

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th August 2009

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

**S/0177/03/F - MELDRETH
Increase in the Number of Plots from 11 to 17 (Condition 9)
Biddalls Boulevard, Kneesworth Road for Mr J Biddall**

Recommendation: Delegated Approval

Date for Determination: 27th February 2009

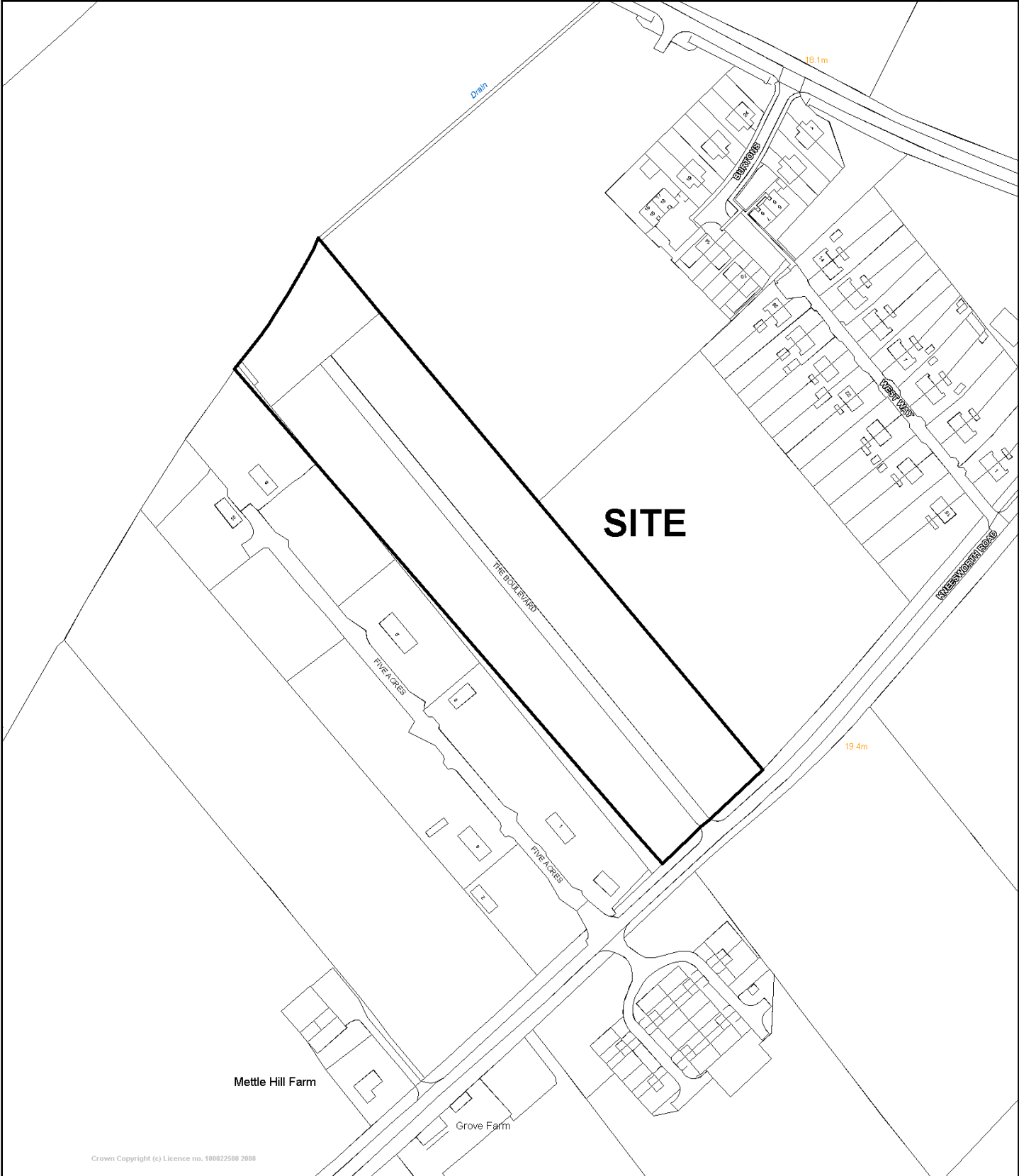
Notes:

This Application has been reported to the Planning Committee for determination because the recommendation of officers is contrary to the recommendation of refusal received from Meldreth Parish Council.

