

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 5 MARCH 2013
1.30 PM

Bourges/Viersen Rooms - Town Hall

AGENDA

Page No

1. Apologies for Absence

2. Declarations of Interest

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification" that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. Members' Declaration of intention to make representations as Ward Councillor

4. Development Control and Enforcement Matters

- | | | |
|-----|---|----------------|
| 4.1 | 12/01734/FUL - Land on the South West Side of Northey Road, Peterborough | 1 - 12 |
| 4.2 | 13/00064/MMFUL - Warehouse B1, First Drove, Fengate, Peterborough | 13 - 20 |
| 4.3 | 12/01106/OUT - Perkins Sports Association Club Site, North of Ideal World, Newark Road, Peterborough | 21 - 24 |



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Gemma George on 01733 452268 as soon as possible.

Committee Members:

Councillors: Serluca (Chairman), Casey (Vice Chairman), Hiller, North, Stokes, Todd, Shabbir, Sylvester, Lane and Harrington

Substitutes: Councillors: Kreling, Martin and Ash

Further information about this meeting can be obtained from Gemma George on telephone 01733 452268 or by email – gemma.george@peterborough.gov.uk

CASE OFFICERS:

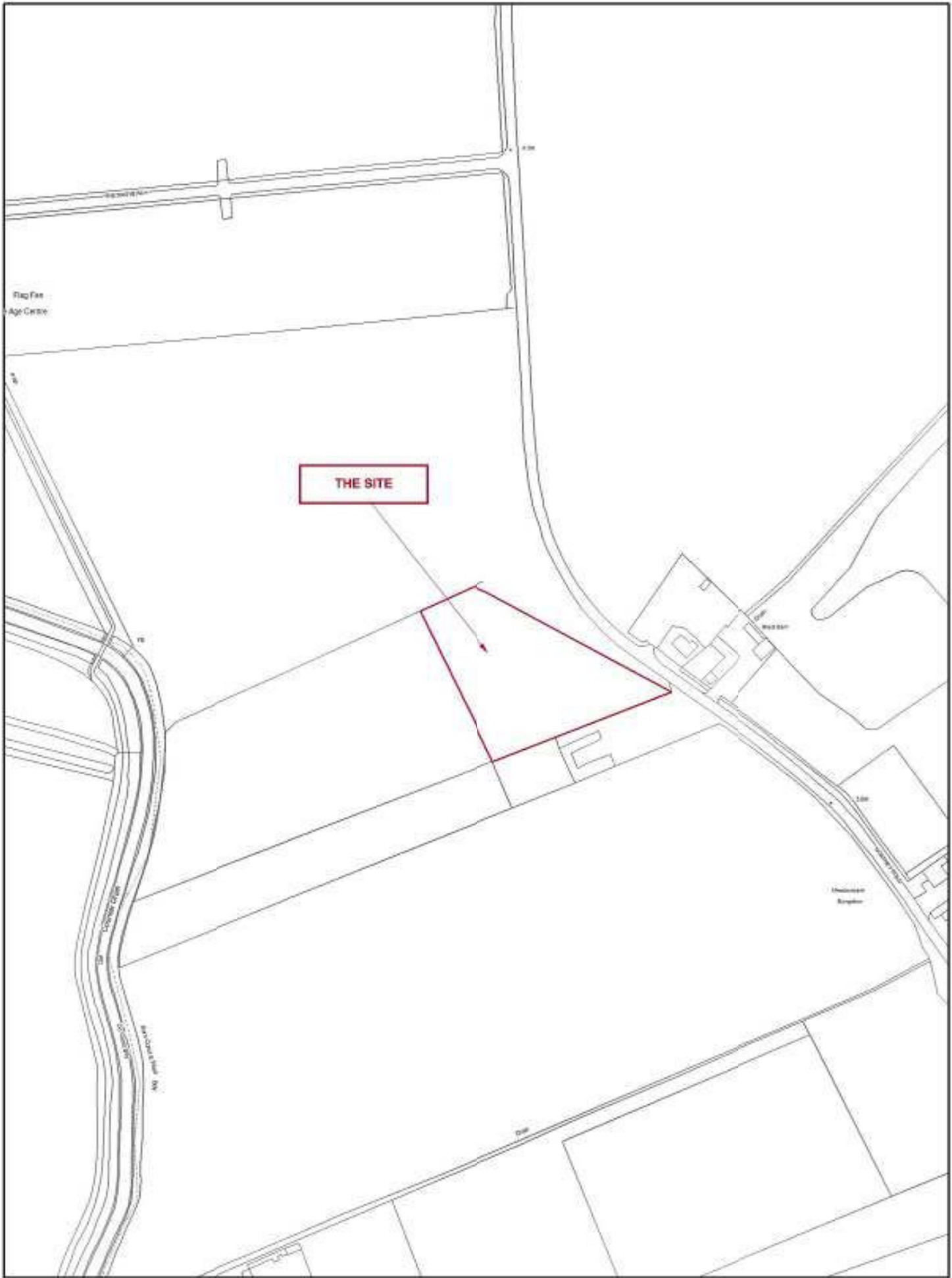
Planning and Development Team: Nicholas Harding, Lee Collins, Andrew Cundy, Paul Smith, Mike Roberts, Louise Lewis, Janet Maclennan, Astrid Hawley, David Jolley, Louise Lovegrove, Vicky Hurrell, Amanda McSherry, Sam Falco, Matt Thomson, Chris Edwards, Michael Freeman

Minerals and Waste: Theresa Nicholl, Alan Jones

Compliance: Nigel Barnes, Anthony Whittle, Karen Cole, Julie Robshaw

NOTES:

1. Any queries on completeness or accuracy of reports should be raised with the Case Officer or Head of Planning, Transport and Engineering Services as soon as possible.
2. The purpose of location plans is to assist Members in identifying the location of the site. Location plans may not be up-to-date, and may not always show the proposed development.
3. These reports take into account the Council's equal opportunities policy but have no implications for that policy, except where expressly stated.
4. The background papers for planning applications are the application file plus any documents specifically referred to in the report itself.
5. These reports may be updated orally at the meeting if additional relevant information is received after their preparation.



LOCATION PLAN 12/01734/FUL

Land on the South West Side of Northey Road, Peterborough

Scale NTS **Date** 8/2/2013 **Name** AA Department Planning Services



© Crown copyright and database right 2012. Ordnance Survey. 100024236.

