

A meeting of the **DEVELOPMENT CONTROL PANEL** will be held in the **BURGESS HALL, ST IVO LEISURE CENTRE, WESTWOOD ROAD, ST IVES** on **MONDAY, 20 APRIL 2009** at **7:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 16th March 2009.

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 below.

3. ENFORCEMENT ACTION - REPORT ON ENFORCEMENT ACTION TAKEN AT LAND SOUTH OF CARAVAN SITE, NEEDINGWORTH ROAD, BLUNTISHAM (Pages 7 - 10)

To consider a report by the Development Control Manager.

4. DEVELOPMENT CONTROL (Pages 11 - 132)

4.1 Other Applications

- | | | |
|-----|---------------|---|
| (a) | Little Paxton | Erection of four flood light columns and floodlights informal open space north east of 46 High Street. |
| (b) | Somersham | Permanent change of use of agricultural land to a travellers site with 6 pitches including new vehicular access roadway and hardstanding, land north of The Paddock, Chatteris Road. |
| (c) | Somersham | Permanent change of use of agricultural land to a travellers site for 2 pitches including new vehicular access, associated roadway and hardstanding, land north of The Paddock, Chatteris Road. |

- (d) Bythorn & Keyston Change of use of land to traveller site with the stationing of a mobile home and travellers caravans for a traveller family, land south east of Old Toll Bar House, Toll Bar Lane, Keyston.

To consider reports by the Development Control Manager.

4.2 Applications requiring reference to Development Control Panel

- (a) Houghton & Wyton Construction of sand arena land north west of New Manor Farm, Sawtry Way, Wyton.
- (b) Houghton & Wyton Change of use and alterations to buildings 1 and 5 and demolition and replacement of buildings 2, 3 and 4 for B1, B2 and B8 use, Houghton Hill Farm, Houghton Hill, Houghton.
- (c) Huntingdon Extension and alterations and use of part of existing premises as a children's crèche, 138 High Street.
- (d) St Ives Approval of reserved matters in respect of the erection of 128 dwellings, part of St Ives Golf Course and The How, Houghton Road.
- (e) Tilbrook Continued use of woodshavings line with existing running hours, Sundown Straw Products, Station Road.
- (f) Bluntisham Erection of dwelling and stables, land rear of Prince of Wales, Rectory Road.

To consider reports by the Development Control Manager.

5. APPEAL DECISIONS (Pages 133 - 138)

To consider a report by the Development Control Manager.

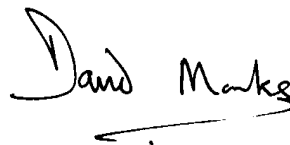
6. DEVELOPMENT CONTROL PROGRESS REPORT: 1ST OCTOBER - 31ST DECEMBER 2008 (Pages 139 - 142)

To consider a report by the Development Control Manager.

7. LATE REPRESENTATIONS AND INFORMATION (Pages 143 - 156)

To be viewed on the District Council's website – www.huntsdc.gov.uk on Friday, 17th April 2009.

Dated this 8th day of April 2009



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No. 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Panel. However, if you wish to speak at the Panel's meeting regarding a particular Agenda Item please contact Jackie Holland, Tel No. 01480 388418 before 4.30 pm on the Friday preceding this meeting.

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

If you would like a translation of
Agenda/Minutes/Reports or would like a
large text version or an audio version
please contact the Democratic Services Manager and
we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the DEVELOPMENT CONTROL PANEL held in the VILLAGE HALL, OWLS END, GREAT STUKELEY, HUNTINGDON, CAMBS, PE28 4AQ on Monday, 16 March 2009.

PRESENT: Councillor P G Mitchell – Chairman.

Councillors J D Ablewhite, Mrs M Banerjee,
Mrs B E Boddington, P L E Bucknell,
E R Butler, W T Clough, J J Dutton,
C J Stephens, G S E Thorpe, R G Tuplin,
P K Ursell, P R Ward and R J West.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors P A Swales and Ms M J Thomas.

IN ATTENDANCE: Councillor R Powell

66. MINUTES

The Minutes of the meeting of the Panel held on 23rd February 2009 were approved as a correct record and signed by the Chairman.

67. MEMBERS' INTERESTS

Councillor P L E Bucknell declared a personal interest in Minute No. 68 (a) by virtue of an association with the applicant.

Councillor C J Stephens declared a personal and prejudicial interest in Minute No. 68 (c) by virtue of his family relationship with the applicant and left the hall during discussion and voting on the application.

Councillor J J Dutton declared a personal interest in Minute No. 68 (e) and (f) by virtue of his membership of Godmanchester Town Council.

