

**Application Ref:** 13/00384/FUL

**Proposal:** Change of use to include 1 No static caravan and 2 No touring caravans with the erecting of a facilities block and relocation of stables for one extended gypsy / traveller family – part retrospective

**Site:** Land To The North Of Barsby Cooked Meats, Northey Road, Peterborough

**Applicant:** Miss M Smith & Mrs Richardson

**Agent:** Architectural & Surveying Services Ltd

**Referred by:** Director of Growth & Regeneration

**Reason:** A significant policy issue is at the heart of this application

**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 1,450 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 site is on agricultural land and was most recently used as a horse paddock. A close boarded timber fence has been erected to the front of the site. The southern boundary is made up of a mature hedgerow. Barsby Cooked Meats, a meat wholesaler, is sited to the South of the site. To the east are sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes with its wooded landscape, otherwise the surrounding character is flat open agricultural land. A new access to the site from Northey Road has been formed. The site lies at a lower level than the public highway.

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 which is located on the opposite side of the River Nene to the application site.

**Proposal**

The application seeks planning permission for the siting of one static caravan 3.2 by 9.2 metres by 3 metres high and two touring caravans 2.4 by 7.2 metres for use by a single extended gypsy/traveller family. Associated ancillary development includes internal driveway, parking, turning and a facilities block 3.1 x 4.5 metres by 3.4 metres high. The proposal also involves the relocation of a stable block 3.69 x 11 metres by 2.9 metres high from its as built location to a revised location.

## **2 Planning History**

### Site 2

Planning application ref: 13/00147/FUL for construction of stables – retrospective on site immediately to north 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, make up the verge to a condition to match the existing verge. The persons responsible had until the 14<sup>th</sup> March 1991 to undertake the work required. The notice has been complied with but remains in force on the site.

### 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 under delegated powers on 7th December 2012. The applicant appealed this decision and also the enforcement notice that had been served. In his decision letter dated the 8<sup>th</sup> November 2013 (see Appendix 1) the Planning Inspector allowed the planning appeal stating that the local landscape does not contribute generally to the significance of the SAM. 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 plan with these locations marked on will be displayed 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. The site is in Flood Risk Zone 1 (low risk).

## **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.

### **CS09 - Gypsies and Travellers**

Sites for permanent pitches will be identified through a separate SPD document. Specific criteria will be used to identify suitable sites.

### **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.

### **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  
Planning Policy for Traveller Sites (DCLG) March 2012  
Peterborough Landscape Character Assessment 2007

## **4 Consultations/Representations**

**PCC Highways Authority** – Objects and recommends refusal. The vehicle-to-vehicle visibility splays required as determined by the submitted speed survey 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

**PCC Wildlife Officer** – No Objection - The proposed development is located in close proximity to the Northey Gravel Pits County Wildlife Site which is designated primarily for extensive beds of stoneworts which are dependent on high water quality within the open water areas. In order to avoid any negative impact on the CWS, it is vital that all surface and foul water drainage systems are put in place to a high standard and as agreed by the Environment Agency to avoid any pollution entering the water courses. In addition any lighting should be minimised to avoid light spillage beyond the application site. The CWS is located to the north east of the application site on the opposite side of Northey Road and is home to the carp fishery.

**PCC Pollution Control** – No Objection - The location is within the vicinity of a quarry facility that may have been infilled. The potential for gas migration from that site to the application site requires consideration. The Pollution Control Officer recommends a series of conditions.

**PCC Archaeology Officer** – No Objection – 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 (on the opposite side of the River Nene). 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.

**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 you weigh this harm against the policies for sustainable development in the NPPF and any public benefits of the development in determining this application

**North Level Internal Drainage Board** – Object – The Drainage Board state that there is insufficient data regarding the total impervious area to be created and that they are not aware of a watercourse serving the site. The Drainage Board request additional information with regards to watercourse details including its outfall route together with the SUDS proposed and details including cross sections of the receiving watercourse. The Drainage Board suggest that the land is saturated and that any proposal must include details of the outfall from the site should surface water run-off be increased from the existing scenario.

