

Application Ref: 17/01785/FUL

Proposal: Four additional pitches/caravans (8 in total) and erection of Day Room in association with the existing Traveller site to serve one extended family

Site: Lazyacre, Werrington Bridge Road, Milking Nook, Peterborough

Applicant: Mr RICHARD SMITH

Agent: Mr Barry Nichols
ARCHITECTURAL & SURVEYING SERVICES LTD

Referred by: Newborough and Borough Fen Parish Council

Reason: Residential development in the countryside, impact on the area due to size of development, highway implications and precedent

Site visit: 21.11.2017

Case officer: Mrs J MacLennan

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Recommendation: **GRANT** subject to relevant conditions

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

Site and surroundings

The application site is approximately 0.24 hectares and is located on the eastern side of Werrington Bridge Road, approximately 100m south of the junction with Bridgehill Road. The site is approximately 700m from the urban area boundary and is therefore on land designated as open countryside. The site contains a number of caravans including one static caravan/mobile home. There is a brick built toilet/utility block at the north west corner of the site and a wooden shed abutting the western boundary. The site is enclosed by timber fencing and mature shrubs. There is an access off Werrington Bridge Road.

The nearest group of dwellings are located immediately to the north of Bridgehill Road. To the east along Bridgehill Road, there are sporadically located dwellings which are primarily associated with agricultural and commercial enterprises otherwise the area comprises a relatively flat landscape. The site has a dense hedge to the frontage to the west which precludes views into the site. The remaining boundaries are formed by 2m high fencing with shrubs/trees behind.

Proposal

The application is a revised scheme following two former refusals for a day room ref. 16/00348/FUL (also dismissed at appeal) and ref. 15/00971/FUL (refused by members of the Planning and Environmental Protection Committee on 27.10.2015).

The application under consideration is as follows:

- Addition of 4 pitches/caravans (8 in total)
- Erection of a day room. The building would have a square footprint 9.6m x 9.9m with a hipped roof to a maximum height of 4m

The proposal is for an increase in the number of caravans for one extended family to cater for the family's children and grandchildren and comprises an increase in the overall site area.

2 Planning History

Reference	Proposal	Decision	Date
01/00595/FUL	Proposed two household residential traveller caravan site (4 caravans) utility block, workshop/store/pony paddock	Refused	06/12/2002
04/01786/FUL	Siting of four residential caravans and utility block	Refused	08/03/2005
08/00273/FUL	Storage unit for lorry	Refused	24/07/2008
15/00971/FUL	Erection of a day room	Refused	30/10/2015
16/00348/FUL	Proposed day room	Refused	20/04/2016

3 Planning Policy

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

National Planning Policy Framework

Planning policy for traveller sites - 2015 (DCLG)

Planning Policy for Traveller Sites (revised August 2015) which should be read in conjunction with the National Planning Policy Framework sets out the Government's planning policy for traveller sites. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic life of travellers while respecting the interests of the settled community.

Peterborough Core Strategy DPD (2011)

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.

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.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

CS26 - Mineral Safeguarding Areas

Development will only be permitted where it can be demonstrated that the mineral concerned is no longer of economic value, the mineral can be extracted prior to development taking place, the development will not inhibit extraction in the future, there is an overriding need for the development and prior extraction cannot be reasonably undertaken or the development is not incompatible.

Peterborough Planning Policies DPD (2012)

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.

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 took place between December 2016 and 9 February 2017. The responses are currently being reviewed. At this preliminary stage only limited weight can be attached to the policies set out therein.

Gypsy and Traveller Accommodation Assessment (GTAA) 2016

The Cambridgeshire, King's Lynn & West Suffolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment (GTAA) was published in October 2016. The GTAA set out the findings of the assessment in relation to current and future gypsy and traveller need for pitch provision. The study concluded that there is no need for any additional pitches for households that meet the new definition. There is an "unknown" need which may vary from as little as two pitches upwards.

