

Application Ref: 16/01013/FUL

Proposal: Change of use to one extended gypsy and traveller pitch comprising of two static caravans, two tourers and utilities on existing nursery hard standing

Site: Fenvale, Crowland Road, Eye, Peterborough
Applicant: Mr P Maloney

Agent: Mr Barry Nicholls
 Architectural & Surveying Services Limited

Referred by: **Cllr Allen, Brown and Sanders**
Reason: Significant public interest

Site visit: 21.07.2016

Case officer: Mr M A Thomson
Telephone No. 01733 453478
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Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site forms a piece of agricultural land situated 440m north of the settlement boundary to Eye Green. The site is accessed via an existing agricultural access from Crowland Road; the access track runs north parallel to Crowland Road separated by highway verge and a row of trees, before turning west into the application site. The application site is set back some 70 metres from Crowland Road, behind two mature hedgerows. A bund has been built along the northern boundary, which stands in the region of 1m above ground floor level. To the north of the site is an access road serving two dwellings and a stable block; to the south and west is open countryside.

Pre-amble

In 2015 planning permission was refused for an identical scheme for the following reasons. This application has been submitted to try and overcome these reasons.

R1 The application site lies within Flood Zone 2. The Applicant has not submitted a satisfactory sequential test demonstrating that there are no sequentially preferable sites where the development could be situated, and the Environment Agency has objected to the proposal. All development located within Flood Zone 2 should adopt a sequential approach to flood risk and there has been insufficient justification for developing the application site, on the basis that the development would meet an identified need.

R2 Insufficient information has been provided which demonstrates that the proposed static caravans and service would not have an unacceptably adverse harmful impact on the character and appearance of the area.

Proposal

The Applicant seeks planning permission for change of use of the land to one extended gypsy and traveller pitch comprising of two static caravans, two tourers and associated utility buildings.

An amended plan has been received (Drwg FP0001 Rev A) illustrating a static caravan; this drawing has been sent out for public consultation which ends on 22nd September 2016. Should any additional letters of representation be received these will be included as part of the update report.

2 Planning History

Reference	Proposal	Decision	Date
15/01775/FUL	Change of use to one extended gypsy and traveller pitch comprising of two static caravans, two tourers and utilities on existing nursery hard standing	Refused	30/12/2015

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 6 - Presumption in Favour of Sustainable Development

Housing applications should be considered in this context. Policies for the supply of housing should not be considered up-to-date if a 5 year supply of sites cannot be demonstrated.

Section 7 - Good Design

Development should add to the overall quality of the area; establish a strong sense of place; optimise the site potential; create and sustain an appropriate mix of uses; support local facilities and transport networks; respond to local character and history while not discouraging appropriate innovation; create safe and accessible environments which are visually attractive as a result of good architecture and appropriate landscaping. Planning permission should be refused for development of poor design.

Section 10 – Flood Risk

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

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.

CS02 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 25 500 dwellings from April 2009 to March 2026 in strategic areas/allocations.

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.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm,

address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring 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.

Planning Policy for Traveller Sites (2015)

Policy H: Determining planning applications for traveller sites

Peterborough Site Allocations DPD (2012)

SA04 - Village Envelopes

These are identified on the proposals map. Land outside of the village envelope is defined as open countryside.

SA07 - Gypsy and Traveller Transit Pitches

Safeguards land adjacent to Norwood Lane for a transit site (10 pitches) unless alternative provision is made elsewhere within the district.

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.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

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.

PP20 - Development on Land affected by Contamination

Development must take into account the potential environmental impacts arising from the

development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

Peterborough Local Plan 2016 to 2036 (Preliminary Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this document runs from 15 January to 25 February 2016.

At this preliminary stage the policies cannot be afforded any weight with the exception of the calculation relating to the five year land supply as this is based upon the updated Housing Needs Assessment and sites which have planning permission or which are subject to a current application. Individual policies are not therefore referred to further in this report.