**Police Architectural Liaison Officer** – No objections

**Councillor McKean** – Object - The site is located near to Flag Fen. Further the proposal is not in accordance with Core Strategy Policy CS9.

**Thorney Parish Council** – Object - Thorney Parish Council argue that works may interfere with archaeological remains and that this is in a flood area. The Parish Council ask that past planning refusals for similar developments in this area are noted. Thorney Parish Council state that development would be against standard CS9 of the Core Strategy as it is not close to shops or schools.

## **Local Residents/Interested Parties**

Initial consultations: 31

Total number of responses: 11

Total number of objections: 3

Total number in support: 0

Three neighbour letters received objecting to the application for the following reasons:

- Believe there to be an order on the land preventing any traveller caravans being on the land after the very expensive removal of travellers in the 1990's
- We feel that there is too great a traveller presence on our doorstep
- We feel strongly that anymore caravans will greatly devalue our property
- The proposal's agricultural setting is not unlike many other adjacent agricultural fields. If permission was granted to this applicant it would set precedent for lots more similar applications and the area would become one large traveller site.
- The wording on this application leaves the number of caravans and people very open
- By stating extended family that could mean any number of people, brothers, sisters, cousins, aunts, uncles, mother and fathers – the list is endless
- Development of this kind would be detrimental to the landscape and would have negative impact upon the amenity and aspect views currently enjoyed by existing residents
- The proposal is in very close proximity to the internationally important and popular visitor attraction of the scheduled ancient monument of Flag Fen – Development of this kind would have a negative impact on the setting and detract from the significance of the surrounding landscape
- The development risks disturbance of buried archaeological remains
- We have heard raised voices in arguments at night
- We have seen torches along the edge of our property
- The access has been unlawfully enlarged by encroachment of the highway boundary to gain its current use
- Northey Road carries a large volume of traffic at peak times of day and is of a faster nature being a 60 mph designation. The access proposed would not be safe due to fast high volume traffic and impaired sight lines
- I have had to manoeuvre around vehicles on the road and avoid children running round vehicles

### **Additional Letters**

The planning agent has submitted 7 letters supporting the application. The application is supported for the following reasons:

- I have known Millie Smith/Richardson family for over 50 years – they have resided around and on the Oxney Road site for as long as I can remember – The Paston and Oxney Road site are always overcrowded – there is no room for an extended family as sons and daughters get married so the only sensible option available to them is to have their own place.
- The applicant has started to clear up the waste land in the hope of making a home for herself – I think she should be allowed to do this as this will be an improvement for the area.
- Over the last few months I have come to know the applicant quite well – she seems a very nice lady and can't see any problems with the applicant living at her address permanently
- The applicant is a friendly person who takes time to greet her neighbours
- The applicant is very quiet and considerate of the neighbourhood and keeps herself to herself
- The applicant has always been a good member of the community and would not see any issues with her living at this address
- The applicant has been keeping the area very clean and tidy

## **5 Assessment of the planning issues**

The main considerations are:

- Principle of development
- Access to services
- Archaeology
- Landscape Character

- Vehicle access and highway implications
- Residential amenity
- Contamination
- Ecology
- Drainage
- Flood Risk

#### **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. However, in accordance with standard procedure the notice remains in force.

#### **b) Introduction**

The applicant owns the site and moved on in February 2013. The applicant married her partner in October this year. The applicant previously lived at the Oxney Road site and advises that the site is now overcrowded. The Councils Gypsy and Traveller Liaison Officer confirms this to be the case. Officers are satisfied that the applicant meets the definition of a Gypsy as described in Annex 1 of the Planning policy for traveller sites (DCLG 2012).

