

10/01065/FUL: USE OF LAND FOR ONE EXTENDED GYPSY FAMILY COMPRISING TWO RESIDENTIAL CARAVANS AND ONE FAMILY ROOM CARAVAN TO INCLUDE THE ERECTION OF A NOISE BARRIER AT LAND OPPOSITE 3 HURN ROAD, WERRINGTON, PETERBOROUGH

VALID: 23 AUGUST 2010

APPLICANT: MR BROWN

AGENT: ARCHITECTURAL & SURVEYING SERVICES LTD

REFERRED BY: HEAD OF PLANNING, TRANSPORT AND ENGINEERING SERVICES

REASON: PUBLIC INTEREST IN THE APPLICATION

DEPARTURE: NO

CASE OFFICER: MIKE ROBERTS

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The proposal is for the use of land for one extended gypsy family to include the erection of two residential caravans and one family room caravan.

The main considerations are:

- The principle of the proposed development on this site
- Landscape Impact
- Highways
- Drainage
- Archaeology
- Noise – Residential Amenity (occupiers)
- Residential amenities of the occupiers of close by existing residential properties.
- Access to local services

The Head of Planning, Transport and Engineering Services recommends that the application is **REFUSED**.

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)

- 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
- H16 Residential design and amenity
- DA2 The effect of development on the amenities and character of an area
- DA13 Noise
- LNE1 Development in the countryside

LNE9 Landscaping implications of development proposals
LNE10 Detailed elements of landscaping schemes
LNE19 Protection of species
U1 Water supply, sewage disposal and surface water drainage

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

PPG24 Planning and Noise

Peterborough Core Strategy – Preferred Options May 2008

- Policy CS7 – Gypsies and Travellers. Which states (post submission of the Core Strategy):-

The criteria which will be used to consider planning applications for new Gypsy and Traveller Caravans and associated facilities are:-

- a) the site and its proposed use should not conflict with other development plan policies or national planning policy relating to issues such as flood risk, contamination, landscape character, protection of the natural and built environment or agricultural land quality
- b) the site should be located within reasonable travelling distance of a settlement which offers local services and community facilities including a primary school
- c) the site should enable safe and convenient pedestrian and vehicle access to and from the public highway and adequate space for vehicle, parking, turning and servicing
- d) the site should be served, or be capable of being served by adequate mains water and sewerage connections
- e) the site should enable development and subsequent use which would not have any unacceptable adverse impact on the amenities of the occupiers of nearby properties or the appearance or character of the area in which it would be situated.

3 DESCRIPTION OF PROPOSAL

The proposal is seeking planning permission for the erection of two static caravans for residential occupation. The application details have stated that the lengths of the caravans would be between 6.42m and 7.95m (depending upon exact model chosen) and widths of 2.29m. A third caravan within the same length options and width is to be used as a shared family room facility. All three caravans are to be used by one extended family. A foul water treatment plant is also proposed with the surface of the site being of permeable materials. The site area is approximately 0.07 hectares and is 'L' shaped in plan form. The vehicular access is proposed directly opposite no.3 Hurn Road and is shown with a width of 8m. Entrance gates are to be set approximately 6m from the edge of Hurn Road. The two 'living' caravans are to be located approximately 27m from Hurn Road to the rear of a grass field. They are to be positioned at right angles to each other and immediately adjacent to each other. The family room caravan is to be located at the very rear of the site approximately 50m from Hurn Road. An underground water treatment plant is to be located towards the south east corner of the site. The surface water drainage of the site is to be via a soakaway. Parking provision is shown for 4 vehicles and a 6m diameter turning circle is identified within the access road. The 'living' caravans are proposed at a distance of approximately 44m from the nearest line of the London to Edinburgh mainline railway and the family room would be approximately 36m away from the same nearest mainline railway track.

The agent has provided evidence to demonstrate that the intended occupiers meet the definition of Gypsies and Travellers.

The original application for the development ref:- 10/00412/FUL was withdrawn by the applicant as a result of a refusal recommendation to Committee by the Head of Planning, Transport and Engineering Services. It was considered that the occupation of the site, in very close proximity to the mainline London to Edinburgh railway, would not provide for a satisfactory living environment for occupiers of the site given the exposure to high noise levels from the passing trains. No measures were proposed in that application to mitigate against the noise from the trains.

