

Application Ref: 14/01375/FUL

Proposal: Retrospective retention of two touring caravans, siting of one new static caravan with facilities block and relocation of existing stables

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

Applicant: Mr Donohue

Agent: Architectural and Surveying Services Ltd

Referred by: Thorney Parish Council and Councillor Sanders

Reason: Application is contrary to Policy CS9 of the Core Strategy, located within an area of flood risk and may interfere with archaeological remains

Site visit: 10.09.2014

Case officer: Miss Louise Lovegrove

Telephone No. 01733 454439

E-Mail: louise.lovegrove@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 parcel of land located along the western side of Northey Road, in close proximity to the River Nene and the district boundary of Peterborough. There is an existing stable block situated along the northern boundary of the site which was granted planning permission retrospectively under application reference 13/00147/FUL. Vehicular access to the site is taken via a dropped kerb crossing from Northey Road which is currently bound by 1.8 metre high close boarded fencing.

To the south of the application site is an existing Gypsy and Traveller site comprising one pitch of one static caravan, two touring caravans, a facilities block and stables. This was granted planning permission in 2013 under application reference 13/00384/FUL. To the west of the application site is a paddock currently occupied by grazing horses and there are existing residential dwellings on the eastern side of Northey Road, approximately 55 metres to the south-east.

The application site is located outside the Urban Area and any identified Village Envelopes and accordingly, is within the open countryside. Open pasture fields are located to the north of the application site.

Proposal

The application seeks planning permission for the retention of two no. touring caravans which are already in situ on the site, along with the siting of one no. static caravan. It is proposed that this static caravan be sited on the area of hardstanding which is already occupied by the stables, with this stable block being repositioned further into the site, still along the northern boundary. In addition to the proposed/existing caravans, the proposal includes the construction of a small detached facilities block to be sited between the static caravan and stables. The site is to be occupied by one no. extended Gypsy family and would count as one single Gypsy/Traveller pitch.

2 Relevant Planning History

The following sites are shown on the attached plan at Appendix 1.

Application Site (Site 1)

90/P1031

Use of land as residential mobile homes site

Withdrawn on 20.12.1990

92/P0011

Vehicular access as amended by applicant's letter received 6 May 1992

Granted planning permission on 15.06.1992 – Delegated decision

13/00153/FUL

Construction of stables

Withdrawn on 19.11.2013

13/00147/FUL

Construction of stables (retrospective)

Granted planning permission on 6.12.2013 – Committee decision

Site 2

13/00384/FUL

Change of use to include 1 no. static caravan and 2 no. touring caravans with the erecting of a facilities block and stables for one extended gypsy/traveller family (part retrospective)

Granted planning permission on 06.12.2013 – Committee decision

Site 3

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 planning permission on 02.03.2012 – Delegated decision

12/01734/FUL

Proposed gypsy and traveller site for one extended gypsy family containing two static caravans and two touring caravans

Refused planning permission on 08.03.2013 – Committee decision

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 and storage and 1 x storage container - part retrospective (resubmission of 11/01987/FUL)

Granted planning permission on 08.11.2013 – Appeal decision

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 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 11 - Contamination

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

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.

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.

Section 12 - Development Affecting Non-Designated Heritage Assets

A balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. Where the assets is demonstrably of equivalent significance to a Scheduled Monuments it should be subject to the policies for designated heritage assets.

Planning Policy for Traveller Sites (2012)

Policy C - Sites in rural areas and the countryside

Local Planning Authorities should ensure that the scale of sites in rural or semi-rural settings do not dominate the nearest settled community.

Policy F - Mixed planning use traveller sites

Consideration should be given to including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of occupants and neighbouring residents.

Policy H - Determining planning applications for traveller sites

Local Planning Authorities should consider the following issues amongst other relevant matters:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for applicants;
- c) other personal circumstances of the applicant;
- d) locally specific criteria used in the allocation of sites where there is no identified need for pitches should be used to assess applications which come forward on unallocated sites; and
- e) applications should be determined for sites from any travellers and not just those with local connections.

Local Planning Authorities should strictly limit new traveller site development in open countryside that is away from existing settlements. Sites in rural areas should respect the scale of, and not dominate, the nearest settled community and avoid placing undue pressure on local infrastructure.

