

**09/00942/FUL:** USE OF LAND FOR ONE EXTENDED GYPSY FAMILY CONSISTING OF TWO LIVING CARAVANS AND ONE FAMILY ROOM CARAVAN AND TWO COMMUNAL FACILITIES BLOCKS, REVISED ACCESS, PARKING AND FACILITY BLOCK (PART RETROSPECTIVE) AT LAND SOUTH OF A47 AND EAST OF GREAT NORTH ROAD, WANSFORD

**VALID:** 19 OCTOBER 2009

**APPLICANT:** MR SAM JEFFORD

**AGENT:** ARCHITECTURAL AND SURVEYING SERVICES LTD

**REFERRED BY:** CLLR HOLDICH AND LAMB

**REASON:** AREA OF BEST LANDSCAPE, POOR LEVELS OF RESIDENTIAL AMENITY FOR RESIDENTS DUE TO SURROUNDING LAND USES, LACK OF NEARBY FACILITIES

**DEPARTURE:** NO

**CASE OFFICER:** AMANDA MCSHERRY

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology

The Head of Planning Services recommends that the application is APPROVED.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Development Plan Policies**

Relevant policies are listed below with the key policies highlighted.

#### **The Peterborough Local Plan (First Replacement)**

LNE5 Area of Best Landscape  
LNE8 The Nene Valley  
LT11 Nene Valley  
LNE9 Development should make adequate provision for landscaping of the site  
U5 Floodland and Washland  
U1 Water supply, sewage disposal and surface water drainage  
U9 Pollution of Watercourses and Groundwater  
CBE2 Other areas of archaeological potential or importance  
T1 New development should provide safe and convenient access to and from the site

### **Material Planning Considerations**

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below:

ODPM Circular 01/06 – Planning for Gypsy and Traveller Caravan sites

ODPM Circular 03/99 – Planning requirement in respect of the use of non mains sewerage incorporating sewerage tanks in new development

Designing Gypsy and Traveller Sites: Good Practice Guide May 2008

East of England Plan (May 2008) (Secretary of State's proposed changes March 2009)

- Policy H3 – Provision for Gypsies and Travellers

Peterborough Core Strategy – Preferred Options May 2008

- Policy CS7 – Gypsies and Travellers

### **3 DESCRIPTION OF PROPOSAL**

The application is split in to two parts:

Area 1: Change of use from agriculture to residential use by one extended Gypsy family comprising of two living caravans, one family room caravan, and two communal facility blocks.

Area 2: A revised access, parking facilities and facilities block are proposed for the adjacent boat moorings development (that has been given planning permission and which has been implemented in part).

### **4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site is located within an Area of Best Landscape, in the open countryside as defined by the Local Plan. It is also located within the Nene Valley, and the lower part of the site is an area of floodland/washland. The proposal is located within approximately 700m of Sutton Heath and Bog Site of Special Scientific Interest (SSSI). A SSI is a national designation set up to protect areas that have been identified as having a special nature conservation interest.

The site is located on a no through road, which also serves an Anglian Water compound, a lorry park, burger van, and a picnic area.

The site slopes steeply down to the river from the road. The bottom half of the site adjacent to the river is grass, with the top part of the site adjacent to the road has been excavated with alterations to the original site levels. The front hedge adjacent to the road has been retained, however all other trees on site have been removed.

### **5 PLANNING HISTORY**

| Application Number | Description  | Date       | Decision |
|--------------------|--|------------|----------|
| 09/00138/FUL       | Two static caravans, one mobile caravan parking space, two utility cabins and installation of internal access road with parking bays and gravel track  | 09.07.2009 | Refused  |
| 02/00481/WCPP      | Application to carry out development without complying with condition 10 of planning permission 00/00949/FUL (renewal of 96/P0868 for change of use from agriculture to boat moorings)-relating to night time occupation | 24.05.2002 | Approved |
| 00/00949/FUL       | Change of use of agricultural to boat moorings - renewal of 96/P0868   | 29.09.2000 | Approved |
| 96/P0868           | Change of use from agricultural to boat moorings   | 11.09.1997 | Approved |

**INTERNAL**

**Head of Transport and Engineering** – As the proposal is for a new shared access, vehicle to vehicle visibility splays should be provided. Details should be provided for consideration. *[Planning Officer Comment – No objection has been made in respect of the potential of the excavations that have taken place to have destabilised the road adjacent]*

**City Council Ecologist** – Objects to the proposal because of the potential for pollution to the river (including litter and dumping of material), and the potential for any lighting to impact on protected species.

