

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

3<sup>rd</sup> March 2010

**AUTHOR/S:** Executive Director (Operational Services)/  
Corporate Manager (Planning and Sustainable Communities)

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### **S/1956/09/F – GREAT AND LITTLE CHISHILL**

**Removal of Condition 1 of Planning Permission S/1930/08/F to Allow the Permanent Use as a Rabbit Sanctuary at Land South-West of Wallers Close for Mr Derek Collins**

**Recommendation: Approval subject to Conditions**

**Date for determination: 16<sup>th</sup> March 2010**

**Members will visit the site on 3<sup>rd</sup> March 2010.**

#### **Notes:**

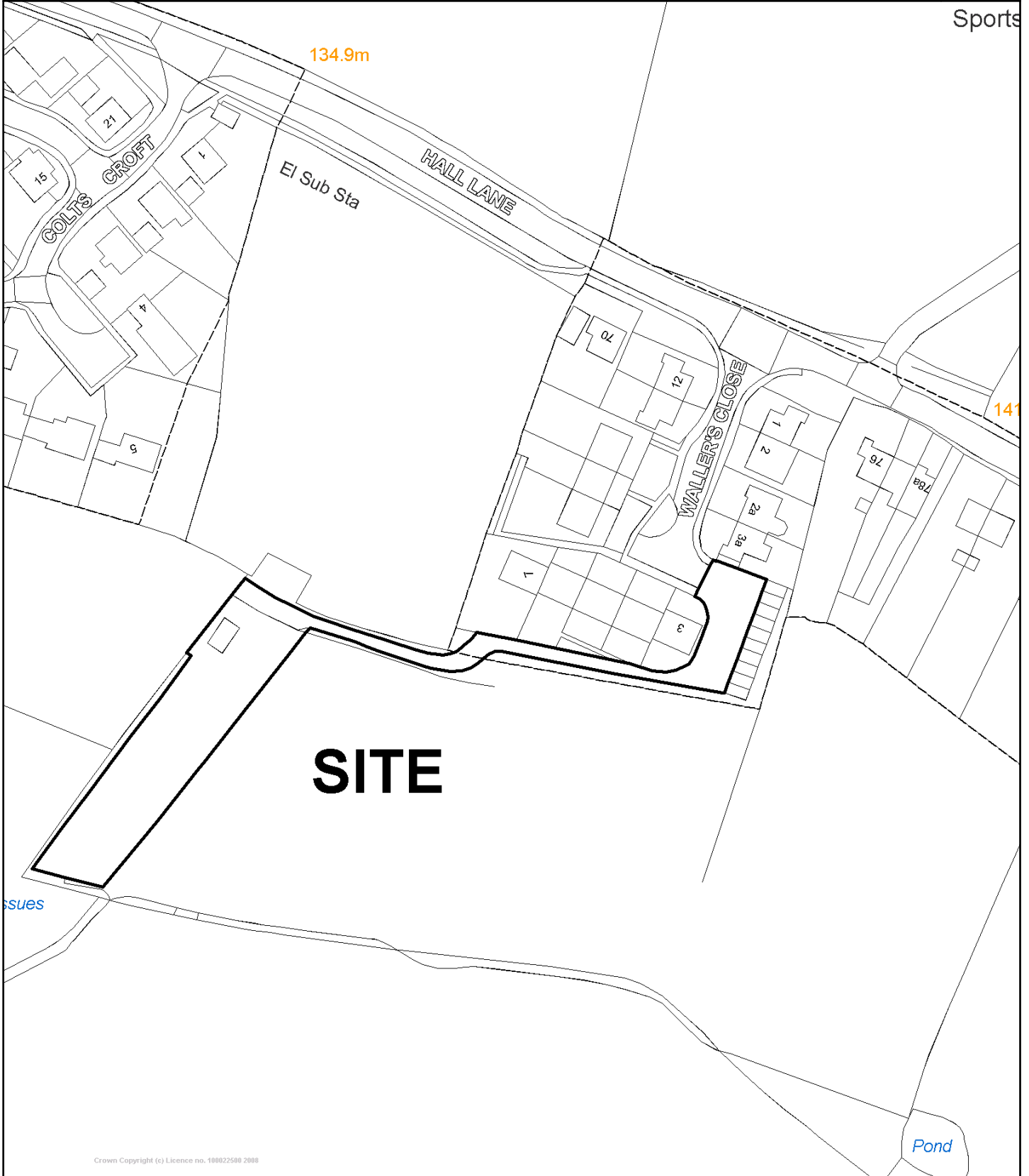
**This Application has been reported to the Planning Committee for determination because the Local Member has requested it due to concerns on material planning grounds.**

#### **Site and Proposal**

1. The 0.15 hectare site is located in the southwest corner of Great Chishill and outside of the village framework boundaries, of which there are two in Great Chishill. The site is located almost equally between the two boundary edges approximately 100 metres south of Hall Lane. The site is accessed via Wallers Close and the access runs through a residential garage block and then closely behind residential properties 4 to 8 Wallers Close. The site is bound by mature trees and hedging on the northwest and northeast facing boundaries, though predominately open on the remaining boundaries.
2. The site currently consists of a mixture of small and medium sized sheds used for storage and rabbit housing. There is also an array of wooden hutches and runs all enclosed with post and wire fencing. There is an area for parking and turning for 3 vehicles and an area where waste is located.
3. The full application, received 19<sup>th</sup> January 2010, proposes the removal of condition 1 of planning permission S/1930/09/F to allow for the permanent use of the site as a rabbit sanctuary.
4. Accompanying the application is a Design and Access Statement, a copy of a letter of support from the RSPCA and a copy of a petition in support of keeping the rabbit sanctuary open which has, at the time of writing this report, 772 signatures.

#### **Planning History**

5. Residents in Wallers Close and the Parish Council originally brought the existence of the rabbit sanctuary to the attention of planning officers following incidents where visitors were parking in front of the communal garages whilst visiting the site. The main issue surrounding the determination of past applications related to whether the



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numbers of visitors and helpers who accessed the site via the only vehicular access was unacceptable having regard to neighbouring amenity. The first application under planning reference **S/1369/07/F** was granted a temporary consent of one year. This was to allow an appropriate period of time in which to monitor the impact upon neighbour amenity of the use which was also restricted to limit the number of visitors to the site. Planning reference **S/1930/08/F** was received a year later to allow for a continued change of use. It proposed an increase in visitor numbers on certain days, an increase in volunteer numbers and an extension of time in which power operated machinery could be used (i.e. generators for lighting purposes). In light of the letters of objection received from local residents officers were of the view that the previous consent had not been monitored closely enough and with an increase of volunteers and opening hours seen as being acceptable subject to conditions, another temporary consent was granted for 1 year. This was to allow officers further time to monitor the site more closely as well as allowing the applicants to increase usage to meet the needs of the sanctuary.

### **Planning Policy**

6. **PPS1** (Delivering Sustainable Development)
7. **PPS 7** (Sustainable Development in Rural Areas)
8. **Circular 11/95 – The Use of Conditions in Planning Permissions:** Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.
9. **Circular 02/99 - Environmental Impact Assessments:** provides guidance on the Town and Country Planning (Environmental Impact Assessment (England and Wales) Regulations 1999 for Local Planning Authorities.

### **South Cambridgeshire Development Control Policies 2007:**

10. **DP/1** Sustainable Development, **DP/3** Development Criteria, **DP/7** Development Frameworks, **TR/2** Car and Cycle Parking Standards.

### **Consultations**

11. **Chishill Parish Council** - Recommends refusal for the following reasons:
  - (a) The location of the sanctuary has presented continuing problems with parking and vehicular access causing a source of friction with the residents of Wallers Close. Wallers Close is already facing significant parking issues as documented by Mr Rutland of the SCDC housing department.
  - (b) There have been many complaints about the non-clearance of rubbish and waste from the site and its generally run-down appearance (see attached pictures). In the past two months environmental health has been called to investigate the site for rats resulting from the non-clearance of rubbish. Waste has been burnt causing a nuisance for residents.
  - (c) Looking forward, after 3 years there is no evidence of improving management, a simple management committee with basic guidance procedures, formal charity status, sufficient funding or a sustained attempt to deal effectively with the neighbours concerns.

