

APPLICATION: 12/01734/FUL

PROPOSAL: PROPOSED GYPSY AND TRAVELLERS SITE FOR ONE EXTENDED GYPSY FAMILY CONTAINING TWO STATIC CARAVANS AND TWO TOURING CARAVANS

SITE: LAND TO THE SOUTH WEST SIDE OF NORTHEY ROAD, PETERBOROUGH

APPLICANT: MR GRAY

AGENT: ARCHITECTURAL AND SURVEYING SERVICES LTD

REFERRED BY: CLLR SHEARMAN

SITE VISIT: 11 DECEMBER 2012

DEPARTURE: NO

CASE OFFICER: Mr M Roberts

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

Site and Surroundings

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

Proposal

The proposal is for the residential use of site by one Gypsy family currently residing at the Oxney Road Caravan Site. The living accommodation would include 2 static caravans and 2 touring caravans. There is to be parking for 4 vehicles. It is apparent from the submitted drawings that the static caravans are in effect mobile homes. The sizes of these are to be 9m long by 3m wide and would comprise one double bedroom. The touring caravans would have a length of 9m and a width of 2.5m. The caravans are to be located to the north of centre of the site and the parking spaces are sited immediately alongside the touring caravans. The vehicular access would use the same access that serves the field at present through the eastern boundary of the site off Northey Road. The proposal shows extensive planting of native plant species and wild flowers as a part of the landscaping within all four boundaries. The application details show that the land within the landscaped areas will be raised by a 0.75m by the importation of top soil. The caravans would not have any foundations. All foul water is to be pumped into an above ground septic tank to be located close to the northern boundary of the site. As the application site lies within a SAM English Heritage would also have to give its approval for the development under the SAM consent regime.

2 Planning History

There have been no previous development proposals upon the application site. However, there have been two proposals for a Gypsy and Travellers site upon the land immediately to the south. Both of these applications were refused planning permission. The site of these refused applications lies just outside of the SAM. Both of these applications were refused on the grounds of:-

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

12/01565/FUL – Use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins for use as a utility room and storage and 1 x storage container – part retrospective (re submission of 11/01987/FUL) - **REFUSED**

11/01987/FUL – Use of land for one gypsy family comprising 1 x residential caravan, 2 x ancillary caravans, 2 portacabins for use as a utility and storage and 1 storage container (part retrospective) – **REFUSED**.

3 Planning Policy

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

National Planning Policy Framework (NPPF) (2012)

Section 12 - Conservation of Heritage Assets

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

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

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

Peterborough Core Strategy DPD (2011)

CS09 - Gypsies and Travellers

Sites for permanent Gypsy and Travellers pitches within the district will be identified through a separate SPD document. Specific criteria will be used to identify suitable sites.

There is no current policy that requires the Authority to find suitable sites for the Gypsy and Travellers community.

CS14 - Transport

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

CS20 - Landscape Character

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

CS22 - Flood Risk

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

Peterborough Planning Policies DPD

PP17 - Heritage Assets

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

Material Planning considerations

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

4 Consultations/Representations

Local Residents/Interested Parties

Initial consultations: 9
Total number of responses: 0
Total number of objections: 0
Total number in support: 0

English Heritage – The application would have a direct impact upon the SAM and would cause harm to its setting. It would change the experience of this heritage asset and therefore it would harm its significance. Flag Fen is exceptionally significant and its conservation should be given great weight in the planning process. English Heritage considers that the proposals for the site are not sufficient to outweigh the harm that would be caused to the Monument. The proposal is therefore contrary to NPPF policy. It may set a precedent for the acceptance for other such similar development and the cumulative impact of these would undermine over time, and would cause harm to, the setting of the SAM.

The application site lies within the southernmost area of the Flag Fen SAM. Flag Fen is recognised as containing some of the most significant Bronze Age archaeology in the country. The archaeological remains are exceptional and are highly valued in evidential and historic terms. The significance of the site is high and whilst remains are rare and unusual they are also fragile and highly vulnerable. Flag Fen is one of the few places in the country where it is possible to see Bronze Age archaeology in its landscape context. The designated area of the SAM also contains remains from the Roman period. The extensive proposed landscaping and the addition of structures and caravans has the potential to cause physical damage to the SAM. The bringing in of materials to provide for solid bases for these has the potential to damage the SAM by way of contamination with archaeological material which would compromise the integrity of the SAM. The development would, by way of the proposed structures, tree planting and mounding of earth for example, interrupt views across the site towards the wider area of the SAM. This would have an adverse impact upon the relationship of the site to the wider rural context.

There is a critical relationship between the archaeology at the museum complex and the surrounding landscape which forms its setting. The report of the archaeological consultants,

submitted with the application, fails to recognise the full significance of the site and the wider landscape.

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

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

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

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

5 Assessment of the planning issues

The main considerations are:-

- Background to the proposal
- The principle of the proposal
- Impact upon the Flag Fen Ancient Monument
- Ground works
- Setting of the Heritage Asset
- Land and water contamination
- Vehicular access
- Residential amenity
- Flood risk

a) Background

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

b) The principle of development

Proposals for Gypsy and Traveller sites are assessed primarily against policy CS9 of the Peterborough Core Strategy DPD. The criterion of this policy is used to assess the site characteristics and constraints to development and whether a proposed site would be suitable to

accommodate a Travellers family. The National Planning Policy Framework and its supporting document 'Planning Policy for Traveller Sites' are also material planning considerations in assessing the proposal.