68. DEVELOPMENT CONTROL

The Development Control Manager submitted reports (copies of which are appended in the Minute Book) on applications for development to be determined by the Panel and advised Members of further representations (details of which also are appended in the Minute Book) which had been received in connection therewith since the reports had been prepared. Whereupon, it was

RESOLVED

- (a) **Removal of Condition 9 of Reserved Matters Approval 07/02174/REM to allow floodlighting, land at Giffords Farm, Needingworth Road, St. Ives - 08/03318/S73**

(See Minute No. 67 for Members' interests).

(Mr A Campbell, agent, addressed the Panel on the application).

that the application be approved subject to the conditions to be determined by the Head of Planning Services to include those listed in paragraph 8 of the report now submitted.

- (b) **Conversion of former stables to holiday homes, Crystal Lake Touring Park, Low Road, Fenstanton - 08/03455/FUL**

that, as the application had been withdrawn, no further consideration be given to the proposal.

- (c) **Extension to dwelling, 10 Madeley Court, Hemingford Grey - 08/03546/FUL**

(See Minute No. 67 for Members interests).

that the application be approved subject to conditions to be determined by the Head of Planning Services to include those listed in paragraph 8 of the report now submitted.

- (d) **Erection of agricultural building to house free range hens, Rectory Farm, Wistow Road, Broughton - 09/00055/FUL**

(Councillor A Towler, Broughton Parish Council and Mr I Pick, agent, addressed the Panel on the application).

- ◆ that the Head of Planning Services be authorised to determine the application by the 20th April either by: approving it subject to conditions to include those listed if the archaeological investigations have been satisfactorily completed and the County Council has withdrawn its request for a pre determination archaeological investigation; or by refusing it for the reason set out in the report now submitted if the archaeological investigations have not been satisfactorily completed or the County Council has not withdrawn its request for a predetermination archaeological investigation;
- ◆ should the application be approved the conditions should include 02003 time limit, 05001 materials, 06011 approval of landscaping, 06017 maintenance of landscaping, 06003 replacement of planting, 04003 surface water drainage and one non-standard condition relating to a restriction on the use of the agricultural building for free range hens.

- (e) **Use of land for domestic purposes and erection of tennis court, 5 Offord Road, Godmanchester - 08/03447/FUL**

(Mr S Embley, applicant, addressed the Panel on the application).

that the application be approved subject to conditions to be determined by the Head of Planning Services to include a requirement for additional landscaping, the removal of permitted development rights and to prohibit lighting of the tennis courts and commercial use of the facility.

(f) Alterations and extension to form a new dwelling, 28 Kisby Avenue, Godmanchester - 09/00058/FUL

(Mr A Campbell, agent, addressed the Panel on the application).

that the application be refused for the following reason -

the proposed new dwelling and associated cycle bin stores, by virtue of their siting, design and layout would result in a visually cluttered appearance that will be dominant in the street scene and out of keeping with the scale and form of buildings in the locality. This over-development of the site will be detrimental to the character and appearance of the area. The proposal is therefore contrary to Planning Policy Statement Nos. 1 and 3, policies ENV7 of the East of England Plan, 2008, En25 of the Huntingdonshire Local Plan, 1995, B1 and B2 of the Huntingdonshire Interim Planning Policy Statement, 2007 and the Huntingdonshire Design Guide, 2007.

(g) Change of use of existing food preparation premises to A5 (food takeaway) use, 20 Halcyon Court, Huntingdon - 08/03572/FUL

that the application be refused for the following reason -

the proposed change of use of the industrial unit would result in the loss of an existing unit in an established industrial estate without justification. It is necessary to ensure that an adequate range of sites/premises are available to accommodate the full range of sectoral requirements to achieve indicative job growth targets. The loss of this unit would undermine this aim and would be contrary to policy E2 of the East of England Regional Spatial Strategy 2008 and policy E3 of the Huntingdonshire Interim Planning Policy Statement, 2007.

(h) Land south-west of the Orchard, Lodesend Drove, Ramsey Mereside - 08/03031/FUL

(Councillor M Cusak, Ramsey Town Council and Mr B Barcas, applicant, addressed the Panel on the application).

that the application be approved subject to conditions to be determined by the Head of Planning Services to include materials, landscaping and the removal of permitted development rights.

- (i) **Re-design of playground area, install new buggy store and changes to external fence, Unit 3, Stocking Fen Road, Ramsey - 09/00078/FUL**

that the application be approved subject to conditions to be determined by the Head of Planning Services to include 02003 time limit (three years) and one non-standard condition relating to revised proposals with landscaping.

- (j) **Alterations to elevation, 17 Bridge Street, St. Ives - 08/03575/FUL**

that, as the application had been withdrawn at the request of the applicant, no further consideration be given to the proposal.

- (k) **Demolition of existing buildings and erection of four dwellings, Grooms Cottage, Coppingford Road, Sawtry - 08/03534/FUL**

that, as the application had been withdrawn at the request of the applicant, no further consideration be given to the proposal.

- (l) **Demolition of office building and erection of eight dwellings with refuse and cycle store and parking, Grooms Cottage, Coppingford, Sawtry - 08/03579/FUL**

that, as the application had been withdrawn at the request of the applicant, no further consideration be given to the proposal.