**EXTERNAL**

**Environment Agency** – No objections are raised subject to the imposition of a planning condition and informative in respect of the proposed method of foul water disposal. They comment that as the site lies adjacent to the River Nene and upon geological strata classified by the Environment Agency as a minor aquifer, that it is unlikely that the use of a cesspit would be supported in this location. *[Planning Officer comment: A condition is proposed to require connection to the adoptable foul sewer unless an alternative method of disposal has been approved by the Council]*

**Wansford Parish Council** – This application is confusing and unclear as to exactly what is being applied for and what has already been done on site. The cross sections submitted are not representative of the site. The application contains numerous errors. These include information on the access to the site and tree and hedges. The trees on site have already been removed. There is confusion about the type and size of accommodation proposed and how many people will live on the site. No details are given on the waste storage and collection areas. The development must be connected to the mains foul drainage system. No commercial activities other than the boat moorings should take place on site. Permission should only be granted on a 3 year temporary basis. The application is considered to be invalid and should be rejected. The access road and facilities should not be built until the boat moorings are built. There has been vandalism on the site, including tree stripping, uncontrolled tipping and cutting away of soil close to the road which is a danger and could result in slippage resulting in trucks falling on to the caravans below.

**Sutton Parish Council** – The Parish Council objects strongly on the following grounds. There is a lack of clarity as to exactly what is being applied due to differences between the descriptions in the application form, supporting statement and notification letter. This has raised confusion and suspicions about the amount of development proposed on site and whether in fact a larger development is actually being proposed. This site has not been identified as being suitable for this use through the Local Development Framework Process, and should not be allowed to avoid going through this proper open examination. The proposal is considered to be contrary to policies H27 and CS7 as it would adversely impact on the character of the area. This is because the site lies adjacent to the Nene Way and a long distance footpath. Numerous trees have been removed from the site, therefore the visual impact of the development on the landscape is now much greater. This part of the Nene is important to the provision of water supplies to the surrounding areas, and there is an abstraction point for water pumped from the Nene into Rutland Water Reservoir close to the site. It is considered that the risk of pollution from development in such close proximity to the pumping station is unacceptable. If the Council is minded to approve the proposal it is requested that a condition be applied to prevent the extension of the site for a fixed period.

**NEIGHBOURS**

No representations received

## **COUNCILLORS**

Cllr Holdich and Cllr Lamb object to the proposal on the following grounds:-

1. Residential use should not be considered on this site because it falls within an Area of Best Landscape.
2. Residential use is not appropriate on this site, because the adjacent uses are not compatible with family living.
3. There is a lack of facilities for residents within easy reach of the site e.g. schools and shops
4. There are no plans for waste disposal
5. The environmental plan submitted is unhelpful, because all the mature vegetation has been removed from the site
6. There is no obvious link between the two proposed land uses on the site e.g. is the Gypsy caravan site needed in order to manage the boat moorings facility on site?

If permission is given it should be conditional to the applicant, and for the purposes of running the boat moorings and no other business use on the site. A condition should be imposed to limit the development to the applicant and not for their extended family or other caravan dwellers. There is a need for proper waste disposal. A condition to require the boat moorings to be completed within 12 months should be imposed. There is a need for a strong landscape scheme. There is a need to protect the occupiers of the caravans from the lorry park by a crash barrier and noise panels.

