

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5 February 2014

AUTHOR/S: Planning and New Communities Director

Application Number:	S/2607/12/VC
Parish:	Meldreth
Proposal:	Variation of Condition 9 of planning permission S/2607/12/VC to allow an increase in the number of plots from 11 to 21
Site address:	Showman's Site, Biddalls Boulevard, Kneesworth Road
Applicant:	Mr John Biddall
Recommendation:	Delegated Approval
Key material considerations:	Principle, residential amenity, character of area, highway safety and drainage
Committee Site Visit:	No
Departure Application:	No
Presenting Officer:	Paul Sexton
Application brought to Committee because:	The officer recommendation of delegated approval is contrary to the recommendation of refusal from Meldreth Parish Council
Date by which decision due:	15 February 2013

Planning History

1. S/0177/03/F – Change of use of land to travelling showpeople's quarters – Approved
2. Condition 9 of the consent restricted the number of plots to 11, unless prior written approval was obtained from the Local Planning Authority for any increase in numbers.
3. In August 2010 Members refused a written request under Condition 9 for an increase in the number of plots on the site from 11 to 17, on the grounds that the proposal was premature in the context of the emerging Gypsy and Traveller DPD, and would prejudice consideration of that document, and the lack of a safe pedestrian route from the site to the village of Meldreth.

4. The Council offered no formal decision in respect of request for written approval for an increase from 11 to 13 plots, which was submitted in August 2009, on the basis that limit of 11 plots permitted under Condition 9 had already been breached and it was therefore not possible to obtain the prior approval of the Local Planning Authority for any increase in numbers, other than through a new planning application.
5. A public enquiry was held in November 2010 in respect of the Councils' rejection of the request for 17 plots, and its non-determination of the request for 13 plots. The Inspector concluded that neither request had been made in a valid format and therefore offered no comments on the planning merits of either request. However, he advised that the correct format for application should either be by way of a submission under Section 73 or 73(a) (Variation of Condition) of the Town and Country Planning Act 1990.

Planning Policies

6. *National Planning Policy Framework*
7. Circular 04/2007 Planning for Travelling Showpeople advises that issues of sustainability should be considered when assessing the suitability of site for the provision of accommodation for showpeople. In assessing the suitability of sites, local planning authorities should be realistic about the availability or likely availability of alternative to the cars in accessing local services.
8. *Local Development Framework*
 DP/1 – Sustainable Development
 DP/3 – Development Criteria
 DP/4 – Infrastructure and New Developments
 DP/7 – Development Frameworks
 SF/10 – Outdoor Playspace, Informal Open Space and New Developments
 SF/11 – Open Space Standards
 TR/1 – Planning for More Sustainable Travel
9. *Draft Local Plan*
 S/3 – Presumption in Favour of Sustainable Development
 S/7 – Development Frameworks
 CC/8 – Sustainable Drainage Systems
 HQ/1 – Design Principles
 H/19 – Provision for Gypsies and Travellers and Travelling Showpeople
 H/21 – Proposals for Gypsies, Travellers and Travelling Showpeople Sites on Unallocated Land Outside Development Frameworks
 H/22 – Design of Gypsy and Traveller Sites and Travelling Showpeople Sites
 SC/7 – Outdoor Play Space, Informal Open Space and New Developments
 SC/8 – Open Space Standards
 TI/2 – Planning for Sustainable Travel
10. *Supplementary Planning Documents*
 Open Space in New Developments SPD
 District Design Guide SPD