Weight should be attached to the following matters when considering an application:

- a) effective use of previously developed, untidy or derelict land;
- b) well-planned or soft landscaped sites which positively enhance the environment;
- c) promoting opportunities for healthy lifestyles; and
- d) not enclosing the site which significant levels of hard landscaping to create isolation from the rest of the community.

If the Local Planning Authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any planning decision.

Peterborough Core Strategy DPD (2011)

CS09 - Gypsies and Travellers

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

CS14 - Transport

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

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

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.

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.

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

CS26 - Mineral Safeguarding Areas

Development will only be permitted where it has been demonstrated that: the mineral is no longer of any economic value; the mineral can be extracted prior to development taking place; the development will not inhibit future extraction; there is an overriding need for the development; or the development is not incompatible.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

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

PP03 - Impacts of New Development

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

PP12 - The Transport Implications of Development

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

PP13 - Parking Standards

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

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.

PP20 - Development on Land affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations**Thorney Parish Council (11.09.14)**

Objection - Works may interfere with archaeological remains. The site is in a flood area and note should be taken of past planning refusals for similar developments in this area. Development would be against Policy CS9 of the Peterborough Core Strategy as it is not close to shops or schools.

North Level District Internal Drainage Board

No comments received.

Minerals And Waste Officer (Policy) (16.09.14)

Objection - The site lies within a Minerals Safeguarding Area, designated due to the presence of sand, gravel and brick clay. There is insufficient information within the application to assess the proposal against Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy.

GeoPeterborough (Sites Of Interest)

No comments received.

Archaeological Officer (05.09.14)

No objections - The application site lies between two Scheduled Monuments, one of which is Flag

Fen and a nationally important Bronze Age site. The proposed development should have no direct impact on the monuments however it will have a visual impact upon their setting. Given the proximity to Flag Fen, a programme of archaeological fieldwork should be secured prior to any new groundworks.

Transport & Engineering Services (18.09.14)

No objections - Whilst the proposal represents an intensification of a technically substandard access, owing to the previous permission for the access (reference 13/00147/FUL), the LHA could not reasonably object to this proposal. Request conditions relating to access improvements in terms of width, and provision of parking/turning.

Travellers Sites

No comments received.

English Heritage (01.10.14)

Objection - Flag Fen is a nationally important designated heritage asset. As its significance is exceptionally high, great weight should be given in the planning process. The proposed development would erode the open landscape and therefore cause a slight degree of harm to the significance of the asset due to cumulative impact of the number of similar developments within the landscape setting. This harm should be weighed against the policies for sustainable development in the NPPF and any public benefits that may arise.

Pollution Team (02.10.14)

No objections - request that conditions be imposed relating to installation of external lighting, contamination/remediation and unsuspected contamination.

Police Architectural Liaison Officer (02.09.14)

No specific comments to make regarding this proposal and offer no objection.

Wildlife Officer (05.09.14)

No objections - The proposed development is located in close proximity to a County Wildlife Site, designated for stoneworts which are dependent upon a high quality water environment. It is vital that all surface and foul water drainage systems are put in place to a high standard to prevent any pollution entering watercourses. Any external lighting should be designed to avoid spillage outwards from the site.

Local Residents/Interested Parties

Initial consultations: 39

Total number of responses: 9

Total number of objections: 2

Total number in support: 7

No objections have been received from local residents whilst 7 letters of support have been submitted.

Councillor Sanders - I object along with Thorney Parish Council and hope that the Members of the Committee take on board previous reasons for refusal, including the reasons of flood risk, archaeological remains and the importance of the criteria set out in Policy CS9 (not near shops or schools).

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Access to services/facilities
- Archaeology

- Landscape character
- Access and highway implications
- Residential amenity
- Contamination
- Ecology
- Drainage and flood risk
- Minerals and waste safeguarding

a) Principle of development

Proposals for Gypsy and Traveller sites are primarily assessed against Policy CS9 of the Peterborough Core Strategy DPD (2011) and the National Planning Policy Framework (2012) which includes the supporting document 'Planning Policy for Traveller Sites' (2012).