4 Consultations/Representations

PCC Minerals And Waste Officer (Policy) – No objection - The proposed site sits within a Minerals Safeguarding Area for Brickclay (Minerals and Waste Core Strategy policy CS28). No information appears to have been submitted demonstrating the existing layout of the site, however it is my understanding that application 04/01786/FUL for the siting of four residential caravans has been approved at appeal and implemented, and is based on the same red line. Should this be the case I would have no objection to the current proposals. However, if any information comes to light which suggests a different site boundary is being proposed I may seek to review these comments.

North Level District Internal Drainage Board - North Level Drainage Board has no comments to make on the application.

Environment Agency – No objection - This proposal falls outside the scope of matters which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

GeoPeterborough (Sites Of Interest) - No comments received

Newborough & Borough Fen Parish Council – Objection - The Council reject the proposed development because it is in open countryside. This site is adjacent to the protected landscape that is Peterborough Fen. As such residential development outside of the village envelope and designated areas should be refused. We accept this extended gypsy/traveller family have an established site at Lazy Acre. Further development, however, would extend beyond what was

approved as acceptable by the Planning Inspectorate. As a consequence the development of a permanent residential settlement would have a very different impact upon the open countryside. There is scarce case law for such developments. We would therefore ask that this development should be considered on its merits as it would set the precedent for a large number of sites within Peterborough and our parish to be developed.

The development would be a significant impact upon our local countryside by allowing a new permanent development on this site. The proposed day room is of a significant size and with the plan including toilet facilities it should be considered as a domestic dwelling. Kitchen and bathing facilities could be easily added to a building of this size. It is of a similar size to other bungalows in the area and should be, in our opinion, be considered as a domestic dwelling and not a day room.

The increased number of vehicles journeying to and from this site would bring an extra hazard to the traffic travelling along this very busy, badly repaired, narrow unclassified road.

Although we are receptive to the needs of the family we feel doubling of the pitches on this site along with addition of an extremely well-equipped Day Room will establish a very large development in open countryside. As mentioned in your application there are also additional caravans visiting the property on a regular basis.

There is a discrepancy with the description of the application and that within the application form.

Request the application is referred to planning committee if the recommendation is to approve.

Local Residents/Interested Parties

Initial consultations: 15

Total number of responses: 6

Total number of objections: 0

Total number in support: 5

6 letters have been received raising no objection and in support of the application as follows:

- No objection from a neighbouring resident
- Lazyacre should be given every opportunity to have a day room and 4 additional pitches - I wholeheartedly support their application.
- I have seen Mr Smith flourish as a family man and in business
- He maintains a high regard within the community
- The scheme would greatly improve Margaret's (applicant's wife) quality of life

5 Assessment of the planning issues

Background

Planning permission was allowed at appeal in 2006 for the siting of 4 residential caravans, the construction of a utility block and the laying of a hardstanding (04/01786/FUL). The approval was subsequent to an earlier application for 'a two household residential traveller caravan site (4 caravans) utility block, workshop/store/pony paddock' which was refused and dismissed at appeal.

However, the allowed application proposed a smaller utility block and no workshop or stable and was on a smaller parcel of land. The Inspector conceded that the proposed layout and positioning the small utility block at the north western corner of the site and the positioning of 3 caravans at the rear of the site in parallel to the road and another close to the northern boundary would minimise their visual impact from outside the site.

The Inspector also considered that this was a good location for a small family gypsy site and while there would be a limited degree of harm, in terms of its impact upon the character and appearance of the area, this was considered to be relatively small and could be rendered satisfactory in time, were it possible to establish additional screen planting along the southern boundary.

An application was submitted in 2015 for the erection of a day room (ref.15/00971/FUL). This application was refused by Members of the Planning and Environmental Protection Committee on 27th October 2015 for the following reason:

'The size, layout and design of the proposed day room would be tantamount to a permanent dwelling. Policy CS9 of the Adopted Peterborough Core Strategy DPD seeks to restrict permanent structures to small amenity blocks in order to protect the character and appearance of the open countryside from development. The proposed dayroom would be visible from outside the site and would represent an intrusive feature within the open countryside. Hence the proposal would be contrary to policies CS9 and CS20 of the Adopted Peterborough Core Strategy DPD. No evidence as to any personal circumstances has been submitted by the applicant which is sufficient to outweigh planning policy.'