The proposal has been revised since its submission to now include three possible noise mitigation barrier options to be located between the proposed caravans and the mainline railway.

Proposal 1 – This is the originally submitted noise barrier proposal. This proposes a barrier immediately along the south-west boundary of the site that would stretch for a length of 40m, beginning at a distance of 14m from the back edge of the highway, and would turn in a north-easterly direction for a further 14m. It is to comprise a 1m high earth bund with a 3.5m high close boarded fence on top. The overall height of the barrier would be 4.5m.

Proposal 2 – This proposes two noise barriers. One barrier would be sited along the same alignment as that submitted as proposal 1. It is proposed to comprise a 1.8m high acoustic fence on top of a 1.3m tall earth bund – overall height being 3.1m. The other barrier is to be located approximately 14m to the west of the barrier nearest to the caravans running in an approximate parallel alignment. This barrier would extend from a point 10m back from the highway, approximately 6m from the beginning of the barrier nearer to the caravans being initially parallel to the highway, for a distance of 10m. It then turns in a south-east direction for a length of 63m with a small return to the east of 4m. This barrier is to comprise a close boarded fence, of height 1.8m, on top of a 1.9m high earth bund (3.7m total overall height). As a part of this proposal the applicant has shown the erection of a 1.8m high close boarded fence to be erected along the frontage of the field to the north of the two residential caravans which is shown to continue along the eastern boundary of this field, caravan site area and the field to the south east of the caravan site. Its length along this south east boundary, from Hurn Road is in excess of 100m. Landscaping is proposed to the front of this fence line.

Proposal 3 – This proposes a barrier close to the western side of the site with a 1.8m high close boarded fence on top of a 3.2m high earth bund – overall height being 5m. The earth bund will extend for a width of approximately 14m with its steep side closest to the caravans and the shallower side extending in a westerly direction. The earth bund is proposed to be landscaped.

A plan has been submitted that shows how the landscaping of the site could evolve over time to soften the appearance / mask the acoustic fence and bund. However, it should be noted that this has not been based on any detailed landscaping plan that has been submitted to the Council.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The sole vehicular approach to the site is via Hurn Road which is of a single carriageway width. The road has a mature hedge along its northern side whereas to the south there are clear views into the open countryside. The application site is located within a triangular shaped area of land. This land is generally overgrown with various vegetation including scrub type, shrubs, hedging and small trees. Immediately to the north of the application site is a row of 6 modest sized terrace houses the frontages of which are set back 9m from the vehicle carriageway. A detached dwelling is located very close to the railway line to the west of the terraced row. To the east/south east of the site is arable farmland. The nearest line of the East Coast mainline railway is approximately 35m from the western boundary of the application site. In total there are three mainline tracks with two further railway lines to the west that connect Peterborough with Leicester via Stamford. The Peterborough Green Wheel Footpath/Cycleway passes by the site along Hurn Road to connect Marholm to Werrington.

5 PLANNING HISTORY

Application ref:- 10/00412/FUL – Use of land for one extended gypsy family comprising two residential caravans and one family room caravan - WITHDRAWN

INTERNAL

Section 106 Officer – No financial contributions would be required from the development

Head of Building Control – Building Regulation approval would not be required.

Archaeology Officer – No objection - The site is surrounded by crop marks of uncertain interpretation, whilst some of these have in the past been found to represent geological features others could be of archaeological origin. Suitable archaeological mitigation should be attained through, should planning permission be granted, a condition requiring an archaeological investigation of the site prior to the commencement of the development.

Highways Officer – No highway objections. The proposal will not generate significant traffic volumes and the proposed access arrangements are acceptable.

Wildlife Officer – No objection - The site is close to the Marholm Crossing County Wildlife Site but the proposal would be unlikely to have an impact upon the features for which the site has been designated.

Environmental Health Pollution Control Team – No objection. The noise monitoring was undertaken at the site over a short 2 hour day time period. This established noise levels within the Noise Exposure Category (NEC) B for day time noise and on the boundary of NEC B and NEC C for night time noise as defined in Planning Policy Guidance Note 24 (PPG24) – Planning and Noise. The advice for NEC B is that *“Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.* The advice for NEC C is that *“planning permission should not normally be granted. Where it is considered that permission should be given, for example where there are no alternative sites available, conditions should be imposed to ensure a commensurate level of protection against noise”.*

Whilst the monitoring period was over a short time, it would take a doubling or halving of the train traffic to alter the noise levels by 3Db. Given the potential accuracy of the noise meter and monitoring and that PPG24 allows for the increase or decrease of the NEC's by 3dB (A), the monitoring period can be accepted as adequately assigning the site NEC. In addition the noise assessment also concludes a similar noise environment to that established for a nearby site with similar characteristics at Arborfield Mill, Helpston. If the site is accepted as a reasonable location for the siting of a mobile home, suitable acoustic mitigation is required. The suitability, other than for acoustic purposes, of the proposed noise barrier in this location requires consideration. Each of the proposed noise mitigation barriers would, provided that the caravan was fitted with acoustic ventilation units, would reduce noise levels in the proposed caravans to levels that would be satisfactory for residential occupancy.

Given the proximity of the caravans to the railway lines consideration has to be given to the likely potential for the caravans to vibrate on the passing of the trains and to the resonate excitement (movement) particularly of lightweight objects/fittings within the caravans. The presence of the noise mitigation barriers would be effective in reducing the potential for the resonate excitement of objects within the caravan that would otherwise have the potential to occur from the fast movement of air generated from the passing trains. Vibrations of the caravans could be prevented, by the passing train movements, with secure fixing of the caravans to the ground in accordance with details that could be achieved via the imposition of a planning condition.

Landscape Officer – No objections

EXTERNAL

Environment Agency – No objections. Any culverting of a watercourse requires approval of the Environment Agency. Consent would be required from the Environment Agency for any works/structures within 9 metres of the Brook Drain that runs close to the eastern boundary of the site.

Network Rail – No objection to the principle of the development but there are requirements that must be met, especially with the close proximity of the site to the electrified railway. Specifically all surface and foul water must be directed away from Network Rail property. Development for residential use adjacent to an operational railway may result in neighbour issues arising. Every endeavour should be made by the developer to provide soundproofing for each dwelling. The worst case scenario could be trains running 24 hours a day and sound proofing should take this into account. This can be secured in such cases by way of a condition to a planning approval.

Werrington Neighbourhood Council – Objection on the grounds that:-

The proposal would result in a significant loss of amenity to the properties overlooking the site, particularly nos.3 to 8 Hurn Road and it would have a significant adverse impact upon the appearance and character of the locality. The surrounding area is rural and notwithstanding the intermittent noise from passing trains the local environment is quiet and secluded. There is concern that as the applicant has indicated that he also owns adjoining land that these areas would be used for activities that may have an adverse impact upon the amenities of the occupiers of the adjacent residential properties. The site has not been identified by the City Council as one which has the potential to be suitable to accommodate a Gypsy family. ODPM Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites advises that Local Planning Authorities should have regard, amongst other considerations to noise and other disturbance from the movement of vehicles to and from a site, the stationing of vehicles on the site and business activities. Residential development in the open countryside should only be permitted where there is an overriding need as stated in policy H13 of the Peterborough Local Plan (First Replacement). The proposal would also not meet the criteria of policy H22 of the Local Plan which relates to sites adjacent to Rural Growth or Limited Rural Growth Settlements. The proposal does not satisfy policy H27 (Development of Gypsy Caravan Sites) of the Local Plan as the development of the site would have a general adverse impact upon the amenity, appearance and character of the location with it being situated directly within the environs of existing residential properties.

The proposal also does not satisfy the requirements of policy CS7 of the Peterborough City Council Submitted Core Strategy Document on the grounds the development of the site would have an adverse impact upon the amenities of the occupiers of the close by residential properties and would have a detriment impact upon the appearance and character of the area. The requirement to have to provide a 4.5m high barrier along two sides of the site just to make the site habitable demonstrates that the site is not suitable for residential use. There is doubt that the barrier proposal would successfully reduce noise levels day and night having regard to the use of the outside area for living purposes and as an exterior link between the day room and the main accommodation and the need to have open windows day and night at some times of the year. Further the height of the barrier, at a close distance to the caravans would be unacceptably oppressive and overbearing for the occupiers.