National planning policy states that in determining planning applications, if the Local Planning Authority (LPA) cannot demonstrate an up-to-date five-year supply of deliverable Gypsy and Traveller sites, this should be a significant material consideration in any planning decision. There is demonstrable need for pitches within the locality identified within the sub-regional Gypsy and Traveller Accommodation Needs Assessment 2011. This assessment highlights that within the area, there is a need to provide a total of 53 pitches in the period to 2031, of which 11 should be provided between 2011 and 2016. Within the Peterborough district, there are no sites allocated for permanent Gypsy and Traveller occupation in the Peterborough Site Allocations DPD (2011). Furthermore, since 2011 only 4 pitches have been granted planning permission (one pitch at Hurn Road, two pitches at Northey Road and one pitch at Crowland Road, Eye) with three temporary emergency sites recently approved on a trial-basis for not more than 28 days in any calendar year. Other than these sites, there is only one further unauthorised pitch located at Nine Bridges between Glington and Northborough which is currently subject to consideration at Appeal.

In consideration of the recent appeal for the site located to the south of the application site (within the boundary of the Flag Fen Scheduled Monument), the Inspector placed considerable weight upon the lack of land supply for pitches within the City area. This was a material factor in the granting of permission and as such, should be afforded significant weight in the determination of the current application.

In addition to the above, Policy CS9 of the Core Strategy states that the Council will be prepared to grant permission for sites in the countryside (outside the Urban Area and Village Envelopes) provided that there is evidence of need and that the intended occupants meet the definition of Gypsies and Travellers, as set out in the above guidance document. The issue of need has already been addressed and the Applicant has provided evidence to demonstrate that they meet the definition of a Gypsy.

Notwithstanding the above, there is still a requirement for proposals to meet all other relevant criteria of Policy CS9 which are to be discussed in more detail below.

b) Access to services/facilities

Policy CS9(b) of the Core Strategy requires that Gypsy and Traveller sites should be located within reasonable travelling distance of a settlement which offers local services and community facilities, including a primary school. Further, the national policy document states that issues of sustainability are an important consideration in relation to available modes of transport and proximity to key services. Due consideration must be given to the availability and accessibility of healthcare services and education services to ensure children can attend school on a regular basis.

The application site is located approximately 3km from Parnwell Primary School with associated facilities within the locality. It is considered that this distance is reasonable in terms of access to essential services/facilities for the occupants. This view has been reached following a recent appeal decision in respect of the Gypsy/Traveller site at Wansford

(application reference 11/01584/FUL). Whilst this appeal was ultimately dismissed, the Inspector concluded that the location of the site was sustainable, given that it was only a short car journey from the services available in the village of Wansford. Comparatively, this site was located a similar distance from the village as the current application proposal. Furthermore, the application site is located immediately adjacent to an existing Gypsy/Traveller site which was granted permission under application reference 13/00384/FUL last year.

On this basis, it is not considered that the current proposal could reasonably be resisted on the grounds of poor access to services/facilities and that broadly, the proposal accords with local and national planning policy in this respect.

c) Archaeology

Impact upon designated heritage assets

The application site is located in an area of known archaeological interest, situated only 300 metres from the southern boundary of the Flag Fen Scheduled Monument (SM) and to the north of a Roman SM. Flag Fen is acknowledged as being one of the most important Bronze Age monuments in the country and as such, its setting must be preserved.

Planning permission has already been granted on the site for the erection of a stable block and this is sited on the northern boundary of the application site. Furthermore, the recent planning permission for a Gypsy/Traveller site immediately to the south of the application site (reference 13/00384/FUL) has already been implemented. The City Council's Archaeologist has advised that whilst the proposal will not have a direct impact upon the monuments, it will have a visual impact with regards to their setting.

This matter has already been addressed in respect of the immediately adjacent site whereby it was concluded that, owing to the existence of buildings/structures, flood defences and natural vegetation, such development would not significantly impact upon the setting of the Roman SM. With regards to the impact upon the setting of Flag Fen, English Heritage has advised that some degree of harm would result (defined as less than substantial) and risks introducing cumulative harm owing to other similar developments within the locality. Accordingly they advise that, in accordance with paragraph 134 of the National Planning Policy Framework (2012), the application should be refused unless the public benefits arising from the proposal outweigh the harm resulting.