An identical application was submitted in 2016 (ref. 16/00348/FUL) which was also supported with assessment reviews undertaken by the City Council's Occupational Therapy Team.

The application was refused under delegated powers for the following reason:

The size, layout and design of the proposed day room would be tantamount to a permanent dwelling. Policy CS9 of the Adopted Peterborough Core Strategy DPD seeks to restrict permanent structures to small amenity blocks in order to protect the character and appearance of the open countryside from development. The proposed dayroom would be visible from outside the site and would represent an intrusive feature within the open countryside. Hence the proposal would be contrary to policies CS9 and CS20 of the Adopted Peterborough Core Strategy DPD. Information in respect of the personal circumstances of a member of the applicant's family has been provided in support of the application however this information is not sufficient to outweigh planning policy.

The application was subsequently dismissed at appeal.

The principle of development

Policy CS9 of the Adopted Peterborough Core Strategy DPD seeks to make provision for gypsies and travellers to meet their accommodation needs and sets out criteria for the determination of planning applications for private pitches which proposals must meet to be acceptable. The policy is consistent with the National Planning Policy Framework (NPPF) in promoting sustainable development and the Planning Policy for Traveller Sites (PPTS).

The criteria which will be used to identify suitable new Gypsy and Traveller caravan 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 floodrisk, 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.

The policy goes on to state 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), that the intended occupants meet the definition of Gypsies and Travellers, as set out in Government guidance, and provided that the above criteria (a) to (e) are met. In the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch.

The forthcoming policy LP10 of the Peterborough Proposed Submission Local Plan reiterates and is consistent with policy CS9.

This is an existing Gypsy and Traveller site and therefore the principle of the use is established. Furthermore the criteria of policy CS9 is deemed to be met in that the site is not within an area at risk of flooding, the site is not contaminated, the site lies near to the urban area boundary, the site has an existing access to Werrington Bridge Road and adequate parking and turning provision, the site is served by water and sewerage connections and due to its location, there are no implications for neighbouring amenity.

On the basis of the evidence presented the family also meet the current government's definition of a Gypsy and Traveller as set out in the Annex to the PPTS.

In accordance with policy CS9 the main planning considerations therefore are the impact the additional caravans and day room would have on the visual amenity of the area (criterion (a)) and the need for the additional accommodation.

Design and Visual Amenity

Increase in number of caravans

The site area which accommodates the caravans would be extended to that approved under the 2006 scheme and would extend 70m from the Werrington Bridge Road frontage; 30m more than the approved scheme. The site would extend into a paddock area.

It was clear from the site visit when the appeal application was being considered that there were several more caravans present on site than the 4 allowed under the former permission. The Inspector's Decision confirmed that there were 6 touring caravans and a static caravan on site at the time of the appeal visit. The application states that there are 8 caravans on site and that this has been the case for a number of years.

The application is to formally apply for permission to increase the number of caravans on site from 4 to 8 to accommodate the members of the applicant's extended family. Consideration is therefore given to the appropriateness of the site as a larger site for Gypsy and Travellers.

The NPPF recognises the intrinsic character and beauty of the countryside. PPTS does not require that sites are completely screened from view but seeks to ensure that sites have adequate landscaping however that they are not enclosed by so much hard landscaping, high walls or fences giving the impression that the site and its occupants are deliberately isolated from the rest of the community, rather than isolating them, increases their openness.

Policy CS20 of the Core Strategy advises that new development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape character area and sub area in which it would be situated. The site is screened to the frontage by a mature hedge which precludes direct views into the site. In addition due to existing boundary hedgerows the paddock area is also substantially screened to views into this part of the site.

Therefore it is considered that the proposed development would not result in significant harm in terms of the character and appearance of the open countryside.

Dayroom

The size of the building has been reduced in size and has a different design compared with the

former application refused on appeal, which proposed a an 'L'-shaped footprint of 132m (13m x 11m – max). The former scheme showed a single storey building with a dual pitched roof to a maximum height of 5m.