This page is intentionally left blank

Application Ref: 12/01734/FUL

Proposal: Proposed gypsy and travellers site for one extended gypsy family containing two static caravans and two touring caravans

Site: Land to the south west side of Northey Road, Peterborough

Applicant: Mr Gray

Agent: Architectural and Surveying Services Ltd

Referred by: Cllr Shearman

Reason: The disputed archaeological evidence should be examined by the Planning Committee and is mindful that government policy is to promote the creation of more private traveller sites

Case officer: Mr A P Cundy

Telephone No. 01733 453470

E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: **Refuse**

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

The site is approximately 0.54 hectares and is located on the south side of Northey Road approximately 1.5km from the urban area boundary and within land designated as open countryside. The site is on agricultural land. The site lies within the southern boundary of the Flag Fen Bronze Age Settlement, which is now designated as a Scheduled Ancient Monument, (SAM). To the east are sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes, otherwise the surrounding character is flat open agricultural land. An area of rough scrub land to a height of a maximum of 2m lies between the site and Northey Road. The site lies at a lower level than the public highway. The SAM is located to the west, north and north east of the application site and covers an area of approximately 48sq.ha.

Proposal in detail

The proposal is for the residential use of the site by one Gypsy family currently residing at the Oxney Road caravan site. The living accommodation would include 2 static caravans and 2 touring caravans. There is to be parking for 4 vehicles. It is apparent from the submitted drawings that the static caravans are in effect mobile homes. The sizes of these are to be 9m long by 3m wide and would comprise one double bedroom. The touring caravans would have a length of 9m and a width of 2.5m. The caravans are to be located to the north of centre of the site and the parking spaces are sited immediately alongside the touring caravans. The vehicular access would use the same access that serves the field at present through the eastern boundary of the site off Northey Road.

The proposal shows extensive planting of native plant species and wild flowers as part of the landscaping within all four boundaries. The application details show that the land within the landscaped areas will be raised by a 0.75m by the importation of top soil. The caravans would not have any foundations. All foul water is to be pumped into an above ground septic tank to be located close to the northern boundary of the site adjacent to the caravans. As the application site lies within a SAM English Heritage would also have to give its approval for the development under the SAM consent regime.

2 Planning History

There have been no previous development proposals upon the application site.

However, there have been two proposals for a Gypsy and Travellers site upon the land immediately to the south (see below). Both of these applications were refused planning permission. The site of these refused applications lies just outside of the SAM. Both of these applications were refused on the grounds of:-

1. Their adverse impact upon the setting of the SAM;
2. The fact that the public benefits from the proposal would not sufficiently outweigh the harm caused to the setting of the SAM;
3. The potential to physically harm the SAM due to ground works;
4. Lack of information with respect to the foul sewerage works in terms of ensuring that there would be no adverse impact upon the water environment;
5. The fact an approval for a traveller's site in this location would cause a potentially undesirable precedent that would be harmful to the setting of the SAM.

Reference	Proposal	Decision	Date
12/01565/FUL	Use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins for use as a utility room and storage and 1 x storage container – part retrospective (re submission of 11/01987/FUL)	Refused	7 th December 2012
11/01987/FUL	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 storage container (part retrospective)	Refused	2 nd March 2012

On the 6th February 2013 an Enforcement Notice was served on the adjacent site requiring

- the unauthorised use to cease
- removal of the caravans, storage containers, vehicles and hard core from the site
- the making good of the site with Fenland soil

The owner/occupier has until the 11th November 2013 to comply with the requirements of the enforcement notice

3 Planning Policy

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

National Planning Policy Framework (NPPF) (2012)

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)

CS09 - Gypsies and Travellers

Sites for permanent Gypsy and Travellers pitches within the district 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.

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

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.

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

English Heritage – The application site falls within the extent of the SAM and would have a direct impact upon it and would cause harm to its setting. It would change the appearance of this heritage asset and therefore it would harm its significance.

Flag Fen is exceptionally significant and its conservation should be given great weight in the planning process. English Heritage considers that the proposals for the site are not sufficient to outweigh the harm that would be caused to the Monument. The proposal is therefore contrary to National Planning Policy Framework (NPPF) policy. It may set a precedent for the acceptance for other such similar development and the cumulative impact of these would undermine over time, and would cause harm to, the setting of the SAM.

The application site lies within the southernmost area of the Flag Fen SAM. Flag Fen is recognised as containing some of the most significant Bronze Age archaeology in the country. The archaeological remains are exceptional and are highly valued in evidential and historic terms. The significance of the site is high and whilst remains are rare and unusual they are also fragile and

highly vulnerable. Flag Fen is one of the few places in the country where it is possible to see Bronze Age archaeology in its landscape context. The designated area of the SAM also contains remains from the Roman period.

The extensive proposed landscaping and the addition of structures and caravans has the potential to cause physical damage to the SAM. The bringing in of materials to provide for solid bases for these has the potential to damage the SAM by way of contamination with archaeological material which would compromise the integrity of the SAM. The development would, by way of the proposed structures, tree planting and mounding of earth for example, interrupt views across the site towards the wider area of the SAM. This would have an adverse impact upon the relationship of the site to the wider rural context.

There is a critical relationship between the archaeology at the museum complex and the surrounding landscape which forms its setting. The report of the archaeological consultants, submitted with the application, fails to recognise the full significance of the site and the wider landscape.

The proposed development may cause an undesirable precedent for other such proposals in the near vicinity of the site and English Heritage is concerned that the SAM would be further affected on a cumulative basis. On this point they have advised, as set out in their document - *The Setting of Heritage Assets* - that *'the cumulative impact of incremental small scale changes may have a great effect on the setting of a heritage asset as a large scale development'*.

Environment Agency – No objections – The southern boundary of the proposed development site lies 20 metres north of Flood Zone 2 'medium probability', defined by the Technical Guide to the National Planning Policy Framework as the zone that comprises land assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year. Various informatives have been advised to accompany the decision notice were the planning application to be approved.

The Local Highways Authority – Objection on the grounds that Northey Road is a 60mph road and due to the significant high speed of vehicles and the intensification of use of the access, vehicle to vehicle visibility splays of 2.4m x 215m would be required in both directions from the access. The available visibility falls short of that required and the vehicle to vehicle splays cannot be achieved without encroaching onto third party land.

Archaeology Officer – Objection. There is a need to ensure that the underground archaeology remains wet to preserve it. Any groundwork activity may have a detrimental effect on the waterlogged buried remains through either direct impact (truncation and exposure) and indirect impact (de-watering). The NPPF advises that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be to its protection. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The extent of the setting of a SAM is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.