NEIGHBOURS

Objections to the proposal have been received from the occupiers of the terraced row of residential properties immediately to the north of the application site on the grounds that:-

- The occupation of the site would affect the peace and quiet and the general character and appearance of the area
- Hurn Road is only a single lane no through road and cannot accommodate more traffic without it becoming congested at times. This could have implications for emergency service vehicles accessing the existing dwellinghouses and the application site.
- The proposed residential use of the site could lead to vehicles associated with the occupation of site the having to park in Hurn Road to the detriment of the free flow and safety of traffic/pedestrians
- The occupation of the site would lead to a reduction in property values of the residential properties in Hurn Road. (Not a planning issue).
- The occupation of the site with caravans and ancillary structures/materials would detrimentally impact upon the outlook from the residential properties to the north of the site

- The occupation of the site would increase noise levels within an area that is generally quiet other than the long established noise generated by the passing trains on the East Coast Main Line Railway.
- The occupation of the site would give rise to a loss of privacy currently afforded to the residents of the dwellinghouses to the north of the site.
- The site has no mains water supply or sewerage facility. The emptying of the package treatment plant would be problematic
- The site is very close to the East Coast Mainline Railway and there are fears that any children on the site could be at risk were they to trespass upon the railway lines.
- The Greenwheel Cycle route passes the site and the presence of caravans and ancillary structures would detract from the enjoyment of the route by cyclists/walkers
- Hurn Road has no footpaths/pavement alongside it and hence no safe pedestrian route from the application site to the services in Werrington
- The large sized vehicles that are commonly owned by Gypsy's for business purposes would be unsuitable for use along Hurn Road due to its narrow width
- The accessibility to everyday services such as shops, medical facilities and schools is poor from the site.
- The proposal has not met the locational requirements in the Peterborough City Council Strategy for the Gypsy and Traveller population nor those of Central Government
- There have been sightings of Great Crested Newts on the site which are a protected species that should not be disturbed.
- There is the potential for attacks by the dogs of the occupiers of the site on people walking or cycling past the site.
- No mention has been made on with regards to the drainage of surface water off the site.
- There are more suitable sites within which Gypsy's could be located.
- The site is not vacant as stated in the application forms but has been used for agricultural purposes
- The access width would be out of character with the locality
- No petrol interceptor for the drive way/car parking areas
- Approval of the application would set a precedent for other Gypsy caravan sites in the area.
- The site is located adjacent to the mainline railway and the noise and vibration from the passing trains would provide for poor living conditions.
- The occupation of the site by caravans and the necessity for a 4.5m high noise barrier would adversely impact upon the character and appearance of the immediate rural location.
- The dwelling nearest to the railway line is long established and was a necessity for the manning of the level crossing, which is no longer present. There was a functional need for this but there is no such functional need for the caravan park in the proposed location.
- The use has the strong potential to attract larger vehicles than just the private motor car to the site and the haphazard parking of such vehicles within the site and possibly outside of the site would create a visually intrusive environment.
- The applicant has submitted photographic evidence stating that there is commercial activity being undertaken to the rear of the existing dwellings in Hurn Road. The buildings that are shown on the photograph are traditionally styled garden sheds/outbuildings used in a manner that is ancillary to the occupation of the dwellinghouses.
- The proposed noise barriers will deflect noise towards the existing dwellings
- The sites put forward as comparator locations of fences and noise barriers and bunds are not similar in terms of context at all.
- The proximity of the railway lines would represent a potential danger to the occupiers of the caravans a point highlighted by the recent death of a child living at the Foxcovert Road caravan who was in collision with a passing train.
- Concern that the noise barriers would deflect the noise from the trains towards existing residential properties particularly the dwelling at Jalna, 250m to the east of the proposed site.