Due consideration must be given to not only the recent planning permission issued on the site adjacent, but also the recent appeal decision in respect of another proposal to the north of the application site (reference 12/01565/FUL). This site was located much closer to the Flag Fen SM, sharing a common boundary. In considering this appeal, the Inspector concluded that the development would have a neutral impact upon the heritage asset (as opposed to adverse impact advised by English Heritage) and that this amounted to less than substantial harm.

Given that the current application site is located further distance from Flag Fen than the above appeal site, and would therefore be less visible from the SM, it is considered that the level of impact upon its setting would be negligible.

With regards to cumulative impact of the application proposal in combination with other similar sites within the locality, this forms the basis of the objection from English Heritage. Whilst these comments are noted, given the negligible impact that the proposal would have upon the landscape setting of the SM, it is not considered that the cumulative impact of several negligible impacts would in total result in a significant level of impact. Furthermore, any small level of harm that does arise is considered to be outweighed by the public benefits of providing much needed Gypsy and Traveller accommodation. This balance forms part of the key policy in relation to impact upon the setting of heritage assets set out in paragraph 134 of the National Planning Policy Framework (2012).

Impact upon undesignated heritage assets

Whilst there is currently existing development within the site by way of a stable block, the proposal would result in its relocation along with the siting of two no. touring caravans and erection of a facilities block on land which is currently undisturbed by development. Accordingly, the proposal has the potential to impact upon undesignated buried heritage assets. A scheme for the detailed assessment of the site for buried remains may be secured by condition prior to the continuing of any further works within the application site to ensure that no unacceptable harm to, or loss of, assets results.

On this basis, it is considered that the proposal would not result in any unacceptable harm to both designated and undesignated heritage assets and any harm that does result is outweighed by the public benefits of the proposal, in accordance with paragraphs 131 and 134 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).

d) Landscape character

The application site is not located within an area which has been identified as having the best landscape value, nor is it designated for any special landscape character. Notwithstanding this, it is acknowledged that the immediate locality has a rural quality which affords some level of visual amenity.

At present, the site comprises a relatively modest wooden stable block located along the northern boundary of the site. This boundary which abuts the open countryside beyond, is formed by a low and open agricultural wire fence. However, the southern boundary of the site is formed by a 1.8 metre high close boarded fence which encloses the adjacent Gypsy/Traveller site granted permission under application reference 13/00384/FUL. It is acknowledged that some level of adverse impact would result to the character and appearance of the surrounding area by virtue of additional development on the site. The proposal could never be fully assimilated into the surrounding landscape as clearly three caravans, a facility block, stable building and associated vehicles will be readily visible within their surroundings. However, subject to appropriate boundary treatments and the provision of mitigating soft landscaping (ideally by way of a native natural hedgerow), it is considered that the proposal would not result in an unacceptable level of harm.

On this basis, the proposal is in accordance with Policies CS9 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012).

e) Access and highway implications

At present, there is an existing vehicular access into the site from Northey Road. This access was subject to consideration under application reference 13/00147/FUL for the retention of the stable block on the site. During consideration of this earlier application, the Local Highway Authority (LHA) expressed concerns regarding visibility from the site access due to the presence of a large mound which meant that technically the appropriate visibility splays could not be achieved. In addition, concerns were also expressed regarding the geometry of the access and accordingly, the LHA recommended refusal. However, notwithstanding these concerns at the time, Members (upon the advice of Officers) approved the application subject to a condition being imposed which related to improvements of the access geometry. Given this, the principle of an access in this location has now been established.

The current proposal would, by the addition of caravans, represent an intensification of the use of the technically substandard access. However, the LHA has confirmed that owing to the previous planning history of the site, they could not reasonably object to the current proposal and would not have sufficient grounds upon which to sustain a reason for refusal appeal. In order to ensure that the access is of optimal design to accommodate the proposal, the LHA has requested that conditions be imposed which require upgrade to the access in terms of its width and surface, details of which are shown on the submitted drawings. It is considered that

subject to this, the proposal would not represent any unacceptable level of risk to the safety of 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).

f) Residential amenity

One of the proposed touring caravans would be located in close proximity to the front boundary of the application site, set 6 metres in from the back edge of the public highway. This caravan would be suited a minimum distance of 55 metres from the nearest existing residential dwelling on Northey Road. Whilst no formal objections have been received from local residents, it is noted that residents have contacted Councillor Sanders who has raised an objection on their behalf. Given the level of separation distance to the existing residential properties, it is not considered that the proposal would have an unacceptable impact upon the amenities of existing occupiers.

