

PLANNING AND ENVIRONMENTAL PROTECTION COMMITTEE

TUESDAY 3 DECEMBER 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. Minutes of the Meeting Held on 5 November 2013 **3 - 12**

4. Development Control and Enforcement Matters

4.1 **13/00147/FUL - Land to the Rear of Barsby Cooked Meats, Northey Road, Peterborough** **13 - 34**

4.2 **13/00384/FUL - Land to the North of Barsby Cooked Meats, Northey Road, Peterborough** **35 - 68**

4.3 **13/01360/FUL - Compass Barn, Main Street, Ufford, Stamford** **69 - 82**

4.4 **13/01372/WCMM - Cooks Hole, Leicester Road, Thornhaugh, Peterborough** **83 - 98**

4.5 **13/01374/WCMM - Cooks Hole, Leicester Road, Thornhaugh, Peterborough** **99 - 114**



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), Harper (Vice Chairman), Hiller, North, Simons, 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.



**MINUTES OF A MEETING OF THE PLANNING AND ENVIRONMENTAL
PROTECTION COMMITTEE
HELD AT THE TOWN HALL, PETERBOROUGH ON 5 NOVEMBER 2013**

Members Present: Councillors Serluca (Chairman), Harper (Vice Chairman), Hiller, Todd, Simons, Sylvester, Ash, and Harrington

Officers Present: Nick Harding, Group Manager Development Management
Carrie Denness, Senior Solicitor
Hannah Vincent, Planning and Highways Lawyer
Jez Tuttle, Senior Engineer (Development), Highway Control
Karen S Dunleavy, Governance Officer

1. Apologies for Absence

Apologies for absence were received from Councillor Lane, Councillor Shabbir and Councillor North.

Councillor Ash was in attendance as a substitute.

2. Declarations of Interests

There were no declaration of interest.

3. Minutes of the Meeting held on 8 October 2013

The minutes of the meeting held on 8 October 2013 were agreed as a true and accurate record.

4. Development Control and Enforcement Matters

4.1 13/01478/PRIOR – Single Storey Rear Extension, 48 Hall Lane, Werrington, Peterborough, PE4 6RA

The site was host to a large detached bungalow facing onto Hall Lane Werrington. The dwelling was single story, constructed of red/brown facing brick, a dark brown concrete tile roof and brown timber windows and doors. The rear garden was laid to lawn with a detached garage to the back of the site, accessed via a road to the rear of the site.

The proposal was for prior approval for a single storey rear extension to the bungalow. The extension would measure 6230mm (projection) x 4300mm (width). The eaves of the proposal would measure 2350mm and 3900mm to the ridge. The extension would form a brick built lounge/sunroom with two roof lights in each roof slope, high level windows in the south elevation which faced the shared boundary

with no.46 Hall Lane, with the north facing elevation being mostly glazed.

The Committee was requested to consider the permitted development with a view to approving the extra 2.2 metres of the development. The Group Manager Development Management drew the Committees attention to the updated information and photographs contained within the update report which outlined the removal of the proposed two high level windows.

The officer recommendation was to grant the application subject to the imposition of relevant conditions.

Councillor Paula Thacker, Ward Councillor, addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- The proposed extension would be situated too near number 46 Hall Lane's fence, with the height causing the main concern;
- The residents of 46 Hall Lane had lived in their house for 20 years and the extension would have a dramatic impact on them, as it would impact on their view;
- The proposed extension was out of character compared to other dwellings in Hall Lane;
- No compromise could be negotiated between the neighbours; and
- The Committee should consider rejecting the application under policies CS16 and PP03.

Mr and Mrs Alexander, local residents, addressed the Committee and responded questions by Members. In summary the key points highlighted included:

- The proposed extension would be more visible from number 46 Hall Lane;
- The photo mock ups, provided by Mr Alexander, were technically accurate and showed that the dwelling's roof access would increase by 3.9 metres and would reach number 46 Hall Lane's upper bedroom window sill;
- The brick wall would be over 22 inches high rising above the fence and would compare to an overbearing building such as a garage;
- There was a risk of light pollution from the proposed velux windows;
- There would be an effect on Mr and Mrs Alexander's quality of life;
- Number 48 Hall Lane had been approached to consider installing a flat roof, but the idea was rejected; and
- The residents at number 46 Hall Lane would not have purchased the house if they had seen that extension.

Following questions to the speakers, Members debated the application and were encouraged by the removal of the proposed high level windows. However, Members raised a number of concerns relating to the adverse impact of the proposed velux windows and light pollution. It was also felt that the proposed additional 2.2 metres on the end of the permitted development would be overbearing for the residents of number 46 Hall Lane.

The Group Manager Development Management advised the Committee that the

roof light had not caused a light pollution concern for officers and that if Committee were mindful to refuse the application for that reason then it was unlikely that the case would be successful on an appeal.

The Group Manager Development Management also reminded the Committee that it was not permitted to add any further conditions to the permitted development.

A motion was put forward and seconded to refuse the application, contrary to officer recommendation. The motion was carried by 5 votes, with 2 voting against.

RESOLVED: (5 For, 2 Against) to refuse the application, contrary to officer recommendation.

Reasons for the decision:

The Committee considered that the proposed extension, by virtue of its proximity to the boundary and neighbouring dwelling and its height and length, would have an overbearing impact and it would be of significant detriment to the residential amenity of the neighbouring property. The proposal was therefore concluded as being contrary to Policy CS16 of the Adopted Peterborough Core Strategy DPD 2011, and contrary to Policy PP03 of the Peterborough Planning Policies DPD 2012.

It was agreed by the Committee that agenda item 4.3 would be taken as the next item of business.

4.2 13/01318/OUT Erection of up to 14 no. dwellings including demolition of 30B Lincoln Road, 30B Lincoln Road, Glington, Peterborough, PE6 7JS

The application site comprised a parcel of agricultural paddock located to the east of dwellings along Lincoln Road, to the north of dwellings along the High Street and to the west of the Glington Doctors Surgery. In addition, the application site included the curtilage of the existing dwelling of No.30B Lincoln Road. The paddock was bound by a number of mature trees and shrubs/hedgerow to the north, south and west and boundary fencing to residential dwellings to the east. The site formed part of a wider parcel of land which was allocated under Policy SA6.9 of the Peterborough Site Allocations DPD (2012) and was contained wholly within the identified Village Envelope.

To the south of the site lay the Glington Conservation Area which ran along the southern boundary and extended to the east of the site, albeit not with a shared boundary. In addition, there were a number of Grade II Listed Buildings located to the south east.

The application sought outline planning permission for the construction of up to 14 dwellings on the site. The current application sought approval of the proposed vehicular access to the site which would be from Lincoln Road, in place of No.30B Lincoln Road which was proposed for demolition. Matters relating to layout, appearance, landscaping and scale were proposed as 'reserved matters' to be secured at a later date through further submissions.

The application had been accompanied by an indicative site layout and dwelling elevations/floor plans however it was not proposed for these to be agreed under the outline application. The information submitted in this respect had been illustrative only and were not to be used for purposes of detailed assessment of the scheme.

The Group Manager Development Management advised that the update sheet contained information which related to concerns raised by a neighbour regarding traffic calming and vehicle volume increases. In addition the concerns highlighted included the felling of trees which could impact on the bird and bat population.

The officer recommendation was to grant the application subject to the imposition of relevant conditions.

Councillor John Holdich, Ward Councillor and Parish Councillor Robert Johnson addressed the Committee and responded to questions from Members. In summary the key points highlighted included:

- There had been no issues for the Parish Council relating to how many houses were proposed for the development, however it was disappointing that it was necessary to demolish a house in the process;
- The Parish Council had requested that their preferred maximum height of the proposed houses be taken on board;
- There were concerns raised over whether the roadway splays were adequate and whether there could be a danger for school children crossing the road;
- The proposed road would be two foot lower than the actual main road;
- Consideration should be given, at reserve matters stage, to the installation of a brick wall either side of the proposed roadway;
- There were concerns raised over the adverse effect that the proposed roadway and development would have on the residents neighbouring the development site;
- Traffic accidents may increase due to the positioning of vehicles maneuvering around the traffic chicanes and turning into the proposed road;
- Access into the proposed road and the verge drops may cause flooding issues running into the estate during heavy snow and rain; and
- The original plan was for the developers to purchase the track down the side of the proposed development. It was felt that the track would provide better access.

Mr Marsh, local resident, addressed the Committee and responded to comments and questions raised.

In summary the key points highlighted included:

- The proposal would directly affect the houses at 43, 47 and 49 with vehicle lights projecting into the windows of these properties as they accessed the proposed driveway;
- Vehicles waiting to access the proposed driveway may block number 43, 47 and 49's exit;
- There were existing highways pressure along Lincoln Road in the mornings

- due to the school drop off times;
- There was a chicane in the road that would force vehicles onto the wrong side of the road when accessing the entrance of the site;
- The old people's home generated a lot of traffic such as ambulances and taxis. The vehicles may stop and reverse into the entrance of the road causing other vehicles to stop abruptly; and
- There may be more than 15 new houses for the proposal, which may cause amenity issues such as pressure on the current sewerage system.

The Senior Engineer (Development), Highway Control responded to comments, concerns and questions raised. In summary responses included:

- Vehicles were already forced into the centre of the road due to the current traffic calming scheme;
- Vehicles driving into the north of the village may experience an impact from cars exiting the proposed road development, this was due to a give way road marking from the south;
- There would be no significant impact relating to increased traffic exiting the proposed driveway. It was envisaged that the impact may be one vehicle every four minutes;
- The responsibility would be with the developers, at the technical appraisal stage under the Highways Act, to find an engineering solution to the road camber issues in terms of drainage and any issues in dealing with road and pathway levels; and
- Lights shining through residents buildings had not caused a concern to highways officers.

A number of Committee Members shared the concerns raised regarding the highways issues including the possible increase in volumes of traffic and the current traffic calming arrangements. Members also felt that consideration should be given to providing alternative access via the track located on the north of the development. Members requested that consideration be given at reserve matters to mitigate against any disturbance that may be caused to the neighbours in surrounding properties, in particular to number's 32 and 30a, in relation to the site being accessed by vehicles along the proposed roadway.

The Group Manager Development Management advised the Committee that the site allocations document was not prescriptive in terms of where the access road must be placed for the proposed development, however the track was under third party ownership.

The Highways Department had not raised any technical issues in respect of the proposed roadway to the site and there would be no highways technical evidence to support a refusal recommendation by the Committee.

The Group Manager Development Management advised Members that the total access and egress was 19 meters, there had also been a large width available between the edge of the footway and the boundary of the adjacent property to 5 meters. Members were advised that an informative could be included at the reserve matters stage to state that the buffer to the footway should be equal

distance in order to assist the developer.

Following clarification from officers, Members were mindful that the proposed access to the site was generous and that the road track which was highlighted had been owned by a third party and refusal of the recommendation may result in land locking the area. It was also felt that the proposed roadway and development site would also benefit from an existing traffic calming system.

A motion was put forward and seconded to grant the application subject the imposition of relevant conditions. The motion was carried by 6 votes, with 1 abstaining.

RESOLVED: (6 For, 1 Abstention) to grant the application, as per officer recommendation subject to:

1. The conditions numbered C1 to C17 as detailed in the committee report; and
2. The note to the applicant, IN1, as detailed in the committee report.

Reasons for the decision:

Subject to the imposition of the conditions, the proposal was acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The application site formed part of a wider allocation under Policy SA6.9 of the Peterborough Site Allocations DPD (2012) and accordingly, the principle of residential development was acceptable;
- The submitted indicative site layout afforded provision for access to the remaining allocation and as such, would not prejudice future development, in accordance with Policy CS2 of the Peterborough Core Strategy DPD (2011) and Policy SA6 of the Peterborough Site Allocations DPD (2012);
- The demolition of No.30B would not result in any unacceptable impact upon the character and appearance of the streetscene along Lincoln Road as it was not of such significance or historical/architectural merit, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012);
- The site was of a sufficient size to accommodate the level of development proposed without resulting in unacceptable harm to the character, appearance or significance of the Ginton Conservation Area and surrounding locality, in accordance with the National Planning Policy Framework (2012), Policies CS16 and CS17 of the Peterborough Core Strategy DPD (2011) and Policies PP2 and PP17 of the Peterborough Planning Policies DPD (2012);
- The proposed vehicular access would provide safe access into/out of the site and would not result in any unacceptable impact upon the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);
- The proposed residential development would not result in any unacceptable impact upon the safety of the surrounding highway network, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012);

- The proposed vehicular access would not result in any unacceptable impact upon the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- The site did not contain any protected species and subject to mitigation measures, the proposal would not result in any net loss of biodiversity, in accordance with the National Planning Policy Framework (2012), Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012);
- Adequate surface water and foul drainage would be provided so as to not result in any unacceptable risk of flooding in the locality, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011);
- Archaeological evaluation would be undertaken to ensure no harm resulted to unidentified buried archaeology, in accordance with the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012);
- The development would make a contribution towards the City Council's Environmental Capital Agenda, in accordance with Policy CS10 of the Peterborough Core Strategy DPD (2011); and
- The development would make a financial contribution towards the infrastructure demands it generated, in accordance with Policies CS12 and CS13 of the Peterborough Core Strategy DPD (2011) and Policy PP14 of the Peterborough Planning Policies DPD (2012).

The meeting was adjourned for five minutes.

It was agreed by the Committee that agenda item 4.2 would be taken as the next item of business.

4.3 13/01245/R3FUL - New single storey school comprising of 8 No. classrooms, studio/stage, amenities, play areas, landscaping and parking; and new classroom to existing school and minor alterations to existing school elevations. Land to the rear of 106 – 118A Thistlemoor Road and 1 – 21 Keeton Road, New England/Fulbridge School, Keeton Road, Peterborough

The application was for two developments, one being on each of two separate pieces of land.

The first application site was the Belvedere Bowls Club located to the rear of 106 - 118A Thistlemoor Road and 1- 21 Keeton Road. The site contained two bowling greens and a single storey club hut and pavilion, garages and an area for parking. The site was land locked by residential development to the north west, north east and south west and Accent Nene Sheltered Housing to the south east. Access to the site was currently served off Lincoln Road adjacent to the Parkway Sports Club, through its car park and via a narrow access road which also ran to the south east boundary and separated the site from the rear of properties at 56 to 64 Eaglesthorpe. There was also a pedestrian/cycle path off Thistlemoor Road which had cut across the access road into Eaglesthorpe where it linked with St Pauls Road. The site was enclosed by a mature conifer hedge to a height of

approximately two metres to the north west and north east boundaries and there were mature hedges to the south east and south west.

The second application site was the Fulbridge Academy primary school building located on the north east side of Keeton Road in the heart of a residential area. The site contained a single storey brick building to the south west of the site and there was a large playing field to the north east. The school had previously had a number of extensions.

The first application sought permission for the erection of a single storey building to provide eight new classrooms, a studio/performance area and ancillary support spaces. The new building would accommodate years five and six. Parking would be provided for 20 vehicles (staff only) and vehicular access would be gained off Eaglethorpe and through the adjacent Accent Nene Sheltered Housing Scheme. Pedestrian access to the new school building was proposed to be provided off Burns Close at the intersection of Keeton Road and Shakespeare Avenue. The Belvedere Bowls Club would be relocated to the Peterborough Town Sports Club, Bretton Gate and a separate application for this development was currently under consideration (ref 13/01529/FUL).

The second application sought permission for:

- a) A single storey extension to the existing primary school to provide 1 new classroom. The extension would be located within a recess between two existing classrooms; and
- b) Alterations to windows/doors including the addition of windows to the elevations of the existing classrooms adjacent to the new classroom, insertion of door in reception classroom, insertion of door within the front elevation of the school building.

There were approximately 700 pupils and over 130 staff currently located at the existing school. The proposal would increase the number of pupils by 240 and the number of staff by 20. This meant the total number of classes would progressively expand from the current number of three to four in each year.

The Group Manager Development Management provided an overview of the application and the main issues for consideration. The Committee also received an overview of the revised conditions in addition to the options for retention of a pear tree (ref T7) within the update report. The Officers recommendation was one of approval subject to the imposition of relevant conditions.

Members debated the application and raised some concerns over the location of the site, impact of construction, increase in school traffic, parking and the increase in student movement that the school expansion may attract. Members were in favour of the Tree Officer's advice regarding the retention of the pear tree adjacent to the construction entrance and that measures to mitigate any damage to the tree whilst construction was being conducted should be sought.

The Group Manager Development Management clarified that the new class rooms were not 100% self-sufficient and that pupils would need to walk the main body of distance to the school on a regular basis. Members were also advised that schools

in the main had adopted a School Travel Plan, which would help to mitigate parking issues that may arise, in addition the area was extensively traffic calmed. There would be noise and disturbance through the construction phase and a mitigation option would be to erect screen planting.

Members continued to debate and felt reassured by the Officer's advice given over Schools Travel Plans. However, there had not a great deal of alternative options available in order to reduce the noise of construction works. Members raised concerns regarding the effect of the relocation of the bowling green and whether it would impact on their 2014 season and asked if there was a condition that could be applied within the application to provide continuity for the event.

The Legal Officer advised that there was no condition that could be imposed to protect the bowling green's 2014 season and that the bowls club were not looking to rescind their lease until such time as to secure an alternative site.

The Group Manager Development Management clarified the emergency access that ran parallel to Thistlemore Road would not be a suitable access option for construction vehicles due to the traffic movement that would be created through busy car parks that served a variety of buildings, which included a sports and social club, a clinic and shops.

A motion was put forward and seconded to grant the application subject to the imposition of relevant conditions, including revised conditions as detailed in the update report. The motion was carried by 7 votes, with 1 abstaining.

RESOLVED: (7 For, 1 Abstention) to grant the application, as per officer recommendation subject to:

1. The Conditions C1 to C17 and C19 as detailed in the committee report;
2. The grant of planning permission for the application for the replacement bowls club, ref. 13/01529/FUL;
3. With the appropriate conditions which reflected whether it had been possible to retain the pear tree ref T7 at the entrance to the new annex school site off Eaglesthorpe i.e. revision to conditions 12 and 7; and
4. The revised conditions as detailed within the update report.

Reasons for the decision:

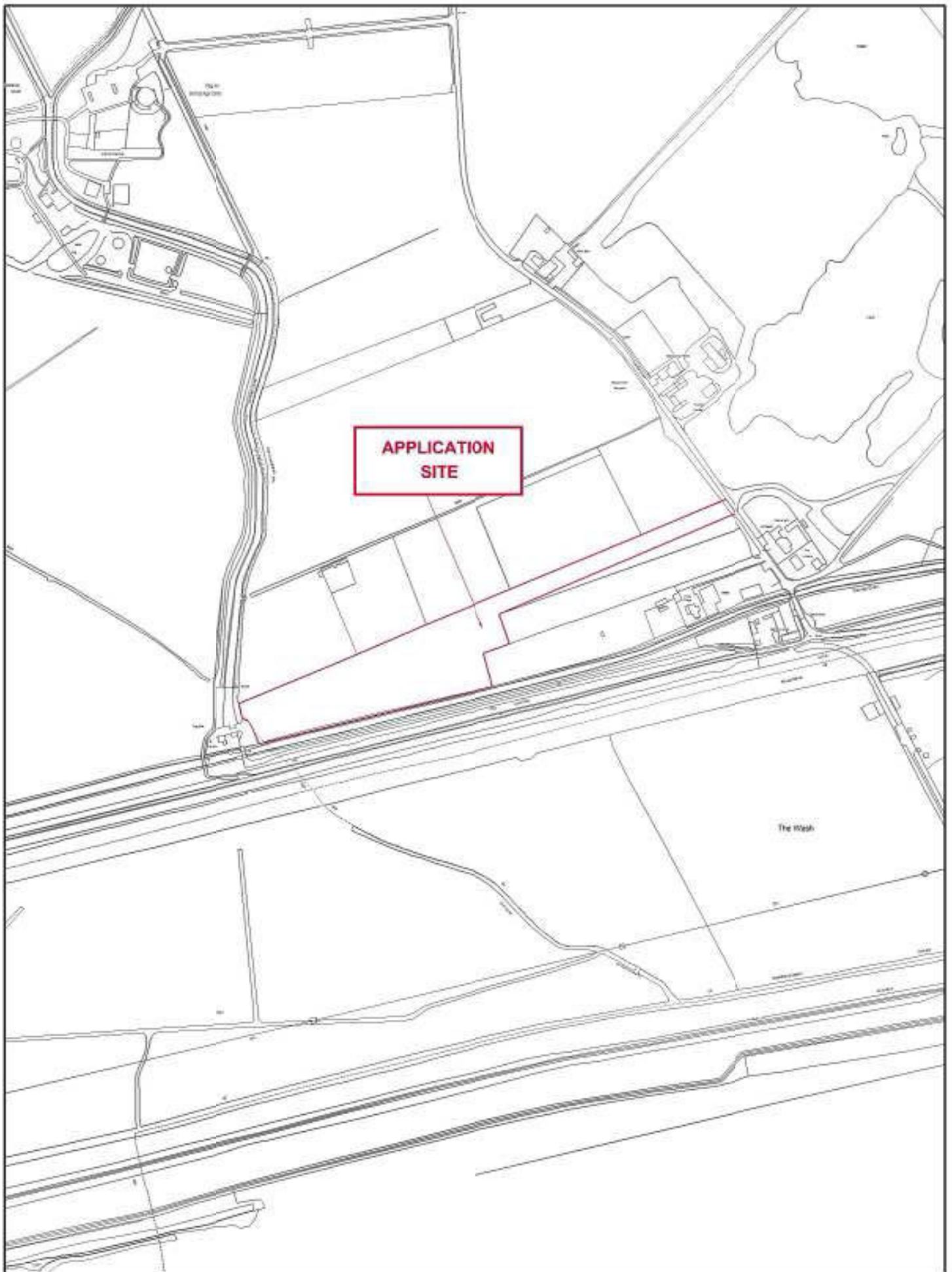
Subject to the imposition of the conditions, the proposal was acceptable as it had been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The site was located at the heart of a residential area and the proposal would enhance the educational capacity for the catchment area;
- This was a sustainable development which would make efficient and effective use of site;
- The proposal would result in the loss of a sports pitch however, an enhanced bowls club facility on an alternative site could be provided;
- The site would provide safe and convenient access and was accessible by a choice of means of transport and the use of non-car modes of travel would be

- encouraged through the School Travel Plan;
- The layout, scale, proportions and design of the new building would not detract from the character of the immediate context;
 - The siting of the building provided an adequate separation distance to existing neighbouring residential properties and the proposed vehicular access would not result in any adverse effects on the amenity of the occupiers of these properties to an extent that the proposal was unacceptable; and
 - The proposal would provide replacement planting and features to enhance the biodiversity within the site.