4 Consultations/Representations

PCC Enforcement Team

No comments received

Eye Parish Council (29.07.16)

Object - This proposal is outside the village envelope and in the open countryside. It does not make a positive contribution to the area in any way. There is not a safe access from the site on to the A1073 for vehicles or pedestrians and there is not a pedestrian footpath along this busy stretch of road. There are ample travellers pitches within the area.

Travellers Sites

No comments received

PCC Transport & Engineering Services (01.08.16)

No objection - The site is served via an existing agricultural access onto Crowland Road which is classified and subject to a 60 mph speed limit. For an intensification of use such as this, the Local Highway Authority would require visibility splays of 2.4 x 215m to be provided at the site access.

There is an existing sign to the south of the site that shall impede the available vehicle to vehicle visibility from the access. The sign shall therefore need to be re located/raised in height etc. so as not to impede the inter-visibility between motorists. To modify the sign the Applicant will be required to enter into a Section 278 agreement.

Conditions with respect to parking and turning, and visibility splays have also been sought.

PCC Pollution Team

No comments received

Environment Agency (28.07.16)

Comments - The Local Planning Authority needs to assess the appropriateness of the proposed development in this location from a flood risk perspective by applying the Sequential and Exception Tests.

The proposed development site lies partly within Flood Zone 2 and is classified as highly vulnerable. Such uses should only be permitted in Flood Zone 2 if the Sequential and Exception Tests are passed.

Should the proposed development meet the requirements of the Sequential and Exception tests, the Environment Agency would have no objection to the application, as submitted, subject to attaching a condition with respect to the development being carried out in accordance with the submitted Flood Risk Assessment (GCB/ASS Ltd, October 2015).

An informative with respect to Pollution Prevention has also been recommended.

Newborough & Borough Fen Parish Council

No comments received

North Level District Internal Drainage Board (29.07.16)

No objection

Local Residents/Interested Parties

Initial consultations: 10

Total number of responses: 12

Total number of objections: 4

Total number in support: 8

Four letters of objection and 8 letters of support have been received raising the following matters;

4 letters of objection and 8 letters of support have been received raising the following matters;

Objections

- The revised Planning Policy for Traveller Sites (PPTS, 2015) requires that applications for a permanent site (including caravan sites) by persons who do not travel will be considered in the same way as an application from the settled population, as opposed to being considered under policies relating to travellers;
- Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan;
- Paragraph 9 of the National Planning Policy Framework (NPPF, 2012) states that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system;
- Paragraph 17 of the NPPF (2012) states that planning should recognise the intrinsic character and beauty of the countryside. The application site is located in the Countryside ... away from the existing settlement of Eye. The proposal is therefore contrary to Policy H of the PPTS (2015);
- The proposed development is situated within Flood Zone 2 therefore the development is required to pass the Sequential and Exception Tests;
- The development is in conflict with the Policies CS1, CS2, CS9, CS20, CS22 and PP2 as it is situated within the open countryside, conflicts with other plan policies, does not have a safe vehicle or pedestrian access, has an unacceptable visual impact on the open countryside and does not constitute sustainable development.
- It is unclear how foul waste will be disposed of;
- Noise from generators;
- Light pollution from flood lights;
- Harm to neighbour amenity
- There are 5 permanent Gypsy sites within 3 miles of the site and 3 transit sites within the ward;
- The site has been occupied already and has been a nuisance to the surrounding area;
- A large concrete pad has been laid;
- Loss of Grade A Agricultural land;
- There are better suited Gypsy and Traveller sites located within a mile and a half;
- Highway Safety
- A nursery has never existed on site, the name was changed when seeking planning permission for a dwelling;
- History of refusals on the site;
- Power was recently illegally rerouted from the mains power into the application site;
- Advertising of the application
- Dumping of rubbish on and adjacent to the site

- Land ownership;
- Devaluation of property;
- Previous occupiers of the site were arrested due to a number of offences;

Support

- The Applicant is an honest and upstanding member of the Traveller community, very professional, kind and an overall good man;
- The Applicant is a very family orientated and trustworthy person;
- The land is not visible from the road; and
- The family require a fixed abode for their children's education and wellbeing.