Councillor McKean – Objects - Planning Officers have already refused the adjoining application (12/01565/FUL) for a number of reasons and policies. The Councillor notes English Heritage comprehensive objections to the adjoining site 12/01565/FUL dated 3rd Dec 2012 and that these are based on the impact on Flag Fen as a Scheduled Monument which given this site also adjoins Flag Fen as well they would also apply. The Councillor also acknowledges comments from Archaeology Services that raises a number of concerns and recommends against the proposed development and is concerned about the road safety issues given this is an unrestricted road (eg max speed 60mph) Cllr McKean also point to the fact that there is a strip of land that is outside the indicated ownership of the applicant which he assumes would lead to difficulties in ensuring the

required visibility splays.

Councillor Sanders – Objects – I fully concur with the comments made by English Heritage. Furthermore as the highways authority has already stated visibility for access to the site is an issue

Councillor Shearman – Has indicated that he has no particular views on the merits of this application, apart from knowing there is a need for additional traveller sites with the city. In addition he believes that the disputed archaeological evidence should be examined by the Planning Committee. Cllr Shearman is also mindful of the fact that it is government policy to promote the creation of more private traveller sites - a policy which if pursued will, he believes bring about savings to the local authority and its council tax payers.

Thorney Parish Council – Object - Works may interfere with archaeological remains and this is in a flood area. Note must be taken as to past planning refusals for similar development in this area.

Local Residents/Interested Parties

Initial consultations: 9

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

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

- Site is agricultural land and not appropriate for this development
- If allowed it will set a precedent for adjoining land
- Access to the site from Northey Road is not safe – specifically the entrance at bend in road affects site lines and this is a road that vehicles travel at a considerable speed
- This development if allowed would have a negative effect on the nearby popular tourist attraction of Flag Fen

Additional Letters and Petition Received

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

- We would like the Gray family as our neighbours, as they are a very respected and caring family. Have known Mr Gray for a considerable number of years and to the best of my knowledge he is honest and trustworthy. Mr Gray is a good person to have in the community and will always get involved and support others around him
- Myself and my company are local to Whittlesey and travel past the site on numerous occasions. Can see no problem with Mr Gray locating himself at this site and no reason why he would not be granted planning permission
- Consider that as there are a number of residential dwellings in situ along this road that a precedent has already been set. The area is surrounded by business factories and wind farms so we cannot see why another family site can be a problem when there are others in the area.
- There is less distance between Viridor and the surrounding factories than there is in the location in question
- Can understand why the applicant would like to leave the Oxney Road caravan site as it is very overcrowded and there is limited room for vehicles to get on and off.
- Would be nice to see the land put to good use and not left free for fly tipping
- Understand from the applicant that it will aid him and his family with being near friends and family and schools for his children.
- Gypsy and Travellers are common to the area and we cannot see a problem with what they propose
- Looks like a natural feature in the area and will not disturb any possible artefacts

In addition the planning agent has submitted a 47 signature petition in support of the application. The signatories state that the Oxney Road site is at times cramped and overcrowded. That on rare occasions families are offered land to buy and try to obtain planning for and provide their own pitch

at no cost to the Council or public. The signatories argue that it is usually the case that most of their applications are objected too and hence they continue to live in such over crowded conditions as the Council has not provided enough pitches for their needs. The signatories add that they would like the opportunity to own their own pitches such as Hurn Road, Lazy Acre, Flag View yet keep having barriers and objections from allowing them to get planning permission. Those who signed the petition request to have a fair and equal right to buy land and live on their own pitches without having to contest the planning system every time.

5 Assessment of the planning issues

1. Background

The land is owned by the applicant who currently lives at the Oxney Road caravan site on the east side of the city adjacent to the open countryside. The applicant has advised that the site is very overcrowded and wants to move to a site with a better living environment. The nearest school and amenities are in Parnwell. The applicant meets the definition of a Gypsy as described in Annex 1 of the Planning policy for Traveller sites (DCLG 2012). The Local Authority is not currently seeking to allocate sites for Gypsy and Travellers accommodation. However, there is a proven shortfall in the provision of pitches.

2. The principle of development

Proposals for Gypsy and Traveller sites are assessed primarily against policy CS9 of the Peterborough Core Strategy DPD. The criterion of this policy is used to assess the site characteristics and constraints to development and whether a proposed site would be suitable to accommodate a Traveller family. The National Planning Policy Framework and its supporting document 'Planning Policy for Traveller Sites' are also material planning considerations in assessing the proposal.

The main thrust of local and national Gypsy and Traveller policy is that there is a presumption in favour of granting consent for new sites. However account has to be taken when assessing such proposals to balance the need for a new site against other planning policy considerations and constraints. Policy CS9 (a) of the Peterborough Core Strategy states that proposed Gypsy and Traveller sites and their subsequent 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.

The document 'Planning Policy for Traveller Sites,' March 2012, advises that when considering applications Local Planning Authorities should attach weight to such matters as effective use of previously developed land (Brownfield sites), 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.

The document also states that if a Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites; this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

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 as identified in the Cambridgeshire sub-Regional Gypsy and Traveller Accommodation Needs Assessment 2011.

3. Access to Services

Criteria (b) of policy CS9 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 1.5 km from the urban settlement boundary. Officers consider that the proposal is not located in sufficient proximity to key local services and along a heavily trafficked route unsuitable for cycling and walking. Consequently there would be undue reliance on transport by private car and the location is therefore considered unsustainable contrary to criteria (b) of

policy CS9.

4. Impact on Flag Fen

The site lies within the southern boundary of Flag Fen which is considered to be one of the most important Bronze Age monuments in the country. The NPPF states that when considering the impact of a development on a designated heritage asset, the more important the asset, the greater the weight that should be given to the protection of the asset. The significance of the asset can be harmed or lost through its alteration or destruction or by inappropriate development within its setting. The significance of a heritage asset derives not only from physical presence, but equally and importantly, from its setting.

In addition Policy CS17 of the Peterborough Core Strategy emphasises the importance of protecting, conserving and enhancing the historic environment requiring that all new development must respect and enhance the local character and distinctiveness of an area, particularly in areas of high heritage value.

5. Ground works

The applicant advises that no 'de-watering is to be allowed on site as all surfacing solutions where possible are permeable. Further the applicant has provided a design for the landscaping to highlight that this will not affect the site either de watering or compression.