The document 'Planning Policy for Traveller Sites,' March 2012, advises that when considering applications Local Planning Authorities should attach weight to such matters as effective use of previously developed land (Brownfield sites), untidy or derelict land, sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, promoting opportunities for healthy lifestyles.

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

There are currently no sites allocated for Gypsy and Travellers within the Proposed Site Allocations Document DPD and there is a demonstrable need for Gypsy and Traveller sites as identified in the Cambridgeshire sub-Regional Gypsy and Traveller Accommodation Needs Assessment 2011.

The site is located approximately 1.5 km from the urban settlement boundary and within a reasonable distance from the Parnwell Local Centre with associated facilities. The proposal accords with policy CS9 (b) of the Peterborough Core Strategy DPD.

The main thrust of local and national gypsy and traveller policy is that there is a presumption in favour of granting consent for new sites. However account has to be taken when assessing such proposals to balance the need for a new site against other planning policy considerations and constraints. Policy CS9 (a) of the Peterborough Core Strategy states that proposed Gypsy and Travellers sites and their subsequent use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality.

c) Impact on Flag Fen

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

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

d) Ground works

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

Notwithstanding this the Local Highways Authority has advised that further surfacing works would be needed in order for the access to accord with current highway standards.

Notwithstanding the applicant's report, it is therefore considered that there will be associated ground works to be required to support the development that have the potential to impact upon the preservation of the archaeological remains as discussed. The proposal therefore does not satisfy

policies CS9 (a) and (d) and policy CS17 of the Adopted Peterborough Core Strategy DPD or the requirements as stated in the NPPF.

e) Setting of the Asset

In respect of the setting of a heritage asset the NPPF defines the setting of a heritage asset as *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve.'* The siting of caravans within the heritage asset would be an incongruous feature within the context and as such the two are not considered an appropriate feature within the SAM.

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

The development would therefore alter the relationship between the site and the wider rural context, and interrupt views across the site and through to the monument. The harm done to the setting of the SAM would damage its significance.

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

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

f) Impact on Landscape character

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

The applicant has referred to the approval of the Energy Park development that is to be located to the north east of the Power Station in Storey's Bar Road. His argument is that in terms of scale the implementation of the development would have a far greater impact upon the immediate landscape and therefore upon the setting the SAM. The site of the Energy Park is just outside of the SAM. However the approval of the Energy Park is considered to be very much in the public interest in that it will be a local base in dealing with a good deal of the waste that the City produces and that it will provide a significant output of electricity as a result to the benefit of the City and the National Grid.

e) Vehicular Access and Highway implications

The Local Highway Authority have advised that vehicles travelling along the stretch of Northey Road close to the application site generally do so at speed and therefore in order for the access to be safe the visibility splays in either direction from the access need to be 2.4m by 215m. In reaching this conclusion account has been taken of the fact that a greater number of vehicle movements would take place to and from the site than were the field to be agricultural use or used for the grazing of horses. The necessary visibility splays cannot be achieved as they would have to cross through third party land within which works/structures could be erected that could restrict the required visibility splays from the access to the detriment of highway safety.

f) Residential Amenity

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

g) Contamination

The location of the site 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 contaminated land conditions.

h) Flood Risk

There have been no objections from the Environment Agency.

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** on the grounds that:-

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

The proposal site, to be occupied by two static caravans, two touring caravans, four parking spaces and or landscaping would be highly visible and would detract from the setting and significance of Flag Fen and would have a direct impact upon the monument. The development would alter the relationship between the site the wider rural context, and interrupt views across the site and through to the monument. The harm done to the setting of the monument would damage its significance.

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

R2 The groundwork and landscaping associated with the development, regardless of depth, would have the potential to detrimentally effect the waterlogged buried archaeological remains within the Scheduled Ancient Monument through the direct impact (truncation) and indirect impact (dewatering). The shortfall in the supply of Gypsy and Travellers pitches does not outweigh the harm that the proposal would have upon a nationally important

archaeological site

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

- R3** The proposal, if approved, could result in an undesirable precedent which would make similar proposals difficult to resist. Indeed, the Local Planning Authority has had a similar proposal immediately to the south of the application site. It is important to recognise that there is a danger of incremental change caused by successive developments of this type, which together would have a cumulative impact. Such developments, taken together, have the potential to cause further collective harm to the setting of the Scheduled Ancient Monument contrary to policy CS17 of the Peterborough Core Strategy DPD, the National Planning Policy Framework and English Heritage setting guidance (The Setting of Heritage Assets 2011).
- R4** The proposal would result in an intensification of use of the vehicular access in terms of vehicles entering/leaving the site and the available vehicle to vehicle visibility splays from the access road on to Northey Road would be insufficient to provide for a safe exit for vehicles leaving the site. Therefore the use of the access would result in a detriment to highway safety and the proposal would be detrimental to policy CS14 of the Peterborough Core Strategy DPD.

Copy to Councillors Sanders D A, McKean D