Hence the proposal accorded with Policies CS14, CS16, CS19, CS21 and CS22 of the Peterborough Core Strategy DPD (2011), Policies PP1, PP2, PP3, PP12, PP13 and PP16 of the Peterborough Planning Policies DPD (2012) and the National Planning Policy Framework (2012).

1.30pm – 3.14pm
Chairman



LOCATION PLAN 13/00147/FUL

Land To The Rear Of Barsby Cooked Meats, Northey Road, Peterborough

Scale NTS **Date** 21/11/2013 **Name** AA **Department** Planning Services

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Application Ref: 13/00147/FUL

Proposal: Construction of stables - retrospective

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

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

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

Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

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

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

Proposal

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

2 Planning History

Site 2

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

Site 3

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

Site 4

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

Site 5

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

Site 6

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

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

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 10 - Development and Flood Risk

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

Section 11 - Biodiversity

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

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

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

Section 12 - Conservation of Heritage Assets

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

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

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

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS14 - Transport

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

CS20 - Landscape Character

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

CS21 - Biodiversity and Geological Conservation

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

CS22 - Flood Risk

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

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 – Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits

PP19 - Habitats and Species of Principal Importance

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

Material Planning Considerations

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

4 Consultations/Representations

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

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

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

Pollution Control – No objections

North Level Internal Drainage Board – No response

Thorney Parish Council – No objection

Local Residents/Interested Parties

Initial consultations: 7

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

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

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

5 Assessment of the planning issues

The main considerations are:

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

a) Background

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

b) Principle of development

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

c) Archaeology

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

Setting of the Assets

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

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

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

Impact on undesignated Heritage Assets

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

d) Landscape character

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

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

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

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

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

e) Vehicle access and highway implications

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

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

f) Residential amenity

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

g) Other Matters

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

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

6 Conclusions

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

7 Recommendation

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

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

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

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

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

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

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

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

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

Copies to Cllrs DA Sanders, D McKean

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Appeal Decisions

Hearing and site visit held on 24 September 2013

by Clive Kirkbride BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2013

Appeal Ref: APP/J0540/C/13/2196062 and 2196063 **Land on south west side of Northey Road, Peterborough, PE6 7YX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr and Mrs N Hall against an enforcement notice issued by Peterborough City Council.
- The Council's reference is 11/00564/ENFOTH.
- The notice was issued on 13 March 2013.
- The breach of planning control as alleged in the notice is a material change of use has occurred as land forming part of the open countryside is being used as a residential caravan site following the stationing of caravans, storage units and the installation of fencing, a cess pit and the laying of hardcore.
- The requirements of the notice are to:
 - (i) Cease use of the land for the stationing of residential caravans;
 - (ii) Remove the caravans, storage units and other ancillary structures from the land;
 - (iii) Remove the fencing from the land;
 - (iv) Remove the cess pit and any associated component parts from the land;
 - (v) Remove all hardcore and replace with Fenland soil to the same level as the surrounding land to restore the land to its previous state;
 - (vi) Remove all other resultant materials arising from compliance with steps (iii), (iv) and (v) in addition to any machinery and other items used to comply with the notice.
- The period for compliance with the requirements is 6 months in respect of steps (i) to (iii) and 8 months in respect of steps (iv) to (vi).
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal Ref: APP/J0540/A/13/2193949 **Land on south west side of Northey Road, Thorney, Peterborough, Cambridgeshire, PE6 7YX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs N Hall against the decision of Peterborough City Council.
- The application Ref 12/01565/FUL, dated 9 October 2012, was refused by notice dated 7 December 2012.
- The development is use of land for one gypsy family comprising 1 x residential caravan; 2 x ancillary caravans, 2 x portacabins for use as a utility and storage and 1 x storage container.

Decisions

APP/J0540/C/13/2196062 and 2196063

1. The enforcement notice is corrected and varied:

by deleting the allegation in its entirety and substituting the following allegation: "A material change of use of the land from agriculture to a mixed use for agriculture and residential purposes by the stationing of caravans for

residential use, storage units and the installation of fencing, a cess pit and the laying of surface scalpings/planings.”

by the deletion of the words "all hardcore" and the substitution of the words "the surface scalpings/planings" in Requirement v)

Subject to these corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

APP/J0540/A/13/2193949

2. The appeal is allowed and planning permission is granted for the use of land for one gypsy family comprising 1 x residential caravan; 2 x ancillary caravans, 2 x portacabins for use as a utility and storage and 1 x storage container on land on the south west side of Northey Road, Thorney, Peterborough, Cambridgeshire, PE6 7YX in accordance with the terms of the application, Ref 12/01565/FUL, dated 9 October 2012 and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Application for costs

3. At the Hearing an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

Background

4. The appeal site is a long, narrow rectangular area of land lying immediately to the west of Northey Road with part hedged and part fenced boundaries. It shares a common boundary with Flag Fen which generally lies to the north and west. Flag Fen, described as "a Bronze Age post alignment and timber platform to the east of Fengate Power Station, including Bronze Age and later field systems and settlement to either side of Northey Road" in the list entry description, was scheduled as an ancient monument (SAM) in March 2012.
5. The appellants bought the notice land, which had previously been used for agricultural/grazing purposes, about 12 years ago. There were already stables on the land so it was well-suited to the appellants' needs as they keep horses. Over the years the stables and other buildings, which would appear to have not been in a good condition, have been removed including the building shown on the appeal plans. Prior to occupying the notice land for residential purposes, the appellants and their family had been living on a private gypsy and traveller site at Eye. However, overcrowding and increasing family needs resulted in the family moving onto the appeal site.
6. The site is currently subdivided into three by internal fencing with the surface between the entrance onto Northey Road and the westernmost fence generally covered with a layer of scalpings/planings. The eastern section of the site closest to the road is used for vehicle parking and turning. The family is currently living in the central fenced section (residential compound) which is where their caravans, storage units and utility room are generally located.
7. Beyond the residential compound and westernmost fence the notice land extends all the way back to its boundary with the Counter Drain and this part of the site accounts for significantly more than half its total area. Although I

noted this area to be generally unused, I saw evidence of low-key ancillary residential use taking place immediately outside the residential compound, including a washing line and children's play equipment.

The notice and the appeals on ground (b)

8. The appellants raised concerns about the wording of the allegation that goes to the heart of their appeals, that is, that the matters alleged in the notice have not occurred as a matter of fact. They claim that the land shown edged red on the notice plan is being used for a mixed use of agriculture/equestrian and as a residential caravan site. Whilst I saw no evidence of any equestrian use of the land the Council agreed that the previous use of the land was agriculture and conceded that only part of the notice land was being used for residential purposes.
9. It was also submitted that not all of the hardcore presently covering the site had been laid by the appellants, as demonstrated by the evidence of the appellants' drainage consultant. What the appellants did not dispute was that they had covered the surface with a layer of scalplings/planings.
10. None of these matters was disputed by the Council and it was agreed by the parties that I could correct the notice allegation to read as follows: "A material change of use of the land from agriculture to a mixed use for agriculture and as a residential caravan site following the stationing of caravans, storage units and the installation of fencing, a cess pit and the laying of surface scalplings/planings" without causing any material injustice. I shall do this, in which case the appeals on ground (b) fail in relation to the corrected allegation.
11. Correcting the allegation in this manner has a knock-on effect on the wording of requirement (v) of the notice and the Council agreed this could be varied by deleting the reference to 'all hardcore' and substituting this with 'the surface scalplings/planings.'

The ground (a) and s78 appeals

12. The reasons for issuing the enforcement notice are very similar to the first three reasons for refusal shown on the Council's decision notice. However, the Council confirmed that its reason for refusal relating to the use of non-mains drainage and the risk of water pollution had been withdrawn following confirmation from the Environment Agency (EA) that the use of a septic tank, as proposed, would be acceptable. The Council also conceded during the hearing that its concerns about damage to any buried archaeological remains could be addressed by an archaeological investigation and recording condition as suggested by English Heritage (EH). I have determined the appeals on this basis.

Main issues

13. Having regard to the above, I consider this to be the effect of the appeal development on the setting of Flag Fen SAM and the character and appearance of the area, and whether other material considerations are sufficient to outweigh any harm identified.

Reasons

Setting and character and appearance

14. In the language of the National Planning Policy Framework (The Framework) a SAM is a 'designated heritage asset' (DHA). The appeal site lies outside, but directly adjoins, the southern boundary of the SAM. The setting of a heritage asset is defined in the Annex 2: Glossary to The Framework 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. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.* This is the same definition contained within the now cancelled Planning Policy Statement 5: Planning for the Historic Environment.
15. At the hearing, EH's representative confirmed that there is no boundary to the setting of Flag Fen SAM and that the setting does not form part of the scheduled area. It is neither a heritage asset nor a heritage designation in itself and, by definition, the harm caused by the appeal development and s78 appeal scheme is 'less than substantial' rather than 'substantial' when assessed against paragraphs 132-134 of The Framework.
16. The importance of setting lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to the heritage asset's surroundings. In some cases the contribution made by setting to the asset's significance may be negligible; in others it may make the greatest contribution to significance. Therefore, the importance of setting is a matter of judgment. EH has issued guidance on the setting of heritage assets based largely on the advice and guidance set out in PPS5. Whilst this is currently being reviewed it still contains useful advice and is a material consideration.
17. As part of my site visit I was able to see, amongst other features at Flag Fen, the preserved remains, visitor centre, museum and the grounds within which these features are contained and displayed (the visitor attraction). Although this forms only a small part of the SAM it forms the focus of attraction for, and the educational and interpretative effort aimed at, visitors. I particularly noted the 'dioramas' on the walls of the preservation hall which provide visitors with an artist's impression of the context within which to understand the significance and role of the preserved remains. These are displayed and interpreted as being set within an ancient landscape of fen and open water beneath large skies, somewhat reminiscent of parts of the modern-day Norfolk Broads.
18. According to EH, the area beyond the visitor attraction and the boundaries of the SAM provides the setting for experiencing the preserved Bronze Age remains, and later evidence of Iron Age and Roman occupation. However, in complete contrast to the experience provided by the visitor attraction, this is a modern landscape of rectilinear fields, both worked and grazed, separated by hedges and fences, interspersed with scattered buildings and whose skyline is interrupted by a significant number of tall structures including chimneys, wind turbines and pylons carrying power lines. In my judgment, this is the setting within which the SAM is experienced today, and it is completely at odds with, for example, the mysterious and lost world portrayed and experienced by visitors in the preservation hall.
19. Addressing some of the particular concerns raised by EH and the Council about the effect on setting, the well established and maintained conifer hedge along part of the appeal site's southern boundary already existed prior to the time

Flag Fen was scheduled. The newer hedge along part of the northern boundary abuts but does not intrude into the scheduled area, including its southern boundary.

20. I do not disagree that these and other similar hedges in the immediate locality are alien features of the landscape, the more so if those at the appeal site, which are only about 3m tall, were allowed to grow to a substantial height. Hedges, however, are not generally subject to planning controls and the appellants would be agreeable to managing them at about their present height as part of any landscape management plan that might be agreed as a condition of granting permission for the s78 appeal scheme. In my view, this is a material consideration.
21. There are glimpses of the appeal development from the access road leading to the Flag Fen visitor centre where it is seen in the context of other buildings and caravans nearby as well as against a skyline punctuated by a variety of tall structures. From this vantage point it causes little by way visual harm and does not adversely affect the setting of the SAM. However, the appeal development can be seen at much closer quarters from the cycleway on the opposite side of Counter Drain from a position just outside the scheduled area.
22. I accept that, prior to the appeal development being carried out, there was already a range of, by all accounts, unattractive buildings occupying the same site. However, these buildings were a feature of an area where horse grazing and equine uses were already established. In my judgment, this so-called fallback position, as the appellants refer to it, does not outweigh the harmful visual impact caused by the residential use of the land in its present form. On balance, I also consider the appeal development makes a negative contribution to the setting of the SAM.
23. However, as proposed under the s78 appeal scheme, the residential compound would be re-sited further to the east, closer to Northey Road, in order to move it outside the area of land which is subject to the risk of flooding. In my judgment this would result in a reduced visual impact compared to that caused by the current appeal development. It would also result in a correspondingly lesser impact on the setting of the SAM when experienced from this particular vantage point. The Traveller policy, whilst seeking to strictly limit traveller site development in the open countryside, does not prevent their development, as a matter of principle, and there is no evidence before me that the s78 appeal scheme would dominate the nearest settled community or place undue pressure on local infrastructure.

Other material considerations

24. I have only briefly considered these as most of the matters are not in dispute, including the status of the appellants as gypsies for the purposes of the Traveller policy. I heard that they are horse dealers, that the family travels to horse fairs around the country during school holidays and that Mr Hall also does a variety of work in the local area. In other words, they live a typical gypsy lifestyle.
25. There is a considerable unmet need for around 30 traveller pitches in Peterborough and no alternative sites for the appellants to move to. The Council confirmed that it would not be in any position to identify sites to meet the agreed level of need in the foreseeable future. It follows, therefore, that it

does not have a five year supply of traveller sites as required by the Traveller policy. Moreover, it would appear that the Council does not propose to identify any new sites. Rather, it intends to review the need for these based on what it considers to be genuine local needs only, which is also contrary to Government policy, and to publish guidance on this in the form of a proposed Supplementary Planning Document for which I heard there is currently no timetable for publication and adoption.

26. The appellants have two school age children who are attending and, by all reports, doing well at Parnwell Primary School, which is close by. Their eldest daughter who is also living with them has an 18 month old baby. It is essential for the children's continuing education that they live on a settled site close to their school; there is none other than the appeal site. The requirement to vacate the site without a suitable alternative to move to would interfere with the appellants' rights under Article 8 of the Human Rights Act 1998 and, critically, would not be in the best interests of the children living whose needs the courts have found to be a primary consideration.
27. Whilst unauthorised occupation of the appeal site should not be treated lightly it is evident that the Council has done little, if anything, to assist the appellants find an alternative site, despite the intervention of the Council's Traveller Support and Education Officer on their behalf.

Overall conclusions on the ground (a) and s78 appeals

28. Having heard and read all the submissions on this matter I conclude as follows: Firstly, the modern local landscape does not contribute greatly to the significance of the SAM; much of the appeal of visiting Flag Fen is to experience the remarkable survival of an ancient drowned landscape that it entirely at variance with today's landscape.
29. Secondly, the appeal development as carried out has harmed the character and appearance of its open, rural setting and, from one particular vantage point, has a limited, but nevertheless, negative impact on the setting of the SAM. Therefore, I conclude that the appeal development is contrary to Policies CS9 (Gypsies and Travellers), CS17 (the historic environment) and CS20 (landscape character) of the Adopted Peterborough Core Strategy, Policy PP17 (heritage assets) of the Adopted Peterborough Planning Document and the relevant advice and guidance on the conservation of heritage assets set out in The Framework.
30. Consequently, I also conclude that the ground (a) appeals should fail, the corrected and varied notice should be upheld and that planning permission should not be granted for the development as carried out.
31. However, and thirdly, the s78 appeal scheme, subject to appropriate conditions, would not harm the character and appearance of the countryside and would have a neutral, as opposed to an adverse, effect on the setting of the SAM. Had I identified that this would have resulted in less than substantial harm to the SAM, other material considerations (in this case, the public benefits of the proposal in the form of providing a settled site for a gypsy family and their young children in an area with a significant unmet need for traveller sites which is unlikely to be addressed in the foreseeable future) would have outweighed the negligible harm caused. Consequently, there

would be no conflict with the above mentioned development plan documents or the advice and guidance set out in The Framework.

32. Therefore, the s78 appeal succeeds and planning permission is granted for that development. By virtue of the provisions of Section 180 of The Town and Country Planning Act 1990 as amended the notice shall cease to have effect so far as inconsistent with that permission. In these circumstances there is no need for me to consider the enforcement appeals under grounds (f) and (g).

Conditions

33. I have considered the conditions suggested by the Council in the light of the advice set out in Circular 11/95 and the discussion that took place at the hearing. As development of the land has already commenced there is no need for the standard time limited condition. I shall impose a modified version of the suggested archaeological investigation and recording condition, reflecting the fact that development has already commenced, in the interests of mitigating the effects of development on any buried archaeological remains. There is a need for conditions restricting occupancy of the site to gypsy and travellers; the number and types of caravans; preventing any commercial use of the site, and restricting the weight of commercial vehicles stationed on the land, in the interests of meeting an unmet need for gypsy sites and safeguarding the appearance of an area of open countryside and the setting of Flag Fen SAM.
34. There is a need for a condition requiring a site development scheme to be submitted, approved and implemented within a given period of time, otherwise the use permitted shall cease. Such a scheme shall include details of: landscaping, including hedgerow management, a reduction in the area of hardsurfacing, so that this is contained within the developed area of the site, in the interests of appearance; on-site parking and turning arrangements, in the interests of highway safety and residential amenity, and details of the proposed septic tank, in the interests of preventing pollution. There is a need for a separate condition requiring the vehicular access to be surfaced in a bound material in a more timely fashion, in the interests of highway safety.
35. In the absence of any evidence before me relating to site contamination, and the likely danger to public health arising from this, there is no need for a condition requiring the appellants to assess, identify and remediate any site contamination. As there is ample space within this well-contained site for the storage of refuse and recycling bins there is no need for a condition requiring the construction of a bin store.

C.S. Kirkbride

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in the Annex 1: Glossary to the Planning policy for traveller sites.
- 2) There shall be no more than 1 pitch on the site on which no more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 3) No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 4) Within 1 month of the date of this decision the vehicular access shall be surfaced in a bound material for a distance of 10m into the site from the back edge of the carriageway.
- 5) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 1 month of the date of failure to meet any one of the requirements set out in (i) to (v) below:-
 - i) prior to any further development taking place and not later than within 2 months of the date of this decision, a programme of archaeological work, including a written scheme of investigation, arrangements for archiving any finds, the submission of final reports and a timetable for implementation shall have been submitted for the written approval of the local planning authority (hereinafter referred to as the archaeological investigation scheme);
 - ii) within 2 months of the date of this decision the following details and plans shall be submitted for the written approval of the local planning authority: a plan detailing on-site parking and turning arrangements; a landscape management plan, including details of hedgerow management and any other internal and external boundary treatment and any scalplings/planings to be removed from the land, in order to contain these within the area shown for development on the approved plans; details of the specifications of the proposed septic tank and its siting. Such details and plans, hereinafter referred to as the site development scheme, shall include a timetable for implementation;
 - iii) within 10 months of the date of this decision, if the local planning authority refuse to approve both the archaeological investigation scheme and site development scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as valid by, the Secretary of State;
 - iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme(s) shall have been approved by the Secretary of State.
 - v) the approved schemes shall have been carried out and completed in accordance with the approved timetables.