69. APPEAL DECISIONS

The Panel received and noted a report by the Development Control Manager (a copy of which is appended in the Minute Book) in respect of five appeals against refusal of planning permission by the District Council.

In response to a question from a Member, the Panel was advised that the District Council had not been required to meet any costs arising from the decision to allow the appeal at North Farm, Potton Road, Abbotsley.

70. S106 AGREEMENT ADVISORY GROUP

Following the resignation from the Advisory Group of Councillor A N Gilbert, it was

RESOLVED

that Councillor J S Watt be appointed to the vacancy in the membership of the Section 106 Agreement Advisory Group.

71. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraphs one and six of Schedule 12A to the Local Government Act 1972 (as amended) relating to individuals and action which the Authority proposes to take under an enactment.

(Under Section 100 (b) 3 and (4) of the Local Government Act 1972 (as amended by the Local Government (Access to Information) Act, 1985), the Chairman agreed to admit to the agenda an additional item of business relating to unauthorised development at a site in Ramsey Heights being satisfied that the item should be considered as a matter of urgency because of the possible need to seek injunction proceedings).

72. CHANGE OF USE TO GYPSY SITE WITHOUT PLANNING PERMISSION, LAND 800 METRES EAST OF WOODWALTON NATURE RESERVE AND SOUTH OF HARPERS DROVE, RAMSEY HEIGHTS, HUNTINGDON - 09/00038/ENCARA

A report by the Head of Planning Services was submitted (a copy of which is appended in the Minute Book) regarding the options available to the District Council in managing the unauthorised occupation of a site by gypsy travellers at Harpers Drove, Ramsey Heights.

Following advice from the Head of Legal, Governance and Property and the Development Control Manager, it was

RESOLVED

that the approach outlined in the report now submitted be endorsed, namely the issuing of an enforcement notice to secure the cessation of unauthorised use of land at Harpers Drove, Ramsey Heights, Ramsey and the removal of the caravans and mobile home from the site.

Chairman

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AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

20 APR 09

**ENFORCEMENT ACTION
(Reports by Development Control Manager)**

REPORT TO INFORM PANEL MEMBERS OF ENFORCEMENT ACTION TAKEN AT 'LAND SOUTH OF CARAVAN SITE, NEEDINGWORTH ROAD, BLUNTISHAM' (KNOWN LOCALLY AS BARLEYCROFT) RESULTING IN THE GRANTING OF AN INJUNCTION IN THE HIGH COURTS OF JUSTICE, QUEENS BENCH DIVISION ON THE 3RD MARCH 2009 IN ANTICIPATION OF A BREACH OF PLANNING CONTROL, NAMELY THE CONSTRUCTION AND USE OF AN UNAUTHORISED GYPSY SITE.

Grid Ref: 535860 273282

1. DESCRIPTION OF SITE AND SURROUNDING AREA

- 1.1 The site is a rough grassed agricultural field of approximately 2 hectares. It is accessed off the A1123, Needingworth Road, Bluntisham. It is south of a site where the owner has a Certificate of Lawful Use for a mobile home having been there approximately 30 years. The site subject of the injunction is completely independent of this site and in different ownership.
- 1.2 The track leading to the site is known locally as Barleycroft and leads to Needingworth after crossing the Ouse Valley Way footpath.
- 1.3 The site is approximately half in Zone 3 flood risk and the remainder apart from a very small corner is Zone 2. The junction with the A1123 is surfaced with sand and gravel and the speed limit is unrestricted on the A1123 at 60 mph.

2. DETAILS OF THE ANTICIPATED BREACH

- 2.1 Rumours had been circulating around the Parish of Bluntisham that the land had been purchased by gypsies and that it would be subdivided into 14 plots and that the gypsies would move on over a weekend and live there in caravans.
- 2.2 The land owner (not a gypsy) said that although gypsies had tried to buy it several times over the past years he had not sold it.
- 2.3 On the 25th February 2009 The Enforcement Officer attended the site and found that a water pipe had been laid under the ground and was about 50m short of the highway where it is believed the water supply is. Enquiries locally indicated that the pipe had been laid by travellers/gypsies the previous weekend. The owner claimed he intended to grow trees.
- 2.4 On the 2nd March 2009 the Enforcement Officer inspected the site again and found that additional water pipe had been laid and it was now 10m short of the highway. At the other end (approximately 150m) a stand pipe and tap had been fitted on the east side of the site. On the west side of the site a small

shed had been erected against a power supply pole. The shed contained junction and fuse boxes and appeared ready for connection to the main electricity supply.

- 2.5 It was considered that there was no other explanation than that suspected from the rumours and that the next stage would likely be the laying of hardcore standings and roadways and use of the land as a gypsy/traveller site.

3. SUMMARY OF ISSUES

- 3.1 Based on the information currently available, the site is not considered to be appropriate for a permanent or temporary gypsy/traveller site.
- 3.2 The development is categorised as 'highly vulnerable' in PPS25. The northern part of the site is mostly located within Flood Zone 2 where to be acceptable, the sequential test has to be carried out for this type of development and a Flood Risk Assessment must demonstrate that the development will be safe without increasing flood risk elsewhere. The southern part of the site is within Flood Zone 3 where development of this nature should not be permitted. The site is likely to be at risk of flooding and may cause flooding elsewhere.
- 3.3 There is inadequate visibility at the junction of the access road with the A1123 and there is a record of road traffic accidents in the vicinity. The potential development would therefore unacceptable in terms of highway safety.
- 3.4 In addition, matters such as the access width and the suitability of the site in terms of transport mode and distance from services would also have to be carefully considered in determining whether the site is appropriate as a gypsy/traveller site.

4. ACTION TAKEN

- 4.1 The Head of Legal and Estates sought a preventative injunction through the High Court following consultation with the Development Control Manager and the Vice Chair in accordance with the Scheme of Delegation. In accordance with the Scheme of Delegation, consultation with both the Chairman and Vice-Chairman was attempted.
- 4.2 On the 3rd March 2009 Counsel for Huntingdonshire District Council sought an injunction at the High Court before the Honourable Mrs. Justice Cox pursuant to section 187B of the Town and Country Planning Act 1990 to prevent an apprehended breach of planning control.
- 4.3 The injunction order was granted and forbids the defendants from:
- 1) Using the land for residential development including the occupation of caravans and mobile homes for residential purposes, storage of vehicles, caravan and residential paraphernalia.
 - 2) From undertaking any development on the land as defined in section 55 of the Town and Country Planning Act 1990 without the express grant of planning including the laying of hardcore and creation of hard standing and/or access roads.

- 4.4 A breach of the order is a contempt of court and anyone found guilty may be fined or imprisoned.
- 4.5 The same day the Enforcement Officer personally served the order on the owner and fixed notices on the site as instructed by the order.
- 4.6 No further development has taken place on site.
- 4.7 This report has been prepared in accordance with the Scheme of Delegation which, as of December 2008, requires an information report to be submitted to this Panel after an injunction has been sought.

5. RECOMMENDATION

- 5.1 Members are invited to note the contents of this report.

Background Papers

Enforcement file reference 0900041ENENG

Contact Officer – Enquiries about this report to Richard Siwicki – Planning Enforcement Officer Tel. 01480 388461.

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AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

20 APR 09

OTHER APPLICATIONS
(Reports by Development Control Manager)

Case No: 0803557FUL (FULL PLANNING APPLICATION)

Proposal: ERECTION OF FOUR FLOODLIGHT COLUMNS AND FLOODLIGHTS

Location: INFORMAL OPEN SPACE NORTH EAST OF 46 HIGH STREET

Applicant: LITTLE PAXTON PARISH COUNCIL

Grid Ref: 518957 262985

Date of Registration: 13.01.2009

Parish: LITTLE PAXTON

RECOMMENDATION - APPROVAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This site is located on the northern edge of the village, and is a playing field on which stands a basket ball area and two shelters, one open sided and the other open facing the field. The field has a marked out football pitch and a public footpath runs across the field. The village hall lies on the south western corner of the site and the doctor's surgery lies further south adjacent to a formal playground area. Vehicles access the site via a lit roadway from the High Street, and pedestrian access is available from The Rookery. The site is generally devoid of natural features, although there are some trees at the edge of the site. Residential boundary fencing mainly encloses the area on the western and eastern boundaries; the site opens out into open countryside to the north.
- 1.2 The application seeks the erection of four 6.7 metres high columns and floodlights to be positioned at the southern end of the playing field close to the existing formal play area, Village Hall and Doctors Surgery. The information submitted with the proposal confirms the lighting will be used to light the new multi surface play area in the winter months only and will be switched off at 9pm, with the exception of one night per week when a 10pm switch off will be required. The lighting will be operated on a timer basis.
- 1.3 The multi use games area and fencing are considered to be permitted development under Schedule 2, Part 12 - Development by Local Planning Authorities of The Town and Country Planning (General Permitted Development) Order 1995.
- 1.4 The site is within the village limits of Little Paxton Village for the purposes of the Huntingdonshire Local Plan 1995 (part two), but noted as being outside the built framework of the village in the Local

Development Framework Proposals Map and outside the built-up area as defined in the Submission Core Strategy 2008.

- 1.5 The applicant for this proposal is Little Paxton Parish Council. As a number of objections have been received in relation to the proposed columns and flood lights, the application is being put before Members.

2. NATIONAL GUIDANCE

2.1 PPS1 – Delivering Sustainable Development

- 2.2 **PPS7 - Sustainable Development in Rural Areas (2004)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

2.3 PPS9 – Biodiversity and Ecological Conservation

- 2.4 **PPG17 – Open Space, Sport and Recreation (2002)** – considers matters relating to the provision of recreational facilities in towns and the countryside.

- 2.5 **PPS23 - Planning and Pollution Control (2004)** is intended to complement the new pollution control framework under the Pollution Prevention and Control Act 1999 and the PPC Regulations 2000.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

- 3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents
- **ENV7** - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.
- 3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.
- None relating to this proposal

3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **R1:** Recreation and Leisure Provision – the District Council will directly promote district wide recreation and leisure projects and generally support leisure and recreation facilities commensurate with population levels, housing developments and identified need.
- **R2 -** Recreation and Leisure Provision – applications for recreational facilities will be considered on their merits bearing in mind: advice from sporting recreation authorities on the need for further provision; the effect on residential amenity; the effect on landscape, visual amenity, nature conservation and archaeological interest; access, parking and traffic generation; the siting, design and materials of any building and structures.

3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

- None relating to this proposal

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **B1 –** Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B2 –** Street scene – development proposals should make a positive contribution to the character and appearance of streets and public spaces.
- **B3 –** Accessibility, Adaptability and Security – the location and design of new development should enable ease of access, have convenient and appropriate facilities and minimise the extent to which users feel at risk of crime.
- **B4 –** Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- **P8 –** Development in the Countryside – Outside the defined limits of the key centres development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.

3.6 Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008 are relevant and viewable at

<http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1** - Sustainable development in Huntingdonshire – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

4. PLANNING HISTORY

4.1 No Planning history as been recorded for this site

5. CONSULTATIONS

5.1 **Police Architectural Liaison Officer** – Supports the application

5.2 **HDC Lighting Engineer – NO OBJECTION**

5.3 **Sport England – NO OBJECTION**

5.4 **Wildlife trust – NO OBJECTION**, but suggest consultation with Cambridgeshire Bats Society

5.5 **Cambridgeshire Bats society** – any response will be reported to members

5.6 **Cambridgeshire Footpaths Officer – NO OBJECTION**, however the footpath should not be obstructed at any time

6. REPRESENTATIONS

6.1 Eight letters of objection have been received. The concerns are:

- * Value of property
- * Anti social behaviour - additional noise and disturbance from an already noisy area
- * Out of keeping with rural area
- * Free floodlit area will attract others into the area
- * Need for unauthorised night time play area
- * Environmentally unfriendly/ energy consumption
- * Times of flood light area
- * MUGA less than 5 metres from No. 7 The Rookery
- * Lack of consultation and lack of information about impact on residents
- * Lack of facilities to serve area i.e. W.C's
- * Discourage people for who the area was intended for, fear of intimation
- * Light pollution and disturbance
- * Should be supervised play area
- * Suggestions made by residents ignored by Parish
- * Visually obtrusive to residents and those using Paxton Pits/eyesore
- * Does not enhance public space
- * Doctors surgery and formal play space enclosed - object to another enclosed space
- * 24 hour access to MUGA

- * Waste of resources
- * Health and Safety of those leaving pitch when floodlights switched off
- * Will not discourage youth using car park as football area
- * Figures misleading in supporting evidence about public support
- * Impact on bats in the area

7. SUMMARY OF ISSUES

- 7.1 The site is an existing informal play area and whilst located in the open countryside as noted within the Local Development Framework Proposals Map, the playing field is mostly enclosed by residential properties apart from the very northern boundary. The lighting proposes to be located to the southern end of the field and in an area that has some lighting and relates more to the residential part of the village than the wider open countryside to the north. In any case Policy P8 states that recreation use may be acceptable in the countryside, Policy R2 of the Local Plan 1995 suggests applications for recreation facilities should be considered on their own merits. The effect upon the amenity of the adjacent residents and the effect on the visual amenity should be considered.
- 7.2 The information submitted with the proposal confirms this proposal is the final part of a project of improvements for this recreation area. The recently constructed doctor's surgery was constructed in part of the children's play area. It was established during consultation with village groups, organisations and the Local Primary School that a multi surface play area for 10 plus age group was the most wanted facility.
- 7.3 The information goes on to say that the basketball/football goal area on the playing field is well used, to the extent that due to the constant use children have used the lit village hall car park and scout hut area to play football. By installing flood lights in the new multi use games area the facility can be used in the winter evenings to provide better facilities for the young people of the village.

Impact on the character of the area:

- 7.4 The four 6.7 high lighting columns are to be set at the edge of the new multi surface play at the southern end of the site, in an area used by the general public to access the doctors surgery and village hall. This part of the site relates more to the residential part of the village compared to the more rural nature further north into the site. The columns are therefore not considered to be visually harmful to the immediate area or the wider area of the village, or the rural landscape to the north, mainly due to their height and siting.
- 7.5 The footpaths officer has not objected to the floodlights providing the footpath which runs across the site is not obstructed in any way, or at any time.
- 7.6 Sport England considers the lighting will enable the playing field to be used in a more intensive way, particularly during the winter months. As such, it will greatly increase the opportunities for young people in the village to access the new play area. They have however advised the new play area should be at least 3 metres away from the touch

line of the football field. Amended plans received show the games area 3 metres from the pitch.

- 7.7 The proposal therefore accords with R2 of the Huntingdonshire Local Plan 1995 and Policy B1 of the interim Planning Policy Statement.

Neighbour Amenity:

- 7.8 A number of letters have been received from residents that abut the site, the main issues relating to neighbour amenity appear to be about light pollution, anti social behaviour, and additional noise and disturbance.

- Anti-social behaviour: The Police Architectural Liaison Officer has supported the proposal and considers the lighting will allow good surveillance of the area. As the proposed lighting will be limited during the winter months, this will help reduce the possibilities for antisocial behaviour in the way of noise to nearby residents, whilst providing facility for the youths in the area. As the lighting columns will be relatively low, a guard will be secured to discourage anti-social behaviour by the lights being vandalised.

- Light pollution: The lighting engineer has no objections to the 400 watt metal halide lamp now proposed. 1000 watt lamps were originally proposed. The lighting columns are approx 45 metres from the nearest residential property. The use of sensor lighting has been explored; however, it is considered that flood lights flashing on and off would result in a nuisance to the adjacent neighbouring properties. A sensor system would also use more power due to the constant need to switch on and off during use. The floodlighting scheme has been designed to minimise light spillage, and, although the glow will be visible from the adjoining properties, it will not be so bright as to cause a significant loss of amenity due the siting and design.

- Protected Species: Concern has been expressed in relation to the impact the lighting could have on protected species of bats in the area. However, while the site is close to Paxton Pits County Wildlife Site and bats are known to be in the area, the Wildlife Trust does not expect the proposed development to have any significant impact on the site or the protected species, and bats are unlikely to be adversely affected. Comments have not been received at the time of writing the report from the Cambridgeshire Bats Society, any comments will however be reported to Members.

- 7.9 There may be some increase in the amount of noise and disturbance from the site due to the more intense use of the site, but this would not be sufficient to justify a reason for refusal. The lighting scheme has been designed to minimise impact on the amenity of neighbours by means of light pollution. The other issues raised have also been taken into account, but a refusal could not be sustained on any of these grounds. The proposal therefore accords with Policy R2 of the Huntingdonshire Local Plan 1995 and B4 of the Interim Planning Policy Statement 2007.

- 7.10 In conclusion, there are no objections to this proposal. It will improve the play facilities for the youth in the area, and will not cause an undue loss of amenity to immediate neighbours. Therefore having

regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is considered that planning permission should be granted in this instance.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – APPROVE, subject to conditions to include the following;

02003 Time Limit (3yrs)

Nonstand Time limit and months of use

BACKGROUND PAPERS:

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alterations (2002)
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy 2008

CONTACT OFFICER:

Enquiries about this report to **Linda Morse Planning Officer 01480 388411**

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Case No: 0803522FUL (FULL PLANNING APPLICATION)

Proposal: PERMANENT CHANGE OF USE OF AGRICULTURAL LAND TO A TRAVELLERS SITE WITH 6 PITCHES INCLUDING NEW VEHICULAR ACCESS ROADWAY AND HARDSTANDING

Location: LAND NORTH OF THE PADDOCK CHATTERIS ROAD

Applicant: MR F ADAMS

Grid Ref: 537929 279270

Date of Registration: 19.12.2008

Parish: SOMERSHAM

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 *This report is substantially the same as that for application 0803523FUL. For ease of reference sections that are different are identified in italic type.*
- 1.2 *This site is located approximately 2.9 km north east of the centre of Somersham, on the B1050 road between Somersham and Chatteris. The applicant's land holding amounts to 0.80 ha, although this application relates only to a section at the rear together with the access road. The proposed access is at the centre of the frontage. The main body of the site measures 48m by 135m. The site is vacant agricultural land. A substantial amount of planting has been undertaken recently, notably around the boundaries of the land but also to mark out the individual pitches. The planting is a mix of laurel and native tree species. There are open ditches along the eastern and southern boundaries of the site, and a 9m wide maintenance strip, as required by the Middle Level Commissioners, along the southern side. There is an access from the B1050 at the south eastern corner of the land, and a recently laid hardcore road serving the entire length of the land.*
- 1.3 There is a dwelling immediately to the south of the site, and an equestrian centre (with temporary dwelling) to the north and west. The paddocks for this centre extend along the northern boundary of the site. Beyond the paddocks, to the north, is a plant nursery with dwelling and there is a dwelling a short distance away on the opposite side of the road. Elsewhere, development is scattered, and the landscape is very open, being generally devoid of landscape features.
- 1.4 *The proposal is for a permanent change of use of the land to a travellers' site with six pitches and the provision of a new access. The existing access will be closed and the hardcore road will be removed.*

A new access will be constructed close to the centre of the frontage and the access road to the site will run along the northern boundary of the site inside the newly planted hedge. There will be one mobile home and one touring caravan per pitch. Landscaping has already been provided as part of the proposal.

- 1.5 *The application is for a six pitch travellers' site. The names and circumstances of those hoping to live on the site have been provided in the Planning, Design and Access Statement. The intended occupants are 12 adults and 9 children, ranging in age from 2 to 17 years. They are all part of the applicant's extended family.*
- 1.6 The site is in the open countryside, and the land is liable to flood. The road is classified (B1050).

2. NATIONAL GUIDANCE

- 2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3 – “Housing” (2006)** sets out how the planning system supports the growth of housing completions needed in England.
- 2.3 **PPS7 – Sustainable development in rural areas (2004)**. Sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.4 **PPS9 – Biological and Geological Conservation (2005)**. sets out planning policies on the protection of biodiversity and geological conservation through the planning system.
- 2.5 **PPG13 Transport (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.
- 2.6 **PPS25 – Development and Flood Risk (2006)** sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.
- 2.7 Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

- 3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents
- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
 - **H3:** “Provision for Gypsies and Travellers” – Provision should be made for sites/pitches to meet the identified needs of Gypsies and Travellers living within or resorting to their area.
 - **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.
 - The Panel Report on the Single Issue review of Policy H3 was issued in December 2008. It recommends that the additional pitch requirement for Huntingdonshire be increased from 20 to 25 for the period 2006 to 2011.
- 3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.
- None
- 3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95
- **En17** – development in the countryside will be restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
 - **En20:** landscape scheme – wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
 - **En22:** “Conservation” – wherever relevant, the determination of applications will take appropriate consideration of nature and wildlife conservation.
 - **H23** Outside Settlements - general presumption against housing development outside environmental limits with the exception of specific dwellings required for the efficient management of agriculture, forestry and horticulture.

- **H44** Gypsy Sites – the need will be monitored to provide additional facilities for gypsies to supplement the Local Authority owned site and existing private facilities.
 - **CS8:** “Water” – satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.
- 3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)
- None relevant
- 3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007
- **P8** – Development in the Countryside – Outside the defined limits of the Market Towns and Key Centres and the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
 - **P10** – Flood Risk – development should: not take place in areas at risk from flooding, unless suitable mitigation/flood protection measures are agreed; not increase the risk of flooding to properties elsewhere; make use of sustainable drainage systems where feasible; be informed by a flood risk assessment where appropriate.
 - **G2** – Landscape Character – development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape.
 - **G3** - Trees, Hedgerows and other environmental features – development proposals should minimise the risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
 - **G4** – Protected Habitats and Species – development proposals should not harm sites of national or international importance for biodiversity or geology. Proposals will not be permitted if they potentially damage County Wildlife sites, Local Nature Reserves, Ancient Woodland, Important Species or Protected Roadside verges, unless they significantly outweigh the harm.

- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.

3.6 Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1**: “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.
- **CS6**: “Gypsies, Travellers and Travelling Showpeople” - Account will be taken of the need to ensure that Gypsies, Travellers and Travelling Showpeople are accommodated in sustainable locations where essential services such as water and sewerage are provided and with good access by foot, cycle or public transport to services such as education and health. Providing sites in appropriate locations will help prevent the social exclusion of Gypsies, Travellers and Travelling Showpeople and conflict with settled communities. Consideration will be taken of the preference of many Gypsies, Travellers and Travelling Showpeople for a rural location with a degree of separation from the settled community.
- The number of pitches should be appropriate to the size of the site and the availability of infrastructure and services and facilities in accordance with the general principles set out in the settlement hierarchy. The selection of sites is subject to criteria.

3.7 Huntingdonshire Landscape and Townscape Assessment 2007

- Gypsy and Traveller DPD – the Council has produced the Issues and Options Stage 1 which was published for consultation in January 2009. It is expected that Stage 2 Site Alternatives will be published for consultation in Summer 2009.

4. PLANNING HISTORY

4.1 0702530FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers site (six pitches). Refused on 19th December 2007. Copies of the layout plan and decision notice are attached.

4.2 0704185FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers site (six pitches) including new vehicular access, associated roadway and hardstanding. The location of the pitches was the same as 0702530FUL but the access was different. The application was withdrawn by the applicant on the 13th December 2008.

4.3 0801685FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers’ site (two pitches). The application

was refused on 14th July 2008. Copies of the layout plan and decision notice are attached.

