

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

7 July 2010

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

S/0177/03/F - MELDRETH

**Increase in the Number of Plots from 11 to 13 (Condition 9)
Biddalls Boulevard, Kneesworth Road for Mr J Biddall**

Recommendation:

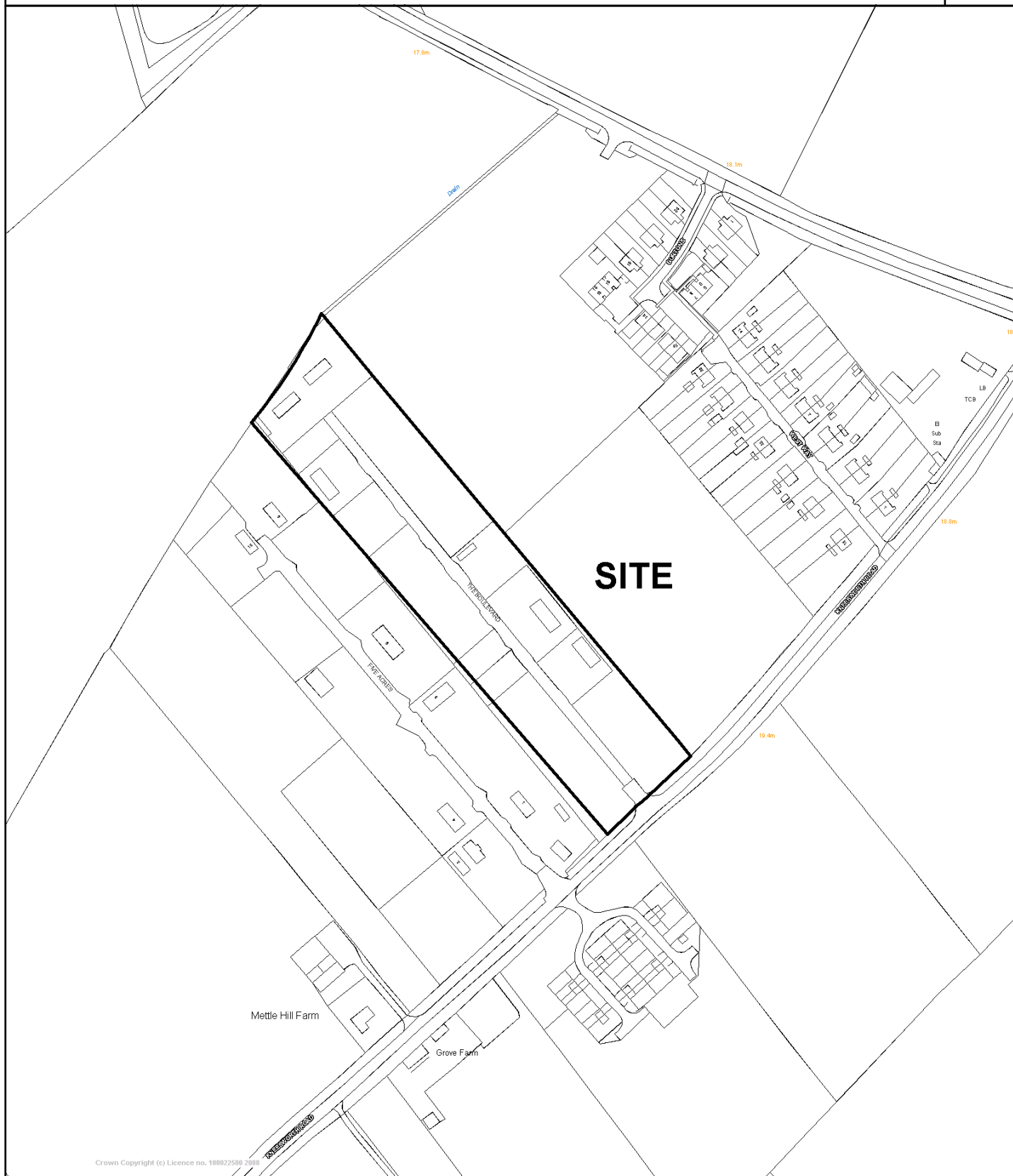
Date for Determination: Not Applicable

Notes:

This Application has been reported to the Planning Committee in order that Members can resolve how this proposal would have been determined had it been originally reported to them, in order that Officers can incorporate that resolution into the Councils' Proof of Evidence to be presented at a forthcoming Public Inquiry

Site, Proposal and Background

1. Biddalls Boulevard is a 2.11 hectare showpersons site to the north west of Kneesworth Road, Meldreth. Immediately to the south west of the site is Five Acres, a similar size showpersons site.
2. To the north east and north west is agricultural land. There is existing planting on the south east, north east and north west boundaries of the site. Opposite the site is agricultural land and the former Cambridgeshire County Council Travellers site.
3. Condition 9 of the original planning consent for the site restricts the number of plots for the stationing of mobile homes and caravans to no more than 11, with each individual plot being occupied by a maximum of 3 mobile homes or caravans, unless the Local Planning Authority were to give its prior written approval to any increase in these numbers.
4. Members may recall refusing a submission requesting an increase the number of plots on the site from 11 to 17 at the August 2009 meeting (Item 9), following a site visit, on the grounds that the proposal was premature in the context of the emerging Gypsy and Traveller Development Plan DPD and would prejudice the consideration of that document. Members were also of the view that the proposed intensification of the use of the site was unacceptable given the absence of a safe pedestrian route from the site to the village of Meldreth. It was felt that the lack of such a route would be likely to result in less people choosing to walk from the site to the village and would therefore result in greater reliance on the private car, contrary to the aims of Policy DP/1 of the adopted Local Development Framework.
5. An appeal has been lodged against that decision and will be determined by Public Inquiry.



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6. Following that refusal, the applicant submitted a request to increase the number of Plots from 11 to 13. Although that submission was originally accepted as being valid a letter was subsequently sent to the applicant advising that the District Council was of the view that, having considered all available information, that there appeared that more than 11 plots had already been provided on the site and that therefore was a breach of Condition 9 of the original planning consent. As that condition required the *prior* approval of the Local Planning Authority to be given to any increase in those numbers it was determined that the submission was not in the appropriate form and that the applicant would have to submit the proposal as a new planning application. The applicant indicated in that submission that he would be prepared to contribute 50% of the costs of the provision of a new footway on behalf of all residents of his site, with the other 50% being contributed by the showmen on the adjoining Five Acres site.
7. The applicant has lodged an appeal against the non-determination of that submission and I therefore need to seek Members view as to how they would have considered the request had it been put before them in order that I can present that view at the Public Inquiry.

Planning History

8. Planning consent was granted at appeal in 2004 for the use of land to travelling showpeople's quarters (**Ref: S/0177/03/F**). That consent included conditions requiring the submission of a plan detailing the layout of the site, including the means of enclosure of individual plots; and restricting the number of plots for the stationing of mobile homes and caravans to no more than 11, with each individual plot being occupied by a maximum of 3 mobile homes or caravans, unless the Local Planning Authority were to give its prior written approval to any increase in these numbers.
9. At the August 2009 meeting Members refused a proposal to increase the number of plots from 11 to 17 as described earlier in this report.

Planning Policy

10. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies 2007:**

DP/1 (Sustainable Development)
DP/3 (Development Criteria)
DP/7 (Development Frameworks)
11. **Gypsy and Traveller DPD Issues and Options 2** was published for consultation on 10 July 2009. In respect of showpersons accommodation it comments:

Whilst no specific figure was included in the draft East of England Plan policy, following the Panel Report the emerging policy requires that provision of 18 plots should be made for Travelling Showpeople in the period 2006 to 2011 in Cambridgeshire & Peterborough, with a 1.5% annual allowance for household growth. In planning to 2021 this would create an additional requirement of 12 plots, giving a total for 2006 to 2021 of 30 plots. A plot is a term used with reference to Travelling Showpeople to refer to a space for a single accommodation unit.

The emerging East of England Plan policy does not specify how much of this growth should take place in South Cambridgeshire. A cross-boundary project may need to be undertaken between all the local authorities in the county to consider how pitches

should be located across the area. The primary evidence used by the Panel in their recommendation was based on surveys and evidence collected by the Showman's Guild. This indicated that the majority of need was identified in other districts, particularly East Cambridgeshire. This is reflected in the emerging East of England Plan policy, which refers to the need as being located in 'East Cambridgeshire and elsewhere'. In South Cambridgeshire, 3 additional plots are required over 5 years, 2 resulting from household growth, and 1 from an existing overcrowded plot.

