

**Application Ref:** 13/00147/FUL

**Proposal:** Construction of stables - retrospective

**Site:** Land to The Rear of Barsby Cooked Meats, Northey Road, Peterborough  
**Applicant:** Miss A Peppercorn

**Referred by:** Director of Growth & Regeneration  
**Reason:** The number of recent developments in the locality  
**Site visit:** 17.09.2013

**Case officer:** Mr A Cundy  
**Telephone No.** 01733 454416  
**E-Mail:** andrew.cundy@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

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

**Site and Surroundings**

The application site comprises a small narrow parcel of land measuring approximately 2,236 sq. metres and is located on the west side of Northey Road approximately 1.8 km from the urban area boundary and within land designated as open countryside. The stable has already been erected on site. Notwithstanding the site is on agricultural land and it has previously been used as a horse paddock. A 2m tall close boarded timber fence has been erected around that part of the site closest to Northey Rd and encloses on three sides the hardstanding / turning area and stable building. There is an unauthorised Gypsy and Traveller pitch to the South of the site. This is the subject of a planning application which is to be considered at this meeting. To the east are sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes with its wooded surroundings, otherwise the surrounding character is flat open agricultural land. There is an existing access to the site from Northey Road. The site lies at a slightly lower level than the public highway which forms the eastern boundary.

The site is 300 metres south of the Flag Fen Scheduled Ancient Monument. Flag Fen is recognised as one of the most important complexes of Bronze Age archaeology in the country and has an international reputation as an archaeological site. The site is also to the North of the Roman Scheduled Ancient Monument.

**Proposal**

The application seeks planning permission for retention of a stable block 3.69 x 11 metres by 3 metres high and the area of hardstanding which forms the parking and turning area for the stable. The fencing and entrance gate do not require planning permission.

## **2 Planning History**

### Site 2

Planning application ref: 13/00384/FUL for change of use to include 1No static caravan and 2No touring caravans with the erecting of a facilities block and stables for one extended gypsy / traveller family - part retrospective on the site to the south is also for consideration by members at the same meeting

### Site 3

Enforcement Notice dated 1<sup>st</sup> June 1990 was served on the land requiring the persons responsible to cease the use of the land for the siting of caravans for residential purposes and remove the caravan therefrom. The persons responsible had until the 2<sup>nd</sup> September 1990 to undertake the work required. The notice has been complied with and remains in force on the site.

### Site 4

Enforcement Notice dated 1<sup>st</sup> June 1990 was served on the land requiring the persons responsible to remove the hardstanding and access way and make up the land with fenland soil to the level of the surrounding land and reinstate the grass verge to a condition to match the existing verge. The persons responsible had until the 2<sup>nd</sup> September 1990 to undertake the work required. The notice has been complied with and remains in force on the site.

### Site 5

Enforcement Notice dated 22<sup>nd</sup> November 1990 was served on the land requiring the persons responsible to: Break up the hardstandings, roadways and accesses and remove from the land all hardcore and other materials used in the construction of the said hardstanding, roadways and accesses, replace the hardstanding, roadways and access with fenland soil to the same level of the surrounding land and make up the verge to a condition to match the existing verge. The notice has been complied with and remains in force.

### Site 6

Planning application ref: 12/01565/FUL for use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins for use as a utility and storage and 1 x storage container - part retrospective (resubmission of 11/01987/FUL) at Land On The South West Side Of Northey Road (sharing common boundary with Flag Fen SAM) was refused by officers on 7th December 2012 under delegated powers. The applicant appealed this decision and also against an enforcement notice that had been served. In his decision letter dated the 8<sup>th</sup> November 2013 (copy in Appendix 1) the Planning Inspector allowed the planning appeal stating that the local landscape does not contribute generally to the significance of the SAM. Specifically that much of the appeal of Flag Fen is to experience the remarkable survival of an ancient drowned landscape and that this is entirely at variance with the landscape today. The Inspector concluded that the proposal, subject to conditions, would have a neutral as opposed to adverse effect and that had he identified that this would have resulted in less than substantial harm to the SAM, other material considerations (in this case, the public benefits of the proposal in the form of providing a settled site for a gypsy family and their young children in an area with a significant unmet need for traveller sites which is unlikely to be addressed in the foreseeable future) would have outweighed the negligible harm caused.

A location plan showing the above sites will be on display at the Committee meeting.