APPEARANCES

FOR THE APPELLANT:

Janet Montgomery	The appellants' agent and planning consultant
Mr and Mrs N Hall	The appellants
Peter Cox	The appellants' archaeological consultant
Terry Archer	The appellants' drainage consultant
Claire Carrington	Traveller Support and Education Officer, Peterborough City Council

FOR THE LOCAL PLANNING AUTHORITY:

Janet MacLennan, BSc(Hons) MA MRTPI	Senior Development Management Officer, Peterborough City Council
Tony Whittle	Planning Enforcement Officer, Peterborough City Council
Andrew Cundy, MRTPI	Area Manager (Development Management), Peterborough City Council
Dr William Fletcher, BA PhD	Inspector of Ancient Monuments, English Heritage

INTERESTED PERSONS:

Barry Nicholls	Independent Gypsy and Traveller consultant
Miss T O'Rourke and partner	Local residents/occupiers of neighbouring land

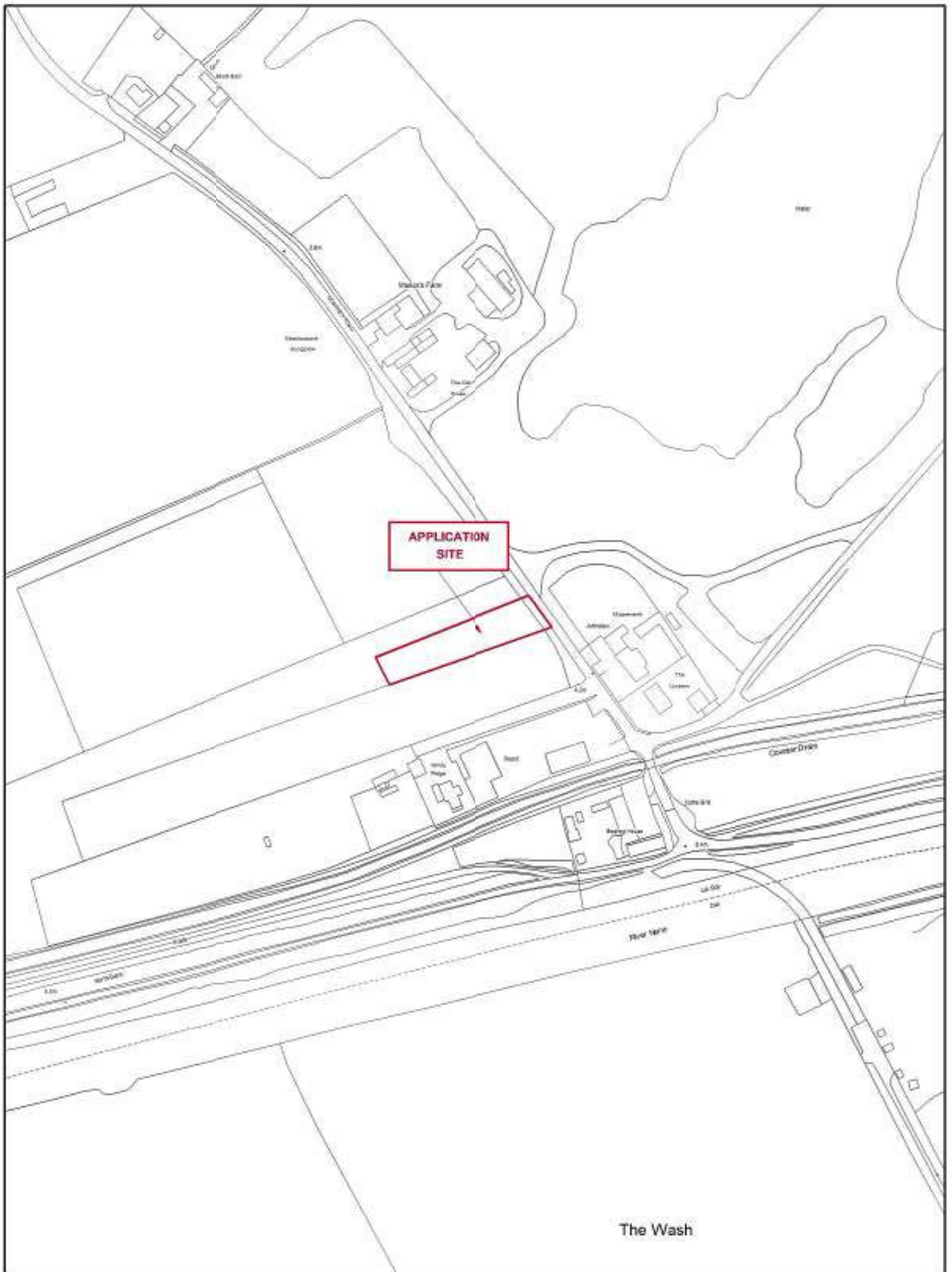
DOCUMENTS

- 1 Copy of the Council's hearing notification letter and list of consultees dated 10/09/13
- 2 Bundle of letters providing the appellants with references and support for their appeals

PLANS

- A Copy of plan (unnumbered and undated) entitled "Foul drainage solution" showing, amongst other matters, proposed foul drainage options for the appeal site (submitted for the appellants)

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LOCATION PLAN 13/00384/FUL

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

Scale NTS **Date** 21/11/2013 **Name** AA **Department** Planning Services



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Application Ref: 13/00384/FUL

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

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

Applicant: Miss M Smith & Mrs Richardson

Agent: Architectural & Surveying Services Ltd

Referred by: Director of Growth & Regeneration

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

Site visit: 17.09.2013

Case officer: Mr A Cundy

Telephone No. 01733 454416

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

Recommendation: **GRANT** subject to relevant conditions

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

Site and Surroundings

The application site comprises a small narrow parcel of land measuring approximately 1,450 sq. metres and is located on the west side of Northey Road approximately 1.8 km from the urban area boundary and within land designated as open countryside. The site is on agricultural land and was most recently used as a horse paddock. A close boarded timber fence has been erected to the front of the site. The southern boundary is made up of a mature hedgerow. Barsby Cooked Meats, a meat wholesaler, is sited to the South of the site. To the east are sporadic residential dwellings and the Northey Lodge Carp Fishing Lakes with its wooded landscape, otherwise the surrounding character is flat open agricultural land. A new access to the site from Northey Road has been formed. The site lies at a lower level than the public highway.

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

Proposal

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

2 Planning History

Site 2

Planning application ref: 13/00147/FUL for construction of stables – retrospective on site immediately to north is also for consideration by members at the same meeting

Site 3

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

Site 4

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

Site 5

Enforcement Notice dated 22nd November 1990 was served on the land requiring the persons responsible to: break up the hardstandings, roadways and accesses and remove from the land all hardcore and other materials used in the construction of the said hardstanding, roadways and accesses, replace the hardstanding, roadways and access with fenland soil to the same level of the surrounding land, make up the verge to a condition to match the existing verge. The persons responsible had until the 14th March 1991 to undertake the work required. The notice has been complied with but remains in force on the site.

Site 6

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

A plan with these locations marked on will be displayed at the Committee Meeting.

3 Planning Policy

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

National Planning Policy Framework (2012)

Section 10 - Development and Flood Risk

New development should be planned to avoid increased vulnerability to the impacts of climate change. Inappropriate development in areas of flood risk should be avoided by directing it away from areas at higher risk. The site is in Flood Risk Zone 1 (low risk).

Section 11 - Biodiversity

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

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

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

Section 12 - Conservation of Heritage Assets

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

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

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

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS09 - Gypsies and Travellers

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

CS14 - Transport

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

CS20 - Landscape Character

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

CS21 - Biodiversity and Geological Conservation

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

CS22 - Flood Risk

Development in Flood Zones 2 and 3 will only be permitted if specific criteria are met. Sustainable drainage systems should be used where appropriate.

Peterborough Planning Policies DPD (2012)

PP01 - Presumption in Favour of Sustainable Development

Applications which accord with policies in the Local Plan and other Development Plan Documents will be approved unless material considerations indicate otherwise. Where there are no relevant policies, the Council will grant permission unless material considerations indicate otherwise.

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 – Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits

PP19 - Habitats and Species of Principal Importance

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

Material Planning Considerations

The Setting of Heritage Assets – English Heritage June 2012
Planning Policy for Traveller Sites (DCLG) March 2012
Peterborough Landscape Character Assessment 2007

4 Consultations/Representations

PCC Highways Authority – Objects and recommends refusal. The vehicle-to-vehicle visibility splays required as determined by the submitted speed survey are 2.4m x 215m to the north, and

125m to the south; as the sites are located within 125m of the bend in Northey Road/North Bank therefore visibility to the bridge over Counter Drain would be required. These visibility splays cannot be achieved due to the presence of third party land (currently an earth bund), which is not within the highway, nor within the applicant's control. The issues relating to the set back of the gates and access width for 13/00384/FUL have been addressed by the revised plans received last week

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

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

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

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

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

Police Architectural Liaison Officer – No objections

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

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

Local Residents/Interested Parties

Initial consultations: 31

Total number of responses: 11

Total number of objections: 3

Total number in support: 0

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

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

Additional Letters

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

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

5 Assessment of the planning issues

The main considerations are:

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

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

a) Background

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

b) Introduction

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

c) Principle of development

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

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

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

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

d) Access to Services

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

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

e) Archaeology

As indicated under part 1 of this report, the site is 300 metres south of the southern boundary of Flag Fen Scheduled Ancient Monument (SAM) which is considered to be one of the most important Bronze Age monuments in the country and to the north of the Roman (SAM).

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

The National Planning Policy Framework (NPPF) states that when considering the impact of a development on a designated heritage asset, the more important the asset, the greater the weight should be. The significance of the asset can be harmed or lost through alteration or destruction or by inappropriate development within its setting' (132, p. 31). Significance derives not only from a heritage asset's physical presence, but also from its setting. In addition Policy CS17 of the Adopted Peterborough Core Strategy emphasises the importance of protecting, conserving and enhancing the historic environment and states that all new development must respect and enhance the local character and distinctiveness of an area, particularly in areas of high heritage value.

Setting of the Assets

- In respect of setting, NPPF defines the setting of a heritage asset as 'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve' (p. 56). It is accepted that caravans and the facilities block are an incongruous feature within the rural context and as such the two are not considered to be comparable within the contemporary landscape. The relationship between the land at Northey Road and the land at the visitors centre is important to experiencing and understanding the site, and its setting, as defined in the NPPF. While the proposed site for the caravans and facilities block is not located within the scheduled monument, it is within the vicinity of the designated area.
- The Council's Archaeological Officer and English Heritage have been consulted on the proposal. The Archaeological Officer view is that the subject application will have a direct impact on the setting of the two ancient monuments. However, given the land form and existence of buildings and structures, flood defences and natural vegetation, planning officers do not see how the setting of Roman monument can be impacted upon. English Heritage advise that Flag Fen is a nationally important designated heritage asset, its

significance is exceptionally high and therefore it should be given great weight in the planning process. Further English Heritage considers that the effects of the proposed developments would cause a degree of harm to the significance of the designated asset and risks introducing cumulative harm from further similar developments. Having reviewed the proposal English Heritage advise that officers weigh this harm against the policies for sustainable development in the NPPF and any public benefits of development in determining these applications.

- There is a substantial and unmet need for additional accommodation for gypsy and travellers. In the context of the NPPF, Officers do not consider the site is unsustainable. It is accepted that there is some harm to the setting of the Flag Fen SAM but on balance the damage is not so significant to outweigh the need for a Gypsy and Traveller pitch and not to a degree which warrants refusal of this application. In coming to their decision Members are asked to take into account the recent appeal decision summarised in part two of this report. The difference between this application and the appeal application is that the latter shared a common boundary with the Flag Fen SAM. The Inspector concluded that the proposal would have a neutral as opposed to adverse effect and that had he identified that this would have resulted in less than substantial harm to the SAM. Given that the proposal now before committee is further away from the Flag Fen SAM, visually more closely associated with nearby existing built development and considerably less visible from the SAM it is considered that the harm is negligible even when the other developments proposed and or recently approved are taken into account. With regard to the Roman SAM, as this is on the opposite bank of the river Nene and there is no visibility between the two, it cannot be said that there would be a significant cumulative impact on the setting of the SAM

Impact on undesignated Heritage Assets

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

f) Landscape character

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

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

g) Vehicle access and highway implications

Criteria (c) of Policy CS9 of the Peterborough Core Strategy DPD (2011) requires safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing.

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

h) Residential amenity

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

i) Contamination

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

j) Ecology

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

k) Drainage

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

l) Flood risk

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

m) Government Planning Policy for Traveller Sites

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

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

In the case of this application the site:

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

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

Also the document states that:

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

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

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

n) Other matters

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

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

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

We feel strongly that anymore caravans will greatly devalue our property

Officer response: This is not a material planning consideration.

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

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

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

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

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

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

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically: it is considered that there will be no unacceptable impact on the amenities of neighbours, that the site is within a reasonable distance of local services and facilities, that there is sufficient parking and has a safe vehicular access. It is considered that there is no significant harm to the setting of the nearby scheduled ancient monuments and any as yet uncovered archaeology can be investigated by way of condition. The very limited harm caused to character and appearance of the local area can be mitigated by a conditioned landscape scheme. The proposal will not be harmful in ecological terms and foul and surface water conditions will ensure that the risk of pollution and flooding is mitigated. The proposal is therefore in accordance with Policy CS9, CS14, CS20, CS21, CS22 of the Peterborough Core Strategy DPD (2011) policies PP01, PP02, PP03, PP12, PP13, PP16 PP19 of the Peterborough Planning Policies DPD (2012), the NPPF and the Planning Policy for Traveller Sites (DCLG) March 2012.

7 Recommendation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C8 No ground works shall take place until a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority. The programme of work shall include a Written Scheme of Investigation a programme of evaluation by trial trenching to ascertain the archaeological potential of the site and a watching brief. The Scheme shall thereafter be implemented as agreed.

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

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

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

(ii) an assessment of the potential risks to:

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

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

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

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

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

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

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

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

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

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

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

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

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

C15 The area shown on the approved drawings as vehicle parking and turning shall be kept free for this purpose in perpetuity.

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

C 16 Within 12 months of the date of this permission a native hedgerow shall be planted along those boundaries that are not formed by the close boarded fencing which was in situ at the time of the determination of this application. The planting shall be in double staggered rows with 30cm centres, stakes and rabbit guards and comprise 60% hawthorn, 20% blackthorn, 10% field maple and 10% hazel. Any hedge plants that die, are removed or become diseased within five years of being first planted shall be replaced during the next available planting season.

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

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

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

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Appeal Decisions

Hearing and site visit held on 24 September 2013

by Clive Kirkbride BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 November 2013

Appeal Ref: APP/J0540/C/13/2196062 and 2196063 **Land on south west side of Northey Road, Peterborough, PE6 7YX**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr and Mrs N Hall against an enforcement notice issued by Peterborough City Council.
- The Council's reference is 11/00564/ENFOTH.
- The notice was issued on 13 March 2013.
- The breach of planning control as alleged in the notice is a material change of use has occurred as land forming part of the open countryside is being used as a residential caravan site following the stationing of caravans, storage units and the installation of fencing, a cess pit and the laying of hardcore.
- The requirements of the notice are to:
 - (i) Cease use of the land for the stationing of residential caravans;
 - (ii) Remove the caravans, storage units and other ancillary structures from the land;
 - (iii) Remove the fencing from the land;
 - (iv) Remove the cess pit and any associated component parts from the land;
 - (v) Remove all hardcore and replace with Fenland soil to the same level as the surrounding land to restore the land to its previous state;
 - (vi) Remove all other resultant materials arising from compliance with steps (iii), (iv) and (v) in addition to any machinery and other items used to comply with the notice.
- The period for compliance with the requirements is 6 months in respect of steps (i) to (iii) and 8 months in respect of steps (iv) to (vi).
- The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal Ref: APP/J0540/A/13/2193949 **Land on south west side of Northey Road, Thorney, Peterborough, Cambridgeshire, PE6 7YX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs N Hall against the decision of Peterborough City Council.
- The application Ref 12/01565/FUL, dated 9 October 2012, was refused by notice dated 7 December 2012.
- The development is use of land for one gypsy family comprising 1 x residential caravan; 2 x ancillary caravans, 2 x portacabins for use as a utility and storage and 1 x storage container.

Decisions

APP/J0540/C/13/2196062 and 2196063

1. The enforcement notice is corrected and varied:

by deleting the allegation in its entirety and substituting the following allegation: "A material change of use of the land from agriculture to a mixed use for agriculture and residential purposes by the stationing of caravans for

residential use, storage units and the installation of fencing, a cess pit and the laying of surface scalpings/planings.”

by the deletion of the words "all hardcore" and the substitution of the words "the surface scalpings/planings" in Requirement v)

Subject to these corrections and variations, the appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

APP/J0540/A/13/2193949

2. The appeal is allowed and planning permission is granted for the use of land for one gypsy family comprising 1 x residential caravan; 2 x ancillary caravans, 2 x portacabins for use as a utility and storage and 1 x storage container on land on the south west side of Northey Road, Thorney, Peterborough, Cambridgeshire, PE6 7YX in accordance with the terms of the application, Ref 12/01565/FUL, dated 9 October 2012 and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Application for costs

3. At the Hearing an application for costs was made by the appellants against the Council. This application is the subject of a separate Decision.

Background

4. The appeal site is a long, narrow rectangular area of land lying immediately to the west of Northey Road with part hedged and part fenced boundaries. It shares a common boundary with Flag Fen which generally lies to the north and west. Flag Fen, described as "a Bronze Age post alignment and timber platform to the east of Fengate Power Station, including Bronze Age and later field systems and settlement to either side of Northey Road" in the list entry description, was scheduled as an ancient monument (SAM) in March 2012.
5. The appellants bought the notice land, which had previously been used for agricultural/grazing purposes, about 12 years ago. There were already stables on the land so it was well-suited to the appellants' needs as they keep horses. Over the years the stables and other buildings, which would appear to have not been in a good condition, have been removed including the building shown on the appeal plans. Prior to occupying the notice land for residential purposes, the appellants and their family had been living on a private gypsy and traveller site at Eye. However, overcrowding and increasing family needs resulted in the family moving onto the appeal site.
6. The site is currently subdivided into three by internal fencing with the surface between the entrance onto Northey Road and the westernmost fence generally covered with a layer of scalpings/planings. The eastern section of the site closest to the road is used for vehicle parking and turning. The family is currently living in the central fenced section (residential compound) which is where their caravans, storage units and utility room are generally located.
7. Beyond the residential compound and westernmost fence the notice land extends all the way back to its boundary with the Counter Drain and this part of the site accounts for significantly more than half its total area. Although I

noted this area to be generally unused, I saw evidence of low-key ancillary residential use taking place immediately outside the residential compound, including a washing line and children's play equipment.

The notice and the appeals on ground (b)

8. The appellants raised concerns about the wording of the allegation that goes to the heart of their appeals, that is, that the matters alleged in the notice have not occurred as a matter of fact. They claim that the land shown edged red on the notice plan is being used for a mixed use of agriculture/equestrian and as a residential caravan site. Whilst I saw no evidence of any equestrian use of the land the Council agreed that the previous use of the land was agriculture and conceded that only part of the notice land was being used for residential purposes.
9. It was also submitted that not all of the hardcore presently covering the site had been laid by the appellants, as demonstrated by the evidence of the appellants' drainage consultant. What the appellants did not dispute was that they had covered the surface with a layer of scalplings/planings.
10. None of these matters was disputed by the Council and it was agreed by the parties that I could correct the notice allegation to read as follows: "A material change of use of the land from agriculture to a mixed use for agriculture and as a residential caravan site following the stationing of caravans, storage units and the installation of fencing, a cess pit and the laying of surface scalplings/planings" without causing any material injustice. I shall do this, in which case the appeals on ground (b) fail in relation to the corrected allegation.
11. Correcting the allegation in this manner has a knock-on effect on the wording of requirement (v) of the notice and the Council agreed this could be varied by deleting the reference to 'all hardcore' and substituting this with 'the surface scalplings/planings.'

The ground (a) and s78 appeals

12. The reasons for issuing the enforcement notice are very similar to the first three reasons for refusal shown on the Council's decision notice. However, the Council confirmed that its reason for refusal relating to the use of non-mains drainage and the risk of water pollution had been withdrawn following confirmation from the Environment Agency (EA) that the use of a septic tank, as proposed, would be acceptable. The Council also conceded during the hearing that its concerns about damage to any buried archaeological remains could be addressed by an archaeological investigation and recording condition as suggested by English Heritage (EH). I have determined the appeals on this basis.

Main issues

13. Having regard to the above, I consider this to be the effect of the appeal development on the setting of Flag Fen SAM and the character and appearance of the area, and whether other material considerations are sufficient to outweigh any harm identified.

