ascot House, the Highway Authority was satisfied that the calculation of the potential trip generation showed that that proposal would result in an overall trip reduction on the network. Such calculations are not, however, within the appeal documents before me and, therefore, the forecast trip generation of the proposal combined with the trips generated by the 96 apartments at Ascot House, has not been presented.
17. As indicated by the appellant, it is not required that a single application be submitted for both the proposal and the conversion of Ascot House. Nevertheless, it is still necessary to assess, and be satisfied that, the access is suitable for both developments and that the trips generated by them, in combination, could be safely accommodated within the local highway network. In the absence of evidence that explicitly does this, I cannot be certain that the conclusions of the TS are robust and form a reliable basis upon which to assess the highway safety implications of the proposal. Consequently, it has not been demonstrated that a safe and suitable access to the site would be provided for the proposal to ensure that it would not have an unacceptable impact on highway safety. Furthermore, it has not been proven that the residual cumulative impacts on the road network would not be severe with or without mitigation including off-site highway works.

18. The indicative site plan shows that 53 parking spaces, as LP Policy 13 requires for the proposal, can be accommodated on the site. Whilst the site layout would only be agreed at the reserved matters stage, and the layout is likely to change from that shown on the appeal plans, the information provided is sufficient to demonstrate that an acceptable number of parking spaces could be accommodated within the site. Moreover, no compelling case has been advanced to indicate that the proposal would lead to occupants choosing or being forced to park in a manner that would result in any material harm to highway safety. There is, therefore, no basis upon which to conclude that the proposal would result in on street parking that would exacerbate the highway safety concerns arising from the additional trips generated by it.
19. My attention has been drawn to the Council's resolution to grant planning permission for a development of up to 850 dwellings near to the appeal site and that a further application for 650 dwellings may also be approved. Unlike the proposal before me, such developments have been found to be acceptable in terms of their impact on the local highway network and are said to include off-site highway safety improvements. As such, those developments are not sufficiently comparable to the appeal before me and, therefore, do not weigh in favour of the proposal to the extent that they alter my findings in this regard.
20. Consequently, I conclude that, while adequate onsite parking could be provided, it has not been demonstrated that the effect of the proposal on highway safety would be acceptable having regard to its impact on the highway network and to the adequacy of the proposed access. As such it would conflict with LP Policy LP13, which requires that development ensures that appropriate provision is made for the transport needs that it will create, and that appropriate provision is made for safe, convenient and sustainable access.

Character and appearance

21. The BP contains predominantly two-storey, brick-built, pitched roofed buildings, interspersed by substantial areas of structural landscaping. In addition to several large buildings within single plots and areas of extensive car parking, the BP contains more densely developed plots containing groupings of buildings of a smaller footprint and limited parking areas.
22. The appeal site forms part of an extensive car park to the rear of Ascot House, which is a large two storey building of a design and appearance that is typical of the BP. A substantial landscaped area obscures the appeal site from views on Lynch Wood and significant band of trees ensures that it is not visible from Wistow Way. The appeal site is, however, prominent along a footpath that closely adjoins the side boundary of the appeal site, and due to its unrelieved extent of hard surfacing, it does not positively contribute to the character of the area.
23. Due to the variation in building density within the BP, the construction of a building on the appeal site, and the associated subdivision of the plot, would not appear incongruous or at odds with the prevailing character. In addition, the indicative plans demonstrate that the site could accommodate a three-storey building of a height, scale and massing that would be subservient to Ascot House as well as sufficient parking for 42 apartments. A significant area of open space is also included in the indicative layout. Furthermore, the proposal would, through the introduction of a building and meaningful landscaping, provide an opportunity to

screen much of the existing car park from the adjoining footpath, thereby improving its appearance.

24. The proposal would introduce further dwellings into the BP, but, as well as being next to Ascot House, which is already in residential use, the appeal site is on its periphery, positioned close to existing residential areas. Accordingly, the proposed residential use of the site would not be uncharacteristic of the site surroundings.
25. In consideration of the foregoing factors, and given that the detail of the proposed building, could, in addition to the layout and landscaping of the site, be agreed through a future reserved matters submission, I consider that the proposal would assimilate into its surrounds and would be an acceptable form of development. Thus, I find that a successful scheme could be produced that would be sympathetic to local character, respond positively to the features of the site and its surrounding context and would, therefore, accord with guidance set out in paragraph 135 of the Framework and the National Design Guide.
26. Therefore, I conclude that the proposal would not harm the character and appearance of the site or the area. It would accord with LP policies LP4, LP13, LP16 and LP21 which, amongst other things, seek to protect employment sites, ensure that appropriate provision is made for the transport and open space needs of the development, and positively contribute to the character and local distinctiveness of the area.