Consultations

11. **Meldreth Parish Council** recommends refusal in respect of the application, as amended, stating that the application does not substantially differ from the previous and that its comments stand from that application. The application still requires clarification and the New Local Plan suggests a requirement for only 4 new yards/plots in South Cambs. A full copy of its comments is included at Appendix 1.
12. The **Local Highway Authority** requests that a condition is included in any consent requiring the applicant to provide a suitable footway, with a bound surface, from the site access nearest the footway in Meldreth itself, to enable pedestrians to access Meldreth without having to walk along significant length (approx. 115m) of live carriageway, that is subject to the national speed limit.
13. The **Environmental Health Officer** initially raised potential concerns in respect of site design and layout, noise, artificial light impact, operational residential waste/recycling provision. Having had regard to the additional information he states that, being mindful that Showman's site are exempt from licensing under The Caravan and Control of Development Act 1960, and that the actual size of the site itself is not increasing, no objections are raised. The applicant should be made aware of the model standard package produced by the Showmen's Guild of Great Britain for such sites.
14. The **Planning Policy Team** comments that the Gypsy and Traveller DPD Issues and Options Report 2009 identified the site as an option for six additional plots. The site was tested using criteria created to assess potential site options. Representations received by the New Communities Portfolio Holder in 2012. The report concluded that the representations did not raise site development issues sufficient to recommend rejection at that stage. However, the site would need to be reconsidered in light of the approach to the Gypsy and Traveller DPD following the draft Localism Bill and new Government Guidance, and also the result of the planning appeal that the site was subject to at that time.
15. Issues regarding travelling Showpeople sites are now being addressed through the Local Plan review, as opposed to a standalone plan.
16. The Government's 'Planning Policy for Travellers Sites' requires that local planning authorities set pitch targets for gypsies and travellers and plot targets for travelling showpeople, which address the likely permanent and transit site accommodation needs of travellers in their area, working in collaboration with neighbouring local planning authorities. It also requires Councils to maintain a five year land supply of sites, in a similar fashion to bricks and mortar dwellings.
17. The Cambridge Sub Region Gypsy and Traveller Accommodation Needs Assessment 2011 identified a low level of need for additional Travelling Showpeople Plots in the District, similar to previous findings of the Showmen's Guild evidence to the East of England Plan. Reflecting this, the Local Plan Issues and Options Report 2012 proposed that target could be 4 plots up to 2016, and an additional 3 to 6 plots to 2031. It noted it was unclear whether this would generate a need for a new site in the plan period, and proposed instead to rely on windfall sites. This could therefore contribute to meeting needs, and assist the demonstration of a suitable land supply, although the scale exceeds the level of local identified need, and could reduce land available to meet future need. Could a phased development be possible?

18. The site remains an option for allocation. However, it is not considered premature to determine the application.
19. The **Environment Agency** has no objection provided that any infrastructure has sufficient residual capacity to accept any additional discharge from the proposal. Anglian Water should be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution or flooding. If there is not capacity in either of the sewers the Agency must be re-consulted with alternative methods of disposal.
20. **Anglian Water** has no objection subject to a condition requiring the submission for approval of a surface water management strategy.

Representations

21. One letter has been received from the occupiers of Plots 15 and 25 The Boulevard expressing the following concerns:
22. The existing road is too narrow. Yards opposite would make it very difficult to enter exiting properties with a vehicle bigger than a transit van. The road needs to be widened.
23. The sewage pumping system is often problematic and would not cope with any extra usage.
24. The play area would be better sited at the far end of the site, as this is where most of the children are, and an area there is already used for football etc.
25. Will a footpath be provided to West Way?
26. The road through the site is in a very poor state. In the conditions of sale the applicant is responsible for the area in front of the plots he still owns and there have been numerous requests made for this to be improved.
27. When plots were purchased one of the factors which appealed was that there were only 11 plots. Whilst it is recognised that there is a need for more showmen's yards throughout the country, but it is not certain that The Boulevard can cope with many more. Permission should first be given above the 11 permitted for those currently living in The Boulevard, and then consider any further increase.
28. The properties still have no postcode.

Applicants Representations

29. The application is accompanied by letters of support from the Norwich and Eastern Counties Section of the Showmen's Guild, and two families looking for yards.
30. The agents submission sets out the need identified for additional plots. It states that there is no intention to occupy any of the other vacant areas of land within the next 3 to 5 years.
31. Site drainage is considered adequate. The existing access road has been used for eight and a half years and has been shown to be suitable.

32. The applicant has requested that some flexibility is allowed for in terms of the timescale for the provision of the new footpath. It is suggested that a period of one year from first occupation of any new yards would be reasonable in order to allow funds to be raised from the sale of the new yards; to allow time for the required legal agreement with Cambridgeshire County Council to be completed; and for contracts for the work to be let following a tendering process.
33. A reciprocal undertaking is sought from the District Council that any new development on Kneesworth Road, granted planning permission within that one year time period, and that has the potential to generate pedestrian or cyclists, should be asked to contribute to the costs of the footway.

Planning Comments

34. 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.
35. 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.
36. The application, as amended by details received 31 July 2013, seeks to increase the permitted number of plots within the permitted site from 11 to 21. Of this increase only 4 of the proposed plots (Plots 1, 12, 13 and 14) will be on areas of land within the site which are not currently used for showpersons plots. The other 6 plots are the result of a regularisation of existing plot subdivision within the site, or to recognise the claims of occupiers that areas within the site which are currently occupied as larger single plots, were purchased as more than one plot.