- (d) There is a professional Rabbit Reception approximately 1 mile away at the Wood Green Animal Shelter; this has a dedicated small animal refuge with its own car parking and easy access.
12. **Environmental Health Officer** – Several visits have been made to the above site. On no occasion has there been any evidence of rodent activity within the curtilage of the premises, even when visiting in response to complaints from nearby residents. The issue of waste removal from the site has been addressed and improvements have been noted. The issue of a pro-active pest control scheme on site was also discussed on my more recent visit and is to be implemented immediately. I therefore have no adverse comments in respect of the removal of condition 1 of planning permission S/1930/09/F. In the interest of public health I would recommend that a scheme for the pro-active baiting of rodents should be implemented, and the periodic removal of any accumulation of refuse should take place.
13. **Councillor Barrett** - *I support the Parish Councils recommendation to refuse this application. There have been a number of problems with this location over a period of 3 years including parking and vehicular access to Wallers Close. The biggest problem is non-clearance of rubbish from the site, which has, in the past certainly encouraged vermin and as guidelines are not being adhered to, will no doubt again. Waste is being burnt on the site, which causes a nuisance to the residents of Wallers Close. This situation, I feel, cannot continue, especially as there is a professional rabbit reception within one mile of this location.*
14. One letter of objection has been received from the occupier of No.7 Wallers Close. It has been signed by 6 other local residents from 1, 2, 2a, 9, 10 and 11 Wallers Close. Concerns raised include:
- (a) Dumping of green refuse close to residential properties
  - (b) Verbal abuse from members of staff
  - (c) The use encourages rodents
  - (d) Use of generator on site in the cold weather causes interference with television reception
  - (e) Loss of privacy due to people visiting
  - (f) Noise pollution
  - (g) The opening times are not being adhered to and many visitors still use Wallers Close as a car park
  - (h) Question why this use is present when Wood Green Animal Shelter is located in the neighbouring village
  - (i) Increase in additional sheds not appropriate as already at capacity
  - (j) Petition is signed by many people who don't live next to the site, therefore not truly representative of local support
  - (k) Burning of waste on site is unacceptable
  - (l) Build up of waste on site is unacceptable
15. **Enforcement Officer** – has no concerns with regard to the site not be managed in accordance with the conditions put in place under reference S/1930/08/F
16. **Project Manager for Affordable Homes** - There are parking problems in Wallers Close. Whilst the access and road to the application site is owned by SCDC we would only be able to restrict parking on that particular piece of land and not that in the adopted public highway. Conditions previously restricted numbers of visitors/volunteers/cars though we could improve this by restricting parking in the area owned by SCDC if necessary. We have no control over parking elsewhere in the Close. With regard to providing further provision for SCDC residents in Wallers Close

this is limited due to cost and also with regard to the number of now privately owned properties in the Close.

## **Planning Comments**

### ***Principle of Development***

17. The use of the site for the accommodation of rescued rabbits is not considered to be inappropriate in the countryside, though the site needs to be managed in such a way as to limit the impact upon neighbour amenity. Given issues that surround the access to the site it was felt that the most appropriate course of action was to grant consent for a limited period of time. This was done for two reasons; firstly to monitor the effectiveness of the conditions that were used to limit visitor numbers and visiting times; the second is in order to give the applicant time to look for an alternative site where issues of access would not apply. The applicant has not found another site and hopes to stay in the current location.

### ***Neighbour amenity***

#### *Access and Visitors*

18. Access to the site is owned by SCDC and runs closely behind the residential dwellings in Wallers Close, some of the gardens to the rear are very shallow. The views of the surrounding countryside afford the residents pleasant views that they do not wish to block out by erecting close boarded fencing or the like, therefore the rear gardens are very open. Past temporary consents have assessed this as one of the primary reasons for further monitoring and the introduction of strict conditions were put in place to control the level of use.
19. Recent conditions have restricted visiting times to Saturdays between 10:00am and 18:00 via appointment only, with no vehicular access for visitors and limited to no more than 20 visitors on any one Saturday. The number of volunteers on site is restricted to no more than 6 on site at any one time and the number of vehicles restricted to no more than 3 on site at any one time. This has increased from the first temporary consent that limited visitors to 10 and volunteers to three.