A petition has been submitted, by the occupiers of 8 residential properties in Hurn Road, Werrington objecting to the proposal on the grounds that:-

- The proposal would set a precedent for similar proposals in the area
- Impact upon the residents of the adjacent dwellinghouses
- The water pressure in the road cannot cope with more residential development

- There are no mains sewerage facilities in Hurn Road
- The proposal would devalue the dwellinghouses opposite the site
- The proposals would be inappropriate in view of the proposals for the larger development of the area
- Hurn Road is a single carriageway and cannot cope with more traffic particularly if other gypsy vehicles are attracted to the site
- Planning permission has previously been refused for the residential development of the site
- Would the Local Authority provide waste bins for the residents of the site
- Should fires be lit on the site the prevailing wind would tend to blow the smoke directly towards the occupiers of the dwellings opposite the site.
- The site is only 32 feet away from the boundary of dwellings opposite the site

A letter of support has been received from a member of the Travellers community.

Councillors

Cllr John Fox – Objects on the grounds that –

- a) The proposal is not conducive to the area and surrounding houses.
- b) The site is not suitable for caravan living accommodation due to the noise generated from the high speed trains operating along the very close by main line railway tracks which would provide for a poor living environment.
- c) The boundary fence would be too high and a danger in high winds.

7 REASONING

a) Principle of development

The application site is located within the countryside i.e. outside of a village envelope. The site was not one that had been allocated in the emerging Core Strategy. The application should be determined on the basis of the guidance in Government Circular 01/06 (which must be used instead of the superseded Local Plan policy H27) and emerging policy CS7 (a) to (e) of the emerging Core Strategy.

In terms of location, the proposal is considered to be within a reasonable travelling distance of the built up area of Werrington and that it is not so isolated as to be considered unsustainable. Circular 01/06 states that sites on the outskirts of built-up areas may be appropriate and that sites may also be found in rural or semi-rural settings. Rural settings, where not subject to special planning constraints are acceptable in principle. The key issues relate to detailed evaluation of the site in question and relationship to immediate surroundings and these are considered below;

b) Landscape Impact

The application site is not located in an area of the district that has been identified as having the best landscape value although the immediate area does have a rural quality that affords a pleasing visual amenity. The present condition of the site is somewhat overgrown but it has had a long history of agricultural use and has established itself by way of its hedging and trees such that its condition is considered compatible with the rural nature of the immediate area. This relationship with the immediate area would be significantly altered by the proposed noise barriers and fencing in respect of all of the alternatives put forward by the applicant. In seeking to reduce noise levels on the site to provide for a satisfactory living environment for the caravan occupiers the various noise barrier solutions are considered somewhat extreme and contrived and would by reason of their height, overall length and siting, stand out as an incongruous, dominant and alien structure within the immediate landscape all of which would give rise to structures that would have a detrimental impact upon the visual amenities and general character and appearance of the immediate area of countryside. The applicant has indicated that the slopes of the earth bunds would be landscaped although no planting details/schedule have been submitted for consideration. There is doubt that such planting would provide the necessary screening of the fencing in the long term as the establishment of planting on earth mounds is difficult to achieve successfully. If such planting did not take there would be gaps in the planting that would reveal sections of high level fencing that would further provide for a poor relationship to the general rural environment.

The proposals to erect a fence along the entire length of the eastern boundary of the land in the applicant's ownership, as submitted with the noise mitigation proposal 2, would further create a visually discordant relationship of the sites appearance in relation to the adjoining open countryside to the east of the site. The proposals to provide a landscaping strip to the front (east side) of this fence would not, it is considered, serve to reduce the dominance of the fence for some considerable time and if poorly maintained this would never mitigate the presence of the fence to satisfactory levels. No details of the proposed planting details have been provided.

The applicant has submitted information showing the proximity of close boarded fencing in close proximity to the application site i.e. that forms the boundary of the former gatehouse dwelling immediately to the north of the application site. Whilst this is the case the fencing is required to provide privacy for the occupiers of the dwelling and is not an untypical feature in any general streetscene. The proposed various noise mitigation fencing is not typical, by way of its height, freestanding location and countryside setting and each would, it is considered, provide for incongruous features in the rural scene.