Members will visit this site on Wednesday 5th August.

Site and Proposal

1. Members may recall deferring this application for a site visit at the June meeting (Item 9). Members asked that officers explored the possibility of providing a footpath link from the site along Kneesworth Road to link to the existing footpath which currently stops at West Way.
2. 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.
3. 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.
4. The submission, as amended by details received on 7th May 2009 seeks, under condition 9 of the planning consent, to increase the number of plots on the site from the permitted 11 to 17. The submitted plan identifies a 480m² area of land within the site which is to be provided as open space. At the front of the site two areas are identified for possible medium to long term use by the applicant and his immediate family. An earlier submission had proposed an increase in the number of plots to 16.
5. At the June meeting officers explained to Members that following advice from the Legal Officer the applicant had been advised that as the proposed increase in the number of plots was retrospective, the submission could not be considered in its current form as the condition of the original planning consent required that the prior approval of the Local Planning Authority should be given for any increase in the number of plots.



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JUNE 2009 PLANNING COMMITTEE

6. Following further discussions with the applicant, his agent, the Legal Officer and a further visit to the site by officers it has been accepted that, although the site has been sold off in more than 11 individual plots, the site is not currently physically subdivided into more than the 11 plots allowed by the original consent and there is no breach of Condition 9 as the Planning Authority can consider physical land use matters only.
7. The applicant has therefore been advised that the submission can continue to be considered in its current form.

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 written approval to any increase in these numbers.

Planning Policy

9. **South Cambridgeshire Local Development Framework (LDF) Development Control Policies 2007:**
DP/1 (Sustainable Development)
DP/3 (Development Criteria)
DP/7 (Development Frameworks)
10. **Gypsy and Traveller DPD Issues and Options 2** was published for consultation on 10th 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.

11. **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

12. **Meldreth Parish Council** recommends refusal. It states that “it does not feel that it can approve the proposal of increasing the plots, to any more than the original figure of 13. The revised map shows that subdividing of plots has already taken place and that the actual number of plots/pitches now stands at 16 and not the original 11, as first thought. The Parish Council stands by its original letter dated 9 January 2009 whereby it states that 13 plots/pitches should be the final amount. The reasons being that the site would become overcrowded, and the matter of landscaping is still a concern. The Parish Council would like to see landscaping with native species trees and appropriate hedging thus making the site more presentable and to include some open spaces.”

The Parish Council has reiterated its objection to the revised drawings.

13. **Cambridgeshire County Council**, as Education Authority, advises that adequate capacity exists at both Meldreth Primary School and Melbourn Village College to cater for any demand arising from the proposed increase in the number of plots.
14. The **Local Highways Authority** comments that the provision of a new footway link would be desirable, and possibly should have been asked for under the first application, when the majority of the new development was being undertaken. It suspects that it will be difficult and onerous to insist that the extra units now proposed should bear the costs of the implementation. It is estimated that the cost would be in the region of £38,000, assuming that there are no public utility services within the verge that need to be adjusted, which is a cost which the applicant would need to bear.
15. The **Corporate Manager (Health and Environmental Services)** comments that the historical maps show that a mineral railway/tramway passed through or adjacent to the site. This railway ran from the Eternit Factory site to the north of the proposed site, running south then turning east towards the main railway station at Meldreth. The Eternit site produced cement sheeting and it is known that historically waste products from this factory were used as hardcore on tracks and farms across the district. As part of investigations under Environmental Protection Act 1990 into the use of asbestos containing material on tracks and farmyards, the adjacent farm, Mettle Hill Farm, has been investigated and asbestos material found.
16. As a former railway line, it is included on the Health Environmental Services database as a potential contaminated land risk due to the fact that the line of the former railway may be filled with unknown material. In this case, the nature of the material that this railway is likely to have transported may pose a further risk in the form of cargo spillages etc, and should be taken into consideration. There is the potential risk that asbestos material may be present across the whole site.
17. Due to the historical uses, contaminated land is a material consideration that will require investigation and remediation as necessary so that land is suitable for use in accordance with PPS23 – Planning and Pollution and associated British Standards/guidance.

Representations

18. In response to the original request to increase the number of plots from 11 to 13 several letters were received from the occupiers of existing plots on the site expressing concern that the submitted drawing did not accurately show the existing number of individual plots within the site, as sold to various parties.
19. In respect of the revised plan for 16 plots one letter was received suggesting that an area of open space and a communal turning area be provided.
20. At the June meeting it was reported that two letters had been received from occupiers of 24 Fenny Lane, to the east of Kneesworth Road objecting to the proposed increase in the number of plots.
21. The letters stated that a succession of permissions have been granted over the past few years which has led to the growth of what is fast becoming a satellite village on Mettle Hill. The problem with a series of incremental additions is that the overall impact of the whole development is not sufficiently appreciated by the planning authority whereas it is all too apparent to those who live in the locality and who consider that both the centre of gravity of the village and its social cohesion are being undermined.
22. The letters state that the latter has been demonstrated by the growing incidence of vandalism generally and trespass on the objectors property and elsewhere which has been perpetrated by children of school age – but who only intermittently attend school – and who arrived with the last wave of people permitted to take up residence on this site.
23. The core of the show community who live on Mettle Hill have made genuine and successful efforts to integrate with the village and it is understood that many of them are against the current application.
24. The letters state that it is for the planning authority to take a step back and to look at the overall impact that previous development has already had and to be able to justify that any new permission on the margin of the village by reference to some long-term strategy for the village as a whole not least since development in the village generally is normally so tightly controlled.
25. Cllr Dr Susan van de Ven comments that ‘there is a concern among some existing residents of The Boulevard about overcrowding on the overall site through the re-parcelling into smaller, more numerous plots than originally conceived for this site, as now proposed by the applicant.
26. I share this concern and hope that residents’ views will be taken into account by the Planning Committee. The same concern has been expressed by the Parish Council.
27. Residents of The Boulevard who have contacted me have also indicated that the required landscaping of the site has not been properly implemented by the applicant. I note that the Parish Council also raises landscaping concerns.
28. I support the consensus of opinion locally, expressed by residents of The Boulevard and the Parish Council.’

Applicants' Representations

29. In a letter dated 6th May 2009 the applicants agent states that the submitted plan shows what the applicant envisages as the number of showman's plots that will be developed on the site looking ahead 5 to 10 years. The areas marked A and B are owned by the applicant and members of his immediate family and these will not be needed as showmen's yards over the next five years, or possibly for as long as 10 years ahead. The applicant appreciates that, in the event that a further planning application is made for development of showmen's yards on parcels A and B, this will need to be considered on its merits having regard to circumstance at that time.
30. A landscaping scheme has already been approved and implemented. The north east boundary that faces the nearest houses in Meldreth has a substantial screen of hedgerow and hedgerow trees along it. It is intended that this screen will remain permanently. The screen was reinforced by additional planting when the site was first occupied for showmen's quarters. This new planting consists predominantly of hawthorn and field maple. Not all the new planting has taken and it is proposed that where plants have died these will be replaced.
31. Where the hedgerow is thin within parcel B, then it is proposed that further planting with indigenous trees and hedgerows should occur as shown on the submitted plan. It is also proposed that the planting in the north east corner on the Kneesworth Road frontage of the site should be reinforced and any plants that have died will be replaced. All new planting will be in accordance with a planting schedule that will be submitted shortly.
32. As the site is intended for permanent residential occupation, a play area for children of showmen resident on the site has been provided and this is shown on the submitted drawing. This area will be kept permanently available for that use by site residents.
33. Following last months meeting further comments have been received in respect of various points raised.
34. With regard to the suggestion for a provision of a footpath from the site along Kneesworth Road to West Way, it is not considered that the Council can justifiably request such a footway because such a footway was not referred to as being necessary on pedestrian safety grounds when planning permission for either Mr Biddalls site or the adjoining showmans site were granted. In addition no justification for the footpath has been advanced by the Council, and it would require for Mr Biddall to be asked to pay the full £38000 for the footpath when other showmen who were owners/occupiers of yards on the two sites made no contribution.
35. Consideration has been given to the officer's suggestion that a communal turning area is provided within the site but the need for one is not apparent because it was not a requirement of the original planning permission and the site as a whole has a wide central spine road that allows the largest vehicles to access individual yards and turn within the site without any impact on users or safety of the adjoining public highway.