Principle of development

37. The application is submitted as a variation of condition application under Section 73, and therefore complies with the advice given by the Planning Inspector in that respect.
38. The site is in the countryside, but the use of the land as a site for showpeople is established. The provision of a footpath from the site to link with the existing footpath, which currently ends at West Way to the north east, will give allow greater potential for pedestrian access to the village and improve the sustainability of the site.
39. The Proposed Submission Draft Local Plan 2013 submission recognises the need to increase provision of plots for showpeople in South Cambridgeshire. Policy H/19 suggests that provision should be made for at least 4 plots for travelling showpeople between 2011 and 2016. Although that plan is at the draft stage no objections have been raised to that particular provision of Policy H/19, and officers are therefore of the view that Members can give weight to this policy in the determination of the application.
40. This application proposes 10 additional plots, above the 11 previously approved, however only 4 of these plots represent new plots that are not currently in use.
41. The submitted plan shows a range of plot sizes within the site as some showpeople will require smaller sites than others depending on the particular size of the equipment with which they work.

42. Although the Draft Local Plan does not specify sites for showpeople, officers are of the view that if this site is considered suitable for additional plots, in terms of location, visual impact, environmental impact and highway safety, then it should be considered as way of meeting the identified need, rather than the use of a greenfield site.
43. Any application for further plots at the front of the site in the future will need to be considered on its merits at the time, however the applicant has indicated that this is unlikely to happen in the next 3-5 years.

Character of the area

44. 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. An area of open space is to be provided within the site for use by the occupiers of the plots.

Residential amenity

45. Although the proposed increase in plots will result in additional subdivision of the site, and an intensification of use, officers are of the view that any impact on existing residential amenity is acceptable.
46. The Environmental Health Officer has indicated that the model standard package produced by the Showmen's Guild of Great Britain for such sites should be used.
47. Policy H/22 of the Draft Local Plan supports the provision of play space on sites for 10 or more pitches, and the size of area proposed is appropriate for the proposed development. Officers have however advised the applicant that the open space should be set further back in the site, in order to be better integrated within the development, as required by the Open Space and New Developments SPD. The applicant is of the view that the site will be sufficiently supervised in the location proposed at the front of the site. At the present time however there will be no approved or occupied plots between it and Kneesworth Road, and officers maintain the view that it should be relocated to a position where one of the new plots is proposed. That plot could then be brought to the front of the site.
48. In this case officers do not consider that an agreement to hand over the open space to the Parish Council would be appropriate, as the use of the space will be for the benefit of occupiers of the site only, however details for the provision and maintenance of the area will need to be agreed.

Highway safety

49. The applicant has been in discussions with the Local Highway Authority regarding the provision of a footpath link from the site, along the north side of Kneesworth Road, to link with the existing footpath at West Way, and has agreed to this provision in principle. As the land required for the footpath is within the public highway it can be secured by condition.
50. The applicants request that the condition be worded to allow for the provision of the footpath within one year of the occupation of the new plots in order to allow for funds

to be raised and necessary agreements with the County Council to be obtained. The condition suggested below allows for a timetable to be agreed, but officers are of the view this should not be later than one year from occupation of the first 'new' plot.

51. The letter of representation suggests that the existing internal road should be widened so that access to existing plots is not compromised. At the present time there are yards opposite one another along the roadway and officers do not consider that the relationship of plots now proposed differs to such an extent as to require an increase in width of the roadway. The roadway is not adopted and its state of repair is a matter to be resolved with those responsible for its upkeep.

Drainage

52. Anglian Water has not objected to the application. The applicant's agent states that the existing system has capacity to cope with the increase in plots proposed.
53. A condition can be imposed ensuring appropriate surface water drainage.

Recommendation

54. Delegated approval subject to the proposed area of open space being relocated further within the site:

Conditions

- a) Time limit – 3 years
- b) Approved plan
- c) Landscaping
- d) Implementation of landscaping
- e) Surface water drainage
- f) Provision of footpath – timetable to be agreed but within one year of first occupation of either Plots 1, 12, 13 or 14 on the approved plan
- g) Open space
- h) No more than 21 plots and no more than 3 caravans on each plot
- i) No storage over 4.5m high (as existing consent)
- j) Occupation by Members of Showmen's Guild of Great Britain only

Background Papers

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Development Control Policies DPD 2007
- South Cambridgeshire Local Plan Proposed Submission July 2013
- South Cambridgeshire Supplementary Planning Documents
- National Planning Policy Framework 2012
- Planning File References: S/2607/12/FL and S/0177/03/F.

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