Living conditions

27. In the absence of evidence to the contrary, it is reasonable to assume that Ascot House contains primary windows in its rear elevation which is close to the appeal site.
28. The layout shown on the indicative plans does not achieve the separation distance that the Council indicates it would typically require between such primary windows and the proposed building. Nonetheless, the plans are sufficient to show that there is scope to reposition the proposed building, and for me to conclude that appropriate separation distances could be achieved within the site for a building up to three-stories, subject to the careful positioning of its windows.
29. Accordingly, I am satisfied that the site could be laid out to ensure that the extent of intervisibility between the two buildings would not lead to an unacceptable loss of privacy for the occupiers of the existing and proposed buildings and lead to windows being covered for prolonged periods. Furthermore, for the same reasons, a building could be introduced to the appeal site without a significant enclosing and dominating effect on the outlook from the rear windows of the adjoining property.
30. I acknowledge that there is a need to provide suitable space within the site to meet the basic day to day needs of the future occupiers of the proposal. Such provision directly adjoining Ascot House, would, be unacceptable as it would be overlooked at close range. However, open space could be accommodated elsewhere within the site, and there is no evidence before me to substantiate the Council's concern that the needs of the occupants, for purposes such as sitting out and the drying of washes, could not be met by the proposal.
31. Although, for the reasons set out above, there is insufficient evidence to conclude that the proposal is acceptable in highway safety terms, there is nothing before me

to suggest that the nature of the vehicular, cycle and pedestrian movements generated by the proposal would be materially more intrusive to the occupants of Ascot House than the existing use of the appeal site. Furthermore, there is nothing before me to suggest that the proposal would generate anti-social behaviour that would be detrimental to living conditions. I therefore find that the living conditions of the occupants of Ascot House would not be adversely and unacceptably affected by noise, disturbance and anti-social behaviour associated with the access and parking requirements of the proposal.

32. It has been suggested that the proposal may not meet the Nationally Described Space Standards¹ (NDSS). The Council has not, however, directed me to any part of the Local Plan that refers to the NDSS. Thus, in accordance with the Planning Practice Guidance², compliance with such internal space standards is not a requirement for the development. Nevertheless, whilst the scale and layout of the proposal is not known at this stage, I am satisfied that suitable internal space could be achieved on site for a development comprising 42 apartments.
33. Accordingly, appropriate living conditions would be for the future occupiers of the proposal and maintained for the occupiers of Ascot House in respect of privacy, outlook, noise, anti-social behaviour, and internal space. There would, therefore, be no conflict with LP policies LP17 and LP21 which, amongst other things, require that development positively contributes to the character and local distinctiveness of the area, involves appropriate arrangement within plots, and makes appropriate provision for on-site open space.

Other Considerations

34. The Council has clarified that it cannot demonstrate a five-year supply of deliverable housing sites. With a supply at 4.88 years, the shortfall is judged to be minor. Nonetheless, the balance in paragraph 11 d) ii) of the Framework indicates that the planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies of the Framework as a whole.

Planning Balance

35. The proposal would provide up to 42 additional dwellings and a financial contribution towards affordable housing provision, albeit not at a level that would be sufficient to accord with policy. This would make an important contribution towards meeting housing requirements and contribute towards the Government's aims of boosting the supply of housing, as set out in the Framework. It would also provide associated economic and social benefits.
36. On the other hand, the Framework also states that decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight should be placed on the need to support economic growth and productivity. In addition, it states that in assessing sites for development it should be ensured that safe and suitable access should be achieved for all uses and that any significant impacts from development on the transport network, in terms of capacity and congestion, or on highway safety, can be cost effectively mitigated to an acceptable degree.

¹ Department for Communities and Local Government Technical Housing Standards – Nationally Described Space Standards (2015)

² PPG paragraph: 018 Reference ID:56-018-20150327

37. As set out above, there are adverse impacts arising from the unsuitable location of the proposal due to the identified conflict with the spatial strategy. Furthermore, it has not been shown that the impact of the development on highway safety would be acceptable, or the residual cumulative impacts on the road network, following mitigation, would not be severe. Additionally, the proposal would not, due to the financial viability of the scheme, secure policy compliant affordable housing provision or financial contribution to off-site play provision as required by policy. Such matters carry moderate weight against the proposal.
38. Whilst the proposal could be designed to ensure that it does not have a harmful effect upon the character and appearance of the area and to ensure suitable living conditions for existing residents adjoining the site, and the future occupants of the proposal, these are neutral factors.
39. Overall, taking into consideration the minor shortfall in housing land supply, I find that the harm I have identified would significantly and demonstrably outweigh the benefits in this case, so the proposal does not benefit from the presumption in favour of sustainable development as set out in paragraph 11 d) ii) of the Framework.

Conclusion

40. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
41. I conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR