

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

**REPORT TO:** Development Control and  
Conservation Committee

**AUTHOR/S:** Development Services Director

1<sup>st</sup> December 2004

### **Cambourne: Hodgkinson's Land (Residential Development) and Trailer Compound Sites**

#### **Purpose**

1. To alert Members to the problems in achieving the trailer compound, and to recommend action to encourage the developers to provide it.

#### **Effect on Corporate Objectives**

2. Quality, Accessible Services	N/A
Village Life	The trailer compound is important to the village life of Cambourne residents, who presently have to store their caravans, etc at sites elsewhere in the district.
Sustainability	This facility is necessary to avoid the need for residents to travel elsewhere to store or collect their caravans.
Partnership	N/A

#### **Background**

3. The Cambourne S106 Agreement requires the developers to provide a trailer compound at Cambourne for residents to store their touring caravans, trailers, horse-boxes, etc. It was meant to be provided at 300 houses occupied, and Members will recall regular updates on this and the other community facilities. The developers have negotiated with a Mr Hodgkinson, owner of a large piece of land within Cambourne that was not sold to the developers, to provide the trailer compound on part of his land. Additionally, because of changes in the layout of the residential parts of Cambourne, the land became immediately adjacent to a residential development area instead of isolated, so the residential development of part of Hodgkinson's land was considered acceptable as a windfall site (subject to social housing provision and education contributions).
4. Planning permission has already been granted for the trailer compound on 18th June 2003. It contains 14 conditions, 7 of which require submission to be made for approval prior to commencement on site. No attempt has been made to submit the required information in these 17 months. Planning permission will soon be able to be granted for the Hodgkinson's Land residential site, as the S106 agreement for social housing and education contributions has been signed, but has not yet been legally "completed".

#### **Considerations**

5. The Council needs a commitment that the trailer compound will be provided in accordance with the requirements of the S106 agreement. As the site is outside the land covered by the original planning permission and S106 (because it was not

owned by the developers) it cannot be used to enforce the correct operation of the trailer compound, leaving it open to being unattractive, uneconomical, uncompetitive, unsafe, insecure, and able to be closed down at any time without any requirement to reopen elsewhere. Therefore, the Council needs the following

1. Submissions to comply with ALL the planning conditions, including a wider interpretation of condition 7 (management regime), so that the management regime includes what will happen if the use ceases, that only Cambourne residents can use it (as Unit End Users - see S106 page 47), maintenance regime, management of access, lighting, security, etc.
  2. Some kind of enforceable commitment, including timescale, to construct the site (in accordance with the submissions under the conditions that are eventually approved), and make it available for use by residents.
  3. Secured future management.
6. In a recent email, the developers' Project Director made the following comment:

*"Mr. Taylor acknowledges the great efforts the Developers have made in keeping to their promises and 'rectifying (?) the infrastructure defaults across the board!' but will report to members of the Development and Conservation Control committee his concern about the delivery of the Trailer Park. He doesn't appear to understand that from a contractual standpoint (which is not reversible) that without the planning consent on Hodgkinson's land, the Trailer Park cannot be provided. Therefore his illegal action to withhold the consent stops us from providing the Trailer Park. The problem is of his making."*

In fact the problem is of the developers' making, by creating a contract that ties the trailer compound to a residential permission.

### **Options**

1. Hodgkinson's land (residential) permission should not be issued until the matters detailed as points 1-3 in paragraph 5 above have been agreed to the satisfaction of the Council, effectively a mini-embargo just on the Hodgkinson Land application, rather than all application as Members have previously used. It is not considered necessary to restrict all applications, as these two are so closely linked, and the developers have indicated a willingness to provide the trailer compound.
2. Refer the matter to Arbitration, as allowed for in the Cambourne S106 Agreement. Hopefully this will not be necessary, but remains available as a fall-back position.

### **Financial Implications**

7. None for Option 1, Option 2 would require some fees to the Arbitrator.

### **Legal Implications**

8. The developers' Project Director implies that it is illegal to withhold a planning decision. It is not. The developers may appeal against non-determination at any time.

### **Staffing Implications**

9. Officer time.

### **Risk Management Implications**

10. None.

### **Consultations**

11. None.

### **Conclusions/Summary**

12. It is unfortunate that the developers have put themselves into a situation where they cannot guarantee delivery of this community facility, and where the Council has fewer powers under the Section 106 Agreement as a result of land ownership. It may well be the case that the provision of the trailer compound may be delayed if planning permission is upheld, or even refused, but it is considered important to obtain robust provision of this facility for the future.

### **Recommendation**

13. Option A, not to grant permission for Hodgkinson's Land residential application until the matters required to secure the provision and operation of the trailer compound have been agreed.

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

Cambourne Section 106 Agreement,  
Planning application S/6184/03/F (Hodgkinson's Land),  
Planning permission S/6187/03/F (trailer compound).

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