There are two Travelling Showpeople sites in South Cambridgeshire, both on Kneesworth Road in Meldreth. One site has capacity for an additional 6 plots within the site area. These additional plots would contribute towards the requirements of the East of England Plan. This is included as a site option for consultation.

12. In response to the consultation on the DPD, 3 representations were received in support of the proposal and 6 representations objecting, including an objection from Meldreth Parish Council and the former District Councillor.
13. The Gypsy and Traveller DPD was aiming to meet the targets for pitch numbers set out in the East of England Plan. The new Government's proposed abolition of regional plans means that the targets for numbers of pitches will now be set locally, and reflect local need and historic demand.
14. The work on the Gypsy and Traveller DPD will now progress more slowly while the new government produces its guidance on how the District Council should plan for the needs of our Gypsies and Travellers.
15. **Circular 04/07 – Planning for Travelling Showpeople** requires that the needs of Travelling Showpeople are to be treated in a similar way to those of Gypsies and Travellers, with provision requirements created through regional plans and implemented through district plans.

Consultation

16. **Meldreth Parish Council** had commented in September 2009 that it 'considered your letter dated 28 August and the request from Mr Biddall's agent to increase the number of plots from 11 to 13. As you know Meldreth Parish Council had recommended approval of an earlier request for 13 plots. I have been asked to pass onto you the strong concerns that the council has on the confusing information presented since the first request in January this year and on the way these requests have been handled. While councillors stand by their recommendation of approval of an increase to 13 plots they are strongly against the granting for the requested plots on the latest site plan (dated 12 August 2009) as we have strong evidence from residents on the site that there are already 13 plots occupied on the site and our recommendation therefore applies solely to these plots.

As you know the Inspector who heard the appeal by Mr Biddall in 2004, and subsequently granted planning permission for not more than 11 plots, required the prior written approval of the local planning authority in respect of any increase in these numbers. We recall that, at one stage, you ruled that as this was a retrospective application that a reply by letter to a request to increase the numbers was not the correct procedure and that a full planning application was needed. However after a site visit you changed that as you said that there were only 11 sites marked out by fences.

At our meeting yesterday we considered written representations from three residents of the Boulevard, oral presentations by 6 residents and a report from Cllr Susan van de Ven. From their information and using the plans submitted by Mr Biddall we can summarise the situation which we hope will help your deliberations:

- (a) The site was originally divided by Mr Biddall into 40 plots (50' frontages) for sale and numbered from the front of the site – 1-20 on the left and 21-40 on the right.
- (b) These were brought by families in various multiples and were all sold with planning permission and title deeds
- (c) Referring to the site plan dated 28 April 2009; Plot 9 was brought by Mr and Mrs Fred Chapman as Plots 19/20 and Plot 10 (39/40) by Mr and Mrs Sid Chapman. They are occupied by different families, have separate deeds, sewage, power and council tax. The fence is removable to allow plant to exit and they are divided by an access road. However on the site plan dated 12 August 2009 they have been combined into one plot 8, although we understand the fences are now up again.
- (d) Similarly Plots 16 (27/28) and 15 (29) on the site plan dated 28 April 2009 were sold separately to Mr and Mrs Michael Mayne in November 2006 (Plot 16) and September 2007 (Plot 15) when they realised they needed extra accommodation for a growing family. Again they have separate deeds. However on the site plan dated 12 August 2009 they have been combined into one plot numbered 10.

It should be clear from this that there are already at least 13 plots already owned by people other than Mr Biddall and already occupied on site. We understand that SCDC's Mr Swain also checked that yesterday. We believe therefore that the request for an increase to 13 plots should be handled by a full planning application. This would have the advantage that:

- (a) It would make it clear the land owned by Mr Biddall as opposed to that already sold to others.
- (b) The process would have full transparency, particularly to those affected on site, who would presumably all be 'carded'.
- (c) At the conclusion of the of the process it would be clear which plots have planning permission and which do not, making planning enforcement possible.'

