

Application Ref: 15/00971/FUL

Proposal: Erection of a day room

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

Applicant: Mr Richard Smith

Agent: Architectural and Surveying Services Ltd

Referred by: Councillor Shearman

Reason: The Cllr supports the proposal and considers that the proposal should be debated

Site visit: 30.07.2015

Case officer: Mrs J MacLennan

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Recommendation: **REFUSE**

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

Site and Surroundings

The application site is approximately 0.1ha and is located on the eastern side of Werrington Bridge Road, approximately 100m south of the junction with Bridgehill Road. The site is approximately 700m from the urban area boundary and is therefore on land designated as open countryside.

At the time of the site visit there were 5 no. caravans on the site including one static caravan/mobile home. There is a brick built toilet block at the north west corner of the site and a wooden shed abutting the western boundary. The site is enclosed by timber fencing and mature shrubs. There is an access off Werrington Bridge Road.

The nearest group of dwellings are located immediately to the north of Bridgehill Road. To the east along Bridgehill Road, there are sporadically located dwellings which are primarily associated with agricultural and commercial enterprises otherwise the area comprises a relatively flat landscape.

The site has a dense hedge to the frontage to the west which precludes views into the site. The remaining boundaries are formed by 2m high fencing with shrubs/trees behind.

Proposal

The application seeks approval for the construction of a detached day room for use by the residents. The building would have two studies, a bathroom, a utility room and a communal day room. The building would have an 'L'-shaped footprint of 132m² (13m x 11m – max) and would have a dual pitched roof to a maximum height of 5m. The building would be of brick and tile construction.

2 Planning History

Reference	Proposal	Decision	Date
99/00644/FUL	Access gate	Permitted	06/08/1999
08/00273/FUL	Storage unit for lorry	Refused	24/07/2008
04/01786/FUL	Siting of four residential caravans and utility block	Refused	08/03/2005

01/00595/FUL	Proposed two household residential traveller caravan site (4 caravans) utility block, workshop/store/pony paddock	Refused	06/12/2002
99/01376/FUL	Creation of hardstanding and grazing of horses on adjacent field	Refused	05/05/2000

3 Planning Policy

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

Peterborough Core Strategy DPD (2011)

CS09 - Gypsies and Travellers

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

CS16 - Urban Design and the Public Realm

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

CS20 - Landscape Character

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

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.

Planning policy for traveller sites – 2015 (DCLG)

4 Consultations/Representations

PCC Minerals And Waste Officer (Policy) – No objection - The proposal site sits within a Minerals Safeguarding Area for Brickclay (Minerals and Waste Core Strategy policy CS26). It is my understanding that application 04/01786/FUL for the siting of four residential caravans and a utility block at this site has been approved at appeal and implemented; this being the case I would have no objections to the current proposals for the 'erection of a day room'. If any information comes to light which suggests the site to be undeveloped I may seek to review these comments.

North Level District Internal Drainage Board – No objection - No comments to make regarding the application.

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

Newborough & Borough Fen Parish Council – Objects - Requests that the application is refused. The plans appear to be for a bungalow. The Parish Council has no record for the mobile home on site being granted planning consent. Recommends refusal as the plans do not state the place where the day room is to be sited and as it is only to serve 4 caravans it is much too large.

Recognise that this has roots in the local area and would hope that if this application was rejected that they work with the parish council to try and find a solution to their family's needs. Primarily rejecting the application on the following grounds:

- It constitutes a permanent development in Open Countryside.
- The site is adjacent to the protected landscape that is Peterborough Fen. As such residential development outside of the village envelope and designated areas should be refused.
- Although planning has already been granted the new proposal is still within a Flood Risk Zone and would still require mitigation to ensure the residents remain safe. We would be concerned that the size of this new development could jeopardise existing flood risk defences on site. Especially when we consider the number of caravans on site and residents with disabilities. We would ask for the safety of the extended family that this is considered by the planning department when making their decision.
- Accept this extended gypsy/traveller family have an established site at Lazy Acre. Further development, however, would extend beyond what was approved as acceptable by the Planning Inspectorate. As a consequence the development of a permanent residential settlement would have a very different impact upon the open countryside. There is scarce case law for such developments. We would therefore ask that this development should be considered on its merits.
- It would set the precedent for a large number of sites within Peterborough and our parish to be developed. Regardless of this observation the main concern is that the plans, as submitted, would be a significant impact upon our local countryside by allowing a new permanent development on this site.
- The proposed day room is of a significant size and with the plan including toilet facilities it should be considered as a domestic dwelling. Kitchen and bathing facilities could be easily added to a building of this size. It is of a similar size to other bungalows in the area and should be, in our opinion, be considered as a domestic dwelling and not a day room.
- We are aware that there is some mention of the need to have disabled facilities in the proposed day room, but these could be met by altering the existing and adjacent toilet block to meet these needs.
- A small single day room and study added to, but not separate from, the existing toilet block in a different light. This would easily meet the needs of this extended family, without establishing a permanent domestic residential property in open countryside. It would also constitute a much smaller impact upon the flood risk for the site.
- As stated above we are receptive to this family's needs, but need to consider the impact their proposal will have upon development in the open countryside. Therefore we recommend refusal as this is a permanent development in open countryside.