Letters of support were received from residents of Eye as well as Fengate, Parson Drove and Peterborough.

As stated above an amended plan is currently out for consultation and the consultation expiry date is 22 September 2016. Should any additional letters of representation be received these will be noted within the update report.

5 Assessment of the planning issues

The main issues associated with this proposal are:

1. Flood Risk;
2. The development's effect on the on the character and appearance of the area;
3. Agricultural Land;
4. Amenity of Existing and Future Occupiers;
5. Whether the site is in a sustainable location;
6. Whether there is a need for additional gypsy and Traveller sites in the area;
7. The Applicants personal circumstances & Human Rights; and
8. Other Matters

1. Flood Risk, the Sequential Test and Exceptions Test.

As advised by the Environment Agency the site lies within Flood Zone 2 and has a high probability of flooding. A caravan site is identified as being a highly vulnerable use therefore a sequential test must be satisfied. If it is found that there are no sequentially preferable sites then an Exceptions test is required to be satisfied.

Further to the revised scheme a sequential assessment has been submitted as part of this application. As the application site is situated within a rural area, the Applicant is required to assess alternative sites situated in an area with a lesser risk of flooding (i.e. Flood Zone 1) within the rural area of the district.

The application site has a site area of 0.4ha; alternative sites can be 20% larger or smaller, however the Applicant has decided to look at sites that are 600% larger or smaller (0.01ha to 3ha).

The applicant has reviewed sites that have been allocated, land and property that are being marketed by estate and land agents, as well as sites that have been rejected during site allocation processes. There are no sites allocated within the current Site Allocations DPD (2014), however the application site has been put forward for consideration as part of the Council's review of the Site Allocations DPD. To confirm the site has not yet been considered as part of this process.

The Applicant has however reviewed a number of sites within the rural and urban area of the district, and are included as Appendix A. These sites have, however, been discounted either due to them being situated within Flood Zone 3, or the fact the land has permission for residential development and/or are situated next to existing residential properties within the urban area of the City.

As such there does not appear to be any sites which are of a similar size that are available, or indeed 600% larger or smaller, that are at a lesser flood risk, and in this instance the Sequential Test is considered to be passed.

Turning to the exceptions test, the development must be safe in flood terms AND provide wider sustainability benefits to the community that outweigh flood risk.

A Flood Risk Assessment has been submitted as part of the application (GCB/ASS October 2015), which states that the site is situated on a passive floodplain, the site would drain into the existing drainage ditch and minimum floor levels would be 400mm above ground with mobile homes fixed to ground anchors. This is considered to be acceptable to both Officers and the Environment Agency.

The matter of need is discussed in detail below, however the proposed development if approved would go towards providing a pitch for a Gypsy and Traveller family, building community cohesion through integration and building pride in Peterborough by taking pride in its diverse culture. The proposal would also provide better access to education and health facilities to the family, which cumulatively are considered to be a community benefit that outweighs flood risk.

Further to letters of representation it is understood that there may be a large expanse of concrete laid historically however it is not clear from the submitted information the extent of the hardstanding. A condition shall be attached securing details of the concrete pad, and the Local Planning Authority would review whether any surface water drainage is required.

Therefore subject to conditions securing details of any hardstanding and a surface water drainage scheme if required, as well as the securing the principles of the Flood Risk Assessment, the proposal would accord with Policies CS9 and CS22 of the Peterborough Core Strategy DPD (2011) and PP4 of the Peterborough Policies DPD (2012). A pollution prevention informative shall also be attached as requested by the Environment Agency.

For the avoidance of doubt if the application site was situated within Flood Zone 3, and no other sequentially preferable sites were identified to be available, Officers would not support such a proposal as caravans are identified as Highly Vulnerable development, and the National Planning Policy Guidance states highly vulnerable development would not be permitted within Flood Zone 3.

2. The development's effect on the on the character and appearance of the area

The application site is situated within the open countryside some 440m north of Eye Green. The landscape is generally flat demarcated by boundary hedges and drainage ditches, and is typical of the Fen landscape. There is a scattering of residential properties, farms and agricultural buildings along Crowland Road.