The agent has submitted photographic evidence of:

- Acoustic fences / bunds
- Traveller sites with poor / no landscaping / noise mitigation
- Poorly screen caravan sites

in various locations around the City to demonstrate that the application site and the proposal is no worse / better than the sites evidenced.

c) 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 1.1km from the nearest shops at the Loxley Centre, off Lincoln Road Werrington. The nearest Primary School is William Law School that is 1.5km away from the site. The Primary School in Glinton is approximately 2.6km away. It is considered that these distances are reasonable travelling distances to these services. Circular 01/06 states that issues of sustainability are important and should not only be considered in terms of transport mode and distances from services. Other considerations include the wider benefits of easier access to GP's, other health services and children attending school on a regular basis with the provision of a settled base that reduces the need for travel by car. On balance it is considered that the location of the site is sustainable. The site is locationally comparable to that of a Gypsy caravan site proposed off the A47 near to Wansford which the Local Planning Authority (PCC) refused planning permission. The applicant appealed the decision and whilst the Planning Inspectorate dismissed the appeal the Inspector was satisfied the location was sustainable in that the site was within walking distance and only a short car journey away from the services in Wansford which contains various shops and a health centre.

d) 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 Highways Officers have raised no objection on the grounds that the proposal is for only one extended family which would not materially increase the number of vehicle movements along Hurn Road such that there would be minimal interruption in the free flow of traffic. The road also forms a part of the Peterborough Greenwheel Cycle Route the safe use of which should not be affected by the occupation of the site.

e) 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. The site could be serviced with mains water and the use of a small sewerage treatment plant would be acceptable. The latter could be secured by a planning condition. The proposed structures on the site would all be at least 9m away from the nearby drains.

f) 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 considered that the proposed development would adversely impact on the amenities of the occupiers of nearby residential properties and the character and appearance of the immediate countryside location of the site by way of the proposed scale of the noise barriers that would stand out as an adversely incongruous, dominant and discordant features.

g) Archaeology

The Archaeological Officer has advised that the site may contain remains of interest but would not require an archaeological investigation prior to the determination of the planning application. A planning condition could be imposed that sought archaeological investigation works prior to the commencement of development.

h) The Residential amenities of the future occupiers of the caravans.

In general terms it is not considered desirable to locate residential caravans in close proximity to main line railways where impact noise levels are high from the passing of high speed trains and the fact that the sound insulation afforded to caravans is poor due to their lightweight construction. In this case there would be a frequent high level noise source 35m to the west of the application site.

To seek to provide for a satisfactory living environment for the occupiers of the caravans, both within the caravans and the application site in general the applicant is proposing three potential noise mitigation barriers between the site and the railway line. Having studied each of these options the Environmental Health Team is satisfied that each of the options would lower the noise levels from the passing high speed trains sufficiently to provide for a satisfactory living environment within the site and provided that noise reducing acoustic ventilators were to be fitted to the caravans the internal caravan living accommodation would be satisfactory. The inclusion of the acoustic ventilators would reduce the need for the occupants of the caravans having to open doors/windows, in hot weather for example, which if occurred would expose them to unacceptable levels of noise.

Consideration has also been given to the potential for the caravans to be affected by ground vibration from the passing trains and also to occurrences of resonate excitement of fixtures/lightweight structures/contents. The Environmental Health team have concluded that both are unlikely to be a problem for the occupiers of the caravans provided the noise mitigation barriers are provided. This conclusion has been reached based upon experiences of the residents of the mobile homes in the Dukesmead Mobile Home Park where a number of the homes in the Park are within comparable proximity to the same railway lines as the proposed caravans. No such problems have been highlighted by the occupiers of the homes and there are no noise mitigation barriers between the mobile homes and the railway lines.

i) The impact of the proposal upon the amenities of the occupiers of close by existing residential properties.

Concern has been expressed from residents of Hurn Road that the occupation of the site would adversely impact upon their general amenities for example by way of the activities of the occupiers upon the site, increased vehicle movements to and from the site, many involving larger non domestic scale vehicles and by the necessity for a significantly sized noise barrier.