## **3 Planning Policy**

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

## **National Planning Policy Framework (2012)**

### **Section 10 - Development and Flood Risk**

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. Where development is necessary it shall be made safe without increasing flood risk elsewhere. Applications should be supported as appropriate by a site-specific Flood Risk Assessment, a Sequential Test and, if required, the Exception Test.

### **Section 11 - Biodiversity**

Development resulting in significant harm to biodiversity or in the loss of/deterioration of irreplaceable habitats should be refused if the impact cannot be adequately mitigated, or compensated. Proposals to conserve or enhance biodiversity should be permitted and opportunities to incorporate biodiversity into new development encouraged.

Development within or outside a Site of Special Scientific Interest or other specified sites should not normally be permitted where an adverse effect on the site's notified special interest features is likely. An exception should only be made where the benefits clearly outweigh the impacts.

The presumption in favour of sustainable development does not apply where development requiring Appropriate Assessment under the Birds or Habitats Directives is being considered or determined.

### **Section 12 - Conservation of Heritage Assets**

Account should be taken of the desirability of sustaining/enhancing heritage assets; the positive contribution that they can make to sustainable communities including economic viability; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a new development great weight should be given to the asset's conservation. Harm to a SAM should be weighed against the public benefits of a proposal.

Planning permission should be refused for development which would lead to substantial harm to or total loss of significance unless this is necessary to achieve public benefits that outweigh the harm/loss. In such cases all reasonable steps should be taken to ensure the new development will proceed after the harm/ loss has occurred.

The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of a heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of designated heritage assets of the highest significance, including SAM's, should be wholly exceptional.

## **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.

### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

### **CS20 - Landscape Character**

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

### **CS21 - Biodiversity and Geological Conservation**

Development should conserve and enhance biodiversity/ geological interests unless no alternative sites are available and there are demonstrable reasons for the development.

### **CS22 - Flood Risk**

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate. The stable is in Flood Risk Zone 1 (low risk).

## **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.

### **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

### **PP19 - Habitats and Species of Principal Importance**

Permission will not be granted for development which would cause demonstrable harm to a habitat or species unless the need for, and benefits of it, outweigh the harm. Development likely to have an impact should include measures to maintain and, if possible, enhance the status of the habitat or species.

## **Material Planning Considerations**

The Setting of Heritage Assets – English Heritage June 2012  
Peterborough Landscape Character Assessment 2007

## 4 Consultations/Representations

**English Heritage** – Flag Fen is a nationally important designated heritage asset, its significance is exceptionally high and therefore it should be given great weight in the planning process. English Heritage considers that the effects of the proposed developments would cause a degree of harm to the significance of the designated asset, and risks introducing cumulative harm from further similar developments. English Heritage advise that The Council weighs this harm against the policies for sustainable development in the NPPF and any public benefits of the development in determining this application

**The Local Highways Authority** – Objects and recommends refusal. The vehicle-to-vehicle visibility splays required as determined by the submitted speed survey for 13/00384/FUL are 2.4m x 215m to the north, and 125m to the south; as the sites are located within 125m of the bend in Northey Road/North Bank therefore visibility to the bridge over Counter Drain would be required. These visibility splays cannot be achieved due to the presence of third party land (currently an earth bund), which is not within the highway, nor within the applicant's control. The issues relating to the set back of the gates and access width for 13/00384/FUL have been addressed by the revised plans received last week (as 13/00147/FUL shares this access, these arrangements would also cater for 13/00147/FUL when implemented).

**Archaeology Officer** – The proposed development site is located in an area of known archaeological interest, between two Scheduled Monuments of national importance, Flag Fen Bronze Age Centre to the north and a Roman site to the south. The proposed development should have no direct impact on the monuments. However it will have a visual impact on their setting. Further the proposed development is likely to affect buried remains, with particular reference to the evidence for Neolithic/Bronze Age domestic, rural and funerary activity recorded immediately to the south and east of the subject site.