## **7 REASONING**

### **a) Introduction**

This is a revised planning application following the refusal of planning permission 09/00138/FUL (under delegated powers) by Officers in July this year. It was refused on the grounds that the application had failed to meet the requirements of Circular 01/2006 'Planning for Gypsy and Traveller Caravan sites' as it had not demonstrated that the intended occupiers met the definition of Gypsies and Travellers as set out in Government Guidance. It was also refused because a non mains drainage system was proposed, (a cess pit), and the application had failed to demonstrate that this system had only been chosen because there were no alternative systems available, that posed a lower risk of pollution to ground and surface waters, (River Nene) and upon geological strata which is classified as a minor aquifer.

### **b) Principle of development**

Peterborough City Council is committed to fulfilling its obligations under Circular 01/06 to give substantial weight to providing suitable Gypsy and Traveller sites. There is an identified need for 30 residential pitches in Peterborough (by the single issue review of the Regional Spatial Strategy), therefore this proposed pitch would help the Council to address some of this unmet need. Policy H27 of the Local Plan is not a saved policy, therefore the Core Strategy Preferred option policy CS7 and Circular 01/2006 are the most up to date policies and guidance to assess the proposal against. The Council cannot reasonably refuse the application just because the Core Strategy has not yet been finalised. The approval of such a small development could not be said to undermine the emerging strategy.

The application site is located within the countryside i.e. outside of a village envelope. Policy CS7 states that such sites are considered to be acceptable provided the intended occupants meet the definition of Gypsies and Travellers as set out in Government Guidance, and provided criteria a) to e) of the policy are met. The agent has provided satisfactory evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers.

### **c) Landscape Impact**

Criteria (a) of Policy CS7 requires that the site and its proposed use, does not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality.

The site is located within an Area of Best Landscape as defined by the Local Plan. This designation does not impose a blank restriction on development, but requires careful consideration to be given to the impact of any development, as a result of its recognised landscape value. It is also located within the Nene Valley, and the lower part of the site is an area of floodland/washland. The proposal is located within approximately 700m of Sutton Heath and Bog Site of Special Scientific Interest (SSSI).

Natural England has raised no objection to the proposal and considers that it is unlikely to have any significant impact on the SSSI site.

Any development on this site, due to its Nene Valley and Best Landscape designations, would be required to have a sensitive landscape approach. It is extremely disappointing that all the trees on site have been removed from the site contrary to the approved landscaping condition of planning reference 00/00949/FUL.

An appropriate landscaping scheme would therefore be required to be submitted and agreed to provide appropriate tree and landscape planting for the site, particularly to compensate for tree planting that has been lost. This is recommended to be secured by way of planning condition to any given planning permission.

The three proposed caravan units and two facilities blocks at the northern part of the site for use by a single Gypsy family would not in Officers view unacceptably impact on the Nene Valley and Best Landscape designations as the site is well contained from long distance views and the caravans will sit against a backdrop provided by the terraced 'step' that has been created and the hedge row beyond. Landscape planting is recommended to be provided on site to soften the impact of development on the surrounding landscape character.

The caravans and facility blocks are to be positioned on higher land and to the north of the flood zone on site, therefore the proposal is not at an unacceptable risk of flooding.

#### **d) Access to Services**

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

The site is within approximately 280m of the group settlement of Wansford. The nearest primary school available for children living on the site would be in Wittering, similar to children living in Wansford, and there is a school bus available for pupils. Whilst it is acknowledged that there are only a small number of local services and community facilities available in the nearest village of Wansford, the site is within reasonable travelling distance to it, and there is a nearby school available. On this basis it is considered that the proposal does comply with criteria (b) of the policy.

#### **e) Highways**

Criteria (c) of Policy CS7 – requires safe and convenient pedestrian and vehicle access to and from the public highway, and adequate space for vehicle parking, turning and servicing.

The site is located in close proximity to the A47 and A1, and has a tarmac road with pedestrian footway on one site leading from the site to the A47. The site therefore does have good links to the public highway. There is sufficient space on the site for the parking and turning of vehicles associated with the development. The proposal is therefore in compliance with criteria (c) of the policy.