The footprint of the building now proposed would be 9.9m x 9.6m, square in shape with a hipped roof design to a maximum height of 4m. The building would be of brick and tile construction. The building would have two WCs, a utility room, a kitchen, lounge and dining room.

The existing brick utility building, located at the north-west corner, provides the only toilet and bathroom facilities.

In the appeal decision the Inspector accepted that there is a larger number of family members on site than would have been the case in 2006; and that on gypsy and traveller sites, day rooms sometimes include a dining area and no such provision existed on the site at present. However, the Inspector concluded that as the number of static and/or touring caravans on the land is restricted to a maximum total of 4, the combined scale of any such facilities that could be reasonably expected under the 2006 decision would not, in the Inspector's opinion, be as large as the proposal and that improved communal facilities for the permitted number of caravans could be provided by a less intrusive built form.

It is considered that the increase in site area and the increase in the number of caravans would justify a larger utility block and provision for dining as a family.

The applicant has provided examples of similar day rooms permitted by Huntingdon District Council for example. Planning permission has recently been granted in South View, Harpers Drove, Ramsey Heights, Huntingdonshire for a dayroom of the same footprint as currently proposed.

The building would have a maximum height of 4m and the hipped roof would reduce the amount of building which would be visible from Werrington Bridge Road.

Material consideration

The reason previous applications for a dayroom were submitted was to improve the facilities for Mrs Smith (applicant's wife) who lives on the site and has various medical conditions that severely affect her mobility. The proposal would allow improved access to toilet and hygiene facilities and so on.

The Inspector gave significant weight to the medical conditions and to her rights under the Human Rights Act 1998 and to the requirements of the Equality Act 2010. However, the Inspector concluded that the building would remain after her personal circumstances have ceased to be applicable and he considered that her stated needs did not justify a building of the proposed size with its large communal room and its 2 studies. The Inspector implied that the existing utility building could be altered or replaced to serve the requirements better. The medical conditions of Mrs Smith did not justify the proposal in light of the harm that would result.

The former scheme proposed a building with a much larger footprint to the scheme now under consideration. The height of the building would be 1m lower than the former scheme and the fully hipped roof design would reduce the visual impact the character and appearance of the open countryside.

It is considered reasonable to seek the removal of the existing utility block once the dayroom has been constructed to avoid the cluttering of the site. In addition, a condition would be appended to the decision notice to ensure the day room is not occupied for permanent residential use.

It is considered that the proposal would accord with policies CS16 and CS20 of the Adopted Peterborough Core Strategy DPD.

The Need for the Additional Pitches/Caravans

The Cambridgeshire, King's Lynn & West Suffolk, Peterborough and West Suffolk Gypsy and Traveller Accommodation Assessment (GTAA) was published in October 2016. Pages 99 to 101 of the GTAA set out the findings of the assessment in relation to current and future gypsy and traveller need for pitch provision.

The study concluded that there is no need for any additional pitches for households that meet the new definition. There is an "unknown" need which may vary from as little as two pitches upwards. The Council's position on this matter is set out in the Peterborough Housing Strategy 2016 – 2021. This strategy was approved for adoption by Full Council on 12 April 2017. Following the latest GTAA conclusion that there is no need for additional pitches, the Council will not be allocating pitches in the forthcoming local plan. It will meet the unknown need through consideration of individual planning applications against a criteria based policy in much the same way as the current Core Strategy policy CS9.

Notwithstanding the conclusions of the GTAA in a recent appeal decision for Mile Drove, Glinton, the Inspector had concerns regarding the robustness of the Study and he stated that it is more likely that the Council cannot demonstrate an adequate supply to meet current need for gypsy and traveller sites. This needs to be given weight in the Council's decision making.

Under this proposal the applicant seeks the lawful provision of additional caravans to meet the changing needs of the family, in that his own children have married and now have children of their own. This consent would be personal to the applicant and his extended family and the proposal would meet this need.

If members of the family are required to vacate the site then another site would have to be secured. Such a site may not be in such a favourable location as Lazy Acre in terms of its relatively close access to services and facilities.