The access to the site runs parallel to Crowland Road however the mobile home and caravans would be situated some 70 metres to the west, which would be screened by two established rows of hedges and trees that run north/south. The site itself is also bounded by a mature hedge, tree row and bund.

The proposed static caravans would be positioned at 400mm above ground level and given the established landscaping around the site and its distance from the road it is not considered that the proposed development would harm the landscape character of the area.

The proposed utility building proposes to stand at 3.4m in height; this has been reduced in height from 3.8m and is considered to be of an acceptable size and scale given the established boundary treatment.

The submitted site plan (Drwg OS0002) illustrates a service shed and septic tank however details of these have not been provided. These details should be secured by planning condition, should permission be granted.

A letter of representation has advised that there are a number of permanent and transit sites within 3 miles of the application site; the nearest site is a single pitch situated 200m south adjacent to an existing bungalow. Given the topography of the land and natural screening of the site if this site were granted planning permission it is not considered to result in an adverse proliferation of sites that would cumulatively harm the landscape character of the area.

Given the established landscaping that surrounds the application site the proposed static caravans, touring caravans and utility building would not have a harmful impact on the landscape character of the area, and details of the proposed service shed and septic tank can be secured by planning condition. Subject to this condition the proposal would accord with policies CS9, CS16 and CS20 of the Peterborough Core Strategy DPD (2011), Policy PP2 of the Peterborough Policies DPD (2012) and Policy H of the PPTS (2012).

3. Agricultural Land

Referring to the Agricultural Land Classifications Map (Natural England, 2011) it identifies the application site as being Grade 2. The NPPF identified this as the best and most versatile agricultural land, and both Policy CS9 and Paragraph 112 of the NPPF (2012) seek to protect agricultural land; where significant development is proposed it should be directed to lower quality land. Whilst it is acknowledged that an area of hardstanding may have been laid historically the proposed plans indicate that the proposed caravans would be situated on two concrete pads with an area of 15m x 4m. The scale of development is considered to be small and whilst the Applicants have not justified the loss of agricultural land it is considered at this scale that the land could revert back to agriculture in the future.

4. Amenity of Existing and Future Occupiers

The nearest residential properties are situated between 80m and 100m to the north and west; given the distances involved, intervening trees and hedge rows and given that a bund has been constructed along the northern boundary it is not considered that the proposal would harm the amenity of nearby properties by virtue of day to day activities. Letters of representation have advised concerns of generators and noise, as well as light pollution from flood lighting. Details of generators and flood lights have not accompanied this application, however details could be secured by condition should planning permission be granted to ensure that any generators accord with a set noise limits, and any flood light system be sensitive to this countryside location.

The caravans would benefit from a communal area which is surrounded by open countryside; as such future occupiers would have sufficient amenity space.

A letter of representation has raised that chemicals in relation to a previous use that occurred on the site may be harmful to existing and future occupiers. In the interests of safety it is therefore considered reasonable to secure a Phase 1 contaminated land assessment prior to the occupation of the site. This would inform whether any additional survey work and/or mitigation would be required.

The proposed development is not considered to impact on neighbouring occupiers and would provide a sufficient amenity space for future occupiers, and details of generators and flood lighting could be secured by condition were this application recommended for approval. The proposal would accord with Policy CS16 of the Peterborough Core Strategy DPD (2011) and PP3 and PP4 of the Peterborough Policies DPD (2012).

5. Whether the site is in a sustainable location

Eye Green is identified as a Key Service Centre by Policy CS1 of the Peterborough Core Strategy DPD (2011); these settlements contain a wide range of services and facilities to meet people's daily needs, including a primary school, doctor's surgery and a range of shops and services. It also provides employment opportunities and has good access to Peterborough by car and public transport.

The Application site is situated some 450m from the edge of settlement, whilst there is no pedestrian footpath along this section of Crowland road and there would be a heavy reliance on car-borne trips, the application site is not considered to be in an unsustainable location.