#### *Parking*

20. Parking on site allows for only 3 vehicles and this was restricted to ensure the volume of traffic was carefully controlled and the impact on local residents was minimal whilst still meeting the need of the application site. Whilst it is agreed that on site parking is at an acceptable level there is limited control over visitors parking in the neighbouring streets.

#### *Privacy*

21. The privacy of occupiers is marginally compromised when vehicles access the application site via the access road that runs to the rear of the properties in Wallers Close. Officers have tried to reduce any negative impact this may have on its occupiers by restricting the number of vehicles on site at any one time. This is also the case with regard to the number of volunteers on site. With the shallowness of the rear gardens and the desire of the occupants to retain their countryside views the erection of fencing is not an option to try and overcome these concerns. The site owners and users are expected to take residents into consideration whilst carrying on their duties.

### *Neighbour objections*

22. When the earlier consent was granted for a further one year, all residents who wrote in were sent a letter with regard to the status of the application and how to put forward their complaints with regard to the use of the site should any future concern be raised. Particularly if the applicants were not complying with the conditions or noise/rubbish became a concern. It advised that if there were problems officers needed to be made aware of it and notified as soon as possible. It was asked that these were received in writing. To date officers have received 3 complaints over the last year (dated 3/11/09, 7/12/09 and 27/01/09). These have been addressed immediately and the Environmental Health Officer has not raised any objection to the continued use of the site subject to conditions. The first complaint received, about the applicants not complying with their conditions, was received as an objection to this application.

### **Environmental Health**

#### *Waste build up*

23. Local residents have raised this as a concern and the Environmental Health Officer has visited as a result. Waste build up has occurred on a number of occasions though officers are informed that this was due to the then existing arrangement regrettably not being met. This has since changed and the waste is now removed weekly. No conditions were put in place on either of the previous consents with regard to regulating waste disposal, however, in light of the concern raised from residents and Environmental Health Officers this would not be an unreasonable condition to put in place.

#### *Noise (generator)*

24. The applicant does not have a power source on site and lighting has been restricted to ensure there is no harm to local residents and the wider setting of the countryside. This means the applicant uses a generator in the darker months of the year to carry out the necessary care requirements. Head and handheld torches are also used where possible. The generator use has been limited under previous consents to certain times of the day and it is felt this is necessary to limit neighbour disturbance.

#### *Burning of waste*

25. It is understood that a small fire took place last year, however, officers are informed this was a one off and has not happened since.

#### *Vermin*

26. It is agreed that it is likely rats are present in the area, however, it is to the detriment of the rabbits being cared for and therefore discouraged where possible. Discussions between the applicant and Environmental Health have looked at ways in which to do this. It is also confirmed by Environmental Health that there have been no sightings or evidence of rats when visits have been made.

### **Other Issues**

#### *Evidence of improved management*

27. Officers are advised that The Rescue has a committee that deals with all procedural matters including the planning application and it does have an agent dealing with all matters relating to planning. This application is on behalf of The Rescue and not the Collings family. Ms Caroline Collings is a key member of The Rescue committee. She is also the day to day manager and main volunteer at The Rescue. Mr Collings is not on the committee and is not involved in the management of The Rescue; he is, however, the owner of the land. This information has been provided to inform

Members that the management of the site has greatly improved since the first application. Whilst it is appreciated that there is still work to be done, the site and its support mechanisms are in place and the intention is to keep building on this.

*Local support - Wood Green Animal Shelter*

28. After brief discussion with the Manager of the Heydon Wood green Animal Shelter about the possibility of re-homing rabbits should the application site close I was informed that it would not turn away any animal that was brought to them subject to capacity. At present this is currently stretched in light of recent construction work at the Shelter involving the erection of replacement cat pens. Noise and disturbance on site can present real problems for animal welfare and whilst Wood Green would help wherever possible other local animal welfare charities may have to help if numbers exceeded their own capacity.