Reasons

Setting and character and appearance

14. In the language of the National Planning Policy Framework (The Framework) a SAM is a 'designated heritage asset' (DHA). The appeal site lies outside, but directly adjoins, the southern boundary of the SAM. The setting of a heritage asset is defined in the Annex 2: Glossary to The Framework 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. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.* This is the same definition contained within the now cancelled Planning Policy Statement 5: Planning for the Historic Environment.
15. At the hearing, EH's representative confirmed that there is no boundary to the setting of Flag Fen SAM and that the setting does not form part of the scheduled area. It is neither a heritage asset nor a heritage designation in itself and, by definition, the harm caused by the appeal development and s78 appeal scheme is 'less than substantial' rather than 'substantial' when assessed against paragraphs 132-134 of The Framework.
16. The importance of setting lies in what it contributes to the significance of the heritage asset. This depends on a wide range of physical elements within, as well as perceptual and associational attributes pertaining to the heritage asset's surroundings. In some cases the contribution made by setting to the asset's significance may be negligible; in others it may make the greatest contribution to significance. Therefore, the importance of setting is a matter of judgment. EH has issued guidance on the setting of heritage assets based largely on the advice and guidance set out in PPS5. Whilst this is currently being reviewed it still contains useful advice and is a material consideration.
17. As part of my site visit I was able to see, amongst other features at Flag Fen, the preserved remains, visitor centre, museum and the grounds within which these features are contained and displayed (the visitor attraction). Although this forms only a small part of the SAM it forms the focus of attraction for, and the educational and interpretative effort aimed at, visitors. I particularly noted the 'dioramas' on the walls of the preservation hall which provide visitors with an artist's impression of the context within which to understand the significance and role of the preserved remains. These are displayed and interpreted as being set within an ancient landscape of fen and open water beneath large skies, somewhat reminiscent of parts of the modern-day Norfolk Broads.
18. According to EH, the area beyond the visitor attraction and the boundaries of the SAM provides the setting for experiencing the preserved Bronze Age remains, and later evidence of Iron Age and Roman occupation. However, in complete contrast to the experience provided by the visitor attraction, this is a modern landscape of rectilinear fields, both worked and grazed, separated by hedges and fences, interspersed with scattered buildings and whose skyline is interrupted by a significant number of tall structures including chimneys, wind turbines and pylons carrying power lines. In my judgment, this is the setting within which the SAM is experienced today, and it is completely at odds with, for example, the mysterious and lost world portrayed and experienced by visitors in the preservation hall.
19. Addressing some of the particular concerns raised by EH and the Council about the effect on setting, the well established and maintained conifer hedge along part of the appeal site's southern boundary already existed prior to the time

Flag Fen was scheduled. The newer hedge along part of the northern boundary abuts but does not intrude into the scheduled area, including its southern boundary.

20. I do not disagree that these and other similar hedges in the immediate locality are alien features of the landscape, the more so if those at the appeal site, which are only about 3m tall, were allowed to grow to a substantial height. Hedges, however, are not generally subject to planning controls and the appellants would be agreeable to managing them at about their present height as part of any landscape management plan that might be agreed as a condition of granting permission for the s78 appeal scheme. In my view, this is a material consideration.
21. There are glimpses of the appeal development from the access road leading to the Flag Fen visitor centre where it is seen in the context of other buildings and caravans nearby as well as against a skyline punctuated by a variety of tall structures. From this vantage point it causes little by way visual harm and does not adversely affect the setting of the SAM. However, the appeal development can be seen at much closer quarters from the cycleway on the opposite side of Counter Drain from a position just outside the scheduled area.
22. I accept that, prior to the appeal development being carried out, there was already a range of, by all accounts, unattractive buildings occupying the same site. However, these buildings were a feature of an area where horse grazing and equine uses were already established. In my judgment, this so-called fallback position, as the appellants refer to it, does not outweigh the harmful visual impact caused by the residential use of the land in its present form. On balance, I also consider the appeal development makes a negative contribution to the setting of the SAM.
23. However, as proposed under the s78 appeal scheme, the residential compound would be re-sited further to the east, closer to Northey Road, in order to move it outside the area of land which is subject to the risk of flooding. In my judgment this would result in a reduced visual impact compared to that caused by the current appeal development. It would also result in a correspondingly lesser impact on the setting of the SAM when experienced from this particular vantage point. The Traveller policy, whilst seeking to strictly limit traveller site development in the open countryside, does not prevent their development, as a matter of principle, and there is no evidence before me that the s78 appeal scheme would dominate the nearest settled community or place undue pressure on local infrastructure.

Other material considerations

24. I have only briefly considered these as most of the matters are not in dispute, including the status of the appellants as gypsies for the purposes of the Traveller policy. I heard that they are horse dealers, that the family travels to horse fairs around the country during school holidays and that Mr Hall also does a variety of work in the local area. In other words, they live a typical gypsy lifestyle.
25. There is a considerable unmet need for around 30 traveller pitches in Peterborough and no alternative sites for the appellants to move to. The Council confirmed that it would not be in any position to identify sites to meet the agreed level of need in the foreseeable future. It follows, therefore, that it

does not have a five year supply of traveller sites as required by the Traveller policy. Moreover, it would appear that the Council does not propose to identify any new sites. Rather, it intends to review the need for these based on what it considers to be genuine local needs only, which is also contrary to Government policy, and to publish guidance on this in the form of a proposed Supplementary Planning Document for which I heard there is currently no timetable for publication and adoption.

26. The appellants have two school age children who are attending and, by all reports, doing well at Parnwell Primary School, which is close by. Their eldest daughter who is also living with them has an 18 month old baby. It is essential for the children's continuing education that they live on a settled site close to their school; there is none other than the appeal site. The requirement to vacate the site without a suitable alternative to move to would interfere with the appellants' rights under Article 8 of the Human Rights Act 1998 and, critically, would not be in the best interests of the children living whose needs the courts have found to be a primary consideration.
27. Whilst unauthorised occupation of the appeal site should not be treated lightly it is evident that the Council has done little, if anything, to assist the appellants find an alternative site, despite the intervention of the Council's Traveller Support and Education Officer on their behalf.

Overall conclusions on the ground (a) and s78 appeals

28. Having heard and read all the submissions on this matter I conclude as follows: Firstly, the modern local landscape does not contribute greatly to the significance of the SAM; much of the appeal of visiting Flag Fen is to experience the remarkable survival of an ancient drowned landscape that it entirely at variance with today's landscape.
29. Secondly, the appeal development as carried out has harmed the character and appearance of its open, rural setting and, from one particular vantage point, has a limited, but nevertheless, negative impact on the setting of the SAM. Therefore, I conclude that the appeal development is contrary to Policies CS9 (Gypsies and Travellers), CS17 (the historic environment) and CS20 (landscape character) of the Adopted Peterborough Core Strategy, Policy PP17 (heritage assets) of the Adopted Peterborough Planning Document and the relevant advice and guidance on the conservation of heritage assets set out in The Framework.
30. Consequently, I also conclude that the ground (a) appeals should fail, the corrected and varied notice should be upheld and that planning permission should not be granted for the development as carried out.
31. However, and thirdly, the s78 appeal scheme, subject to appropriate conditions, would not harm the character and appearance of the countryside and would have a neutral, as opposed to an adverse, effect on the setting of the SAM. Had I identified that this would have resulted in less than substantial harm to the SAM, other material considerations (in this case, the public benefits of the proposal in the form of providing a settled site for a gypsy family and their young children in an area with a significant unmet need for traveller sites which is unlikely to be addressed in the foreseeable future) would have outweighed the negligible harm caused. Consequently, there

would be no conflict with the above mentioned development plan documents or the advice and guidance set out in The Framework.

32. Therefore, the s78 appeal succeeds and planning permission is granted for that development. By virtue of the provisions of Section 180 of The Town and Country Planning Act 1990 as amended the notice shall cease to have effect so far as inconsistent with that permission. In these circumstances there is no need for me to consider the enforcement appeals under grounds (f) and (g).

Conditions

33. I have considered the conditions suggested by the Council in the light of the advice set out in Circular 11/95 and the discussion that took place at the hearing. As development of the land has already commenced there is no need for the standard time limited condition. I shall impose a modified version of the suggested archaeological investigation and recording condition, reflecting the fact that development has already commenced, in the interests of mitigating the effects of development on any buried archaeological remains. There is a need for conditions restricting occupancy of the site to gypsy and travellers; the number and types of caravans; preventing any commercial use of the site, and restricting the weight of commercial vehicles stationed on the land, in the interests of meeting an unmet need for gypsy sites and safeguarding the appearance of an area of open countryside and the setting of Flag Fen SAM.
34. There is a need for a condition requiring a site development scheme to be submitted, approved and implemented within a given period of time, otherwise the use permitted shall cease. Such a scheme shall include details of: landscaping, including hedgerow management, a reduction in the area of hardsurfacing, so that this is contained within the developed area of the site, in the interests of appearance; on-site parking and turning arrangements, in the interests of highway safety and residential amenity, and details of the proposed septic tank, in the interests of preventing pollution. There is a need for a separate condition requiring the vehicular access to be surfaced in a bound material in a more timely fashion, in the interests of highway safety.
35. In the absence of any evidence before me relating to site contamination, and the likely danger to public health arising from this, there is no need for a condition requiring the appellants to assess, identify and remediate any site contamination. As there is ample space within this well-contained site for the storage of refuse and recycling bins there is no need for a condition requiring the construction of a bin store.

C.S. Kirkbride

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The site shall not be occupied by any persons other than gypsies and travellers as defined in the Annex 1: Glossary to the Planning policy for traveller sites.
- 2) There shall be no more than 1 pitch on the site on which no more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 3) No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 4) Within 1 month of the date of this decision the vehicular access shall be surfaced in a bound material for a distance of 10m into the site from the back edge of the carriageway.
- 5) The use hereby permitted shall cease and all structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 1 month of the date of failure to meet any one of the requirements set out in (i) to (v) below:-
 - i) prior to any further development taking place and not later than within 2 months of the date of this decision, a programme of archaeological work, including a written scheme of investigation, arrangements for archiving any finds, the submission of final reports and a timetable for implementation shall have been submitted for the written approval of the local planning authority (hereinafter referred to as the archaeological investigation scheme);
 - ii) within 2 months of the date of this decision the following details and plans shall be submitted for the written approval of the local planning authority: a plan detailing on-site parking and turning arrangements; a landscape management plan, including details of hedgerow management and any other internal and external boundary treatment and any scalplings/planings to be removed from the land, in order to contain these within the area shown for development on the approved plans; details of the specifications of the proposed septic tank and its siting. Such details and plans, hereinafter referred to as the site development scheme, shall include a timetable for implementation;
 - iii) within 10 months of the date of this decision, if the local planning authority refuse to approve both the archaeological investigation scheme and site development scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as valid by, the Secretary of State;
 - iv) if an appeal is made in pursuance of (iii) above, that appeal shall have been finally determined and the submitted scheme(s) shall have been approved by the Secretary of State.
 - v) the approved schemes shall have been carried out and completed in accordance with the approved timetables.

APPEARANCES

FOR THE APPELLANT:

Janet Montgomery	The appellants' agent and planning consultant
Mr and Mrs N Hall	The appellants
Peter Cox	The appellants' archaeological consultant
Terry Archer	The appellants' drainage consultant
Claire Carrington	Traveller Support and Education Officer, Peterborough City Council

FOR THE LOCAL PLANNING AUTHORITY:

Janet MacLennan, BSc(Hons) MA MRTPI	Senior Development Management Officer, Peterborough City Council
Tony Whittle	Planning Enforcement Officer, Peterborough City Council
Andrew Cundy, MRTPI	Area Manager (Development Management), Peterborough City Council
Dr William Fletcher, BA PhD	Inspector of Ancient Monuments, English Heritage

INTERESTED PERSONS:

Barry Nicholls	Independent Gypsy and Traveller consultant
Miss T O'Rourke and partner	Local residents/occupiers of neighbouring land

DOCUMENTS

- 1 Copy of the Council's hearing notification letter and list of consultees dated 10/09/13
- 2 Bundle of letters providing the appellants with references and support for their appeals

PLANS

- A Copy of plan (unnumbered and undated) entitled "Foul drainage solution" showing, amongst other matters, proposed foul drainage options for the appeal site (submitted for the appellants)

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My ref:
 Your ref: 13/00384/FUL
 Date: 17th June 2013
 Contact: Kasia Gdaniec
 Direct: 01223 728568
 E Mail: kasia.gdaniec@cambridgeshire.gov.uk



Mr. Nick Harding
 Development Management
 Planning Services
 Peterborough City Council

Economy, Transport & Environment
 Executive Director Alex Plant

Historic Environment Team
 Box No. CC1008
 Castle Court
 Castle Hill
 Cambridge
 CB3 0AP

Dear Mr. Harding

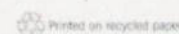
re: 13/00384/FUL – Fenland Place Land To The North Of Barsby Cooked Meats, Northey Road, Peterborough; part retrospective application

In response to your request to us for archaeological advice for the above planning application please find our comments below.

Background

This proposed development area lies in a well known archaeological landscape to the north of the River Nene in the Peterborough eastern fenland. Known nationally to archaeologists as the Flag Fen Embayment, named after the Bronze Age waterlogged platform and causeway site located roughly 0.5km to the north-west, the site lies on the western landfall of Northey - at the prehistoric fen edge on the east side of this former wetland area. The area is presently managed fenland via pumped drainage systems that are in place to control flooding within the cultivation fields that form part of the open fen landscape character for the area (cf Peterborough Landscape Character Assessment, 2007).

The Flag Fen Bronze Age site and associated archaeological remains were designated as a scheduled monument in 2012 (National Heritage List for England ref no: 1406460) in acknowledgement of the national importance of the remains present in this location. Forming a contrastive wetland archaeological character to the dry land archaeological settlement sites excavated in advance of the industrial development at Fengate since the 1970s, Flag Fen contains associated archaeological deposits known to occur in important wetland locations in a small number of locations in North-West Europe - such as votive deposits of metal weapons and tools, disarticulated human remains, raised platforms and causeways across rivers and marsh. These remains, which are in part under a managed preservation in situ scheme and partly open to the public in one of Peterborough's tourist attractions, draw significant numbers of UK and international tourists and researchers each year. English Heritage have acknowledged the importance of the site and its broader location in this designation, and provide recommendations and advice on the management of the monument in its landscape, extending and supporting the provisions that the landowner had previously made towards the site, wherein groundwater levels were kept as high as possible in the wetter, deeper, parts of the site catchment area.



Where excavations have occurred within the Flag Fen Embayment or at its edges - where land forms rose to a elevations well above ambient groundwater levels and were locations for dry land activities such as settlement, cultivation and industrial task sites – further regional and nationally important sites have been found.

The most recent discoveries in the embayment have occurred at Hanson's Must Farm Quarry in Whittlesey, Cambridgeshire, in which the southern edge of the Flag Fen Embayment and former course of the ancient River Nene were found. Here, well-preserved raised settlement platforms, causeways, wetland votive hoards and 8 waterlogged boats were found buried beneath thick layers of peats and silts. Similar important prehistoric remains were found in a field evaluation at the south-western side of the embayment to the east of Stanground in proposed economic development land, and were also found to extend southwards beneath the new residential development, and in particular the course of the A605 link road.

Given the presence of significant heritage assets in the locality and those that have been described by Rebecca Casa Hatton in her advice to you, it is likely that archaeological remains of as yet unknown significance will be located in the proposed development area

National and Local Policy

The **National Planning Policy Framework (NPPF)** published in 2012 advocates policies for sustainable development, listing "an environmental role - contributing to protecting and enhancing our natural, built and historic environment" as one of three stated dimensions to sustainable development (paragraph 7, page 2). If historic environment matters have not been taken into consideration within a planning proposal, the development cannot be deemed to be sustainable.

NPPF contains the section *Conserving and enhancing the historic environment* (Section 12), which provides specific policy advice for the historic environment and includes advice to local planning authorities, developers/applicants and their agents on the need to consider the impact of a proposed development on the significance of a designated heritage asset – "significance which can be harmed or lost through alteration or destruction of the heritage asset or development within its setting" (paragraph 132, page 31).

English Heritage has provided guidance on the ***The Setting of Heritage Assets*** (English Heritage 2011). Within this advice it is stated that:

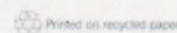
"the cumulative impact of incremental small-scale changes may have as great an effect on the *setting* of a heritage asset as a large-scale development".

Peterborough Landscape Character Assessment (2007) states:

"The measure of landscape continuity is derived by examining the scale and age of the landscape scale (small at the bottom to large at the top) - the assumption being that small scale agricultural landscapes tend to be more sensitive to change than their larger scale counterparts."



The adopted **Peterborough Core Strategy (PCS)** contains policy advice for the historic environment under Policy CS17 The Historic Environment, in which it states:



"The Council will protect, conserve and enhance the historic environment throughout Peterborough, through the special protection afforded to listed buildings, conservation areas and scheduled ancient monuments and through careful control of development that might adversely affect non-scheduled, nationally important archaeological remains; other areas of archaeological potential or importance; historic features and their settings; buildings of local importance; and areas of historic landscape or parkland (including, but not limited to, those on the English Heritage Register of Parks and Gardens of Special Historic Interest)."

"All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value.

There will be particular emphasis on the following:

the avoidance of harm to the character and setting of Burghley Park, Milton Park, Thorpe Park, and the grounds and parkland associated with Bainton House, Ufford Hall, Walcot Hall and the Abbey Fields, Thorney."

(to which Flag Fen may now be added, since its designation (2012) is dated after the date of adoption of this policy (2011)).

The PCS also states at 6.11:

"The protection, conservation and enhancement of Peterborough's historic environment is an integral part of the future strategy for the area. This is particularly important for a location which will experience substantial pressures for growth, because such growth will only be truly sustainable if it acknowledges environmental considerations."

And at 6.12.5:

"Although Peterborough has a number of successful tourist attractions, it is not always seen as an obvious tourist destination and is often left competing against neighbouring areas and cities such as Cambridge. The latest Regional Tourism Strategy proposes joining six neighbouring authorities to create a Greater Cambridge and Peterborough Tourism Confederation; this will enable Peterborough to exploit the reputation of Cambridge through joint marketing strategies, in a more coherent way. The emerging Heritage Strategy continues this theme of collaborative working between key heritage sites within the city and surrounding areas."

For Policy CS18 Culture, Leisure and Tourism

"The existing cultural, leisure and tourism facilities will be protected and enhanced."

Taken together, the policy and guidance offered on the impact of development or land use change upon the historic environment, heritage assets and their settings indicate that local planning authorities must consider the level of harm not only to the heritage assets that may be found in or at a place, but also to the setting of the asset. NPPF states that "great weight should be given to the asset's conservation. The more important the asset the greater the weight will be" (para 132, p. 31). Flag Fen's setting is compromised on its western and southern sides by existing and approved large scale developments, including one for which permission was granted

in 2009 – before the designation of Flag Fen as a scheduled monument. Its remaining vistas and links to the great fenland basin in which it is located should be protected from creeping piecemeal developments which have the ability to erode the character and setting of ancient monuments. To protect the setting of Flag Fen would be compliant with both local and national policy.

The Planning Application

The contents of the planning application and the supporting material (plans, descriptions) are inconsistent. This matter is brought to your attention as they relate to ground impacts, which are important areas of archaeological consideration with any planning application and regarded as specific to the application boundary.

- **Section 6** (Pedestrian and Vehicle Access, Roads and Rights of Way) indicates that no new vehicle and pedestrian access will be required by the new development, although the supporting plans clearly show a large access road into the proposed development area (eg Architectural and Surveying Services Ltd Dwg OS04 dated 15/03/13).

Further to this, in view of the proximity of the site to a designated archaeological site for which the setting of the monument should be considered:

- **Section 9** (Materials) indicates that the boundary treatment will be: “Close boarded 1.8m high fence with additional planting for screening (see submitted details). Materials and landscaping to be discussed with the planning authority.” This would replace an existing post and wire fence with a hedgerow boundary (see below).
- Section 9 also indicates that *existing* access materials are of chippings and grass. As there is no indication of any existing access either on the Ordnance Survey map or current aerial photographs, or on the supporting existing location plan for the application (eg Architectural and Surveying Services Ltd Dwg OS01, dated 15/03/13). As such this statement should be discounted.

I understand from the pre-application supporting document entitled “SUPPORTING PLANNING POLICY STATEMENT FOR PROPOSED STATIC CARAVAN AND 2 TOURING CARAVANS WITH THE ERECTING OF A FACILITIES BLOCK AND RELOCATION OF PERMITTED STABLES FOR ONE EXTENDED GYPSY / TRAVELLER FAMILY AT NORTHEY ROAD, PETERBOROUGH, PE6 7YX” that a planning application for a stable block at this location is currently pending consideration, but as this application has not yet been determined it must be assumed that no permitted access is currently in place.

- I understand that the foul sewage will be disposed of in a package treatment plant (**Section 11**) and that:
- a SUDS scheme is planned for the site, along with an expectation that surface water will be drained via an existing water course (**Section 12**). However, no details or plans have been submitted that enable an in depth assessment of the groundworks to occur.
- **Section 15** (Trees and Hedges) indicates that there are no existing hedges on the site, which is conflict with Section 9 above. Both north and south boundaries are known to have a hedged border.

In view of the contradictory nature of the planning application and a lack of important design detail, my advice is that it is not possible to determine this application and that it should be refused.

I recommend that the applicant is encouraged to secure an alternative location in a more favourable/less sensitive area, and advise that pre-application advice is sought from the archaeological adviser to the local planning authority in order to achieve this.

In the light of national and local policy advice, and guidance on the settings of heritage assets, as well as on culture, leisure and tourism I recommend that any application for piecemeal development is refused in the locality of the nationally important remains at Flag Fen in order to preserve the landscape context in which they are located.

Yours sincerely,

(By email)

Kasia Gdaniec
Senior Archaeologist



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LOCATION PLAN 13/01360/FUL

Compass Barn, Main Street, Ufford, Stamford PE9 3BH

Scale NTS **Date** 21/11/2013 **Name** AA Department Planning Services

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PETERBOROUGH
CITY COUNCIL

PCC GIS

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Application Ref: 13/01360/FUL

Proposal: Extension of curtilage of dwelling into paddock to enable the building of a two storey garage office and gym building, with associated excavations and re-profiling of ground levels, tennis court and lake.