Both the Council's Archaeological Officer and English Heritage are both of the opinion that due to the sensitivity of the site any intervention could cause direct (visual) and indirect (dewatering) damage to the scheduled monument and surrounding area. The Officers state that the groundwater levels in the area have to be maintained sufficiently high to ensure that the buried archaeological remains are saturated and hence preserved. Any new development must ensure that the current groundwater levels are maintained or even increased. Any groundwork activity may have a detrimental effect on waterlogged buried remains through direct impact (truncation and exposure) and indirect impact (de-watering).

Notwithstanding the applicant's report, the Local Highways Authority has advised that further surfacing works would be needed in order for the access to accord with current highway standards. It is officers' opinion that the associated ground works required to support the development has the potential to impact upon the preservation of the archaeological remains as discussed. The proposal therefore does not satisfy policies CS9 (a) and (d) and policy CS17 of the Adopted Peterborough Core Strategy DPD or the requirements as stated in the NPPF.

6. Setting of the Asset

In respect of the setting of a heritage asset the 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.'* The siting of caravans within the heritage asset would be an incongruous feature within the context and as such the two are not considered an appropriate feature within the SAM.

English Heritage state that while the archaeological report provided by the applicant acknowledges the significance of the buried archaeology, it fails to recognise the full significance of the site, and the wider landscape. English Heritage disagree with the premise that the site has no reference points in the contemporary landscape. The relationship between the land at Northey Island and the land at the visitors centre is important to experiencing and understanding the site, and its setting, as defined in the NPPF. English Heritage is concerned regarding the impact the development would have within the boundary of the scheduled monument and on its setting. The proposal would build up structural elements on the boundary of the SAM by the siting of caravans, vehicles and landscaping. At present the landscape is very much rural in character and the full implementation of the proposed development would change this.

The development would therefore alter the relationship between the site and the wider rural context, and interrupt views across the site and through to the monument. The harm done to the

setting of the SAM would damage its significance.

Furthermore, 'The Setting of Heritage Assets,' guidance of English Heritage 2011, states that *'the cumulative impact of incremental small-scale changes may have as great an effect on the setting of a heritage asset as a large-scale development'*.

It is not considered that there would be such a significant public benefit from the development or that the present shortfall in pitch provision sufficiently outweighs the harm that would be caused to the SAM. The proposal is therefore contrary to policies CS9 (a) and (e) and CS20 of the Peterborough Core Strategy DPD, policy PP17 of the Peterborough Planning Policies Document 2012 and section 12 of the NPPF.

7. Impact on Landscape Character

The site lies within the Peterborough Fens Landscape Character Area as defined in the Peterborough Landscape Character Assessment. The Flag Fen Bronze Age Monument is of national historical and cultural significance and is an important historical remnant to the city's past and the history of the fens and its people. The SAM is a museum and part of the experience of the site is viewing it in its context formed by the flat open field layout. Part of the setting of the SAM is this landscape character and therefore it is important to protect it. The surrounding setting is part of the experience gained by visiting the site. The proposal includes a significant area of landscaping. This would not relate well to the SAM and would serve, along with the caravans, to detract from views to into the SAM particularly when travelling north along Northey Road. Policy CS20 of the Peterborough Core Strategy seeks to ensure that development within these areas should be sensitive to the landscape setting, retaining and enhancing the distinctive qualities of the landscape character area. Policy CS20 requires that planning permission should only be granted if a development would 'safeguard and enhance important views within the development layout'. It is considered that the development would be out of keeping with the surrounding landscape contrary to policy CS20.

The applicant has referred to the approval of wind farm developments in the area and the energy park development that is to be located to the north east of the power station in Storey's Bar Road. His argument is that in terms of scale the existing wind farms and proposed implementation of the energy park development has and would have a far greater impact upon the immediate landscape and therefore upon the setting the SAM. The site of the energy park is just outside of the SAM and the grant of planning permission for it pre-dates the designation of Flag Fen as being of national importance. However the approval of the energy park specifically is considered to be very much in the public interest in that it will be a local base in dealing with a good deal of the waste that the City produces and that it will provide a significant output of electricity as a result to the benefit of the City and the National Grid.

8. Vehicular Access and Highway Implications

The Local Highway Authority has advised that vehicles travelling along the stretch of Northey Road close to the application site generally do so at speed and therefore in order for the access to be safe the visibility splays in either direction from the access need to be 2.4m by 215m. In reaching this conclusion account has been taken of the fact that a greater number of vehicle movements would take place to and from the site than were the field to be agricultural use or used for the grazing of horses. The necessary visibility splays cannot be achieved as they would have to cross through third party land. The applicant's view is that these splays are achievable, specifically that issues regarding a third party are considered a legal issue and not a planning issue, hence the issue should not be a consideration of this planning application. The Local Highway Authority are concerned that as the visibility splay is on third party land works/structure could be erected that would restrict the required visibility splays from the access to the detriment of highway safety.

9. Residential Amenity

It is unlikely that the proposed use of the site would have an adverse impact upon the occupiers of the nearby residential properties and therefore the proposal, in this respect would be in accordance with policy CS9 of the Peterborough Core Strategy

10. Contamination

The Environment Agency advise 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.

11. Flood Risk

There have been no objections from the Environment Agency.

12. Additional Material Submitted by the Agent

The applicant has sought to justify the proposal by saying that it is no worse than the approved plans for Thorpe Hall and for the energy park. These are completely dissimilar proposals. Notwithstanding, the energy park pre dates the SAM designation. Also the agent has submitted photographs of untidy areas in and around the SAM. These are irrelevant as the untidiness is not subject to the planning consent regime.

6 Conclusions

Whilst it is acknowledged that there is a shortfall in the supply of pitches for Gypsies and Travellers, this does not outweigh the detriment that would arise in respect of

- 1 – Impact on the setting of the SAM
- 2 – Impact on buried archaeological remains
- 3 – The site being too distant from key services
- 4 – An unsafe vehicular access

7 Recommendation

The Head of Planning Transport and Engineering Services recommends that planning permission is **REFUSED** for the following reasons:-

R 1 The application site is located just within the southern boundary of the Flag Fen Bronze Age Settlement which is designated as a Scheduled Ancient Monument. Flag Fen is an important complex of Bronze Age archaeology recognised both nationally and internationally and is highly valued in evidential, communal and historical terms. It is one of the few places where it is possible to understand the physical remains of Bronze Age archaeology in its immediate landscape, in this case, the landscape of the Flag Fen basin and Northey Island. The Bronze Age Settlement is a museum and part of the experience of the site is viewing it in its wider landscape which protects the context and setting of the heritage asset.

The proposal site, to be occupied by two static caravans, two touring caravans, four parking spaces and or landscaping would be highly visible and would detract from the setting and significance of Flag Fen and would have a direct impact upon the monument. The development would alter the relationship between the site the wider rural context, and interrupt views across the site and through to the monument. The harm done to the setting of the monument would damage its significance. The shortfall in the supply of Gypsy and Travellers pitches does not outweigh the harm that the proposal would have upon a nationally important archaeological site

Hence the proposal is contrary to policy CS9 (a) and (e), CS17 and CS20 of the Adopted Peterborough Core Strategy DPD, policy PP17 of the Adopted Peterborough Planning Policy Document and section 12 of the National Planning Policy Framework.

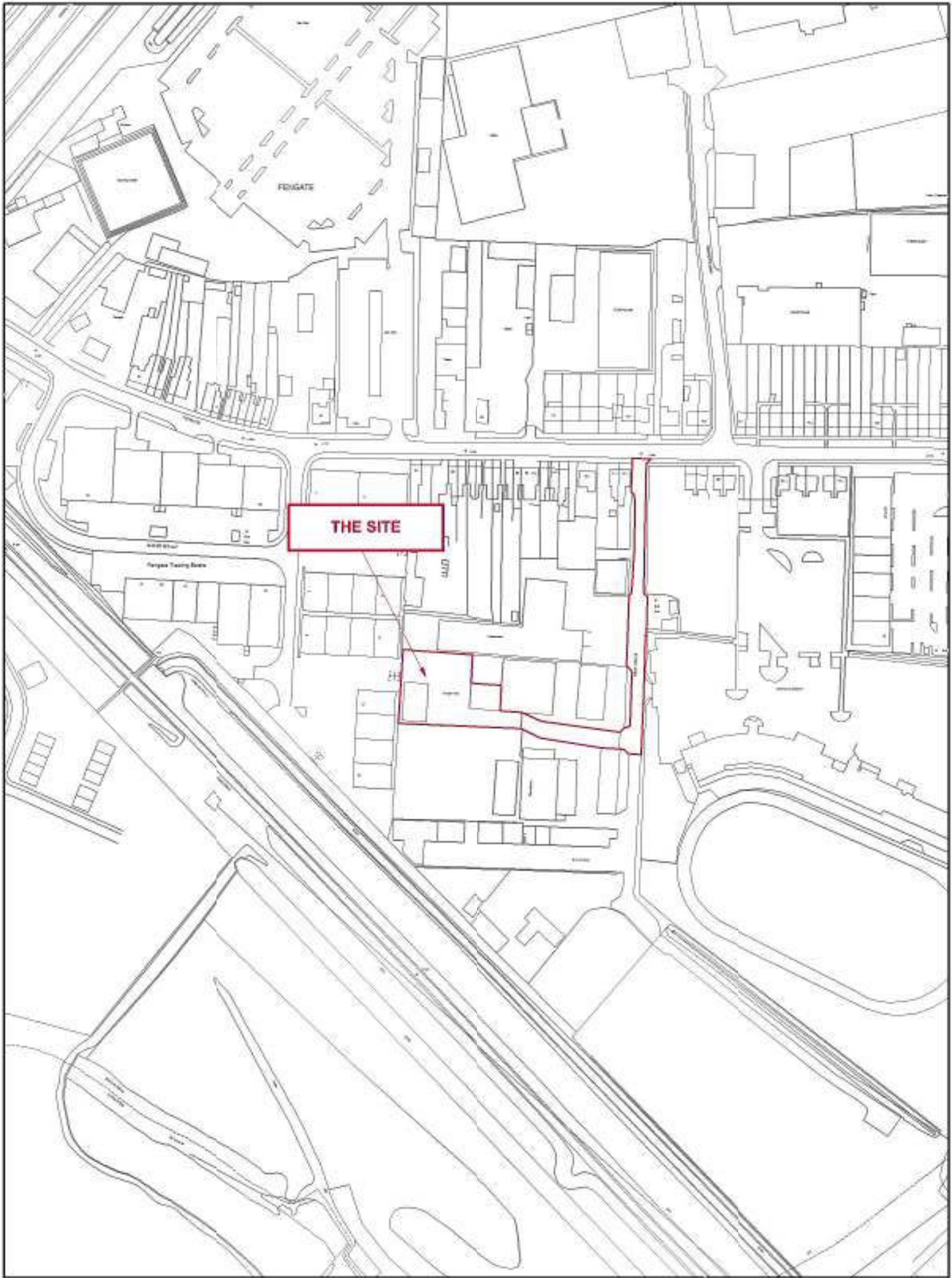
R2 The groundwork and landscaping associated with the development, regardless of depth, would have the potential to detrimentally effect the waterlogged buried archaeological remains within the Scheduled Ancient Monument through the direct impact (truncation) and indirect impact (dewatering). The shortfall in the supply of Gypsy and Travellers pitches

does not outweigh the harm that the proposal would have upon a nationally important archaeological site

The proposal is therefore contrary to policies CS9 (a) and CS17 of the Adopted Peterborough Core Strategy and section 12 of the National Planning Policy Framework.

- R3** The proposal, if approved, could result in an undesirable precedent of development within and or adjacent to the Scheduled Ancient Monument which would make future applications for planning permission. difficult to resist. Indeed, the Local Planning Authority has had a similar proposal immediately to the south of the application site. It is important to recognise that there is a danger of incremental change caused by successive developments of this type, which together would have a cumulative impact. Such developments, taken together, have the potential to cause further collective harm to the setting of the Scheduled Ancient Monument contrary to policy CS17 of the Peterborough Core Strategy DPD, the National Planning Policy Framework and English Heritage setting guidance (The Setting of Heritage Assets 2011).
- R4** The proposal is not located in sufficient proximity to key local services and along a heavily trafficked route unsuitable for cycling and walking. Consequently there would be undue reliance on transport by private car and the location is therefore considered unsustainable contrary to policy CS9 and CS14 of the Peterborough Core Strategy DPD
- R5** The proposal would result in an intensification of use of the vehicular access in terms of vehicles entering/leaving the site and the available vehicle to vehicle visibility splays from the access road on to Northey Road would be insufficient to provide for a safe exit for vehicles leaving the site. Therefore the use of the access would result in a detriment to highway safety and the proposal would be detrimental to policy CS14 of the Peterborough Core Strategy DPD.