#### **f) Drainage**

Criteria (d) of Policy CS7 – requires the site to be served, or be capable of being served, by adequate mains water and sewerage connection.

The Environment Agency raises no objection to this application, subject to the imposition of a planning condition in respect of foul drainage. They raised an objection to the previous application on the site and the use of a cess pit non mains drainage system. This was because in accordance with Circular 03/1999 'Planning requirement in respect of the use of non mains sewerage incorporating sewerage tanks in new development' alternative systems that pose a lower risk to pollution of ground and surface waters (River Nene) and upon geological strata, which is classified as a minor aquifer, must firstly be considered. Then, only if sufficient justification can be provided to demonstrate why there were no alternative systems that posed a lower risk to pollution available, would potentially more polluting systems be given consideration. This was not done and so the development was contrary to Policies U9 and U1 of the Local Plan. The applicant now proposes to connect to the mains drainage system or use a digestion plant and this has been conditioned.

#### **g) Impact on surrounding sites**

Criteria (e) of Policy CS7 – the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of occupiers of nearby properties or the appearance or character of the area in which it would be situated.

It is not considered that the proposed development would adversely impact on the amenities of any occupiers of any nearby sites. The landscape impact of the positioning of three caravans and two utility blocks subject to some landscaping planting is not considered to be unacceptable.

#### **h) Archaeology**

It is highly likely that significant archaeology remains associated with a Roman villa complex extended into this site. The applicant has undertaken significant excavation of the site in association with the boat moorings planning permission, without compliance with the archaeology condition, and so some archaeological features on this part of the site may have been lost. It is now not feasible to undertake a full and appropriate programme of archaeological works at the site. It is however necessary to thoroughly investigate and record the remains that have been exposed at the northern part of the site. An archaeological planning condition would be required to be imposed on any granted planning permission.

#### **i) Relocated car parking, and provision of facilities block for the boat moorings use**

The relocation of the car parking on site for the boat moorings to accommodate the Gypsy caravan site is considered to be visually acceptable. Proposed landscaping planting will help to soften the impact of the hard surfacing proposed. The provision of a facilities block to serve the users of the boat moorings is acceptable and is appropriately sited adjacent to the road and car parking. Details of the external materials to be used should be secured by planning condition.

#### **j) Miscellaneous**

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

- It is not appropriate to restrict the permission for the residential use as there is no good planning reason for doing so. In the event that the planning conditions are not complied with then depending upon the severity of situation, enforcement action may be taken by the Council.
- There is no evidence to suggest that the excavation works have destabilised the road above and so objection relation to the point has been raised by highway officers.
- Other than the boat mooring development, no commercial development / uses have been applied for or have been allowed for under the proposed planning permission and associated conditions
- With regard to the boat mooring access and car parking, it has been conditioned that its principle use is to serve that development.
- The provision of bin store(s) has been conditioned
- It is not considered necessary to have the cross sections independently verified and the excavation works have been already completed so it is known what the impact of the works has been.
- Whilst there is the risk of pollution, provision has been made for the disposal of foul water by way of a condition. There is nothing to suggest that the proposal will be more prone to litter and / or dumping of material. Whilst it has been reported that there has been some dumping taken place at the entrance to the site by third parties, the situation is likely to be made better once there is a human presence on site.
- A condition to prevent harmful external floodlighting or site lighting, as per the previous boat mooring permission, is recommended.

## **8 CONCLUSIONS**

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

It is considered that the intended occupants meet the definition of Gypsies and Travellers as set out in Government Guidance, and criteria a) to e) of Policy CS7.

Despite the removal of the trees on site, this proposed development, subject to replacement planting, is not considered to unacceptably impact on the surrounding best landscape and Nene Valley area designation in accordance with Policies LNE5, LNE8, LNE9, and LT11. There is no unacceptable access or highway safety issues in accordance with Policy T1 of the Local Plan.