Site: Compass Barn, Main Street, Ufford, Stamford
Applicant: Mr Scott Weavers Wright

Agent: H A Architectural Services

Referred by: Head of Growth and Regeneration
Reason: Level of Local Objection
Site visit: 15.10.2013

Case officer: Mr D Jolley
Telephone No. 01733 453414
E-Mail: david.jolley@peterborough.gov.uk

Recommendation: **REFUSE**

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

Site and surroundings

The application site is a C18 barn with adjoining stable range which has been converted into a dwelling. It is located within the Ufford Conservation Area and is constructed from coursed stone with steeply pitched Collyweston stone roof with coped gable ends. The dwelling has large enclosed grounds with various outbuildings and paddock area to the rear.

Proposal

Permission is sought to change the use of the paddock to residential curtilage to facilitate the construction of a garage block, tennis court and lake.

The garage, office and gym building would be two stories, curved and measuring 27 metres wide at its widest point by 7.7 metres tall, 5.1 metres projecting above ground. The tennis court will measure 11m x 24m within a 18m x 25m area. The lake will measure approximately 64 metres by 25 metres, no information regarding its profiling or depth has been submitted with the application.

2 Planning History

Reference	Proposal	Decision	Date
13/01246/HHFUL	Canopy porch over entrance door and erection of external storage building	Pending Decision	13/11/2013
12/01563/HHFUL	Construction of tree house (retrospective)	Application Permitted	28/12/2012
12/00528/HHFUL	Construction of replacement garage and new stables	Application Permitted	25/06/2012

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)

Peterborough Core Strategy DPD (2011)

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.

CS17 - The Historic Environment

Development should protect, conserve and enhance the historic environment including non scheduled nationally important features and buildings of local importance.

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.

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.

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.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

PP17 - Heritage Assets

Development which would affect a heritage asset will be required to preserve and enhance the significance of the asset or its setting. Development which would have detrimental impact will be refused unless there are overriding public benefits.

Peterborough Design and Development in Selected Villages

Uff 1

The design of any new building or an extension to an existing building should be sympathetic to its neighbours and in keeping with the village environment.

Uff 7

All new buildings and extensions should be appropriate in size to the proportions of the space available and should not overlook or dominate existing buildings and gardens or infringe privacy.

Uff 10

Existing open spaces and views should be retained. New development should not result in the loss of important open views, in particular, of the church, Ufford Hall and the roof lines and frontages of old buildings in the conservation area.

4 Consultations/Representations

PCC Conservation Officer (02.11.13) – Objects

The conservation area boundary of Ufford was extended following the adoption of the conservation appraisal of 2009. This was done to reflect more of the important physical historical development of the village and relate better to historic field boundaries and reflect the landscape setting of the village.

The site the subject of this application was a former 'close' along with similar 'closes' to the north and south, all of which can be seen in the extract from the 'Enclosure Act 1799' below. Ufford village would have comprised a series of closes at this time, land farmed for domestic benefit. The landscape of Ufford was much affected by the completion of the enclosure. This site and adjacent paddocks are surviving remnant of the completion of the enclosure. Such remnants are extremely important and worthy of preserving. The site and adjacent land reflects the historic landscape that is part of Ufford; the land use at the time of enclosure marking an ancient settlement envelope.

From a heritage consideration the proposed works would harm the character and appearance of the Ufford Conservation Area and the application should be refused. The site is an important part of the historic landscape of the village marking part of the ancient settlement envelope. The application is also contrary to planning policy regarding development in the open countryside.

PCC Minerals And Waste Officer (Policy) (30.10.13) - Objects

I object to the proposal. The proposed development extends the curtilage of development beyond the Village Envelope and into the Mineral Safeguarding Area (MSA) for limestone to the east of the village. The purpose of MSAs is to ensure that proven mineral resources are not needlessly sterilised by non-mineral development. Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy states that;

Development will only be permitted where it has been demonstrated to the Mineral Planning Authority that:-

1. the mineral concerned is no longer of any economic value or potential value, or
2. the mineral can be extracted prior to the development taking place, or
3. the development will not inhibit extraction if required in the future, or
4. there is overriding need for the development and prior extraction cannot be reasonably undertaken, or
5. the development is not incompatible.

The application as submitted does not demonstrate any of the above, and is therefore contrary to policy CS26.

Transport & Engineering Services (30.10.13)

No objections

Wildlife Officer

No comments received

Drainage Team

The use of soakaways is acceptable

Ufford Parish Council (13.11.13) - Objects

- (a) The applicant is either unaware or chooses to ignore the fact that all the proposed developments lie outside the village envelope, which follows the eastern wall of the Compass Barn buildings. It does not even include the gardens to the rear between the buildings and the wall. All the ground between the buildings and the eastern boundary of the so-called "paddock" is classed as open countryside in which all building and development is discouraged, the only exceptions being certain agricultural buildings. To allow the building of a block of garages to accommodate 5 cars, with or without a basement gymnasium and offices, would establish an unacceptable precedent, particularly in a small village such as Ufford, which has retained its rural character throughout the centuries. The Local Development Framework supports the retention of village envelopes. A resident cannot determine where he wants the limits of the village envelope to be set.
- (b) Compass Barn is designated as a Listed Building which protects the entire property from inappropriate development.
- (c) The Compass Barn buildings, gardens and paddock are all at the very centre of Ufford's Conservation Area. The proposed developments would detract from the attractions of the old village rather than complementing and enhancing them.
- (d) There are serious omissions in the details given in the Design and Access Statement.
- (e) How can the lake be "naturally sustainable" as claimed? What is the water source? How is the water going to be held in? It appears that soil and subsoil is being moved round the site. Have boreholes been dug to ascertain the nature of the rocks and the depth of the water table? It is claimed that "it will be large enough to prevent dramatic water loss through drought". Has the surface area/depth ratio been calculated?
- (f) Aquatic planting details are required showing planting proposals at several different depths. There is a claim of "diversity" of aquatic flora and fauna.

National Grid

No comments received

GeoPeterborough (Sites of Interest)

No comments received

Local Residents/Interested Parties

Initial consultations: 17

Total number of responses: 9

Total number of objections: 9

Total number in support: 0

9 Objections have been received in relation to the proposal, raising the following points;

- a) The proposal is clear domestication of agricultural land and foremost would require change of use.
- b) The proposed development is within the revised conservation area of Ufford
- c) That the proposed buildings contravene the policies set down within the Planning Statement and the Peterborough Local Plan insofar as the proposals neither reinforce or are compatible with the sense of place and relationship with the village and associated buildings
- d) That the agricultural land shall be designated "open countryside" with a presumption against development of housing or industry. Consequently any such development will blight the amenity and enjoyment of my property

- e) That the development obliterates the existing easement and right of access of National Grid utilities / transformer to the villages of Ufford and Barnack
- f) I am also exceptionally concerned for the welfare of the horses should the domestication proceed. The likely activities of shooting, golf practice, fishing and general social activity will undoubtedly detract from the quite grazing which is currently enjoyed and will impact upon the welfare of the horses.
- g) The proposed garage building, with a footprint of around 170 sq m is larger than most dwellings in the village and therefore out of scale with the character of a designated 'small village'. Also there are numerous omissions, anomalies and errors in the wholly inadequate plans and supporting documents.
- h) It will set a precedent for other landowners in the village to change their 'agricultural' land to residential. The conservation area needs to be protected and this proposal clearly ignores such status.
- i) This application appears to be part of a sustained process, seeking to spread domestic development and creeping urban development into the open countryside.
- j) The concentration of the proposed development is in fact located to the rear of Bluebell Cottage and the adjacent properties rather than to the rear of the applicant residence at Compass Barn, it is clear that the adverse impacts of the garage and tennis court have been moved as far as possible from Compass Barn itself and imposed on the existing neighbours.
- k) The LDF and national policy have an explicit in favour or sustainable development the scale and nature of the proposal in a rural location is clearly contrary to material planning policy and is not sustainable and therefore contrary planning policy.
- l) The proposal It is clear that there is a creeping domestication of the application site from what was formerly a rural paddock to a manicured grassed extension to the operational curtilage of the applicant's home. The change of use from agriculture / open countryside to domestic uses is development for which planning permission is required and it is apparent that this may already have occurred and as such it may be the case that this part of the submission should be retrospective.
- m) The change of use of the paddock is contrary to development plan and national planning policy. No statement of mitigation or justification has been submitted with the application to demonstrate special planning circumstances to override the planning policy presumption against this erosion of the countryside.
- n) Planning policies at both national and local levels seek to restricting development in the countryside to essential agricultural or genuine countryside activities. It is clear that the proposed development is for domestic purposes, and as such fails to comply with the provisions of PPS7. The same is true of the provision of the tennis court which is not a rural activity and as such should not be permitted in open countryside.
- o) It is certain that the proposed construction of both the tennis court and the garage block would lead to very significant changes of level in the vicinity of the development. It is requested that the application provide full levels and drainage details (as well as details for the disposal / removal of spoil) for this proposal so that these specific impacts can be assessed fully.
- p) It is certain that the proposed garage block would be lit with a significant walk from the garage back to the main house. The addition of domestic lighting into the open countryside would cause additional harm to the rural nature of the site by introducing light pollution to a rural area.

- q) The inclusion of the large office and gym indicate that the use of this block is intended to be both commercial and recreational which will increase frequency of the use and impact on the countryside and neighbouring properties. No details of lighting are provided with the tennis court. Please can you request the applicant to clarify this significant issue (as the introduction of lighting into the rural night is materially harmful to the character of the area)
- r) Operational development construction of the Lake. There seems to be no planning justification within the submission setting out the rationale for construction the lake on this part of the site, it appears to be for domestic purposes rather than agriculture (or legitimate countryside activities) and as such is contrary to PPS7. Notwithstanding the above, and given the topography of the site it is not clear how the proposed lake would be filled and the levels / extent of excavation necessary in order to construct as it appears to be on a slope within the site.
- s) The proposed garage block (including the office and gym) and tennis court would be situated on the skyline when viewed from the patio area of Bluebell Cottage; this is due to the change of ground level and the rising ground west east. The relative ground levels would make this a particular intrusive element which would have a significant adverse impact on the amenity of the garden of and aspect from the rear of Bluebell Cottage.
- t) The introduction of a tennis court close to the rear garden of my client will introduce addition noise and disturbance close to the peaceful patio area of his garden. Mr Tee of Bluebell cottage is undertaking an on-going programme of landscaping the garden and is working from the house up the garden. Within this year he is planning to re-landscape the top of the garden to incorporate a sitting out area to increase the amenity of this part of the garden as it enjoys evening sunshine and is remote from the noise of the road. The potential introduction of noise from the use of the garage block and the tennis court proposal would adversely impact on the enjoyment of this part of the garden.
- u) Adverse impact on Conservation Area The extensive garage unit with its high extensive roof and urban design will have an adverse impact on the character of the Ufford conservation area contrary to the Councils SPD 'Design and Development in Selected Villages' relating to Ufford and the provisions of Core Strategy policy CS17. The inclusion of the tennis court is also contrary to the aims of the above document which seeks to maintain the existing form and character of the village. Conclusion It is considered that the proposal as a whole is contrary to both local and national material planning policy and represents an attempt to expand the domestic activity of the house into the open countryside. In addition the garage / office/ gym will have a significant impact on the character of the conservation area and residential amenity of the residents of Bluebell Cottage and adjacent homes and as such is contrary to material planning policy at both local and national level.
- v) No justification for greenfield development as no housing is provided.
- w) The site is not a small holding, nobody earns a living from the site, no permitted agricultural development.
- x) There is already an existing pond on site. The main benefit of another lake would appear to be the creation of a significant source of soil for alterations elsewhere on site, of which no information is provided.
- y) The application form states no provision of sewage is required. Given the proposal this seems unlikely.
- z) The applicant is either unaware or chooses to ignore the fact that all the proposed developments lie outside the village envelope, which follows the eastern wall of the Compass Barn buildings. It does not even include the gardens to the rear between the buildings and the wall. All the ground between the buildings and the eastern boundary of the so-called

"paddock" is classed as open countryside in which all building and development is discouraged, the only exceptions being certain agricultural buildings. To allow the building of a block of garages to accommodate 5 cars, with or without a basement gymnasium and offices, would establish an unacceptable precedent, particularly in a small village such as Ufford, which has retained its rural character throughout the centuries. The Local Development Framework supports the retention of village envelopes. A resident cannot determine where he wants the limits of the village envelope to be set.

- aa) Compass Barn is designated as a Listed Building which protects the entire property from inappropriate development.
- bb) The Compass Barn buildings, gardens and paddock are all at the very centre of Ufford's Conservation Area. The proposed developments would detract from the attractions of the old village rather than complementing and enhancing them.
- cc) There are serious omissions in the details given in the Design and Access Statement.
- dd) How can it be naturally sustainable as claimed? What is the water source? How is the water going to be held in? It appears that soil and subsoil is being moved round the site. Have boreholes been dug to ascertain the nature of the rocks and the depth of the water table? It is claimed that it will be large enough to prevent dramatic water loss through drought. Has the surface area/depth ratio been calculated?
- ee) Aquatic planting details are required showing planting proposals at several different depths. There is a claim of diversity of aquatic flora and fauna. What exactly? How is oxygenation to be achieved?
- ff) It has to be mentioned that the applicant has not had a very good record in pond management. There was a very small natural pond on the spring line in the south eastern corner of the plot when the present owners bought it. Without asking for a survey of flora and fauna by the Wildlife Officer and without planning permission, the owner had it extended and all the unrecorded flora and fauna were lost. The pond dried up and was replaced by a larger pond with a liner to hold in the water. It is not known how successful it has been.
- gg) No information is given about the native hedge, tree and wild flower species which are proposed. A detailed planting scheme is requested. Does the owner know how difficult it is to grow wild flowers from seed?
- hh) Is it to have a grass or all-weather surface? What kind and height of fencing is proposed?
- ii) There are serious concerns expressed by all the neighbours, notably about the visual impact, for example the loss of open views and the tree species proposed for screening. There is a widespread concern that, if planning permission is granted, the developments will have a detrimental impact on the village environment as well as opening the floodgates to further incursions into the open countryside surrounding the village.
- jj) Contrary to the application the development could be seen from two footpaths.

5 Assessment of the planning issues

The main considerations are

- The principle of development
- The impact of the proposal on the character of the conservation area
- The impact of the proposal on the setting of a listed building
- The impact of the proposal on the amenity of the occupiers of neighbouring dwellings
- Minerals and waste safeguarding area

The absence of detail in the plans and accompanying submission, in particular the lack of proposed block plans, cross sections, levels information, planting specification, heritage statement and justification; Do not facilitate a full and proper consideration of an application that is close to a listed building and outside of a village envelope. Particularly it is a requirement of policy PP17 of the Peterborough Planning Policies (DPD) that all development proposals that would potentially affect any heritage asset will be required to; describe and assess the significance of the asset and/or its setting to determine its architectural, historic, artistic or archaeological interest; and identify the impact of works on the special character of the asset. Also required is a clear justification for the works, especially if these would harm the asset or its setting is also required and that the level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting. No attempt by the applicant has been made to provide any of this required information.

The principle of development

The proposed development seeks to extend the domestic curtilage of Compass Barns to the east and construct a lake, tennis court and garage building. The land is presently open countryside and in agricultural land use classification. The land is outside the village envelope as defined in the adopted Peterborough Development Plan Documents. Policy CS1 states that development outside of the village envelope will not be permitted unless it is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural green space, transport or utility services. Clearly the proposal satisfies none of these criteria and the applicant has provided no justification for the development and it is considered to be contrary to policy CS1. The principle of development is not sound and cannot be supported by the Local Planning Authority.

The granting of this application would set an unwelcome precedent. Given that there is no justification for the expansion of the village envelope, any future proposals of a similar nature would be far harder for the Local Planning Authority (LPA) to resist and the character of many of the villages could face further erosion and harm. Decision of villages is resisted at a local and national level and as such the development is unsustainable when considered against both local policies and the NPPF.

In addition to being unsound in its principle, the proposal also suffers from a number of issues in terms of both the information submitted with the application and its impacts upon character and amenity. These shall be discussed below;

The impact of the proposal on the character of the conservation area and listed buildings

The purpose of village envelopes is to protect the open countryside by restricting new development to that essential for agriculture and similar activities. Without such a policy much of the land surrounding villages would inevitably take on domestic character and appearance to the detriment of the character of the village and harm the countryside.

The conservation area boundary of Ufford was extended following the adoption of the conservation appraisal of 2009. This was done to reflect more of the important physical historical form of the village and relate better to historic field boundaries and reflect the landscape setting of the village. The domestication of the paddock would introduce domestic paraphernalia into an undeveloped landscape, fundamentally changing the character of this part of the conservation area.

The paddock is visible from a footpath to the north and owing to the scale of the garage proposed is likely to be visible from the road to the front of the site. The domestication of the area is not compatible with the rural character of the areas surrounding the paddock and would result in an undesirable juxtaposition of natural and man made environments. The proposal consists of terracing of the sloped land and the construction of a tennis court which is completely at odds with the current paddock/agricultural character of the area. The tennis court may require high fencing and lighting and it is also possible that the garage and terracing will be lit. No information regarding these elements was submitted with the application and as such it is difficult to assess the full impact of the final proposal. The surface of the court is not stated, but regardless of surface it is

considered that significant harm will occur. These elements will further erode the agricultural character of the area, this loss of part of the natural environment is harmful and the proposal is considered unacceptable in this regard.

Lakes are not considered to be natural features within the nassaburgh limestone plateau and there are few if any natural lakes in the vicinity of the application site. The size of the lake, which is to be constructed on sloping ground would require the removal of a vast quantity of earth and would completely alter the gently undulating character of the surrounding area. A lake of this size, in this particular location is likely to appear unnatural and incongruous and harmful to the character of the wider area.

Impact of the proposal on the setting of listed buildings

The host dwelling within the site is a large grade II listed building with outbuildings. The extending of the curtilage and the construction of the proposed garage and tennis court would detract from the significance of the principal listed building, in particular the garage who's above ground element would measure 27 metres wide by 5.1 and as such would impact wider views from public footpaths remote from the site.

The impact of the proposal on the amenity of the occupiers of neighbouring dwellings

The garage will occupy an elevated position to the rear of the site, it is considered that this will result in noise and light disturbance to the occupiers of nearby dwellings as the sound from the vehicles entering and leaving the garage will be directed towards the neighbouring dwellings. As stated above no information regarding illumination was submitted with the application but it is considered likely that the area will be illuminated and this illumination, in its elevated position will detract from what is currently a dark area outside of the village area.

The tennis court will generate a significant level of noise when in use from both the noise of ball strikes and the noise from people participating. This noise will result in unacceptable harm to the amenity of the occupiers of nearby dwellings. Any lighting of the proposed garage could be achieved without material harm to the amenity of the occupiers of neighbouring dwellings. However flood lights for the tennis court would require planning permission and it would be unlikely that floodlights in this location would be approved.

Minerals and waste safeguarding area

The site lies within a minerals and waste safeguarding area. Development in such locations can only be permitted where the mineral concerned is not of economic value, could be extracted prior to the development or when development is compatible if there is an overriding need for the development. The proposal satisfies none of these criteria and as such is considered to be contrary to minerals and waste core strategy policy CS26. Whilst it might not be the case that the applicant wished to see minerals extracted from his land in its current agricultural state it would act as a buffer between the dwelling and its curtilage and any extraction site beyond. If the application were approved this buffer would be lost and therefore a buffer would eat further into the safeguarded area.

Other matters

A number of objections have been received in relation to the proposal, many have been addressed in the text above. Those not yet discussed shall be addressed below.

(a) Drainage

An objector has stated that no information regarding drainage has been submitted with the proposals. The drainage team were consulted as part of the application and consider the proposed use of soakaways as an acceptable method of surface water disposal. The foul drainage from the development could be conditioned to be connected to the adopted foul sewer

(b) Electricity line consent

An objection has been received stating that the proposal contravenes an easement and right of access for the transformers serving Ufford Village. At the time of writing no response has been

received from national grid in this regard. If such a limiting easement exists the granting of planning permission would not circumvent or override this easement.

(c)Horse Welfare

The objection regarding the welfare of horses is not considered to be a material planning consideration in this instance as LPA has no policy under which to assess such matters.

(d)Justification for proposal

An objector has highlighted that lack of justification for the proposals, in particular those of the pond/lake. Planning proposals of this nature do not require a justification to be provided unless the proposal is contrary to policy and a case is being made as to why an exception should be made. However the design access and statement includes the applicant's justification for the proposal. This justification is not accepted by the LPA.

Finally an objector highlights the lack of detailed planting plans for the proposal. Whilst this would be crucial were the scheme to be approved, such matters can be dealt with by way of planning conditions.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The Head of Planning, Transport and Engineering Services recommends that planning permission is **REFUSED**

R 1 The proposal is outside of the village envelope and is not essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, access to natural green space, transport or utility services. This is contrary to policy CS1 which states;

CS1 - Development outside of the village envelope will not be permitted unless it is essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural green space, transport or utility services.