Copy to Councillors Sanders D A and McKean D



LOCATION PLAN 13/00064/MMFUL

Warehouse B1, First Drive, Fengate Peterborough

Scale NTS Date 19/2/2013 Name AA Department Planning Services



© Crown copyright and database right 2012. Ordnance Survey. 100024236.

This page is intentionally left blank

Application Ref: 13/00064/MMFUL

Proposal: Proposed change of use to vehicle dismantling and recycling

Site: Warehouse B1, First Drove, Fengate, Peterborough
Applicant: ASR Autobreakers

Agent: Mrs Julie Robinson
 Robert Doughty Consultancy Limited

Referred by: Head of Planning, Transport and Engineering

Reason: Number of objections to the proposal

Site visit: 13.02.2013

Case officer: Mr A O Jones
Telephone No. 01733 454440
E-Mail: alan.jones@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site description

The proposal site lies within an existing area of industrial development on First Drove, Fengate within the 'Eastern General Employment Area' (Peterborough Site Allocations DPD - April 2012, Policy SA11; GEA3). The site is surrounded to all sides by commercial / industrial premises, and is separated from the nearest residential properties to the north by a warehouse. The site is accessed via First Drove, and the two single storey industrial units comprising the site are accessed via a securely gated yard.

Proposal

The proposal is to use the existing yard and buildings for the dismantling of vehicles for export. Two people will be employed on site dismantling approximately 5 vehicles per week which will be brought to the site on a flat bed vehicle transporter van. Vehicle parts will then be stored and loaded into a shipping container for collection approximately once every 6 weeks.

2 Planning History

Reference	Proposal	Decision	Date
T7666	Erection of saw mill and timber yard	Application permitted	08/11/1962

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 1 - Economic Growth

Planning should encourage sustainable growth and significant weight should be given to supporting economic development.

Peterborough Core Strategy DPD (2011)

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.

Peterborough Site Allocations DPD (2012)

SA11 - General Employment Areas and Business Parks

Within the allocated General Employment Areas and Business Parks planning permission will be granted for employment uses (classes B1, B2 and B8 within the GEAs, classes B1(a) and B1(b) within the Business Parks).

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

MW18 - Waste Management Proposals Outside Allocated Areas

Waste management development proposals outside allocated areas will be considered favourably where they meet the listed criteria.

MW34 - Protecting Surrounding Uses

Mineral and waste management development will only be permitted where it can be demonstrated (with mitigation where necessary) there is no significant harm to the environment, human health or safety, existing or proposed neighbouring land uses, visual intrusion or loss of residential/other amenity.

MW35 - Biodiversity and Geodiversity

Mineral and waste management development will only be permitted where there will likely be no significant adverse affect on local nature conservation or geological interest. Where it is demonstrated there are overriding benefits to the development compensation and/or mitigation measures must be put in place. Proposals for new habitat creation must have regard to the Peterborough Biodiversity Action Plan and supporting Habitat and Species Action Plans.

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.

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.

4 Consultations/Representations

Transport and Engineering Services (18.02.13)

No objections subject to appropriate layout of the site in accordance with plans to ensure parking and turning clear of the public highway, and provision of appropriate cycle parking.

Environment and Pollution Control Officer (18.02.13)

No objections subject to ensuring that deliveries etc do not take place during unsociable hours and that the level of noise emitted from the site does not exceed 50 dB LAEQ, 1 hour at the nearest noise sensitive premises.

Wildlife Officer (08.02.13)

No objections as the proposed development will not impact on wildlife given the lack of suitable habitats or features.

Environment Agency (08.02.13)

No objections as there is no material increase in vulnerability or risk to occupants and no increase in impermeable area. The proposed development will require an Environmental Permit.

Natural England - Consultation Service (12.02.13)

No objections as there will not be significant adverse impacts on a Natural 2000 site or SSSI. Possible contamination through site drainage will have to be addressed through an Environmental Permit.

Local Residents/Interested Parties

Initial consultations: 30

Total number of responses: 8

Total number of objections: 8

Total number in support: 0

The objections raise the following points:

- a) The access and exit are not suitable for the type of vehicles used for this kind of operation.
- b) Numerous large vehicles have already used the site causing damage to the road and disturbance to other users - this has been undertaken illegally as there has been not been appropriate planning permission in place.
- c) The proposal represents an intensification of use and contributes to congestion on First Drove and is a danger to other users, particularly motor-cyclists.
- d) There is a negative impact on the local community and existing businesses due to vehicles being parked unsuitably.
- e) There is not sufficient room for vehicle turning / manoeuvring.
- f) The proposal should require construction of an appropriate and adoptable junction (at the First Drove / Fengate junction).
- g) Previous operations at the site have required the involvement of the Police, VOSA (Vehicle and Operator Services Agency) and the Environment Agency which raises concerns as to the suitability of this type of use (this is not a material planning consideration, please refer to main body of the report).
- h) Concerns relating to the legality of the use which has been occurring at the site (this is not a material planning consideration, please refer to main body of the report).
- i) Amenity concerns regarding noise, litter, smell and nuisance.
- j) The proposal represents poor design and is a health risk
- k) Pollutants will not be contained and the Environment Agency have failed to request measures to contain spillages from pollutants, and should be aware that the site is not wholly impermeable.
- l) The proposal fails a sequential test insofar as other sites with permission are available.

5 Assessment of the planning issues

The main considerations are;

- **Suitability of the proposal**
- **Transport and Access**
- **Amenity Impact**
- **Environmental Impact**

Suitability of the proposal

The proposed use of the site is considered a waste management use. As such it accords with the Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS18 for waste management proposals outside allocated areas in so far as the proposal is on land identified for general industrial use, i.e. land within the Eastern General Employment Area (GEA3) - in the Peterborough Site Allocations DPD policy SA11. The extant permission for the site is a historic permission for a saw mill and timber store. Whilst the site does not appear to have been used in such a way for many years, the B2 usage of the site has been retained and the proposal must therefore be considered against how else the site might be used for B1, B2 or B8 usage; as such the proposal does not represent an intensification of use and is acceptable from this point of view.

A sequential approach to site selection only applies to retail and leisure uses and is therefore not applicable to this proposal. A sequential test may be required in relation to flood zones and site suitability - this aspect is covered under the report heading 'Environmental Impact'.