**Pollution Control** – No objections

**North Level Internal Drainage Board** – No response

**Thorney Parish Council** – No objection

### Local Residents/Interested Parties

Initial consultations: 7

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One neighbour letter received objecting to the application for the following reasons:

- The site address is incorrect
- There is a high mounded side from the road, blocking the view of the gates - I have on several occasions, when leaving my own property, so travelling at a slow pace, almost knocked an adult over as he was not visible, in daylight, in the gateway mound
- The gates are too near the road to get a vehicle in
- Trucks parked in the road are dangerous to other road users, as again I experienced a child running from the back of the truck, narrowly missing him too
- The potential for straw to be blown over the existing properties is a problem.
- When the horses get out of the field, and either onto my property and cause damage or on to the road causing a traffic hazard is a big concern.
- If the horses are on my field and the children are out there is a greater
- danger to the children.
- The possibility of there needing to be residential accommodation for someone to look after the horses would also be objectionable as we are on green belt land. [officer note – there is no green belt in Peterborough]

## 5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Archaeology
- Landscape Character
- Vehicle access and highway implications
- Residential amenity

### a) Background

During the early 1990's three Enforcement Notices were served on the land to cease the use of the land for the siting of caravans for residential purposes, to remove the caravans therefrom, to remove the hardstanding and access way and make up the land with fenland soil to the level of the surrounding land and reinstate the grass verge to a condition to match the existing verge. These notices were complied with and in accordance with standard procedure, the notice remains in force.

### b) Principle of development

The NPPF supports the keeping of horses in the Open Countryside, providing any buildings or the use does not detract from the character or appearance of the landscape. The principle is considered to be accepted.

### c) Archaeology

As indicated under part 1 of this report, the site is 300 metres south of the southern boundary of Flag Fen Scheduled Ancient Monument (SAM) which is considered to be one of the most important Bronze Age monuments in the country and to the north of the Roman (SAM). National Planning Policy Framework (NPPF) states that when considering the impact of a development on a designated heritage asset, the more important the asset, the greater the weight should be. The significance of the asset can be harmed or lost through alteration or destruction or by inappropriate development within its setting' (132, p. 31). Significance derives not only from a heritage asset's physical presence, but also from its setting. In addition Policy CS17 of the Adopted Peterborough Core Strategy emphasises the importance of protecting, conserving and enhancing the historic environment and states that all new development must respect and enhance the local character and distinctiveness of an area, particularly in areas of high heritage value.

#### Setting of the Assets

- In respect of setting, NPPF defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve' (p. 56).
- It is accepted that stables are appropriate features within the rural context and comparable within the contemporary landscape. The relationship between the land at Northey Road and the land at the visitors centre is important to experiencing and understanding the site, and its setting, as defined in the NPPF. While the site for the stables block is not located within the scheduled monument, it is within the vicinity of the designated area.
- The Council's Archaeological Officer and English Heritage have been consulted on the proposal. The Archaeological Officer view is that the subject application will have a direct impact on the setting of the two ancient monuments. English Heritage advise that Flag Fen is a nationally important designated heritage asset, its significance is exceptionally high and therefore it should be given great weight in the planning process. Further English Heritage considers that the effects of the proposed developments would cause a degree of harm to the significance of the designated asset and risks introducing cumulative harm from further similar developments. Having reviewed the proposal English Heritage advise that officers

weigh this harm against the policies for sustainable development in the NPPF and any public benefits of development in determining these applications.

- It is accepted the stable and boundary treatment does cause some visual harm to the setting of the Flag Fen SAM but on balance the damage, subject to a condition requiring changes to the boundary, is not so significant to warrant refusal of this application. This conclusion reflects the recent appeal decision summarised in part two of this report and attached in Appendix 1. The main differences between this application and the appeal application is that the latter shared a common boundary with the Flag Fen SAM and was for a gypsy and traveller pitch. The Inspector concluded that the proposal for use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins subject to conditions would have a neutral as opposed to adverse effect on the SAM. Taking this into account it is considered that the proposed stables would at worst have a neutral effect.
- 'The Setting of Heritage Assets' (English Heritage 2011, p. 24) states that 'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development'. A traveller pitch has recently been approved at appeal on a site nearby and the inspector saw that proposal as having little impact on the setting of the Flag Fen SAM. There is also a traveller pitch and stable proposal for the site adjacent to this application. Taking into account the approved and proposed developments as well as this stable proposal, it is not considered that there is a significant cumulative impact on the Flag Fen SAM. All of the developments are on the fringes of the setting of the Flag Fen SAM and the stable and the adjacent proposed stable and proposed traveller pitch are even more so and are viewed against a backdrop of development along this part of Northey Road and the adjacent wooded area to the east. In this context it is not there would be harm arising from the effects of cumulative development. With regard to the Roman SAM, as this is on the opposite bank of the river Nene and there is no visibility between the two, it cannot be said that there would be a significant cumulative impact on the setting of the SAM.