#### **c) Principle of development**

Proposals for Gypsy and Traveller sites are assessed primarily against policy CS9 of the Adopted Peterborough Core Strategy DPD whereby the criteria of this policy is used to assess the site characteristics and constraints to development. The National Planning Policy Framework and its supporting document 'Planning Policy for Traveller Sites' are also material planning considerations in assessing the proposal. Planning Policy for Traveller sites March 2012 states that when considering applications local planning authorities should attach weight to such matters as effective use of previously developed (brownfield), untidy or derelict land, sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children, not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

There are currently no new sites allocated for permanent Gypsy and Travellers occupation within the Proposed Site Allocations Document DPD and there is a demonstrable need for Gypsy and Traveller sites as identified in the Cambridgeshire sub-Regional Gypsy and Traveller Accommodation Needs Assessment 2011. This assessment states that there is a need for 53 pitches by 2031 of which 11 should be provided between 2011 and 2016. Policy CS9 of the Adopted Peterborough Core Strategy DPD states that the Council will be prepared to grant permission for sites in the countryside (i.e. outside the Urban Area and Village Envelopes) provided that there is evidence of a need (as identified in the local assessment). At this time the City Council has not allocated any sites to meet the identified need. Since 2011 only 2 pitches have been granted planning permission (one at Hurn Rd, Werrington and one at Northey Rd close to the site now being considered). Other than these there is only one unauthorised pitch which is located at Nine Bridges near Northborough. The Inspector for the recently allowed pitch to the north gave significant weight in favour of the proposal given the fact that the Council has not allocated any pitches in a development plan.

The main thrust of local and national Gypsy and Traveller policy is that there is a presumption in favour of granting consent for use and in assessing the proposal it is therefore necessary to balance the need for Gypsy and Traveller sites against other policy considerations. Policy CS9 (a) of the Adopted Peterborough Core Strategy states that the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or

agricultural land quality. These issues will be addressed within this report.

#### **d) Access to Services**

Criteria (b) of Policy CS7 - requires the site to be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school.

The site is within approximately 3km from Parnwell Primary School with associated facilities. It is considered that these distances are reasonable travelling distances to these services. The National Planning Policy for traveller site states that issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Other considerations include the wider benefits of easier access to GP's, other health services and children attending school on a regular basis with the provision of a settled base that reduces the need for travel by car. On balance it is considered that the location of the site is sustainable as shops + health and other facilities are available in Parnwell. The site is locationally comparable to that of a Gypsy caravan site proposed off the A47 near to Wansford which the Local Planning Authority (PCC) refused planning permission. The applicant appealed the decision and whilst the Planning Inspectorate dismissed the appeal the Inspector was satisfied the location was sustainable in that the site was only a short car journey away from the services in Wansford which contains various shops and a health centre. It is considered that the proposal therefore accords with policy CS9 (b) of the Adopted Peterborough Core Strategy DPD.

#### **e) 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).

In response to the applicant's concerns in respect of the quality of the City Council's archaeologists comments on the application, an archaeologist from Cambridge City Council was asked by the Planning Service to provide a second opinion. These comments are provided in full in Appendix 2. It should be noted however, that these comments have in effect been superseded by the Inspector's decision on the appeal into the nearby traveller pitch.

The 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 caravans and the facilities block are an incongruous feature within the rural context and as such the two are not considered to be 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 proposed site for the caravans and facilities 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. However, given the land form and existence of buildings and structures, flood defences and natural vegetation, planning officers do not see how the setting of Roman monument can be impacted upon. 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.

- There is a substantial and unmet need for additional accommodation for gypsy and travellers. In the context of the NPPF, Officers do not consider the site is unsustainable. It is accepted that there is some harm to the setting of the Flag Fen SAM but on balance the damage is not so significant to outweigh the need for a Gypsy and Traveller pitch and not to a degree which warrants refusal of this application. In coming to their decision Members are asked to take into account the recent appeal decision summarised in part two of this report. The difference between this application and the appeal application is that the latter shared a common boundary with the Flag Fen SAM. The Inspector concluded that the proposal 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. Given that the proposal now before committee is further away from the Flag Fen SAM, visually more closely associated with nearby existing built development and considerably less visible from the SAM it is considered that the harm is negligible even when the other developments proposed and or recently approved are taken into account. 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. This approach was seen as acceptable by the appeal inspector for the pitch nearby on Northey Rd.