Planning Comments – Key Issues

36. The key issues for members to consider with this application are whether the proposed increase in the number of plots within the site will materially change the impact of the existing site on the surrounding countryside and the need for additional

showpersons plots. Members will also need to consider whether the request is premature having regard to the recently published consultation on the Gypsy and Traveller DPD.

37. 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.”

38. 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. In my opinion the proposal 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 document is at the start of the consultation process and that even at this stage it is potentially supporting an additional 6 plots on this site.

39. In addition I am mindful that this is not an application for planning permission and that this is an existing site which benefits from planning permission and the proposal is looking at agreeing an increase in the number of plots within the approved site, under a condition of that consent. The Appeal Inspector considered it appropriate to allow for the possibility that the Local Planning Authority could give written consent to an increase in plots without, in principle, the need for planning permission or even consultation (notwithstanding that consultation has nevertheless taken place on this proposal). This further adds to my assertion that the proposal is not so significant as to be premature.

40. There are currently 11 plots set out within the site but vacant areas of land remain within the site. A layout plan for the site was not approved previously as required by condition. Officers are aware that although some of the plots are set out and occupied as one at the present time they have been sold off as more than one plot.

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. 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.

43. Officers have encouraged the submission of a comprehensive plan for the future uses of the site, hence the current proposal for 17 plots. Any future submission for the use of the areas marked A and B on the submitted plan would have to be considered on its merits at that time.
44. Biddalls Boulevard is one of two adjacent sites for showpersons which, along with the Local Authority development at West Way and the recently completed affordable housing site off Whaddon Road, form a group of developments outside the main village of Meldreth. I note the concerns expressed by the residents of Fenny Lane about the further growth of this area, however I am of the view that as the current proposal is contained within the existing site, where scope exists for further development, that this proposal should be considered on its merits.
45. I note the comments received in respect of vandalism and trespass however this is not an issue which Members can take into consideration in the determination of this proposal.
46. Cambridgeshire County Council as Education Authority has confirmed that adequate capacity exists for education provision.
47. The Local Highway Authority has accepted that the provision of a footpath along Kneesworth Road to link to the existing footpath at West Way would be desirable it recognises that it might be unreasonable to expect payment for its provision to be secured through the proposal to increase the number of plots, when there was no such requirement attached to the original consents for this and the adjoining site. The applicants' agent also holds this view and it is my opinion that the provision of a footpath, which would certainly be desirable to allow for a safer pedestrian route from the site into Meldreth, could only be secured if an agreement were forthcoming from the owner/occupiers of both sites to jointly fund the works.

I have passed on the comments of the Corporate Manager (Health and Environmental Services concerning the need for investigation into possible contamination to the applicants agent and will report any response at the meeting.

Recommendation

48. Subject to the resolution of any need to carry out investigative works for contamination, and an agreement to secure the open space in perpetuity for that purpose and the additional planting suggested, that the proposed increase in the number of plots from 11 to 17 is agreed.

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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