With regards to the adjacent Gypsy and Traveller site, the shared boundary currently comprises a 1.8 metre high close boarded fence. Whilst the proposed static caravan would be elevated from ground level and one of the touring caravans would be sited adjacent to the shared boundary, it is considered that this separation is adequate so as to prevent any unacceptable overlooking and loss of privacy to both existing and proposed occupants.

On this basis, the proposal is in accordance with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

g) Contamination

The City Council's Pollution Control Officer has advised that the application site is located within the vicinity of a former quarry facility that may have been filled. As such, there is potential for ground gas migration which requires consideration owing to the proposed residential use. The requisite ground investigation and remediation measures may readily be secured by condition to ensure that no unacceptable risk to health arises. On this basis, the proposal is in accordance with Policy CS9 of the Peterborough Core Strategy DPD (2011) and Policy PP20 of the Peterborough Planning Policies DPD (2012).

h) Ecology

The application site is located in close proximity to the Northey Gravel Pits County Wildlife Site which is designated primarily for extensive beds of stoneworts. These are dependent upon high quality water within their open water areas and as such, it is essential that all surface and foul water drainage systems are put in place to a high standard and agreed by the Environment Agency to avoid any pollution entering the water courses. Furthermore, the City Council's Wildlife Officer has advised that any external lighting should be minimised to avoid light spillage beyond the application site, albeit none is proposed by this application. Both of the above matters may be resolved through appropriately worded conditions which are required within a defined timescale.

On the basis of the above, the proposal would not result in any unacceptable impact to nearby ecology and species of principal importance, in accordance with Policies CS9 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP17 of the Peterborough Planning Policies DPD (2012).

i) Drainage and flood risk

The application site is located within Flood Zone 1, which is the lowest category with regards to flood risk (a chance of flooding which is less than 0.1%). Given this designation, there is no requirement within the National Planning Policy Framework (2012) for the application to be accompanied by a Flood Risk Assessment and it is sequentially the most preferable location for development which is sensitive to flooding (e.g. residential). In light of the flood zone classification of the site, it is not considered that the proposed development is either at unacceptable risk itself from flooding, or would result in additional flood risk elsewhere.

Whilst no details have been provided with regards to either foul or surface water drainage, a condition may be imposed to require the submission of details for approval. Subject to such a condition, it is considered that the proposal would not increase surface water run-off or pose an unacceptable flood risk elsewhere. On this basis, the proposal is in accordance with Policies CS9 and CS22 of the Peterborough Core Strategy DPD (2011).

j) Minerals and waste safeguarding

The application site is located within an identified Minerals Safeguarding Area, designated due to the presence of sand, gravel and brick clay which are considered to be of current or future economic importance. Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011) seeks to ensure that proven resources in these areas are not needlessly sterilised by non-mineral development albeit does set out certain exemptions of development. The current proposal does not fall within this exemption and as such, in accordance with this policy, the application must demonstrate that either the mineral concerned is no longer of economic value; that the mineral can be extracted prior to the development taking place; or that the development will not inhibit future extraction.

It is acknowledged that the City Council's Minerals and Waste Officer has objected to the current proposal as there is insufficient information to assess the proposal against Policy CS26. However, it must be noted that there is already development on the site, granted planning permission under application reference 13/00147/FUL and that planning permission was granted on the immediately adjacent site for the same proposed use despite also being within the same safeguarding area. It is considered that, by virtue of this existing development that the site is incapable of being worked to extract any minerals present and as such, the application scheme is not contrary to Policy CS26.