R 2 The tennis court, garage, office, gym, associated terracing and lake are not compatible with the open, undeveloped agricultural character of the area which is located between the Ufford village envelope and conservation area boundaries. The proposed developments by way of their scale, appearance, materials and location will result in development on land which is currently undeveloped appear incongruous and dominate wider views, when juxtaposed against the surrounding undeveloped land. The resulting loss of undeveloped paddock will be detrimental to the character of the Ufford Conservation Area. This is contrary to policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP17 of the Peterborough Planning Policies (DPD) which state;

Policy CS16 - New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

Policy CS17 - All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas of high heritage value.

Policy PP2 - Planning permission will only be granted for development where the layout, design and appearance of the proposal:

(a) would make a positive contribution to the quality of the natural and built environment (in terms of its location, size, scale, massing, density, proportions, materials and design features); and

(b) would not have a detrimental effect on the character of any immediately adjoining properties or the surrounding area.

Policy PP17 - All development proposals that would affect any heritage asset will be required to:

(a) describe and assess the significance of the asset and/or its setting to determine its architectural, historic, artistic or archaeological interest; and

(b) identify the impact of works on the special character of the asset; and

(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits.

The level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting.

- R 3 The tennis court, garage, office, gym associated terracing and lake would be visible in the foreground and block views of the sites listed building and other listed buildings within the village when viewed from public footpaths to the north of the village. The scale of the proposed development would result in harm to the significance and setting of the site and other listed buildings beyond. This is contrary to policies CS16 and CS17 of the Peterborough Core Strategy (DPD) 2011 and policies PP2 and PP17 of the Peterborough Planning Policies (DPD) which state;

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(c) provide a clear justification for the works, especially if these would harm the asset or its setting, so that the harm can be weighed against public benefits. The level of detail required should be proportionate to the asset's importance and sufficient to understand the potential impact of the proposal on its significance and/or setting.

- R 4 The noise nuisance resulting from the use of the tennis court and garage and the light nuisance resulting from any lighting likely to be installed to facilitate the safe use of these developments will result in unacceptable harm to the amenity of the occupiers of neighbouring dwellings; this is contrary to policy CS16 of the Peterborough Core Strategy (DPD) 2011 and policy PP3 of the Peterborough Planning Policies (DPD) which state;

Policy CS16 - New development should not result in unacceptable impact on the amenities of occupiers of any nearby properties.

Policy PP3 - Planning permission will not be granted for development which would result in unacceptable:

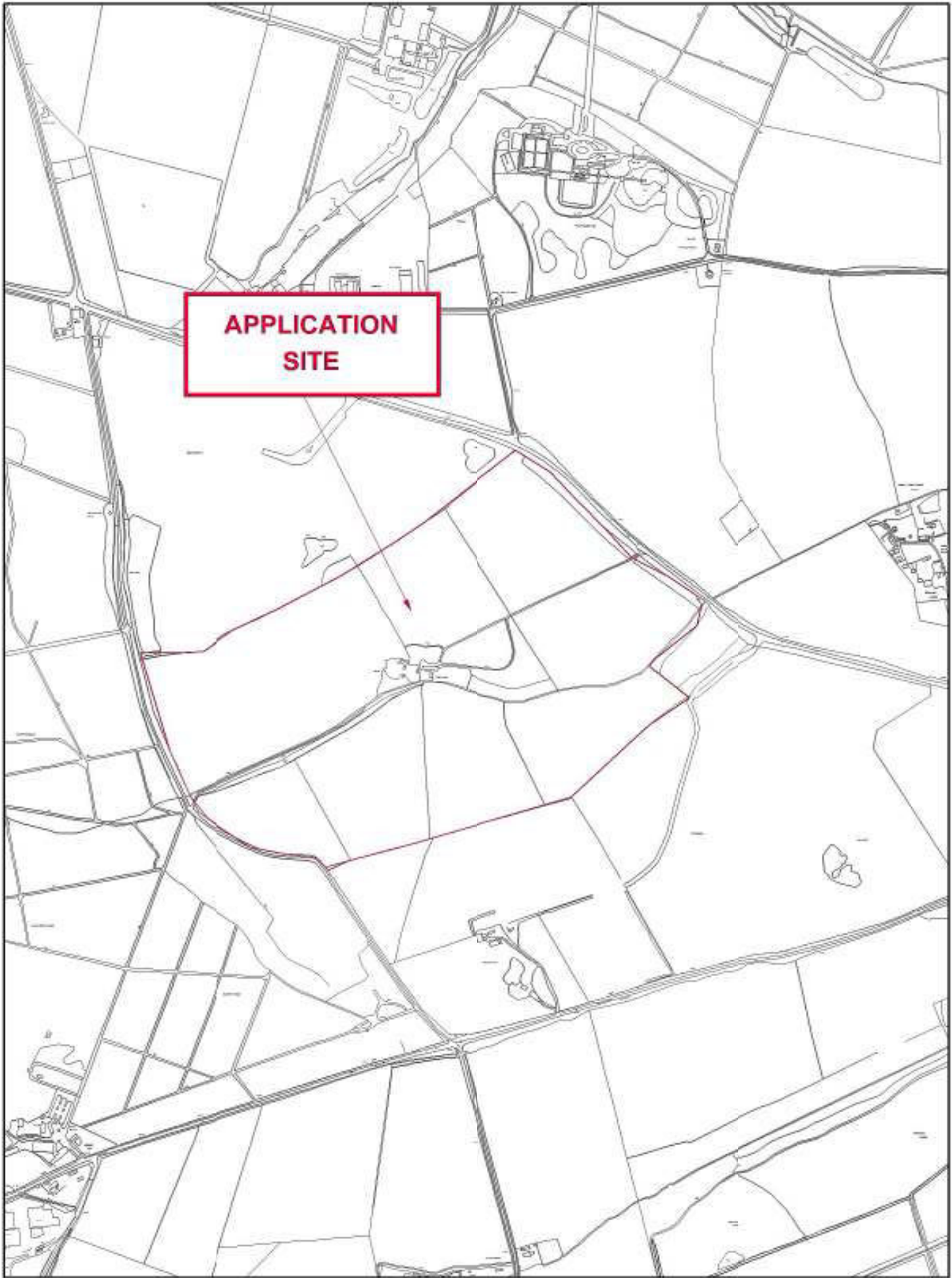
(c) noise and/or disturbance for the occupiers or users of any nearby property or land; or

(f) odour and/or pollution (including light pollution);

- R 5 The site lies within a minerals and waste safeguarding area. The applicant has failed to demonstrate that the underlying minerals are not of economic value, that they could be extracted prior to the development or that development is compatible with mineral extraction, or that there is an overriding need for the development. This is contrary to minerals and waste core strategy policy CS26 which states;

CS26 - Development in safeguarding areas can only be permitted where the mineral concerned is not of economic value, could be extracted prior to the development or when development is compatible of there is an overriding need for the development.

Copy to Cllr DE Over



LOCATION PLAN 13/01372/WCMM
Cooks Hole, Leicester Road, Thornhaugh, Peterborough
Scale NTS **Date** 21/11/2013 **Name** AA **Department** Planning Services



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Application Ref: 13/01372/WCMM

Proposal: Application to vary condition 11 of 13/00434/WCMM

Site: Cooks Hole, Leicester Road, Thornhaugh, Peterborough

Applicant: Mr Mick George
Mick George Ltd

Agent:

Referred by: Wansford Parish Council and Head of Service

Reason: Public Interest

Site visit: 25.10.2013

Case officer: Mrs T J Nicholl

Telephone No. 01733 454442

E-Mail: theresa.nicholl@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site description

This site measures approximately 3.74 hectares and is triangular in shape and located to the north part of Cook's Hole Quarry, adjacent to the A47. In operational terms the site is part of the whole Cook's Hole Quarry but was originally permitted under a separate application because this area of the site had not been part of the old mineral workings at the site (1950's). Now, this site is being worked as part of the overall phasing of the whole of Cook's Hole Quarry. The issues to be considered are the same as those being considered under application 13/01374/WCMM.

Members may recall that the most recent decision (which the current application seeks to vary) was approved at Committee in July 2013 (13/00434/WCMM). The application sought to extend the hours at the beginning and end of each working day. The hours of working as originally approved were conditioned as follows;

No development (including any servicing, maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0700 - 1700 hours

Mondays to Fridays

0700 - 1300 hours

Saturdays.

There shall be no development on Sundays, Bank Holidays or national holidays.

Between 0700 and 0800 on Saturdays operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of mineral and associated environmental control and administrative activities.

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).

In July 2013, Committee approved the extension of these hours subject to the following conditions;

Condition 11

No development (including any servicing, maintenance or testing of plant and movement of lorries), other than that allowed for by condition 24 and pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0700 - 1800 hours Mondays to Fridays

0700 - 1300 hours Saturdays.

There shall be no development on Sundays, Bank Holidays or national holidays. Between 0700 and 0800 on Saturdays operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of mineral and associated environmental control and administrative activities.

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).

Condition 24

Notwithstanding condition 11, HGVs may exit the site between the hours of 0600 and 0700 hours Mondays to Fridays only and for a limited period up to and including 12 January 2014. No other activities or operations including any servicing, maintenance or testing of plant other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall take place within the site during this hour (or outside the hours permitted by condition 11). After 12 January 2014, HGVs must exit the site in accordance with the times specified in condition 11.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users and to enable a sufficient "test" period to enable any noise monitoring to take place, in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

Proposal

The application is to further vary condition 11 to the following;

"No development (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0600 - 1900 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays

There shall be no development on Sundays, Bank Holidays or national holidays. Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. Between 0600 and 0700 Monday to Friday operations shall be limited to traffic movements only."

The applicant is therefore requesting that morning hours and operations be permitted to continue as they currently do (in line with the permission granted in July 2013 for a temporary period) i.e. traffic movements only and also that the evening working hour on weekdays be extended from 1800 to 1900. During this hour, operations would be limited to loading of vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities.

It should be noted that the applicant had proposed to commence work at 0530 on weekday mornings and be permitted to load lorries during this time. The applicant was advised by officers

that such a proposal would be unacceptable due to potential for changes in noise character at such an early hour causing disturbance to residents. The applicant has amended the proposal in line with officer requests.

2 Planning History

Reference	Proposal	Decision	Date
13/00434/WCMM	Variation of condition C11 of planning permission 12/01545/WCMM dated 25/01/2013 - to amend operating hours	Application Permitted	12/07/2013

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)

Paragraph 144 – need to take into account economic requirements and needs of mineral operator and also ensuring no unacceptable impact on amenity.

Paragraph 30 of the NPPF Technical Guidance – normal working hours

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

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

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.

4 Consultations/Representations

PCC Pollution Team (12.11.13)

Environmental Health has received no complaints regarding the vehicle movements associated with the current temporary arrangement and notes that other activities would be within the NPPF normal working day for such operations. No objection is therefore raised to the proposed amendment.

PCC Transport & Engineering Services (26.09.13)

No objections

Thornhaugh Parish Council (14.11.13)

Objects -

Supports the residents' objection to the requested extension to loading vehicles until 7.00pm on week nights and that the permission be limited to the applicant.

Wansford Parish Council (15.10.13)

Object and feel it is unacceptable to start at 5.30am

Defence Infrastructure Organisation (MOD - Wind) (23.09.13)

No objections

East Northamptonshire Council (28.11.13)

No objections

Natural England - Consultation Service (10.10.13)

No objections

Environment Agency (26.09.13)

No comments

The Wildlife Trusts (Cambridgeshire)

No comments received

Wildlife Officer (01.10.13)

No objections

Councillors D Lamb and J Holdich OBE (08.10.13)

Cllrs Lamb and Holdich support the neighbours in that the operating hours should not be extended and noise monitoring has not been taken at points taking into account the prevailing wind.

Local Residents/Interested Parties

Initial consultations: 20

Total number of responses: 7

Total number of objections: 7

Total number in support:

Representations

Five letters has been received raising the following objections;

(a) I strongly object to any increase in operating hours at the site as we are already subjected to considerable noise and dust and feel that extending the hours into the early morning disturbing normal sleep and in the evening, disrupting personal time, is a step too far.

(b) The additional hour in the morning will allow 15 additional lorry movements thus increasing disturbance to neighbours during their morning sleep hours

(c) The application was made by MGL in the interests of their business and not the neighbours who will suffer the consequences of these changes

(d) The planning officers apply conditions as they see fit in their recommendations to Committee and whilst objectors considered changes to the conditions applied to the applicant, the planning officers applied them to the site. Thus the democratic process and consultation for future uses for the site is defeated.

(e) Whilst a noise report has been submitted the noise related to drop loading into a lorry remains untested. Increasing lorry loading times to 7.00pm cannot be reasonable as it extends the working hours to within 3 hours of residents' bedtime and permits little time free of quarry noise. We suffer noise presently for 11 hours a day and this application will take this to 12. Loading lorries from stockpiles is an incredibly noisy part of the operation and should not be allowed to extend into residents' post working hours.

(f) If Committee is minded to approve these changes they should be limited to the operator and the timescales properly defined. Why is there a need to change the methodology approved in the original application?

(g) We are disturbed by the unpleasant background noise of the lorries moving and noise of dropping limestone aggregate into HGV open load bays but we are beginning to worry about the effect of this on our house price and quality of life

(h) Varying the hours at Cook's Hole will set a precedent for Thornhaugh Quarry which has operated successfully for the past 12 years with the same consented working hours

(g) The background noise of traffic on the A47 between 0600 and 0700 does not mask the noise of lorries exiting the site

(h) The treatment of Thornhaugh Landfill site and Cook's Hole has been subject to a long history of planning decisions and changing officers and Committees and the subject of working hours was the subject of significant debate in the early stages of Thornhaugh Landfill and was reached with residents to keep the working hours as they are. To change now would be invidious and a reflection of a lack of continuity in the Council's approach to this site.

(i) Further comment has been received from a resident, requesting that if the permission cannot be restricted to the operator only that it be restricted to a time period of three years. Also, no recommendation to Committee should include conditions beyond the application and worsen the situation of residents.

5 Assessment of the planning issues

Consideration

The main issues to consider are;

- Whether there are any traffic/highways implications
- Whether there will be any significant detrimental impact on nearby residents with regard to noise, dust and lighting
- Environmental Assessment

Traffic/highways

PCC Highways and the Highways Agency have not raised any objections to the proposal. The traffic entering or leaving the site between 0600 - 0700 and 1800 to 1900 does not raise safety issues with regard to the A47. It is considered therefore that the proposal is in accordance with policy CS32 of the Minerals and Waste Core Strategy with regard to road safety.

Neighbour Amenity

When the previous application was approved by Committee, Members were prepared to grant permission for traffic movements only between 0600 to 0700 for a temporary period. This was to test whether there might be any noise nuisance to the nearest residential properties, particularly those in the Home Farm hamlet on the other side of the A47 to the site. This "temporary" morning hour will cease under the terms of condition 24 on 12 January 2014.

The current proposal is to enable traffic movements to continue during this hour on a permanent basis. In addition, the applicant is applying to extend the evening working to 1900 from 1800 and during this hour be permitted to load lorries, move traffic and carry out associated administrative duties. This would not include excavation of material from the quarry face.

It has been recently drawn to our attention that the occupier of Thornhaugh Hall (located approximately 500 metres to the north of the site across the A47) has had cause to complain directly to Mick George Ltd with regard to loud noises occurring during the day. At the time, complaints were not made to the Mineral Planning Authority nor the Environmental Health Officer

at Peterborough City Council. The complainant, however, has since alerted the MPA to an instance of noise occurring at the site and the Senior Minerals and Waste Officer investigated by visiting the complainant and the site. The operator is presently working high up in a phase of the quarry close to the A47 on a harder crop of limestone. It is likely that the noise (that was audible at the complainant's property) was caused by the excavation of the material. The matter was discussed with the Environmental Health Officer and it was concluded that there was most likely no breach of condition occurring. The current site operations represent worst case scenario in terms of height and location of quarry face and best practical means were being employed to reduce noise e.g. low drop heights.

Apart from this complaint from Mr Adderley, up until the date the majority of the comments were received on the current application from neighbours i.e. 14th November 2013, neither PCC Planning Service nor the Environmental Health Officer had received complaints about noise or been called out to investigate. (The only exception was an issue raised about a noisy generator in October 2012. The generator was moved as a result).

There is a balance to be struck between "giving great weight to the benefits of mineral extraction, including to the economy" (NPPF paragraph 144) and protection of neighbour amenity. The NPPF advises that MPAs should "ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties."

It is considered that this particular instance of noise does not affect the current proposal because the noise was being caused by excavation and no excavation is proposed during the additional working hours being applied for. It does, however, suggest that permitting excavation or lorry loading outside normal working hours (i.e. before 0700) could lead unacceptable noise.

There have been no complaints with regard to lorry noise. The Environmental Health Officer has not objected. The noise of lorries entering and leaving the site is "masked" by the traffic noise of the A47 i.e. it does not stand out as being of a different character. Given that complaints have not been received regarding traffic noise between 0600 and 0700 it is considered that this aspect of the proposal is acceptable and complies with policy CS34 of the Minerals and Waste Core Strategy.

Paragraph 30 of the NPPF Technical Guidance refers to 0700 - 1900 as being "normal working hours" for mineral sites. The applicant proposes extending the present evening working to 1900 and during 1800 - 1900 be permitted to load vehicles from stockpiles, traffic movements and associated administrative activities. It is considered that this is acceptable particularly in light of the NPPF guidance.

It is therefore proposed to amend condition 11 as set out above (in bold) and remove condition 24 which limits the morning hour working to a temporary period.

Given that there will be an additional two permitted hours of working (if this application is approved) and there has recently been a complaint about noise from a resident, it is appropriate to reassess condition 5. In the event that the LPA considers a reasonable complaint has been made, the proposed re-worded condition 5 will enable us to require the developer to undertake noise monitoring in accordance with a scheme to be agreed with the LPA.

With regard to dust, the existing dust control scheme as set out in condition 7 remains in force and is adequate. It is not anticipated that that the additional hours of working should create problems of dust as long as the dust control scheme is being adhered to.

With regard to lighting, the current condition 13 requires that lighting erected on site must conform with the "Dark Skies Initiative." If this application is approved there will be additional working during hours of darkness. It is considered that this condition needs strengthening to reflect this and that details of lighting to be erected within the site should be approved. Condition 13 will therefore be

re-worded accordingly. If appropriate lighting is erected it will not be obtrusive to neighbouring residents or to the surrounding area in general.

With regard to some of the other issues raised by objectors;

1.Planning permissions always run with the land and not with the applicant. Restrictions limiting a planning permission to an applicant only should only be attached in exceptional circumstances and have to meet the tests set out in Circular 11/95. The current permissions at Cook's Hole are not restricted and there is no need to do so. The other conditions proposed adequately control the development and would apply to whoever operates the site. The development has to be restored on a phase by phase basis, therefore if the infill proceeds quickly, each phase will be restored more quickly. Whilst the permission has a 30 year lifespan the speed at which the quarry is excavated and restored will largely depend on the market. It is likely that it will be completed sooner than this.

2.The MPA has consulted fairly on all of the applications and always responds promptly to any issues raised by neighbours. It is the role of planning officers to recommend that conditions be imposed on any application as we think fit, taking account the present circumstances, adopted policy, Circular 11/95 and any other material considerations. Hence, in assessing the current proposal and circumstances we have considered it necessary to strengthen the conditions relating to noise and lighting.

3.Effect on house prices is not a material planning consideration.

4.For clarification, applications under Section 73 of the Town and Country Planning Act are applications to either remove or vary planning conditions and so by their very nature different conditions are proposed. The role of officer's is to assess whether the changes brought about by the proposal are acceptable in light of current policy and material considerations AND to consider whether as a result of the changes other conditions require alteration. In this instance, it is recommended that conditions 5 and 13 (noise and lighting) be altered to strengthen them in light of the additional working hours proposed.

Environmental Assessment

In assessing this current application, regard has been had to the previously submitted environmental assessment/information which also includes the noise report submitted with this application and the views submitted by consultees. The environmental information is adequate as it stands to make positive recommendation taking into account that the proposed working hours/operations applied for initially as part of this application have been scaled back.

6 Conclusions

Conclusion

The proposal is in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy with regard to the highways/traffic implications of the development. The Highway Authority (PCC) has raised no objections.

The applicant has amended his proposal in line with officer advice so that the application is now to vary condition 11 to enable traffic movements only between 0600 to 0700 Mondays to Fridays and lorry loading and traffic movements between 1800 to 1900. In all other respects the hours and working would remain as permitted.

The business needs of the quarry operator has been carefully considered and balanced with the potential for impact on neighbour amenity. There have been no complaints about lorry noise between 0600 to 0700 and the application is to allow traffic movements only between this hour on weekdays. The additional evening hour between 1800 to 1900 is in accordance with normal working hours set out in the NPPF Technical Guidance. The limitations on working practice during these hours together with the proposed conditions is sufficient in our opinion to protect neighbour

amenity. This does not mean that no noise will ever be heard beyond the site - this is not possible, but that noise nuisance is avoidable. The Environmental Health Officer has not raised objections. The Environmental Assessment (previous submissions and information submitted as part of this application) has been taken into account and is adequate. It is considered that the proposal complies with policy CS34 of the Minerals and Waste Core Strategy and the NPPF and Technical Guidance.