Councillor Shearman - Support – Should officers be minded to refuse this application I would like it to be referred to the Planning Committee. Although the site of the application does not lay within my ward, I have been made aware that no applications of this type have been approved by PCC. In view of this it is believed that a full and public discussion of the application is required. I should add that I have no declarable interest of any kind relating to the application other than wishing to see the application considered in public.

Local Residents/Interested Parties

Initial consultations: 0
Total number of responses: 9
Total number of objections: 2
Total number in support: 6

6 Letters have been received raising the following issues:

- the day room would make a massive difference to the applicant's condition as the living conditions are not helping
- I have known the application for around 20 years and he is a genuine person
- I have no problems with him having a day room on his land
- I have known Mr and Mrs Smith for 25-30 years, they are honest and trustworthy and I support their application
- I have known the applicant for at least 10 years and have always known him to be of good character and a very reliable person
- I have known the applicant as both a family man as well as in business. He is highly regarded within the community and would always help anyone who needs it
- there is no reason to reject the application and it would greatly improve Margaret's quality of life
- We have known the Smith family for about 8 years and support their application
- Margaret suffers in cramped accommodation with no facilities that help her condition
- We think her quality of life would be improved greatly with the day room

5 Assessment of the planning issues

a) Background

Planning permission was allowed at appeal in 2006 for the siting of 4 residential caravans, the construction of a utility block and the laying of a hardstanding (04/01786/FUL). The principle of the site being occupied by a Gypsy and Traveller family is therefore established. The approval was subsequent to an earlier application for 'a two household residential traveller caravan site (4 caravans) utility block, workshop/store/pony paddock' which was refused and dismissed at appeal. However, the allowed application proposed a smaller utility block and no workshop or stable and was on a smaller parcel of land. The Inspector conceded that the proposed layout positioning the small utility block at the north western corner of the site and the positioning of 3 caravans at the rear of the site in parallel to the road and another close to the northern boundary would minimise their visual impact from outside the site.

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

b) Impact on the character and appearance of the open countryside

The day room would be positioned adjacent to the existing 'utility block'. The proposed internal layout shows two studies, a bathroom, a utility room and a communal day room. The day room would be used during the day and could provide sleeping quarters and would have level access and a disabled toilet. The block plan as submitted does not include any other caravans.

The main planning consideration is the impact of the development on the character and appearance of the open countryside and the application is assessed primarily against policy CS9 of the Adopted Peterborough Core Strategy DPD and national planning guidance 'Planning policy for traveller sites 2015 (DCLG)'. Both local and national planning policy advises that due regard should be given to the protection of local amenity and the local environment.

The proposal would result in a permanent structure and is of a size, layout and design that would be tantamount to a permanent residential dwelling. The layout plan indicates that it would be possible to provide all necessary rooms to meet the residential needs of an occupier. In deciding the previous appeal that the proposed amenity block was smaller than a double garage the Inspector considered

this to be acceptable. Policy CS9 of the Adopted Peterborough Core Strategy DPD states that in the countryside, any planning permission granted will restrict the construction of permanent built structures to small amenity blocks associated with each pitch. This is to limit the impact of the development on the open countryside. It is considered that the proposal would be intrusive within the open countryside which policy CS9 of the Adopted Peterborough Core Strategy seeks to avoid. The proposal is therefore contrary to policies CS9 and CS20 of the Adopted Peterborough Core Strategy DPD.

Policy H of national planning guidance 'planning policy for Travellers states that Local Planning Authorities should consider amongst other things, the personal circumstances of the applicant. The application is supported with information regarding the health needs of the applicant's partner, who suffers with osteoarthritis and asthma which cause substantial difficulties with daily living and mobility. The information includes a letter from the Department of Works and Pensions regarding Personal Independence Payment which includes a daily living allowance with a mobility component along with a patient summary by Park Medical Centre on Mrs Smith's health circumstances and medication. In addition the information includes a letter from the sister at Park Medical Centre advising that Mrs Smith's conditions will not improve with time.

The information submitted in support of the application is too general in nature and therefore the applicant was asked to provide further details. At the time of writing the report the applicant has been unable to provide the information.

The Parish Council have referred to the static mobile home which is currently on site and that this does not have permission. Having considered the appeal decision the conditions refer to caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 which define a "caravan" to be 'means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted'. It is considered that the mobile home on site would be in accordance with this definition and no detail of the 'caravans' were required by condition.

c) Flood risk

The site does not lie within an area which is at a medium or high risk of flooding.

d) Highway implication

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

e) Neighbouring Amenity

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

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 case officer recommends that Planning Permission is **REFUSED**

The size, layout and design of the proposed day room would be tantamount to a permanent dwelling. Policy CS9 of the Adopted Peterborough Core Strategy DPD seeks to restrict permanent structures to small amenity blocks in order to protect the character and appearance of the open countryside from development. The proposed dayroom would be visible from outside the site and would represent an intrusive feature within the open countryside. Hence the proposal would be contrary to

policies CS9 and CS20 of the Adopted Peterborough Core Strategy DPD. No evidence as to any personal circumstances has been submitted by the applicant which is sufficient to outweigh planning policy.

Copy to Councillor D N Harrington