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:

- the City Council cannot demonstrate an available five-year land supply of Gypsy and Traveller sites and the proposals meets an identified need for such sites within the locality, in accordance with Policy H of the Planning Policy for Traveller Sites (2012);
- the application site is located within a reasonable distance of local services and facilities, in accordance with Policy H of the Planning Policy for Traveller Sites (2012) and Policy CS9 of the Peterborough Core Strategy DPD (2011);
- the proposal would not result in unacceptable impact upon the setting of designated heritage assets and adequate provision for the assessment of undesignated heritage assets can be achieved. Further, any harm that may result is considered to be outweighed by the public benefit of providing much needed Gypsy/Traveller accommodation, 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 proposal would not result in any unacceptable impact to the landscape character or visual amenity of the locality, in accordance with Policy H of the Planning Policy for Traveller Sites (2012), Policies CS9 and CS20 of the Peterborough Core Strategy DPD (2011) and Policy PP16 of the Peterborough Planning Policies DPD (2012);
- adequate parking provision would be made within the curtilage of the site and the proposal would not result in unacceptable risk to the safety of the public highway, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012);
- the proposal would not result in any unacceptable impact to the amenities of neighbouring occupants, in accordance with Policies CS9 and CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012);
- potential contamination risks can be adequately addressed so as to prevent any undue risk to human health, in accordance with Policy PP20 of the Peterborough Planning Policies DPD (2012);

- no unacceptable impact would result to nearby ecology or species of principal importance, in accordance with Policies CS9 and CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012);
- adequate provision can be made for surface and foul water drainage so as to prevent any unacceptable flood risk elsewhere, in accordance with the National Planning Policy Framework (2012) and Policy CS22 of the Peterborough Core Strategy DPD (2011); and
- owing to the presence of existing development within the site, there is no potential opportunity to extract any minerals contained therein, in accordance with Policy CS26 of the Cambridgeshire and Peterborough Minerals and Waste Core Strategy DPD (2011).

7 Recommendation

The Director of Growth and 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: The site is not considered acceptable for general residential purposes, in accordance with Policy CS1 of the Peterborough Core Strategy DPD (2011).

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

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 caravan on the site, full details of the caravan 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 The facilities block hereby permitted shall be constructed in accordance with material details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction.

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 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 detailing 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 and upon completion of site investigation, a completion report shall be submitted to the Local Planning Authority.

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 6 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; and
 - (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; and
 - archaeological sites and ancient monuments.

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

- C 7 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 potential risks arising from previous site uses have been fully assessed, in accordance with paragraphs 120 and 121 of the National Planning Policy Framework and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 8 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 ensure potential risks arising from previous site uses have been fully assessed, in accordance with paragraphs 120 and 121 of the National Planning Policy Framework and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C 9 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 potential risks arising from previous site uses have been fully assessed, in accordance with paragraphs 120 and 121 of the National Planning Policy Framework and Policy PP20 of the Peterborough Planning Policies DPD (2012).

- C10 No foul water shall be disposed of on-site unless in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

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

- C11 No areas of impermeable surface shall be laid unless the details of this, and the method of surface water drainage, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of flood prevention, in accordance with Policy CS22 of the Peterborough Core Strategy DPD (2011).

- C12 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 order to protect nearby sites of ecological importance, in accordance with Policy CS21 of the Peterborough Core Strategy DPD (2011) and Policies PP16 and PP19 of the Peterborough Planning Policies DPD (2012).

- C13 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) shall 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).

- C14 Within 4 months of the date of this permission, the vehicular and pedestrian access to the site shall be amended in accordance with the details shown on drawing number OS00003. The access shall be a minimum of 6 metres in width and hard surfaced, with any gates set back a minimum of 13 metres from the back edge of the public highway. Thereafter, no gates shall be installed within 13 metres of the back edge of the public highway.

Reason: In the interest of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C15 The areas shown on drawing number OS00003 for the parking and turning of vehicles shall be provided prior to first occupation of the static caravan hereby permitted. Thereafter, those areas shall be retained for the purposes of parking and turning only.

Reason: In the interest of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policy PP12 of the Peterborough Planning Policies DPD (2012).