There are no material considerations which outweigh the determination of this application in accordance with the adopted development plan policies, therefore the proposal is acceptable.

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 approved shall be carried out in accordance with the details set out in the application Supporting Statement dated 29th September 2010, the letter from URS Scott Wilson dated 11th February 2011 and the Environmental Statement dated October 2012, including the phased programme and timetable specified in the revised Phasing Sequence (Figures 1.1 to 1.8 inclusive in the Environmental Statement Volume 1) and Figure 4.9 (Rev B) and Figure 4.12 (Rev A) (in the Environmental Statement Volume 2), the supporting statement dated March 2013 and the Noise Assessment dated 01.03.13 except as required elsewhere in this scheme of conditions.
Reason: To clarify what is hereby approved and in accordance with policy CS 21 of the adopted Peterborough Core Strategy (Feb 2011), and policies 1, 6, 24, 25, 32, 33, 34, 35, 36, 37, 38 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011).
- C 2 The winning and working of minerals shall not take place outside the areas bounded showing the limit of the excavation on Figure 1.8 in the application Environmental Statement Volume 1 (dated October 2012).
Reason: To clarify what is hereby approved and in accordance with policy CS 21 of the adopted Peterborough Core Strategy (Feb 2011), and policies 1, 6, 24, 25, 32, 33, 34 35, 36, 37, 38 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2012).
- C 3 The development hereby approved (excluding the after-care works required by Condition 22) shall be completed no later than 21st February 2042.
Reason: To comply with the Environment Act 1995 or as subsequently re-enacted or amended.
- C 4 No blasting shall take place at the site.
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 5 The development hereby approved shall take place in accordance with the scheme of noise mitigation measures set out the Supporting Statement (dated September 2010), Appendix A: "Proposed Noise Control Scheme".
Except for temporary operations, the rating level of noise emitted from the site shall not exceed the limit specified below when measured at each location listed. Measurements

taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Location	(Mondays to Fridays)	(Saturdays)
Home Farm House	55 dB LAeq,1h	55 dB LAeq,1h
Leedsgate Farm	50 dB LAeq,1h	50 dB LAeq,1h
Nightingale Farm	50 dB LAeq,1h	46 dB LAeq,1h
Sibberton Lodge	51 dB LAeq,1h	51 dB LAeq,1h
Oaks Wood Cottage	55 dB LAeq,1h	55 dB LAeq,1h
Toll Cottage	55 dB LAeq,1h	55 dB LAeq,1h

For temporary operations such as site preparation, soil stripping and replacement, and screen bund formation and removal, the free field noise level due to operations at the nearest point to each dwelling shall not exceed 70 dB LAeq,1hour(free field). Temporary operations shall not take place for more than eight weeks in any calendar year. In the event of a reasonable complaint as determined by the Local Planning Authority, the developer shall appoint a suitably qualified noise consultant to undertake noise monitoring in accordance with a scheme that shall be agreed beforehand with the Local Planning Authority. The scheme shall set out the timetable and methodology for undertaking the monitoring and producing a noise report. This report shall be provided to the Local Planning Authority.

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 6 No mobile hydraulic breakers shall be used on site other than the "City Breakers" specified in Volume 4 of the Environmental Statement update dated October 2012. Breakers are only to be used below existing ground level and only between 08:00 to 17:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and not at all at any other times.

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 7 Dust generated by the development hereby approved shall be controlled in accordance with the scheme set out in Appendix B of the application Supporting Statement dated 29th September 2010 subject to the trigger for the remedial actions specified being any signs of visible dust outside the boundary of the site.

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

- C 8 The development hereby approved shall be carried out in complete accordance with the Ecological Management Plan Revision 3 (Dated 13 November 2012).

Reason: In order to assure appropriate protection and conservation of protected species and provide appropriate landscape restoration and biodiversity enhancement in accordance with policies CS 10 and CS 21 of the adopted Peterborough Core Strategy (Feb 2011), policies 25, 33, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C 9 The development hereby approved shall be carried out in complete accordance with the scheme for the management of surface water and groundwater (dated July 2011) in Volume 4 of the updated Environmental Statement (dated October 2012), based upon the mitigation measures proposed in the Hydrogeological and Hydrological Impact assessment included at Volume 3 Appendix F of the Environmental Statement.

Reason: In order to maintain the present hydrological conditions in order to preserve the quality of water, flow of water and the natural environment that depends on such hydrology in accordance with policy CS 21 of the adopted Peterborough Core Strategy (Feb 2011) and policies 35 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C10 Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund and the drainage system should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: In order to prevent pollution of the natural environment in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policy 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C11 No development/operations (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0600 - 1900 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays

There shall be no development/operations on Sundays, Bank Holidays or national holidays. Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. Between 0600 and 0700 Monday to Friday operations shall be limited to traffic movements only.

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).

- C12 Notwithstanding the phasing references, the development hereby approved shall be carried out in complete accordance with the scheme for tree and hedge protection measures in the Environmental Statement Volume 4 dated October 2012 (drawing ref. D130030-TPM-01 Rev B dated 09/08/2011).

Reason: In order to safeguard the existing trees and hedgerows to be retained in the interests of visual appearance and biodiversity in accordance with policies CS 20 and 21 of the adopted Peterborough Core Strategy and policy CS 35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C13 Any lighting to be erected on site shall be in accordance with a lighting scheme that shall have been submitted to and approved by the Local Planning Authority. Any lighting (external to the buildings) erected within the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified for environmental zone 2 in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution (Revised) (2005). In the event of reasonable complaint as determined by the Mineral Planning Authority, the quarry operator shall instruct a suitably competent professional to monitor and report in writing to the Local

Planning Authority on the matters raised in the complaint in accordance with a schedule to be agreed by the Mineral Planning Authority. Should the report demonstrate that the lighting does not comply with the above mentioned Guidance Notes; the offending light source shall be rectified by the applicant/developer within 7 days of receipt of notice from the Local Planning Authority to do so.

Reason: In order to minimise light spillage from the site in the interests of the natural environment and to reduce light pollution to the night sky in accordance with policies CS21 of the adopted Peterborough Core Strategy and policies CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C14 The development hereby approved shall be carried out in complete accordance with the Written Scheme of Investigation for Archaeological Works (dated August 2011) in the Environmental Statement Volume 4 dated October 2012. The developer shall afford access to the site at all reasonable times to any archaeologist nominated by the Mineral Planning Authority and shall allow that person to observe the soil stripping operations, conduct archaeological investigations and where appropriate excavations, and record and recover items of interest.

Reason: In order to protect and preserve the historic environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS36.

- C15 No vehicular access to the Public Highway shall be used in connection with the development hereby approved other than:
the existing track linking Cook's Hole Farm to the A47, and
the link to the entrance serving Thornhaugh I Quarry permitted through planning permission number 10/01442/MMFUL.

The existing track linking Cook's Hole Farm to the A47 shall be used in connection with agricultural, after-care and/or after-use purposes only.

Reason: In the interests of highway safety in accordance with policy 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C16 Prior to the winning and working of minerals hereby approved, the sub and topsoils present within each phase shown on Figure 1.8 in the updated Environmental Statement (dated October 2012), shall be separately stripped and stored in accordance with the soil handling arrangements specified in section 3 of the Adams Land Management report (dated 29th September 2010) included at appendix K of the Environmental Statement Volume 3 (dated October 2012) and maintained on site until required for restoration works in accordance with Condition 20.

Reason: In the interests of satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C17 Following the completion of mineral extraction within each phase shown on Figure 1.8 in the Environmental Statement Volume 1 (dated October 2012), the resultant void shall be graded to achieve the final levels shown on Figures 4.9 (Rev B) Restoration Masterplan and Figure 4.12 Restoration Sections, within the following 12 month period (minus the depth to be allowed for the replacement of sub and topsoil).

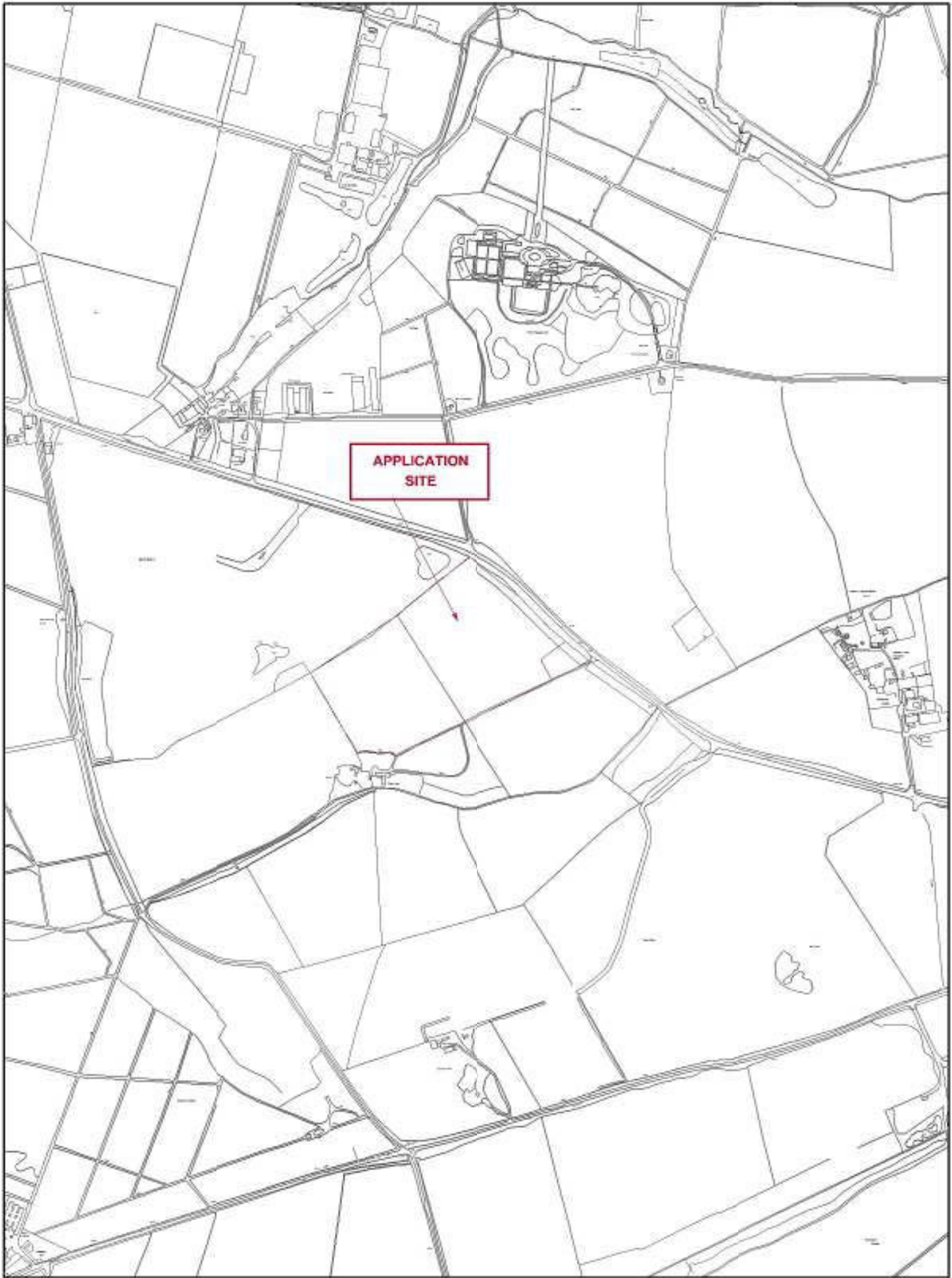
Reason: In the interests of satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C18 Within 6 months of the completion of the grading works in accordance with Condition 17, within each phase shown on Figure 1.8 in the updated Environmental Statement (dated October 2012) and Figures 4.9 (Rev B) and Figure 4.12 (Rev A), the sub and topsoils present shall be re-spread (separately, evenly and in the correct sequence) to depths to be agreed in writing beforehand by the Mineral Planning Authority.
Reason: In the interests of satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C19 The development hereby approved shall be carried out in complete accordance with the Landscaping and Aftercare Scheme (dated November 2011), and accompanying drawing ref. "Figure 1 Restoration Masterplan for Aftercare Schedules" in the Environmental Statement Volume 4 (dated October 2012). The period of aftercare for the site or any part of it shall begin and thereafter be carried out in complete in accordance with the Landscaping and Aftercare Scheme on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.
Reason: In the interests of enhancement to biodiversity and satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C20 The development hereby approved shall be carried out in complete accordance with the landscaping scheme for the treatment of frontage of the site with the A47, drawing ref D130030-PL-A47-01 (dated 09/08/2011) in the Environmental Statement Volume 4 (dated October 2012).
Reason: In the interest of the visual appearance of the development in accordance with policy CS 33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C21 Notwithstanding the references to phasing, the development hereby approved shall be carried out in complete accordance with the scheme for the maintenance of Safety of PROW users in Volume 4 of the Environmental Statement (dated October 2012), the Footpath Diversion Corridors and Details drawing Ref D130030-FPD-01 (dated 09/08/2011) and Alternative Access Details drawing Ref Figure AA3a.
Reason: In the interests of the safety of the users of the Public Rights of Way that cross and border the site in accordance with policy CS 37 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C22 The development hereby approved shall be carried out in complete accordance with the details of the mineral processing plant in Volume 4 of the Environmental Statement (dated October 2012 - "Scheme to discharge planning conditions at Cooks Hole, Thornhaugh" dated 9th July 2012).
Reason: In the interests of visual appearance and residential amenity in accordance with policies CS34 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C23 Bunds and mounds of soil stored within the site shall be managed in accordance with the details set out in Appendix K - Adams Land Management Report September 2010. The soil bunds and mounds shall be seeded with the approved native grass mix in accordance with details contained within the Environmental Statement Volume 4 document "Discharge of Conditions 26 & 27" dated 16/09/2011.

Reason: In the interest of the sustainable use of soils in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policy 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

Copies to Cllrs J Holdich, D Lamb

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LOCATION PLAN 13/01374/WCMM
Cooks Hole, Leicester Road, Thornhaugh, Peterborough
Scale NTS **Date** 21/11/2013 **Name** AA **Department** Planning Services



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Application Ref: 13/01374/WCMM

Proposal: Application to vary condition 11 of 13/00432/WCMM

Site: Cooks Hole, Leicester Road, Thornhaugh, Peterborough

Applicant: Mr Mick George Ltd
Mick George Ltd

Agent:

Referred by: Wansford Parish Council and Head of Service

Reason: Public Interest

Site visit: 25.10.2013

Case officer: Mrs T J Nicholl

Telephone No. 01733 454442

E-Mail: theresa.nicholl@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

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

Site Description

The application site is broadly rectangular and extends to some 54.4 hectares of which 39.5 hectares is proposed to be worked. The site is located about 1.7 km west of the A1 at Wansford. Thornhaugh village lies about 1 km to the northeast and Wittering 1.7 km to the north. The cluster of residential properties at Home Farm (about 10 residences) lies about 400m to the north and several other isolated farm houses and residences lie within a few hundred metres of the site, notably Oaks Wood Cottage, 300 metres to the north beyond the A47, Nightingale Farm about 325 metres to the South and Sibberton Lodge, about 500 metres to the east of the site beyond the A47. The northwest site boundary adjoins Thornhaugh 1 quarry (an active quarry being restored by landfill with access off the A47). The northeast boundary adjoins the A47 Leicester Road and the southern boundary adjoins the active Thornhaugh 2 quarry and agricultural land comprising Nightingale Farm. The west boundary is defined by a restrictive byway and the edge of Bedford Purlieus National Nature Reserve (which is a Site of Special Scientific Interest).

Thornhaugh Beck rises to the west of Bedford Purlieus, flows eastwards through the site before joining the White Water Brook, a tributary of the River Nene). Although parts of the site have been worked previously for ironstone extraction the land generally slopes down, as to be expected towards the stream valley running west to east through the site.

Central to the site is Cook's Hole Farmhouse, an abandoned stone farmhouse and associated barn and outbuildings. The farmhouse has recently been grade II listed and so the associated buildings are also listed by way of being curtilage buildings. The property is uninhabitable without extensive restoration works.

The site is traversed by various Public Rights of Way.

The site comprises an area historically worked for Ironstone from the 1950s which benefits from a Renewal of Minerals Permission (i.e. a RoMP - an historic planning permission which has been reviewed and updated with appropriate conditions) and a new permission for an area of previously un-worked mineral. These two permissions (03/01171/RMP and 10/01441/MMFUL) are to all intents and purposes identical and were granted in April 2011. The two permissions have subsequently been superseded by the current operator who wished to work the site according to a different phasing.

Members may recall that the most recent decision (which the current application seeks to vary) was approved at Committee in July 2013 (13/00432/WCMM). The application sought to extend the hours at the beginning and end of each working day. The hours of working as originally approved were conditioned as follows;

No development (including any servicing, maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0700 - 1700 hours

Mondays to Fridays

0700 - 1300 hours

Saturdays.

There shall be no development on Sundays, Bank Holidays or national holidays.

Between 0700 and 0800 on Saturdays operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of mineral and associated environmental control and administrative activities.

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).

In July 2013, Committee approved the extension of these hours subject to the following conditions;

Condition 11

No development (including any servicing, maintenance or testing of plant and movement of lorries), other than that allowed for by condition 24 and pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0700 - 1800 hours Mondays to Fridays

0700 - 1300 hours Saturdays.

There shall be no development on Sundays, Bank Holidays or national holidays. Between 0700 and 0800 on Saturdays operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of mineral and associated environmental control and administrative activities.

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).

Condition 24

Notwithstanding condition 11, HGVs may exit the site between the hours of 0600 and 0700 hours Mondays to Fridays only and for a limited period up to and including 12 January 2014. No other activities or operations including any servicing, maintenance or testing of plant other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall take place within the site during this hour (or outside the hours permitted by condition 11). After 12 January 2014, HGVs must exit the site in accordance with the times specified in condition 11.

Reason: To ensure that operations are carried out in a manner which will safeguard the amenity of the area and minimise disturbance to adjacent land users and to enable a sufficient "test" period to enable any noise monitoring to take place, in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS34.

Proposal

The application is to further vary condition 11 to the following;

"No development (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0600 - 1900 hours Mondays to Fridays
0700 - 1300 hours Saturdays

There shall be no development on Sundays, Bank Holidays or national holidays. Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. Between 0600 and 0700 Monday to Friday operations shall be limited to traffic movements only.

The applicant is therefore requesting that morning hours and operations be permitted to continue as they currently do (in line with the permission granted in July 2013 for a temporary period) i.e. traffic movements only and also that the evening working hour on weekdays be extended from 1800 to 1900. During this hour, operations would be limited to loading of vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities.

It should be noted that the applicant had originally proposed to commence work at 0530 on weekday mornings and be permitted to load lorries during this time. The applicant was advised by officers that such a proposal would be unacceptable due to potential for changes in noise character at such an early hour causing disturbance to residents. The applicant has amended the proposal in line with officer requests.

2 Planning History

Reference	Proposal	Decision	Date
13/00432/WCMM	Variation of condition C11 of planning permission 12/01544/WCMM dated 25/01/2013 - to amend operating hours	Application Permitted	12/07/2013

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)

Paragraph 144 – need to take into account economic requirements and needs of mineral operator and also ensuring no unacceptable impact on amenity.

Paragraph 30 of the NPPF Technical Guidance – normal working hours

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

MW32 - Traffic and Highways

Minerals and Waste development will only be permitted where it meets the criteria set out in this policy.

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.

4 Consultations/Representations

PCC Pollution Team (12.11.13)

Environmental Health has received no complaints regarding the vehicle movements associated with the current temporary arrangement and notes that other activities would be within the NPPF normal working day for such operations. No objection is therefore raised to the proposed amendment.

PCC Transport & Engineering Services (26.09.13)

No objections

PCC Rights of Way Officer (23.09.13)

No objections

PCC Landscape Architect (Enterprise) (26.09.13)

No objections

PCC Wildlife Officer (01.10.13)

No objections

Environment Agency (26.09.13)

No comments

Highways Agency - Zones 6, 8 & 13 (10.10.13)

No objections

Wansford Parish Council (15.10.13)

The Parish Council are not in favour of the application and feel it is unacceptable to start at 5.30am.

Councillors D Lamb and J Holdich OBE (08.10.13)

Cllrs Lamb and Holdich opposed and further increase in working hours and whilst there have been no complaints at 06:00 noise monitors have not been placed in areas covered by prevailing winds.

Thornhaugh Parish Council (14.11.13)

Object -

Support Thornhaugh residents' objections to the requested extension to loading vehicles until 7.00pm on week nights and additionally that the permission be limited to the applicant.