As the site is located directly opposite existing residential properties the use of the site could be expected to generate levels of activity either from within the site and as a result of vehicle movements to and from the site that could impact upon the general amenities of the occupiers of those properties. However, whilst there will be some impact, consideration has to be given as to whether such impacts would lead to conditions that would cause actual detriment to their amenities. It is anticipated, given the labouring types of trades that travellers are generally involved in, that the vehicles of the occupiers of the site could be generally larger than the private motor vehicle to include, for example, transit vans and small lorries. No objection has been raised by the Highways Officers who are satisfied that given the site is to be occupied by a single extended family would not generate a level of traffic along Hurn Road that would inconvenience existing users of the road either on foot or by vehicle. In addition there would be sufficient space within the application site to permit vehicles to enter and leave in a forward gear such that vehicles generated by the occupation of the site would not have to manoeuvre at the entrance to the site which could otherwise have inconvenience existing residents.

The existing dwellinghouses to the north of the site are to be located 38m away from the two residential caravans and would be located at a distance of 59m away from the family caravan. Given the separation distances the occupation/use of the caravans would be unlikely to have an adverse impact upon the amenities of the occupiers of the existing dwelling houses. Residents have also raised concerns about the possibility that land within and around the site, for example between the caravans and Hurn Road, could become a material store, something that is commonly associated with the travelling community and which could cause detriment to their general amenity and outlook. However, this is a matter that could be controlled by the imposition of a planning condition to prevent this from occurring.

All of the proposed noise barriers would be visible from within and from the frontages of the dwellings immediately to the north of the site, the nearest dwelling being 25m away. Two of the proposed noise mitigation barriers are to be 4.5m and 5m high respectively. These would stand out clear of much of the existing vegetation on the site and 2m – 3m taller than the existing fencing that surrounds the nearest dwelling to the railway line to the east of the terraced properties. All of the high level fencing/earth mound proposals would be particularly dominant when viewed from within the southern elevations and within the frontages of each of the terraced dwellings located just 25m – 40m away. Such mounding and fencing would be extreme anomalies within the immediate residential and rural setting. As such each of the noise mitigation earth mounds and fencing would provide for overall structures that would, by way of their general scale and incongruous appearance provide a detrimental, overbearing and oppressive relationship to the occupiers of those nearby residential properties.

j) Miscellaneous

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

- The most likely noise source from the site would be that from a generator. Such noise levels could be controlled by the implementation of attenuation measures which could be secured by condition
- The privacy of the occupiers of the residential properties opposite the application site is already affected by the cyclists/walkers on the Peterborough Green Wheel Route that passes directly to the front of their houses and it is not envisaged that the occupation of the proposed site would compromise their existing privacy levels.
- Notwithstanding the latter it is considered that the enjoyment of those walkers/cyclists travelling along the Peterborough Green Wheel Route would be compromised by the presence of the caravan site and the noise barrier, particularly the noise barrier as an alien feature in the rural landscape.
- Concern has been expressed that the safety of children living at the site may be compromised through access to the mainline railway. However, the railway is secured by security fencing along its boundary to restrict access.
- A near neighbour to the site has mentioned that a Great Crested Newt has been seen on the application site although the Wildlife Officer has advised that no such sightings have ever been reported in the past and the environment is not best suited to such newts that tend to inhabit ponds rather than streams that flank the application property.
- Policy H22 of the Local Plan refers to rural exceptions sites for affordable housing and is not relevant to gypsy and traveller sites.

Each of the proposed measures to mitigate against the noise from the high speed train movements, from the close by mainline railway, to secure a satisfactory residential environment for the occupiers of the caravans would be incongruous features and therefore detrimental to the general character and appearance of the immediate rural scene.

9 RECOMMENDATION

The Head of Planning Services recommends that this application is **REFUSED** for the following reason:

R1 The proposed acoustic noise barriers, due to their height, length and siting, would stand out as incongruous, dominant and alien features within the immediate rural setting to the detriment of the character and appearance of the countryside. Therefore the proposal would be contrary to policy DA2 of the Peterborough Local Plan (First Replacement) which states:-

DA2 Planning permission will only be granted for development if, by virtue of its density, layout, massing and height, it:

- a) can be satisfactorily accommodated on the site itself
- b) would not adversely affect the character of the area; and
- c) would have no adverse impact on the amenities of the occupiers of nearby properties.

Copy to Councillors: Fower, Burton, Thacker

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