6. Whether there is a need for additional gypsy and Traveller sites in the area

The development plans for the District consists of the Peterborough Core Strategy DPD (2011) and the Peterborough Site Allocations DPD (2014).

The Planning Policy Traveller Sites (PPTS, 2015) and the Gypsy and Traveller Needs Assessment (GTANA, 2011) are also relevant.

Paragraph 4 of the PPTS (2015) states that Local Authorities are to develop fair and effective strategies to meet needs; promoting more private site provision; increasing the number of sites in appropriate locations; addressing under-provision and maintaining an appropriate level of supply, and enabling the provision of accommodation from which travellers can access education, health and other services.

Paragraph 10 of the PPTS (2015) requires Local Authorities to provide a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets and identify a supply of specific, developable sites or broad locations for growth, for years six to ten and, where possible, for years 11-15.

Policy CS9 states that '... in Peterborough there are currently 2 Council owned sites and 9 private sites. The Council owned sites are located at Oxney Road and Paston Ridings on the eastern side of the City and are large in size. The private sites are located in the urban and rural areas to the north and east of the City and the number of pitches on each site varies, with the largest site accommodating an extended family on eight pitches'.

Peterborough City Council own the following sites;

Address	No. of Pitches	Application Ref.	Distance to Application Site
Oxney Road	22 x permanent pitches and 4 x long stay	91/P0292	4km
Paston Ridings	50 permanent pitches and 2x long stay	90/P0632	3.5km

Policy SA7 of the Peterborough Site Allocations DPD (2014) has safeguarded an extension to Paston Ridings for 10 additional permanent pitches, however it is understood by Officers that this is no longer going to be delivered.

The following planning applications have either been granted by the Local Planning Authority or allowed at appeal since the Core Strategy was adopted in 2011;

Address	No. of Pitches	Application Ref.	Distance to Application Site
Hurn Road, Werrington	2 x static caravans and 1 x touring caravan	11/01704/FUL	7.2km
Northey Road, Peterborough	1 x residential caravan, 2 x ancillary caravans, 2 portacabins	12/01565/FUL	5.5km
Northey Road, Peterborough	1 x static caravan and 2 x touring caravans	13/00384/FUL	5.5km
Crowland Road, Eye	1x static caravan	14/01242/FUL	200 metres

Northey Road, Peterborough	2 x touring caravans	14/01375/FUL	5.5km
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For the avoidance of doubt the sites on Northey Road are all separate application sites.

Taking the above into account and Table 5 (pg 20) of the Peterborough Gypsy and Traveller Accommodation Needs Assessment 12 pitches are still required to be provided within Peterborough District by 2021. As the district is unable to deliver its current identified need for this plan period the principle of development is accepted. However, in accordance with Paragraph 11 of the PPTS (2015) criteria-based policies should be included to provide a basis for decisions if applications come forward. Policy CS9 of the Peterborough Core Strategy (2011) is therefore relevant. Policy CS9 states the criteria which will be used to assess suitable new Gypsy and Traveller sites are;

- (a) 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;
- (b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school;
- (c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing;
- (d) the site should be served, or be capable of being served, by adequate mains water and sewerage connections; and
- (e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

It is a requirement to meet all of these criteria. As set out within Section 1 (Flood Risk) above it has been demonstrated that there are no other sequentially preferable sites within the Authority situated in an area with a lesser risk of flooding, and it is not considered that the proposal would harm the character and appearance of the area, therefore the proposal is considered to accord with Policy CS9(a) and Paragraphs 100-104 of the NPPF (2012).

Eye Green is identified as Key Service Centre and benefits from a primary school, a library, doctor's surgery and other main services. The application site is located 450m from the edge of this settlement and whilst most trips would be car borne the site is not considered to be situated within an unsustainable location.

The Local Highways Authority have raised no objection subject to a condition securing a road sign be raised situated south of the vehicle access at the Applicant's cost, which would achieve satisfactory visibility splays for a 60 mph road. There would be sufficient space to park and turn on site. Subject to securing these matters the proposal would not result in an adverse highway safety risk.