Concerns have also been expressed in relation to how the site may have been operated previously, including concerns as to the legality of any previous use. The site is currently unoccupied and in the event that planning permission is granted an Environmental Permit will also be required by the Environment Agency. Should vehicle dismantling and / or recycling operations take place on site without the requisite planning permission and environmental permitting the operators would be liable to enforcement action under the provisions of both the Local Planning Authority and the Environment Agency.

Transport and Access

The proposal is for a relatively small scale vehicle dismantling and export operation, with vehicles brought to the site on a flatbed vehicle transporter (van) approximately five times a week, with the resultant vehicle parts being removed by container approximately once every six weeks. As such sufficient space needs to be retained within the site to allow for the safe storage of vehicles prior to dismantling, employee and visitor parking, and vehicular manoeuvring within the site; concerns have been raised in this regard, and it is understood previous unauthorised operations of a similar nature at the site have caused concern for other users of First Drove. However, the Local Highways Authority have confirmed that the types of vehicles used to transport stock to the site will be suitable (i.e. not large car transporters) and that there is sufficient space within the site for storage, parking and safe access / egress subject to appropriate layout of the site in accordance with policies CS14 of the Peterborough Core Strategy and PPS13 of the Peterborough Planning Policies DPD. Additionally, appropriate provision for cycle parking can be secured by condition at the site ensuring the availability of sustainable transport options in accordance with policy PP13 of the Peterborough Planning Policies DPD. Furthermore, as the proposal does not constitute an intensification of use there are no reasonable requirements to improve the existing junction of First Drove and Fengate as the traffic generation from the proposal will not be materially different to the previous saw mill and timber storage use. The requisite external space for safe storage, parking and manoeuvring within the site can be satisfactorily controlled by condition in line with Peterborough Planning Policies DPD policy PP12.

Amenity Impact

The site is located within an existing industrial area separated from the nearest residential buildings by a warehouse. Furthermore, all depollution and dismantling operations - which are to be carried out with handtools such as an oxyacetylene cutting torch and disc cutter - will be carried out within the building, allaying any concerns with regards noise and smell. Vehicle dismantling is not an inherently litter producing activity. The site is contained within a locked yard and contained within palisade fencing, which is a requirement of the Environmental Permitting Regulations and a deterrent to nuisance. As such surrounding uses including sensitive receptors such as residential

uses will be protected from negative impacts in accordance with Minerals and Waste policy CS34.

The proposal has been criticised as being of poor design and a health risk. No changes are proposed to the physical design or layout of the site. Depollution and dismantling will take place within the buildings on site which is a common design feature of such operations. The proposed use will also be subject to Environmental Permitting Regulations which help ensure the health and safety of employees of the site and other persons in the vicinity.

Environmental Impact

The proposal makes provision for the depollution of vehicles - as such there is potential for fluids to enter drains and watercourses if not managed appropriately. Natural England have stated that whilst they have no objections to the proposal, adequate pollution control including site drainage, will be particularly important for this site to prevent possible contamination of designated sites. Depollution of vehicles is proposed to take place within the buildings at the site and site operations will also be subject to environmental permitting regulations, hence the proposal accords with Minerals and Waste policies CS34 for Biodiversity and Geodiversity and CS39 on water resources and pollution prevention. The proposal site also lies within flood zone 3a and has been subject to a Flood Risk Assessment (FRA). The proposal is classed as a 'less vulnerable use and the Environment Agency have not raised any objections to the proposal.

6 Conclusions

The NPPF states that there is a presumption in favour of sustainable development - in terms of decision making this means approving development proposals that accord with the development plan without delay. Although the proposal is for a waste management use outside an allocated area the site is acceptable for the use as it falls within the Eastern General Employment Area. The proposal does not represent an intensification of use at the site, and furthermore, to allay any residual concerns relating to parking and manoeuvring of vehicles beyond the site boundary sufficient space can be retained within the site for such purposes by condition to ensure the proposal fully accords with planning policy in relation to transport implications of the development. Amenity and environmental impacts of the development can be satisfactorily controlled by condition and the proposal will also be subject of environmental permitting regulations. The proposal therefore accords with policies CS18, CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy, policy SA11 of the Peterborough Site Allocations DPD and policies PP1 and PP12 of the Peterborough Planning Policies DPD. There is no reason not to approve the application in line with Section 38(6) of the Planning and Compulsory Purchase Act.

7 Recommendation

The Head of Planning, Transport and Engineering Services 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 Prior to occupation of development the spaces shown on drawing no. PFP01 shall be laid out for vehicles to park and turn clear of the public highway and those areas shall thereafter be retained for the purposes of parking and turning.

Reason: In the interest of Highway Safety and in accordance with policies CS14 of the Peterborough Core Strategy and PP12 and PP13 of the Peterborough Planning Policies DPD (December 2012).

- C 3 No development other than the operations hereby permitted shall be carried out on the site except between the following times;
08:00 - 18:00 Mondays to Saturdays
and at no other times including Sundays and Bank Holidays.

Reason: In order to safeguard the amenity of nearby residents in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C 4 All depollution and dismantling operations shall take place within the curtilage of the existing buildings on site.

Reason: In order to safeguard the amenity of surrounding occupiers and pollution prevention in accordance with policies CS34 and CS39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