The Parish Council confirms that it would still support approval of an increase to 13 plots, provided these are the plots already occupied by families who have bought in good faith, and that this should be the final number.'

17. The comments of the **Local Highway Authority** will be reported at the meeting. In respect of the earlier proposal to increase the number of plots from 11 to 17 it comments that the provision of a new footpath link would be desirable and perhaps should have been asked for under the first application, when the majority of the development was being undertaken. Its view was that it would be difficult and onerous to insist that the limited number of new plots proposed bear the costs of the provision of a footpath link.

18. **Cambridgeshire County Council** as Education Authority advised at the time of the earlier submission that adequate capacity existed at both Meldreth Primary School and Melbourn Village College to cater for any demand arising from the proposed increase in the number of plots

Representations

19. Representations were received from the occupiers of **Nos. 18, 19/20, 27, 39/40 The Boulevard, 9 Five Acres and 10 Five Acres.**

The objections received from the residents of The Boulevard relate to the inaccuracy of the submitted plan in that it does not relate to the way in which existing plots have been sold off and occupied, as detailed in the comments from Meldreth Parish Council.

The letters from the residents of Five Acres object to the suggestion made by the applicant that 50% of the cost of the new footpath would be borne by residents of Five Acres.

Planning Comments – Key Issues

20. The key issues for Members to consider in now coming to a view on this proposal is whether approval of an additional two plots will materially change the impact of the existing site on the surrounding countryside; whether the proposal is premature given the status of the emerging Gypsy and Traveller DPD; whether the addition of two plots would justify the provision of a footpath link from the site to the west towards West Way; and whether the submitted plan, which does not accurately reflect the existing plot boundaries within the site should be accepted.

This view will be given without prejudice to the Councils' view that the request was not submitted in a valid format.

21. The site is well contained with effective planting on three site boundaries. The other boundary is with the showpersons site to the south west. Plots are divided within the site by close-boarded fencing. In my view the increase in the number of plots within the site will not materially affect the visual impact of the site on the surrounding countryside given existing boundary planting, which the applicant has agreed to supplement as specified above. An area of open space is to be provided within the site for use by the occupiers of the plots.

22. A Government document entitled The Planning System: General Principles states:

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD.

Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay this would impose in determining the future use of the land in question.”

23. The Gypsy and Traveller DPD recognises that there is a requirement to provide additional plots for showpersons in the District and suggests that the existing Meldreth site is one of the options that could be considered for accommodating some of this demand recognising that this site has the capacity for an additional 6 plots. It is recognised that the need figure will now be reassessed. In my opinion the proposal for an additional 2 plots within an established site would not be premature as it would not be so substantial or significant that granting permission would prejudice the DPD and I am mindful that the progress of the document has been delayed. Members took a different view on this point previously, albeit this was for an additional 6 plots.
24. I will report the comments of the Local Highway Authority in respect of the justification for requiring a footpath link along Kneesworth Road to support an additional two plots. I am of the view that such a requirement may be difficult to justify given the small increase in numbers proposed. I am mindful that the applicant has offered to pay 50% of the cost of this provision but there is no mechanism through the planning system through which the additional 50% can be required from third parties.
25. It is clear from the available evidence that the proposed layout plan does not accurately reflect the existing plot layout (for example, Plot 8 on the submitted plans is divided into two plots on the site), or the way in which the plots have been sold to individuals and I am sure this point will be debated at the future Public Inquiry. Notwithstanding the fact that this was one of the factors which contributed to the Councils view that the proposed submission was not valid Members need to consider, without having regard to land ownership issues etc, whether there would be any planning objections if the site were to be subdivided into 13 plots in the manner shown. In my view it would be difficult to object on these grounds.

Recommendation

26. My recommendation will be dependant on the advice received from the Local Highway Authority as to whether the provision of footpath link is considered to be essential to the approval of this proposal. If it does not I will recommend the Planning Committee that comes to the view that the submitted layout plan franked 14th August 2009 is an acceptable way to layout the site.

Any view Members take will not prejudice the fact that the Council considers the submission to have been invalidly made.

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 (adopted July 2007)
- South Cambridgeshire Local Development Framework Gypsy and Traveller DPD (Consultation Draft)
Planning File Ref: S/0177/03/F

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