#### **f) Landscape character**

Notwithstanding the discussion in section (e) above 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 and use of land as a Gypsy and Traveller site, but the key test is whether such harm would be unacceptable. Specifically officers accept that the development could never be assimilated into the local landscape as it would be impossible to contain the visual impact of up to three caravans, a facility block and associated vehicles. Notwithstanding this Members are reminded that there are currently no sites allocated for Gypsy and Travellers within the Proposed Site Allocations Document DPD and there is a demonstrable need for Gypsy and Traveller sites. It is considered that the harm caused is not so significant to outweigh the need for a Gypsy and Traveller pitch. Planning conditions are recommended to provide satisfactory landscaping.

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

Criteria (c) of Policy CS9 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, turning and servicing.

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.

#### **h) Residential amenity**

The location of the caravans and associated development would be set within the site by 6metres and is over 30m from the nearest dwelling. It is unlikely that the use of the site for one Gypsy family would have any adverse impact upon the amenities of occupiers of nearby residential properties and therefore accords with policy CS9 (e) of the Adopted Peterborough Core Strategy DPD.

#### **i) Contamination**

The Council's pollution control officer advises that the location of the site is within the vicinity of a quarry facility that may have been in filled. The potential for gas migration from that site to the application site requires consideration. Should permission be granted officers recommend the standard contaminated land conditions.

#### **j) Ecology**

The proposed development is located in close proximity to a County Wildlife Site (CWS). The County Wildlife Site is designated primarily for extensive beds of stoneworts which are dependent on high water quality within the open water areas. The application site is some distance away with development in between so contamination is very unlikely. A foul water drainage scheme is conditioned which will reduce the risk further and a lighting condition is also recommended.

#### **k) Drainage**

The North Level Internal Drainage Board state that there is insufficient data regarding the total impervious area to be created and that they are not aware of a watercourse serving the site. The Drainage Board request additional information with regards to watercourse details including its outfall route together with the SUDS proposed. Officers consider that this can be conditioned as the amount impervious area is likely to be small meaning that off site surface water drainage is unlikely to be required.

#### **l) Flood risk**

The proposed site is within Flood Risk Zone 1 (low risk).

#### **m) Government Planning Policy for Traveller Sites**

This document states that planning authorities should have regard to the following when deciding application for pitches:

- effective use of previously developed (brownfield), untidy or derelict land
- sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

In the case of this application the site:

- is not brownfield, untidy or derelict but this doesn't not prevent it being positively considered as potentially suitable
- with landscaping being conditioned an improvement to the appearance of the area can be achieved

- with the paddock beyond, has scope for providing healthy lifestyles
- whilst it does have the close boarded fencing to the front of the site, this is permitted development.

Also the document states that:

*Local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*

Whilst the development proposed is located in the open countryside, it should be noted that, in accordance with the Governments NPPF and 'Planning Policy for Travel Sites':

- The Council's planning policy operates on a criteria basis which limits traveller developments in the open countryside and that there have been only 2 pitches permitted since the Council's development plan policy has been adopted
- The proposal is not in itself or cumulatively of a scale that would dominate the nearby settled community
- The proposal would not put undue pressure on the local infrastructure.

#### n) Other matters

Objectors have raised a number of other points and these are addressed below:

##### **Believe there to be an order on the land preventing any traveller caravans**

Officer response: Three enforcement notices were served on the land in the early 1990's. This does not impede on the applicants right to submit an application or indeed the local planning authority from considering it.

##### **We feel strongly that anymore caravans will greatly devalue our property**

Officer response: This is not a material planning consideration.

##### **The proposal's agricultural setting is not unlike many other adjacent agricultural fields. If permission was granted to this applicant it would set precedent for lots more similar applications and the area would become one large traveller site.**

Officer response: Planning applications cannot be determined on the presumption of what development may take place in the future and Members must consider that application presented to them on its own merits. Any potential future development would require the benefit of planning permission which, if submitted, would be considered on its own merits.