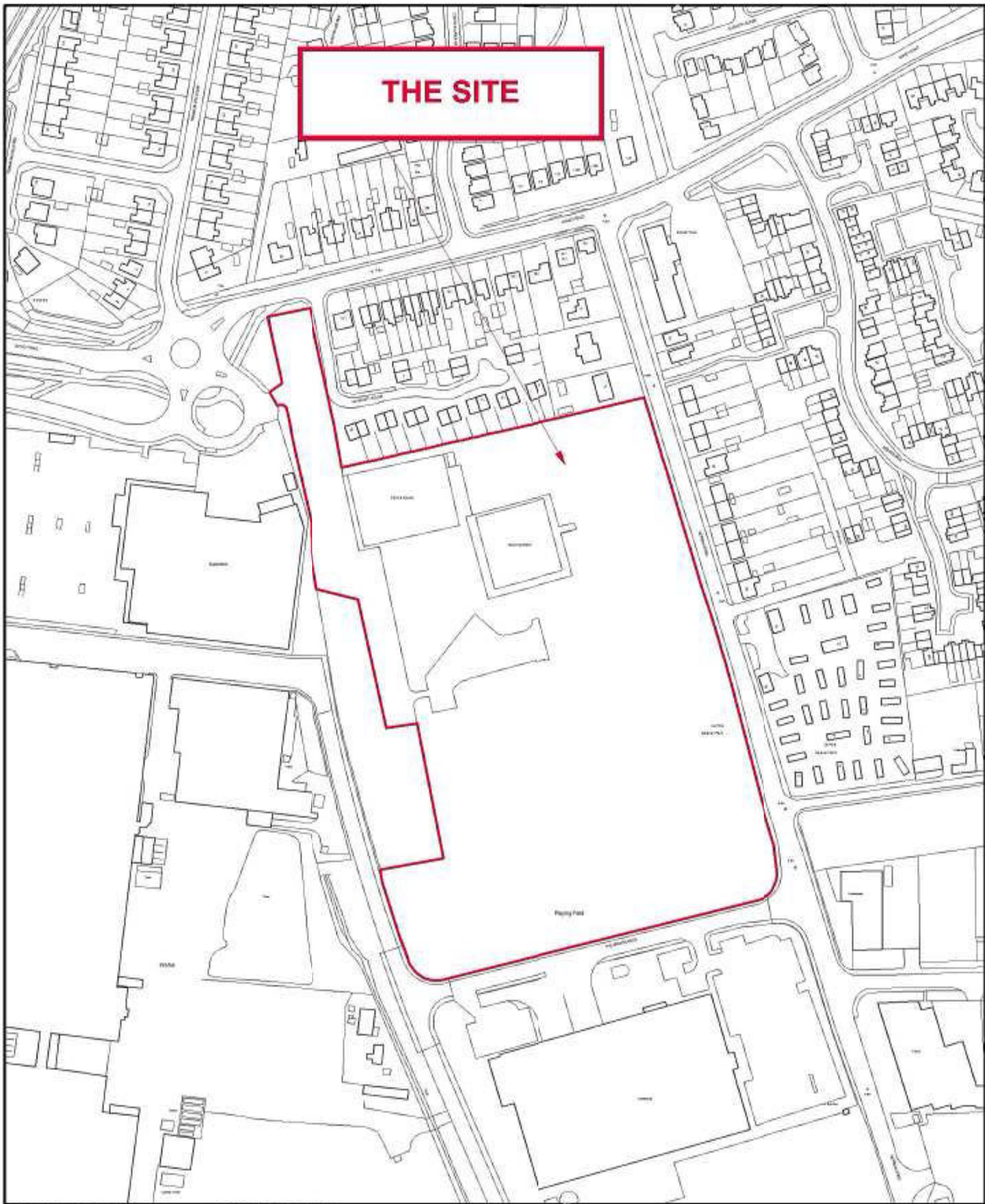
- C5 Noise emitted from the site shall not exceed 50 dB LAEQ, 1 hour at the nearest noise sensitive properties.

Reason: To safeguard the amenity of surrounding users in accordance with policy CS34 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

- C6 The development shall not be occupied until space has been laid out for 2 cycles to park in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Those areas shall thereafter be retained for the purposes of parking of cycles.

Reason: In the interest of encouraging sustainable modes of transport to visit the site and in accordance with policy PP13 of the adopted Peterborough Planning Policies DPD (December 2012).

Copy to Councillors Shabbir N, Todd M Y and Johnson J



LOCATION PLAN **12/01106/OUT**
Perkins Sports Association Club, Site North of Ideal World, Newark Road, Peterborough
Scale NTS **Date** 7/2/2013 **Name** AA **Department** Planning Services



PETERBOROUGH
CITY COUNCIL

PCC GIS

© Crown copyright and database right 2012. Ordnance Survey, 10002/236.

This page is intentionally left blank

Application Ref: 12/01106/OUT

Proposal: Residential development comprising up to 230 units, car parking, landscaping and associated works including means of access.

Site: Perkins Sports Association Club, Site North Of Ideal World, Newark Road, Peterborough

Applicant: Perkins Engines Ltd

Agent: Turnberry Planning Ltd

Referred by: Head of Planning, Transport and Engineering Services

Reason: Revisions to the Sec 106 as previously approved by Committee

Case officer: Mr A P Cundy

Telephone No. 01733 453470

E-Mail: andrew.cundy@peterborough.gov.uk

Recommendation: That the revisions to the Sec 106 be **Approved**.

1 Introduction

At its meeting on 19th February 2013, Committee resolved to grant planning permission for the development subject to the signing of a Section 106 agreement. The scope of the Sec 106 was outlined to Committee in the presented report and included an off site public open space contribution of £447460 required as a result of a shortfall in the amount of open space that was being provided on the application site itself. Since the Committee meeting, it has been established that the site will now meet its open space requirement in full on site. This means that an off site contribution is not now required.

2 Policy Requirement for Open Space Provision

The 2012 Adopted Peterborough Planning Policies DPD Policy PP14 and associated Appendix B sets out how much open space should be provided on new housing developments. The requirement for the development proposed is set out below:

Assumed Av household size 2.46 (2011 census)

No of dwellings 207

Policy Requirement	Provision Being Made by the Development
Neighbourhood Parks 1.49 hec per 1,000 population= 0.74 hec	0.74 hec (complies)
Country Parks – No standard set	Contribution is inbuilt in the POIS contribution being made
Childrens Play – Door step play equipment to be provided (unspecified)	Complies. The Neighbourhood Park on site will include play equipment
Natural Greenspace (local nature reserve) – 1 hec per 1,000 population	No on site provision is required as the development site is too small to make any meaningful provision and a contribution is inbuilt in the POIS contribution being made.

Policy Requirement	Provision Being Made by the Development
Allotments 0.28 hec per 1000 population	None. If allotments were to be provided on site, it would be a very small area. There are currently (Feb 2013) vacant allotments at Ashcroft Gardens (3) and Rowan Ave (4) which can adequately serve the development and the development will not result in a shortfall of provision locally
Sports Pitches 1 hec per 1000 population – 0.51 hec	0.51 hec (complies albeit that sports pitches cannot be set out due to the size of the area that is required to be provided)
Amenity Greenspace – No standard set	Will be provided through the detailed layout submitted at Reserve Matter stage

As can be seen from the above the proposal will meet its open space requirements on site save for:

1. the strategic country park and natural greenspace elements which are provided for by way of the POIS contribution being made by the development
2. allotment provision which can be accommodated by capacity on existing allotments nearby

As the development can comply with the open space requirements set down in the Adopted Planning Policies DPD 2012, there is no need for the developer to make an off site contribution towards off site open space provision.

7 Recommendation

That the £447,460 contribution towards off site open space provision is removed for the Section 106 requirements for the development.

Copy to Councillors Shabbir N, Todd M Y, Johnson J