- C16 No commercial activities shall take place on the site, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

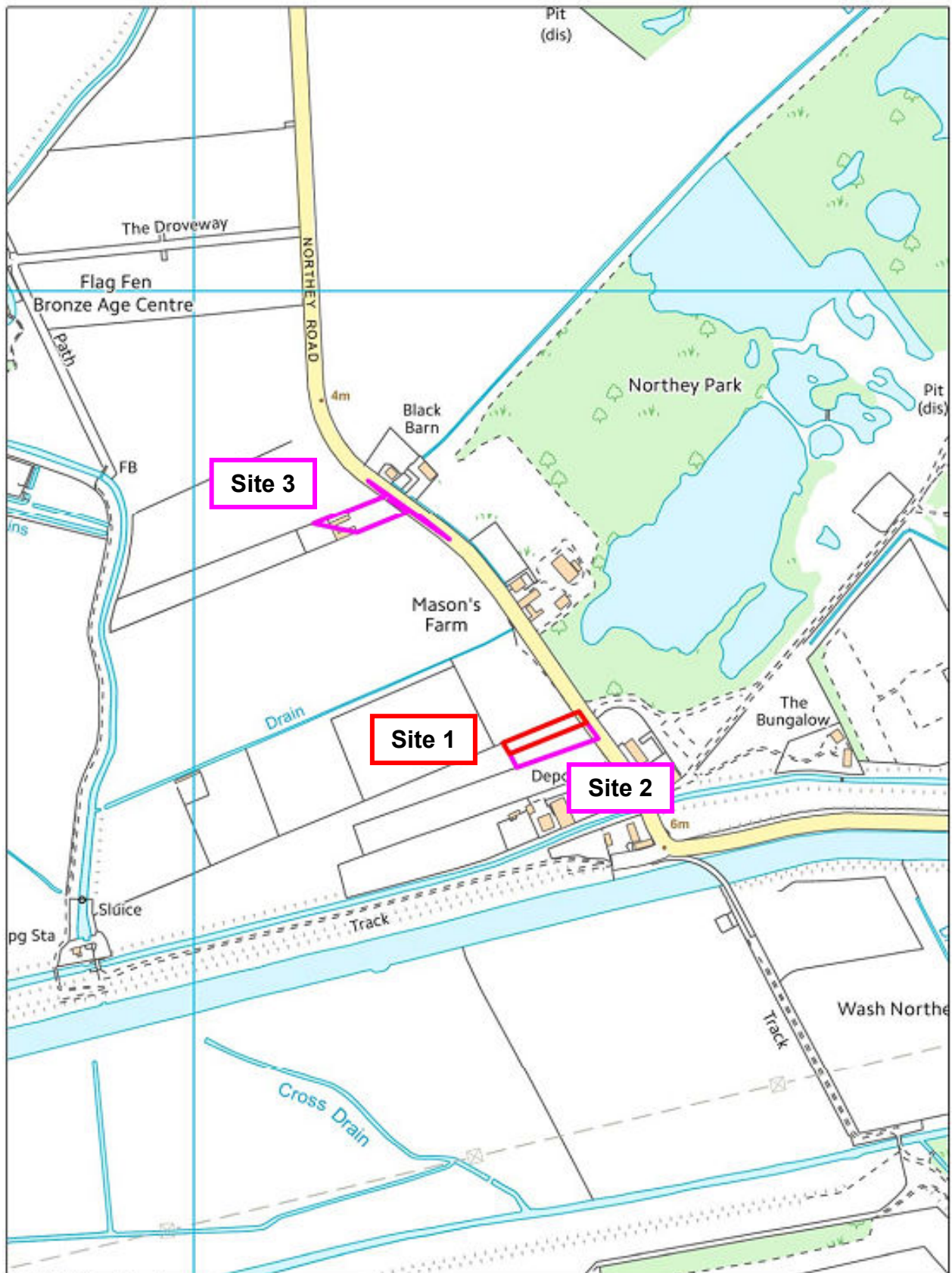
Reason: The impact on amenity, the landscape and highway safety of such activity has not been considered as part of this application and such activity may be found to be unacceptable.

- C17 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, in accordance with Policy PP16 of the Peterborough Planning Policies DPD (2012).

Copies to Councillors D A Sanders

Appendix 1



Title Northey Road

Department Planning Services

Drg. No.

PCC GIS



Scale 1:5000

Date 2nd October 2014

Name CE

This map is reproduced from or based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office
© Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Peterborough City Council. 100034236. 2010.