##### **The wording on this application leaves the number of caravans and people very open By stating extended family that could mean any number of people, brothers, sisters, cousins, aunts, uncles, mother and fathers – the list is endless**

Officer response: A planning condition is recommended limiting the site to one pitch containing no more than three caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and at any one time only one of which shall be static.

##### **Development of this kind would be detrimental to the landscape and would have negative impact upon the amenity and aspect views currently enjoyed by existing residents**

Officer response: Whilst the impact upon the character and appearance of the locality is a material consideration (discussed above), in planning terms, nobody has a right to a view and as such, this is not a valid planning objection.

## 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 the site is within a reasonable distance of local services and facilities, that there is sufficient parking and has a safe vehicular access. It is considered that there is no significant harm to the setting of the nearby scheduled ancient monuments and any as yet uncovered archaeology can be investigated by way of condition. The very limited harm caused to character and appearance of the local area can be mitigated by a conditioned landscape scheme. The proposal will not be harmful in ecological terms and foul and surface water conditions will ensure that the risk of pollution and flooding is mitigated. The proposal is therefore in accordance with Policy CS9, 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), the NPPF and the Planning Policy for Traveller Sites (DCLG) March 2012.

## 7 Recommendation

The Director of Growth & Regeneration recommends that planning permission is **GRANTED** subject to the following conditions:

- C 1 This permission does not authorise use of the land as a caravan site by any persons other than Gypsies and Travellers, as defined by as set out in Annex 1 of the Planning Policy for Traveller Sites (2012).

Reason: In order to control development in the open countryside, in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011).

- C 2 The site shall be limited to one pitch containing no more than three caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, at any one time only one of which shall be static.

Reason: In order that the Local Planning Authority can control the impact of the use of the site on the locality, in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011).

- C 3 Prior to occupation of any static caravans on the site, full details of the caravan(s) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include dimensions (including width, depth and height) and the external appearance.

Reason: In order to protect the visual amenity of the surrounding area, in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 4 No development shall take place until details of the materials to be used in the construction of the external surfaces of the facilities block and stables hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to protect the visual amenity of the surrounding area, in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

C 5 No foul water shall be disposed of on site unless in accordance with a scheme submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce the risk of pollution and in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011).

C6 No external lighting shall be installed/erected within the site until details (including light spillage and lux levels) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of protecting the amenity of local residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C7 Any lighting installed/erected at the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified in environmental zone E1 in the Institution of Lighting Engineers document 'Guidance Notes for the Reduction of Obtrusive Light GN01:2011'. In the event of any reasonable complaint to the Local Planning Authority in respect of light intrusion to neighbouring properties, the Applicant (or their successors in title) will be required to demonstrate compliance with these limits.

Reason: In the interests of protecting the amenity of local residents, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C8 No ground works 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).

C 9 No groundworks shall take place until an assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,

- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

Reason: Reason: To ensure potential risks arising from previous site uses have been fully assessed in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 10 No groundworks shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure the proposed remediation plan is appropriate and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 11 The remediation scheme shall be implemented in accordance with the approved timetable of works. Within 6 months of the completion of measures identified in the approved remediation scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Planning Authority.

Reason: To provide verification that the required remediation has been carried out to appropriate standards and in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 10 working days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site.

Reason: To ensure all contamination within the site is dealt with in accordance with the National Planning Policy Framework, in particular paragraphs 120 and 121 and Policy PP20 of the Peterborough Planning Policies DPD (2012)

- C13 Within 4 months of the date of this permission, the entrance gate to the site shall be set 13m back from the adopted highway and the access between the gate and 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).

- C14 No commercial activities shall take place on the land, including the storage of materials and no vehicle over 3.5tonnes shall be stationed, parked or stored on this site

Reason: The impact on amenity, the landscape and highway safety of such activity has not been considered as part of this application and such activity may be found to be unacceptable.

C15 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).

C 16 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).

C17 No areas of impermeable surface shall be laid unless the details of this and the method of drainage have been submitted to and approved by the local planning authority.

Reason: In the interest of flood prevention and in accordance with the NPPF

Copies to Cllrs DA Sanders, D KcKean

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