Local Residents/Interested Parties

Initial consultations: 20

Total number of responses: 7

Total number of objections: 7

Total number in support:

Representations

Five letters has been received raising the following objections;

(a) I strongly object to any increase in operating hours at the site as we are already subjected to considerable noise and dust and feel that extending the hours into the early morning disturbing normal sleep and in the evening, disrupting personal time, is a step too far.

(b) The additional hour in the morning will allow 15 additional lorry movements thus increasing disturbance to neighbours during their morning sleep hours

(c) The application was made by MGL in the interests of their business and not the neighbours who will suffer the consequences of these changes

(d) The planning officers apply conditions as they see fit in their recommendations to Committee and whilst objectors considered changes to the conditions applied to the applicant, the planning officers applied them to the site. Thus the democratic process and consultation for future uses for the site is defeated.

(e) Whilst a noise report has been submitted the noise related to drop loading into a lorry remains untested. Increasing lorry loading times to 7.00pm cannot be reasonable as it extends the working hours to within 3 hours of residents' bedtime and permits little time free of quarry noise. We suffer noise presently for 11 hours a day and this application will take this to 12. Loading lorries from stockpiles is an incredibly noisy part of the operation and should not be allowed to extend into residents' post working hours.

(f) If Committee is minded to approve these changes they should be limited to the operator and the timescales properly defined. Why is there a need to change the methodology approved in the original application?

(g) We are disturbed by the unpleasant background noise of the lorries moving and noise of dropping limestone aggregate into HGV open load bays but we are beginning to worry about the effect of this on our house price and quality of life

(h) Varying the hours at Cook's Hole will set a precedent for Thornhaugh Quarry which has operated successfully for the past 12 years with the same consented working hours

(g) The background noise of traffic on the A47 between 0600 and 0700 does not mask the noise of lorries exiting the site

(h) The treatment of Thornhaugh Landfill site and Cook's Hole has been subject to a long history of planning decisions and changing officers and Committees and the subject of working hours was the subject of significant debate in the early stages of Thornhaugh Landfill and was reached with residents to keep the working hours as they are. To change now would be invidious and a reflection of a lack of continuity in the Council's approach to this site.

(i) Further comment has been received from a resident, requesting that if the permission cannot be restricted to the operator only that it be restricted to a time period of three years. Also, no recommendation to Committee should include conditions beyond the application and worsen the situation of residents.

5 Assessment of the planning issues

Consideration

The main issues to consider are;

- Whether there are any traffic/highways implications
- Whether there will be any significant detrimental impact on nearby residents with regard to noise, dust and lighting
- Environmental Assessment

Traffic/highways

PCC Highways and the Highways Agency have not raised any objections to the proposal. The traffic entering or leaving the site between 0600 - 0700 and 1800 to 1900 does not raise safety issues with regard to the A47. It is considered therefore that the proposal is in accordance with policy CS32 of the Minerals and Waste Core Strategy with regard to road safety.

Neighbour Amenity

When the previous application was approved by Committee, Members were prepared to grant permission for traffic movements only between 0600 to 0700 for a temporary period. This was to

test whether there might be any noise nuisance to the nearest residential properties, particularly those in the Home Farm hamlet on the other side of the A47 to the site. This "temporary" additional morning hour will cease under the terms of condition 24 on 12 January 2014.

The current proposal is to enable traffic movements to continue during this hour on a permanent basis. In addition, the applicant is applying to extend the evening working to 1900 from 1800 and during this hour be permitted to load lorries, move traffic and carry out associated administrative duties. This would not include excavation of material from the quarry face.

It has been recently drawn to our attention that the occupier of Thornhaugh Hall (located approximately 500 metres to the north of the site across the A47) has had cause to complain directly to Mick George Ltd with regard to loud noises occurring during the day. At the time, complaints were not made to the Mineral Planning Authority nor the Environmental Health Officer at Peterborough City Council. The complainant, however, has since alerted PCC Planning Service to an instance of noise occurring at the site and the Senior Minerals and Waste Officer investigated by visiting the complainant and the site. The operator is presently working high up in a phase of the quarry close to the A47 on a harder crop of limestone. It is likely that the noise (that was audible at the complainant's property) was caused by the excavation of the material. The matter was discussed with the Environmental Health Officer and it was concluded that there was most likely no breach of condition occurring. The current site operations represent worst case scenario in terms of height and location of quarry face and best practical means were being employed to reduce noise e.g. low drop heights.

Apart from this complaint from Mr Adderley, up until the date the majority of the comments were received on the current application from neighbours i.e. 14th November 2013 neither PCC Planning Service nor the Environmental Health Officer had received complaints about noise or been called out to investigate. (The only exception was an issue raised about a noisy generator in October 2012. The generator was moved as a result).

There is a balance to be struck between "giving great weight to the benefits of mineral extraction, including to the economy" (NPPF paragraph 144) and protection of neighbour amenity. The NPPF advises that MPAs should "ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source and establish appropriate noise limits for extraction in proximity to noise sensitive properties."

It is considered that this particular instance of noise does not affect the current proposal because the noise was being caused by excavation and no excavation is proposed during the additional working hours being applied for. It does, however, suggest that permitting excavation or lorry loading outside normal working hours (i.e. before 0700) could lead unacceptable noise.

There have been no complaints with regard to lorry noise. The Environmental Health Officer has not objected. The noise of lorries entering and leaving the site is "masked" by the traffic noise of the A47 i.e. it does not stand out as being of a different character. Given that complaints have not been received regarding traffic noise between 0600 and 0700 it is considered that this aspect of the proposal is acceptable and complies with policy CS34 of the Minerals and Waste Core Strategy.

Paragraph 30 of the NPPF Technical Guidance refers to 0700 - 1900 as being "normal working hours" for mineral sites. The applicant proposes extending the present evening working to 1900 and during 1800 - 1900 be permitted to load vehicles from stockpiles, traffic movements and associated administrative activities. It is considered that this is acceptable particularly in light of the NPPF guidance.

It is therefore proposed to amend condition 11 as set out above (in bold) and remove condition 24 which limits the morning hour working to a temporary period.

Given that there will be an additional two permitted hours of working (if this application is approved)

and there has recently been a complaint about noise from a resident, it is appropriate to reassess condition 5. In the event that the LPA considers a reasonable complaint has been made, the proposed re-worded condition 5 will enable us to require the developer to undertake noise monitoring in accordance with a scheme to be agreed with the LPA.

With regard to dust, the existing dust control scheme as set out in condition 7 remains in force and is adequate. It is not anticipated that the additional hours of working should create problems of dust as long as the dust control scheme is being adhered to.

With regard to lighting, the current condition 13 requires that lighting erected on site must conform with the "Dark Skies Initiative." If this application is approved there will be additional working during hours of darkness. It is considered that this condition needs strengthening to reflect this and that details of lighting to be erected within the site should be approved. Condition 13 will therefore be re-worded accordingly. If appropriate lighting is erected it will not be obtrusive to neighbouring residents or to the surrounding area in general.

With regard to some of the other issues raised by objectors;

1.Planning permissions always run with the land and not with the applicant. Restrictions limiting a planning permission to an applicant only should only be attached in exceptional circumstances and have to meet the tests set out in Circular 11/95. The current permissions at Cook's Hole are not restricted and there is no need to do so. The other conditions proposed adequately control the development and would apply to whoever operates the site. The development has to be restored on a phase by phase basis, therefore if the infill proceeds quickly, each phase will be restored more quickly. Whilst the permission has a 30 year lifespan the speed at which the quarry is excavated and restored will largely depend on the market. It is likely that it will be completed sooner than this.

2.The MPA has consulted fairly on all of the applications and always responds promptly to any issues raised by neighbours. It is the role of planning officers to recommend that conditions be imposed on any application as we think fit, taking account the present circumstances, adopted policy, Circular 11/95 and any other material considerations. Hence, in assessing the current proposal and circumstances we have considered it necessary to strengthen the conditions relating to noise and lighting.

3.Effect on house prices is not a material planning consideration.

4.For clarification, applications under Section 73 of the Town and Country Planning Act are applications to either remove or vary planning conditions and so by their very nature different conditions are proposed. The role of officer's is to assess whether the changes brought about by the proposal are acceptable in light of current policy and material considerations AND to consider whether as a result of the changes other conditions require alteration. In this instance, it is recommended that conditions 5 and 13 (noise and lighting) be altered to strengthen them in light of the additional working hours proposed.

Environmental Assessment

In assessing this current application, regard has been had to the previously submitted environmental assessment/information which also includes the noise report submitted with this application and the views submitted by consultees. The environmental information is adequate as it stands to make positive recommendation taking into account that the proposed working hours/operations applied for initially as part of this application have been scaled back.

6 Conclusions

The proposal is in accordance with policy CS32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy with regard to the highways/traffic implications of the development. The Highway Authority (PCC) has raised no objections.

The applicant has amended his proposal in line with officer advice so that the application is now to vary condition 11 to enable traffic movements only between 0600 to 0700 Mondays to Fridays and lorry loading and traffic movements between 1800 to 1900. In all other respects the hours and working would remain as permitted.

The business needs of the quarry operator has been carefully considered and balanced with the potential for impact on neighbour amenity. There have been no complaints about lorry noise between 0600 to 0700 and the application is to allow traffic movements only between this hour on weekdays. The additional evening hour between 1800 to 1900 is in accordance with normal working hours set out in the NPPF Technical Guidance. The limitations on working practice during these hours together with the proposed conditions is sufficient in our opinion to protect neighbour amenity. This does not mean that no noise will ever be heard beyond the site - this is not possible, but that noise nuisance is avoidable. The Environmental Health Officer has not raised objections. The Environmental Assessment (previous submissions and information submitted as part of this application) has been taken into account and is adequate. It is considered that the proposal complies with policy CS34 of the Minerals and Waste Core Strategy and the NPPF and Technical Guidance.

There are no material considerations which outweigh the determination of this application in accordance with the adopted development plan policies, therefore the proposal is acceptable.

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 approved shall be carried out in accordance with the details set out in the application Supporting Statement dated 29th September 2010, the letter from URS Scott Wilson dated 11th February 2011 and the Environmental Statement dated October 2012, including the phased programme and timetable specified in the revised Phasing Sequence (Figures 1.1 to 1.8 inclusive in the Environmental Statement Volume 1) and Figure 4.9 (Rev B) and Figure 4.12 (Rev A) (in the Environmental Statement Volume 2), the supporting statement dated March 2013 and the Noise Assessment dated 01.03.13 except as required elsewhere in this scheme of conditions.
Reason: To clarify what is hereby approved and in accordance with policy CS 21 of the adopted Peterborough Core Strategy (Feb 2011), and policies 1, 6, 24, 25, 32, 33, 34, 35, 36, 37, 38 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2011).
- C 2 The winning and working of minerals shall not take place outside the areas bounded showing the limit of the excavation on Figure 1.8 in the application Environmental Statement Volume 1 (dated October 2012).
Reason: To clarify what is hereby approved and in accordance with policy CS 21 of the adopted Peterborough Core Strategy (Feb 2011), and policies 1, 6, 24, 25, 32, 33, 34 35, 36, 37, 38 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (July 2012).
- C 3 The development hereby approved (excluding the after-care works required by Condition 22) shall be completed no later than 21st February 2042.
Reason: To comply with the Environment Act 1995 or as subsequently re-enacted or amended.

C 4 No blasting shall take place at the site.
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 5 The development hereby approved shall take place in accordance with the scheme of noise mitigation measures set out the Supporting Statement (dated September 2010), Appendix A: "Proposed Noise Control Scheme".

Except for temporary operations, the rating level of noise emitted from the site shall not exceed the limit specified below when measured at each location listed. Measurements taken to verify compliance shall have regard to the effects of extraneous noise and shall be corrected for such effects.

Location	(Mondays to Fridays)	(Saturdays)
Home Farm House	55 dB LAeq,1h	55 dB LAeq,1h
Leedsgate Farm	50 dB LAeq,1h	50 dB LAeq,1h
Nightingale Farm	50 dB LAeq,1h	46 dB LAeq,1h
Sibberton Lodge	51 dB LAeq,1h	51 dB LAeq,1h
Oaks Wood Cottage	55 dB LAeq,1h	55 dB LAeq,1h
Toll Cottage	55 dB LAeq,1h	55 dB LAeq,1h

For temporary operations such as site preparation, soil stripping and replacement, and screen bund formation and removal, the free field noise level due to operations at the nearest point to each dwelling shall not exceed 70 dB LAeq,1hour(free field). Temporary operations shall not take place for more than eight weeks in any calendar year. In the event of a reasonable complaint as determined by the Local Planning Authority, the developer shall appoint a suitably qualified noise consultant to undertake noise monitoring in accordance with a scheme that shall be agreed beforehand with the Local Planning Authority. The scheme shall set out the timetable and methodology for undertaking the monitoring and producing a noise report. This report shall be provided to the Local Planning Authority.

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 6 No mobile hydraulic breakers shall be used on site other than the "City Breakers" specified in Volume 4 of the Environmental Statement update dated October 2012. Breakers are only to be used below existing ground level and only between 08:00 to 17:00 Mondays to Fridays and 08:00 to 13:00 on Saturdays and not at all at any other times.

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 7 Dust generated by the development hereby approved shall be controlled in accordance with the scheme set out in Appendix B of the application Supporting Statement dated 29th September 2010 subject to the trigger for the remedial actions specified being any signs of visible dust outside the boundary of the site.

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

C 8 The development hereby approved shall be carried out in complete accordance with the Ecological Management Plan Revision 3 (Dated 13 November 2012).

Reason: In order to assure appropriate protection and conservation of protected species and provide appropriate landscape restoration and biodiversity enhancement in accordance

with policies CS 10 and CS 21 of the adopted Peterborough Core Strategy (Feb 2011), policies 25, 33, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C 9 The development hereby approved shall be carried out in complete accordance with the scheme for the management of surface water and groundwater (dated July 2011) in Volume 4 of the updated Environmental Statement (dated October 2012), based upon the mitigation measures proposed in the Hydrogeological and Hydrological Impact assessment included at Volume 3 Appendix F of the Environmental Statement.

Reason: In order to maintain the present hydrological conditions in order to preserve the quality of water, flow of water and the natural environment that depends on such hydrology in accordance with policy CS 21 of the adopted Peterborough Core Strategy (Feb 2011) and policies 35 and 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C10 Any facilities, above ground, for the storage of oils, fuels or chemicals should be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund and the drainage system should be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund.

Reason: In order to prevent pollution of the natural environment in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policy 39 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C11 No development/operations (including the servicing maintenance or testing of plant), other than pumping operations for the removal of water from the excavations, authorised or required by this permission shall be carried out on the site except between the following times:

0600 - 1900 hours	Mondays to Fridays
0700 - 1300 hours	Saturdays

There shall be no development/operations on Sundays, Bank Holidays or national holidays. Between 1800 and 1900 Monday to Friday and 0700 and 0800 on Saturday, operations shall be limited to loading vehicles from stockpiles, traffic movements associated with the collection of minerals and associated environmental control and administrative activities. Between 0600 and 0700 Monday to Friday operations shall be limited to traffic movements only.

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).

C12 Notwithstanding the phasing references, the development hereby approved shall be carried out in complete accordance with the scheme for tree and hedge protection measures in the Environmental Statement Volume 4 dated October 2012 (drawing ref. D130030-TPM-01 Rev B dated 09/08/2011).

Reason: In order to safeguard the existing trees and hedgerows to be retained in the interests of visual appearance and biodiversity in accordance with policies CS 20 and 21 of the adopted Peterborough Core Strategy and policy CS 35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C13 Any lighting to be erected on site shall be in accordance with a lighting scheme that shall have been submitted to and approved by the Local Planning Authority. Any lighting (external to the buildings) erected within the site shall not exceed the obtrusive light limitations for sky glow, light into windows, source intensity and building luminance specified for environmental zone 2 in the Institution of Lighting Engineers document "Guidance Notes for the Reduction of Light Pollution (Revised) (2005). In the event of reasonable complaint as determined by the Mineral Planning Authority, the quarry operator shall instruct a suitably competent professional to monitor and report in writing to the Local Planning Authority on the matters raised in the complaint in accordance with a schedule to be agreed by the Mineral Planning Authority. Should the report demonstrate that the lighting does not comply with the above mentioned Guidance Notes; the offending light source shall be rectified by the applicant/developer within 7 days of receipt of notice from the Local Planning Authority to do so.
Reason: In order to minimise light spillage from the site in the interests of the natural environment and to reduce light pollution to the night sky in accordance with policies CS21 of the adopted Peterborough Core Strategy and policies CS34 and CS35 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C14 The development hereby approved shall be carried out in complete accordance with the Written Scheme of Investigation for Archaeological Works (dated August 2011) in the Environmental Statement Volume 4 dated October 2012. The developer shall afford access to the site at all reasonable times to any archaeologist nominated by the Mineral Planning Authority and shall allow that person to observe the soil stripping operations, conduct archaeological investigations and where appropriate excavations, and record and recover items of interest.
Reason: In order to protect and preserve the historic environment in accordance with Cambridgeshire and Peterborough Minerals and Waste Core Strategy policy CS36.
- C15 No vehicular access to the Public Highway shall be used in connection with the development hereby approved other than:
the existing track linking Cook's Hole Farm to the A47, and
the link to the entrance serving Thornhaugh I Quarry permitted through planning permission number 10/01442/MMFUL.
The existing track linking Cook's Hole Farm to the A47 shall be used in connection with agricultural, after-care and/or after-use purposes only.
Reason: In the interests of highway safety in accordance with policy 32 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C16 Prior to the winning and working of minerals hereby approved, the sub and topsoils present within each phase shown on Figure 1.8 in the updated Environmental Statement (dated October 2012), shall be separately stripped and stored in accordance with the soil handling arrangements specified in section 3 of the Adams Land Management report (dated 29th September 2010) included at appendix K of the Environmental Statement Volume 3 (dated October 2012) and maintained on site until required for restoration works in accordance with Condition 20.
Reason: In the interests of satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

- C17 Following the completion of mineral extraction within each phase shown on Figure 1.8 in the Environmental Statement Volume 1 (dated October 2012), the resultant void shall be graded to achieve the final levels shown on Figures 4.9 (Rev B) Restoration Masterplan and Figure 4.12 Restoration Sections, within the following 12 month period (minus the depth to be allowed for the replacement of sub and topsoil).
Reason: In the interests of satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C18 Within 6 months of the completion of the grading works in accordance with Condition 17, within each phase shown on Figure 1.8 in the updated Environmental Statement (dated October 2012) and Figures 4.9 (Rev B) and Figure 4.12 (Rev A), the sub and topsoils present shall be re-spread (separately, evenly and in the correct sequence) to depths to be agreed in writing beforehand by the Mineral Planning Authority.
Reason: In the interests of satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C19 The development hereby approved shall be carried out in complete accordance with the Landscaping and Aftercare Scheme (dated November 2011), and accompanying drawing ref. "Figure 1 Restoration Masterplan for Aftercare Schedules" in the Environmental Statement Volume 4 (dated October 2012). The period of aftercare for the site or any part of it shall begin and thereafter be carried out in complete in accordance with the Landscaping and Aftercare Scheme on the date of written certification by the Mineral Planning Authority that the site or, as the case may be, the specified part of it, has been satisfactorily restored.
Reason: In the interests of enhancement to biodiversity and satisfactory restoration of the site in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policies 25, 35 and 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C20 The development hereby approved shall be carried out in complete accordance with the landscaping scheme for the treatment of frontage of the site with the A47, drawing ref D130030-PL-A47-01 (dated 09/08/2011) in the Environmental Statement Volume 4 (dated October 2012).
Reason: In the interest of the visual appearance of the development in accordance with policy CS 33 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C21 Notwithstanding the references to phasing, the development hereby approved shall be carried out in complete accordance with the scheme for the maintenance of Safety of PROW users in Volume 4 of the Environmental Statement (dated October 2012), the Footpath Diversion Corridors and Details drawing Ref D130030-FPD-01 (dated 09/08/2011) and Alternative Access Details drawing Ref Figure AA3a.
Reason: In the interests of the safety of the users of the Public Rights of Way that cross and border the site in accordance with policy CS 37 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).
- C22 The development hereby approved shall be carried out in complete accordance with the details of the mineral processing plant in Volume 4 of the Environmental Statement (dated October 2012 - "Scheme to discharge planning conditions at Cooks Hole, Thornhaugh" dated 9th July 2012).

Reason: In the interests of visual appearance and residential amenity in accordance with policies CS34 and CS41 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C23 Bunds and mounds of soil stored within the site shall be managed in accordance with the details set out in Appendix K - Adams Land Management Report September 2010. The soil bunds and mounds shall be seeded with the approved native grass mix in accordance with details contained within the Environmental Statement Volume 4 document "Discharge of Conditions 26 & 27" dated 16/09/2011.

Reason: In the interest of the sustainable use of soils in accordance with policy CS 21 of the adopted Peterborough Core Strategy and policy 38 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy (July 2011).

C99 The proposal as submitted was not in accordance with local and national planning policy. Amendments were discussed and agreed with the applicant to bring the proposal into compliance with policy, and the application can therefore be approved in accordance with Paragraphs 186 and 187 of the National Planning Policy Framework (2012).

Copies to Cllrs J Holdich, D Lamb

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