The nearest residential properties are located in excess of 80m north and north-west, as such it is not considered that the proposal would harm the amenity of nearby properties, however as outlined within Section 2 details of any generators and external illumination would be required by way of condition should planning permission be granted, as well as a contaminated land survey.

Finally, the site could be served by water services, bin collection and waste is proposed to be dealt with by a septic tank located on site; details could be secured by planning condition.

When assessed against these policies it has been identified that there is a need for additional

pitches, and this revised scheme has demonstrated that there are no sequentially preferably sites with a lesser risk of flooding, and the proposal would not have an adverse impact on the character of the area. The proposal therefore is considered to accord with Policy CS9(a-e) of the Peterborough Core Strategy DPD (2011).

7. The Applicants personal circumstances & Human Rights

With respect to personal circumstances a letter of support from the Peterborough City Council's Gypsy, Roma, Traveller Family Liaison Officer has been submitted advising that the Applicant and his family wish to live on site, to live close to family and for their children to attend school and for their health wellbeing. This letter of support advises that it is vital for the family and children be provided an opportunity to settle. 7 letters of support have also been submitted advising that the Applicant is an honest and upstanding member of the traveller community. The Agent has orally stated that the applicants would not reside on the site permanently and would continue to travel seasonally.

The Human Rights Act 1998 means that it is now, subject to certain circumstances, directly unlawful for a public authority to act in a way which is incompatible with a Convention right. In particular Article 8 (respect for private and family life) and Article 1 of Protocol 1 (peaceful enjoyment of property) apply to planning decisions.

When a planning decision is made there is further provision that the Authority must take into account the public interest. In the vast majority of cases existing planning law has for many years demanded a balancing exercise between private rights and public interest and therefore the Local Planning Authority's decision making will continue to take into account this balance.

The Applicant, his wife and four children (aged 3-12 years) would reside on site when they are not travelling seasonally for work. It is understood that the family have relatives within the area and the children attend school and nursery here in Peterborough when the family are not travelling. It is understood that the family have resided on the roadside when they have been in the Peterborough area.

The scheme is for one pitch comprising two static caravans and two touring caravans. It is reasonable to have two static caravans for a large family given the age and gender of the children. It is understood that the second touring caravan space may be used by the Applicants brother or sister in law when visiting; given that there are no known available transit pitches within Peterborough if permission is granted it would be reasonable to condition that the pitch is only used by the Applicant's family and for persons that meet the Gypsy and Traveller definition. For the avoidance of doubt any further pitches would require planning permission, as this application has been considered for the Applicant's personal circumstances only.

Based on the information submitted it is considered that the applicant meets the definition of a Gypsy and Traveller, as set out under the Annex 1 of the Planning Policy for Traveller Sites (August 2015) and there is sufficient evidence of personal circumstances to support this revised application.

8. Other Matters

Site is already occupied - The Case Officer made three separate visits in 2015 and further visits in 2016 where activity was observed on only one occasion, however the site did not appear to be occupied.

The site is not a nursery, it never has been - Each application is considered on its own merit. The planning history of the site can be found at the top of the Case Officer report.

Power illegally diverted into the site - Should planning permission be granted the future occupiers would need to secure infrastructure into the site from the relevant utility companies.

Advertising of the application - A letter of representation raised concern with the siting of the site notice. The site notice was sufficient to notify members of the public that a planning application had been made within the area, in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). Neighbours to the application site and members of the public that expressed interest in the previous application were notified by letter.

Devaluation of property - This is not a planning matter and cannot be legally considered by the Local Planning Authority.

Previous occupiers of the site were arrested due to a number of offences - This is not a planning matter.