## **9 RECOMMENDATION**

The Head of Planning Services recommends that this application is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**  
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 Residential use of the site is restricted to Area 1 (drawing OS06 Rev D) only and is limited to the two caravans and one family road caravan which shall be sited as per drawing OS06 Rev D.**  
Reason: In order to protect the landscape amenity of the area and the amenity of residents in accordance with Policies LNE5, LNE8 and U5 of the Peterborough Local Plan (First Replacement).
- C3 No caravan shall be occupied until such time as the details of the facilities buildings have been submitted to and approved by the local planning authority. The said buildings shall be completed as approved prior to any caravan on the site first being occupied.**  
Reason: No such details have been provided and in the interest of the appearance of the development and to comply with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C4 Foul water shall be disposed of by way of a connection to the nearest adoptable foul water sewer unless an alternative means of disposal has been approved in writing by the local planning authority.**  
Reason: To ensure that foul water is appropriately disposed of and therefore that the development does not result in the pollution of Controlled Waters.
- C5 The main access road, parking spaces and facilities block in Area 2 (drawing OS06 Rev D) shall be used primarily to serve the development approved under Planning Application Ref 00/00949/FUL. The access road and parking spaces shall not come into use until the details of the facilities building have been submitted to and approved by the local planning authority and the building has been constructed as approved.**  
Reason: No details of the building submitted. To ensure that that part of the development is used for its intended purpose and to accord with Policies LNE1 and DA2 of the Peterborough Local Plan (First Replacement).
- C6 Before the commencement of the development, a landscape scheme shall be agreed in writing by the Local Planning Authority. The scheme shall indicate those trees, shrubs and hedges which are to remain. The location, species and size of all new planting shall be shown. The scheme shall also include where relevant, details of screen walls and fences, surfacing materials and any further changes in ground level. Any trees, shrubs or hedges (including those shown as being retained) dying within 5 years of being planted shall be replaced during the next available planting season by the owner to the satisfaction of the Local Planning Authority.**  
Reason: In order to improve the visual amenity of the areas, in accordance with Policy LNE10 of the Peterborough Local Plan (First Replacement).
- C7 An enclosed space for refuse bins shall be provided prior to first occupation of the caravans in accordance with details to be agreed with the Local Planning Authority before occupation, and shall thereafter be maintained.**  
Reason: In order to protect the amenity of the area, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).

- C8 No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.**  
Reason: To ensure that archaeological remains are not disturbed or damaged by foundations and other groundwork but are, where appropriate, preserved in situ, in accordance with Planning Policy Guidance (PPG16 Archaeology and Planning), and Policies CBE1 and CBE2 of the Peterborough Local Plan (First Replacement).
- C9 If contamination not previously identified, is found to be present once works have commenced on site, a Method Statement detailing the remediation of this unsuspected contamination shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place in the contaminated area, the extent of which should be approved in writing by the Local Planning Authority, until the Method Statement is approved. The development shall thereafter take place in accordance with the approved details.**  
Reason: To ensure that the development complies with approved details in the interests of protection of Human Health and Controlled Waters, in accordance with Planning Policy Guidance (PPG23 Planning and Pollution Control).
- C10 Permitted development rights (under the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2008 (as may be amended) relating to the erection of buildings, enclosures and containers used for storing oil for heating purposes are hereby removed.**  
Reason: In the interest of controlling development in this sensitive landscape area and in the interest of pollution prevention and to accord with Planning Policy Guidance (PPG23 Planning and Pollution Control) and LNE5 Area of Best Landscape of the Peterborough Local Plan (First Replacement).
- C11 There shall be no external site lighting or floodlighting on the site nor river banks without the prior written approval of the Local Planning Authority of the detail and location of such lighting.**  
Reason: To prevent artificial light spreading from the site disturbing wildlife and in the interests of the rural character of the locality, in accordance with Policies LNE5 and LNE19 of the Peterborough Local Plan (First Replacement).

Copy to Councillors Holdich, Lamb