*New Sheds on site*

29. This application is solely for the removal of condition 1 of planning consent S/1930/08/F to allow for the permanent use as a rabbit sanctuary. The application, if approved, would not include the erection of new sheds/storage facilities.

**Conclusion**

30. The level of use has increased from the first temporary consent to allow the applicants a greater opportunity of re-homing rabbits. The level of support proves that The Rescue carries out very commendable work, however, with reference to the reasons for a temporary consent, it was noted that this site should be scaled down and the use relocated to a site that would have less impact on nearby residents. It would seem that the scale of the use is increasing rather than decreasing and though the Council has received only a handful of complaints over the few years it has had specific planning consent it is recommended that this site is scaled down rather than closed completely.
31. Officers are of the view that since the increase in visitors and volunteers more complaints have been received with regard to waste, rats and neighbour disturbance. With this in mind it is suggested that The Rescue reverts back to a level where capacity of the use required is manageable. Whilst officers appreciate the new status of The Rescue and its promise to become better managed, the applicants have had the chance to prove this over the last year and this has not been made apparent timely enough to warrant a recommendation to approve without revisiting conditions. If, in future The Rescue can manage the site better officers would consider revisiting the level of use on this site once again.
32. Recommendation approve subject to the following conditions:
1. Visitors to the rabbit sanctuary shall be permitted access to the site by appointment only between the hours of 10.00 and 18.00 on Saturdays. Between these hours there shall be no vehicular access to the site for visitors and the total number of visitors shall not exceed 10 on any given Saturday.  
(Reason - To protect the amenities of adjoining residents from increased vehicular movements associated with the uncontrolled access to the site by visitors.)

2. The number of volunteer's vehicles on the application site at any one time shall not exceed three, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To ensure that the scale of the use does not generate a volume of traffic movements that would cause unreasonable disturbance to adjoining residents.)
3. The number of volunteers working on the application site at any one time shall not exceed 4, unless otherwise previously agreed in writing with the Local Planning Authority.  
(Reason - To ensure that the scale of the use does not generate a volume of traffic movements that would cause unreasonable disturbance to adjoining residents.)
4. Within one month of the date of this decision notice a scheme detailing the periodic removal of refuse shall be submitted for approval in writing by the Local Planning Authority. The use, thereafter, shall be carried out in accordance with the approved details.  
(In the interests of residential amenity in accordance with the requirements of Policy DP3 j of the Local Development Framework Development Control Policies 2007).
5. Within one month of the date of this decision notice a scheme detailing the proactive baiting of rodents shall be submitted for approval in writing by the Local Planning Authority. The use, thereafter, shall be carried out in accordance with the approved details.  
(In the interests of residential amenity in accordance with the requirements of Policy DP3 j of the Local Development Framework Development Control Policies 2007).
6. No power operated machinery (or generators) shall be operated on the premises before 08.00 am on weekdays and 08.00 am on Saturdays nor after 18.00 pm on weekdays and 16.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing with the Local Planning Authority in accordance with any agreed noise restrictions.  
(Reason - To minimise noise disturbance to adjoining residents.)
7. Neither the site (including the structures within it) nor the access shall be illuminated in any way, unless otherwise previously agreed in writing by the Local Planning Authority.  
(Reason - To ensure that the uncontrolled illumination of the site does not detract from the rural character of the area.)

### **Informative**

In order to clarify the use of 'visitor' and 'volunteer' as referred to in conditions 2, 3 and 4 the following definitions are provided:

1. Visitor: A person visiting the rabbit sanctuary in order to view the rabbits or their runs/hutches with the intention of adopting, boarding (for behavioural reasons without charge) or leaving a rabbit. This shall also include members of the local community who visit the site solely to view the rabbits or to be educated in issues of rabbit welfare.
2. Volunteer: A person who is employed without pay or contract to maintain the rabbit sanctuary and the rabbit runs/hutches within it.



## **Informative**

1. The approved plans for this application are as originally submitted unless otherwise specified in this Decision Notice. The development should be completed strictly in accordance with these plans. Any amendment to these approved plans must be first agreed in writing by the Local Planning Authority.

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies 2007
- Site Specific Policies
- Planning files Ref: S/1369/07/F and S1930/08/F

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