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 has been demonstrated that there are no sequentially preferable sites that are available situated within a location with a lesser risk of flooding, the development would be resilient to flooding and it has been demonstrated there would be a community benefit, therefore the proposal would accord with Policies CS9 and CS22 of the Peterborough Core Strategy DPD (2011) and Paragraphs 100-104 of the National Planning Policy Framework (2012)
- the proposed development would not have an unacceptable impact on the amenities of neighbouring properties, that the site is within a reasonable distance of local services and facilities, that there is sufficient parking and has a safe vehicular access, and would therefore accord with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and PP12 and PP13 of the Peterborough Policies DPD (2012).
- the proposed development would not have an unacceptable impact on the landscape character of the area, nor would it result in an unacceptable cumulative impact with other developments of a similar type within the locality, and would therefore accord with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

7 Recommendation

The case officer recommends that Planning Permission is **GRANTED** subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (Ref GCB/ASS Ltd) dated October 2015 and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 400mm above the existing ground levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy C22 of the Peterborough Core Strategy DPD (2011) and PP4 of the Peterborough Policies DPD (2012).

- C 3 Prior to the occupation of the development hereby approved a plan illustrating the extent of existing and proposed hard standing and any necessary drainage details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the hardstanding and any necessary drainage shall be implemented in accordance with the approved details, and thereafter maintained as such in perpetuity.**

Reason: In the interest of protecting the character and appearance of the area and managing surface water drainage, in accordance with Policies CS16 and CS22 of the Peterborough Policies DPD (2011) and PP2 of the Peterborough Policies DPD (2012).

- C 4 Notwithstanding the submitted details prior to the occupation of the site details of the proposed service shed and septic tank, as well as any generators and flood lighting, shall be submitted to and approved in writing by the Local Planning Authority.**

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.

For the avoidance of doubt 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.

Thereafter these features shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interest of protecting the character and appearance of the area, in accordance with Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011) and PP2 and PP3 of the Peterborough Policies DPD (2012).

- C 5 Prior to the occupation of development hereby permitted vehicle to vehicle visibility splays of the following dimensions 2.4m x 215m shall be provided on both sides of the access and shall be maintained thereafter free from any obstruction over a height of 600mm within an area of 2.4m x 215m measured from and along respectively the channel line of the carriageway.**

Reason: In the interest of highway safety, in accordance with Policy PP12 of the Peterborough Policies DPD (2012).

- C 6 Notwithstanding the submitted information and prior to the occupation of development hereby permitted adequate space for 2x vehicles to park and turn clear of the public highway shall provided on site and those areas shall not thereafter be used for any purpose other than the parking and turning of vehicles.**

Reason: In the interest of ensuring that satisfactory parking and turning is provided, in accordance with Policy PP12 and PP13 of the Peterborough Policies DPD (2012).

- C 7 The site shall be limited to one pitch containing no more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. At any one time two shall be static caravans.**

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 8 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 (2015).**

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

- C 9 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.

- C10 The development or occupation of the site shall not occur or commence until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented where possible. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:**

a) A Phase I desk study carried out by a competent person to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority without delay upon completion.

b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved details.

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). This is a pre-

commencement condition because contamination must be adequately remediated prior to occupation or development commences on site.

- C11 **Where the risk assessment identifies any unacceptable risk or risks, an appraisal of remedial options and proposal of the preferred option to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt and written approval of the preferred remedial option by the Local Planning Authority.**

This must be conducted in accordance with DEFRA and the Environment Agency's "Model procedures for the Management of Land Contamination, CLR11". No development shall be carried out except in accordance with the approved remedial details unless an alternative scheme has been submitted to and approved in writing by the Local Planning Authority.

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). This is a pre-commencement condition because contamination must be adequately remediated prior to occupation or development commences on site.

- C12 **On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.**

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).

- C13 **The development hereby permitted shall be carried out in accordance with the following approved plans and reports:**

- **OS003 - Location Plan**
- **OS0001(1) - Existing Site Plan**
- **OS0002(1) – Proposed Site Plan**
- **FP0001A – Static/Tourer and Service Building Proposed elevations and floor plans**

Reason: For the avoidance of doubt and in the interest of proper planning.

Additional Information

Appendix 1 – ‘Appendix 2 – Sequential Test – Evaluation of Similar Sized Sites’

Copies sent to Cllr Allen, Cllr Brown, and Cllr Sanders

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