The Parish Council has raised concern regarding the proposal setting an undesirable precedent for a large number of sites within Peterborough and the parish to be developed. However each application is judged on its merits and in this particular case it is not considered that a precedent would be set as this is an established site which has existed for a number of years.

It is considered that the proposal demonstrates a need for the additional pitches and caravans and therefore accords with policy CS9 of the Adopted Peterborough Core Strategy DPD.

Highway implication

The existing access would be unchanged and there is ample parking provision within the site. Hence the proposal would not unduly impact upon the adjacent highway and accords with policy PP12 of the Adopted Peterborough Planning Policies DPD.

Neighbouring Amenity

The site is isolated in character and therefore the proposal would not impact on neighbouring amenity and would therefore accord with policy PP3 of the Adopted Peterborough Planning Policies DPD.

The Parish Council has queried the description of the application and that within the application form. The description was amended by the LPA as it implied there was already permission for 8 caravans. The description was amended to refer to an increase in 4 caravans.

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:

- This is an existing Gypsy and Traveller site and therefore the principle of development is already established;
- The increase in number of pitches/caravans from 4 to 8 would not materially change the character of the site;
- The consent would be personal to the applicant due to the need of additional caravans for his extended family;
- The dayroom would not have an independent residential use;
- The site is substantially enclosed by hedgerow and boundary fencing and therefore it would be satisfactorily screened from views outside of the site;
- The proposed day room would be visible above the boundary, however, such views would not unduly impact on the character and appearance of the open countryside.
- The proposal would not result in any unacceptable impact on the adjacent highway; and
- The site would not adversely impact on the amenity of nearby residents.

Hence the proposal accords with policies CS9 and CS20 of the Adopted Peterborough Core Strategy DPD and policies PP2, PP3 and PP12 of the Adopted Peterborough Planning Policies DPD.

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 site shall be occupied only by Mr Richard Smith and his extended family.

Reason: In accordance with CS9 of the Adopted Peterborough Core Strategy DPD and Annex 1 of the Planning policy for traveller sites 2015.

- C 3 The Day Room building hereby approved and as detailed on plan ref: FP0001 received 21st September 2017 shall be used solely as a day room building and shall not be used for sleeping nor shall there be any furniture associated with sleeping.

Reason: The site is in an area where residential development in the form of permanent residential buildings would not normally be permitted in accordance with policies CS1 of the Adopted Peterborough Core Strategy DPD.

- C 4 No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time.

Reason: In the interests of the visual amenity of the area and in accordance with policy CS9 of the Adopted Peterborough Core Strategy DPD.

- C 5 No development other than groundworks and foundations shall take place until details of the materials to be used in the external elevations of the Day Room hereby approved have been

submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 6 No gates of supporting piers shall be erected at the site entrance until the details have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C 7 No external lighting shall be installed or erected within the site until details 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 visual amenity and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

- C 8 The hedges on the western, northern and eastern boundaries shall be retained. Any trees of plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity and in accordance with policy CS16 of the Adopted Peterborough Planning Policies DPD.

- C 9 No commercial activities shall take place on the land, including the storage of materials.

Reason: In the interest of visual amenity of the open countryside location and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

- C10 No vehicle over 7.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interest of visual amenity of the open countryside location and in accordance with policy CS16 of the Adopted Peterborough Core Strategy DPD.

- C11 Space shall be made available at all times to enable the turning and parking of all vehicles visiting the site.

Reason: To ensure that vehicles can leave the site in forward gear and in accordance with policy PP12 of the Adopted Peterborough Planning Policies DPD.

- C12 Notwithstanding the details hereby approved within 3 months of the dayroom being brought into use the existing utility block shall be demolished and removed from site.

Reason: In the interests of visual amenity and in accordance with policy CS1 and CS16 of the Adopted Peterborough Core Strategy DPD.

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

- * Location Plan drg. no. OS0001
- * Proposed Site Plan drg. no. OS0002
- * Proposed Block Plan drg. no. BL0001
- * Proposed Floor Plan drg. no. FP0001
- * Proposed Elevations drg. no. EL0001

Reason: For the avoidance of doubt to in the interests of proper planning.

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