#### Impact on undesignated Heritage Assets

- The proposed development is likely to affect buried remains, with particular reference to the evidence for Neolithic/Bronze Age domestic, rural and funerary activity recorded immediately to the south and east of the subject site. In addition the existence of Roman remains should not be discounted, given the location of the scheduled rural site immediately to the south of the River Nene. A planning condition is recommended requiring archaeological investigation works prior to the commencement of any further development on site. It should be noted that such an approach was deemed to be acceptable by the appeal inspector the development proposal nearby.

#### **d) Landscape character**

Notwithstanding the discussion in Section C of this report, the application site is not located in an area of the district that has been identified as having the best landscape value although the immediate area does have a rural quality that affords a pleasing visual amenity. The site has had a long history of agricultural use and its condition is considered compatible with the rural nature of the immediate area.

It is considered that some adverse impact upon the appearance and character of the local area is likely to arise from the development, but the key test is whether such harm would be unacceptable.

The stables are positioned to the front of the site and will be seen against the sporadic residential dwellings along Northey Road.

The proposed materials are consistent with the types of buildings expected to be seen in the countryside, and given their construction would not be capable of residential conversion. As such the proposal is not considered to detract from the character or appearance of the area.

The proposal would be in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy.

#### **e) Vehicle access and highway implications**

Policy CS14 of the Peterborough Core Strategy DPD (2011) requires safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking and turning

The Council's Highway Authority has objected to the proposal as insufficient visibility can be provided for vehicle exiting the site (not all of the splay is in the control of the applicant). Notwithstanding the highway objection, it appears from a site visit that whilst the standard being sought might not be met (in so far as the applicant does not control all of the land in the visibility splay), there is considerable visibility available.

#### **f) Residential amenity**

The location of the stables would be set within the site by 27metres and is over 50m from the nearest dwelling. It is unlikely that the use and siting of the stable will have any adverse impact upon the amenities of occupiers of nearby residential properties and therefore accords with policy CS16 of the Adopted Peterborough Core Strategy DPD

#### **g) Other Matters**

Escaped animals – Planning permission is not required for the keeping of horses on the site and so this is not a matter for this application.

Increased likelihood of a dwelling being applied for – This matter cannot be considered in the determination of this application.

## **6 Conclusions**

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: it is considered that there will be no unacceptable impact on the amenities of neighbours, that there is sufficient parking and has a safe vehicular access. It is considered that the small scale harm (including cumulative) caused to setting of Flag Fen is acceptable. The proposal will not be harmful in ecological terms. The proposal is therefore in accordance with Policy CS14, CS20, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies PP01, PP02, PP03, PP12, PP13, PP16 PP19 of the Peterborough Planning Policies DPD (2012).

## **7 Recommendation**

The Head of Planning, Transport and Engineering Services recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 Within 12 months of the date of this permission a native hedgerow shall be planted along those boundaries that are not formed by the close boarded fencing which was in situ at the time of the determination of this application. The planting shall be in double staggered rows with 30cm centres, stakes and rabbit guards and comprise 60% hawthorn, 20% blackthorn, 10% field maple and 10% hazel. Any hedge plants that die, are removed or become diseased within five years of being first planted shall be replaced during the next available planting season.

Reason: In the interest of the landscape setting of the development and in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).



- C 2 No further groundworks shall take place until a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The programme of work shall include a Written Scheme of Investigation a programme of evaluation by trial trenching to ascertain the archaeological potential of the site and a watching brief. The Scheme shall thereafter be implemented as agreed.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012).

- C3 Within 4 months of the date of this permission, the entrance gate to the development shall be made 6m wide, set back 12m from the edge of the adopted highway and the first 12m of the access (measured from the edge of the adopted highway shall be hard surfaced).

Reason: In the interest of highway safety and to accord with Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C4 The area shown on the approved drawings as vehicle parking and turning shall be kept free for this purpose in perpetuity.

Reason: In the interest of highway safety and to accord with Policy PP12 of the Peterborough Planning Policies DPD (2012).

Copies to Cllrs DA Sanders, D McKean

This page is intentionally left blank