- 4.4 *0803523FUL – Permanent change of use of agricultural land to travellers' site for 2 pitches including new vehicular access, associated roadway and hardstanding. This application is considered elsewhere on this agenda.*

5. CONSULTATIONS

- 5.1 **Somersham Parish Council – REFUSE** (copy attached)
- 5.2 **Local Highway Authority (CCC) – No objections** in principle.
- 5.3 **The Wildlife Trust** – any development should be a minimum of 30m from any barn owl nest. The access over the drain should be constructed using a box culvert to limit the disturbance to any water voles living in the drain.
- 5.4 **Natural England – No objections** subject to adequate protection for the owls and voles.
- 5.5 **Environment Agency** – The revised flood risk assessment is acceptable and the Agency has no objections to the proposal. Two conditions relating to the height of the floors above ground level and the secure anchorage of the mobile homes have been suggested.
- 5.6 **Middle Level Commissioners – No objection.** Comment that consent has not been given for the proposed culvert, and that a number of trees have been planted in the maintenance strip. The applicant has replied by stating that consent has been granted for additional culverting (but not in the position of the new access) and that any trees have been replanted elsewhere in the site.
- 5.7 **Fenland District Council** – No observations.
- 5.8 **Environment Health Officer** – The site is within 250m landfill buffer and could potentially have migrating landfill gases within the ground. The applicant is advised to carry out an investigation to establish the presence or otherwise of landfill gases or ensure that the air gap between the ground and the base of the mobile homes is kept clear to allow the free flow of air.

6. REPRESENTATIONS

- 6.1 Neighbours – 92 letters of objection have been received. The following points have been raised:-
- 6.2 The proposal will have an adverse impact on the amenities of the immediate neighbours. The development will be visually intrusive, and the present planting will provide little screening, especially in winter, when most of the plants lose their leaves. The new planting will take too long to become effective. The proposal will result in increased noise, disturbance and loss of privacy through the use of the site itself, and also from the vehicles using the access and parking areas. There would be light pollution from vehicles and the

caravans. Barking dogs could be a problem, as could the burning of rubbish. The site could attract litter and scrap vehicles.

- 6.3 There would be an adverse impact on adjacent businesses. This could affect the equestrian centre in particular where the increase in noise and disturbance could spook the horses, and cause them to panic. This could lead to injury to very valuable animals. As a consequence, owners could remove their animals from the centre, with serious financial consequences, and the possible risk of closure. The number of pitches is irrelevant – it is the increase in the amount of noise and disturbance which will put the horses at risk. A number of the paddocks directly adjoin the proposed site, and the horses using them are very likely to be frightened by the increased activity. There would be no restriction on the use of the remainder of the site for, for example, recreational uses. If the equestrian business fails as a result of the proposal, the employee will lose her job, and the owner will lose her livelihood and home. So much mitigation work is required as to make the site unsuitable for the proposed development. Tree screens could cause the horses to panic as they are susceptible to disturbance from sources they cannot see.
- 6.4 Adverse impact on the character of the landscape. This was one of the reasons for refusing the original application, and the reason remains good. This is a greenfield site, in an open landscape, and any development will be prominent and visually intrusive. The buildings have the potential of being fairly sizable (up to 15m by 6m), and will be seen from considerable distances. They will not be screened by the existing vegetation, and any new planting will take a considerable time to mature and become effective. The planting may not provide screening at ground level. Caravans and mobile homes are out of character with the area.
- 6.5 Adverse impact on wildlife. The proposal will result in the loss of a wildlife habitat and feeding areas for the local fauna. The locally nesting barn owls would suffer from the use of the site, and the increased noise and disturbance, as would a number of other bird species. A number of these are protected by legislation. The construction of the access to the site and the culverting of the ditch could affect water voles living in the ditch. The development would adversely affect the natural breeding cycle of the local wildlife.
- 6.6 Access and highway issues. The relocation of the access to the centre of the site has not alleviated the concerns expressed in respect of the earlier scheme. This was a reason for refusal and the circumstances have not changed. The access will be onto a fast stretch of road, and slow moving vehicles entering and departing the site will exacerbate existing traffic hazards. The road is already prone to accidents. Visibility is poor in both directions, and is blocked by trees in the verges. Use of the road has increased substantially in recent years and is likely to continue to do so with additional development in the Chatteris area.
- 6.7 Personal circumstances of the applicant – the applicant owns a house in Huntingdon, and business premises in Wyton. He appears to be settled and cannot be considered to be a traveller as he no longer has a nomadic life style. His parents are disabled and also appear to be settled. If the applicant does not follow a nomadic life style, there

is no justification to support the application, and there is no compelling reason why they should be located in Somersham. The applicant has no connection with Somersham. Why would the applicant want to leave his present accommodation?

- 6.8 Need for additional traveller accommodation – Somersham already has its fair share of travellers sites (there are three in the vicinity), and the village should not be expected to accommodate any more. The existing sites are some distance from the nearest residential properties and two are on temporary consents only. Recent consents should not be taken as setting a precedent for further permissions in the area. The existing site on the St Ives road could be expanded to take additional pitches. There are no guarantees that the named residents would continue to reside on the site.
- 6.9 The location of the site is not sustainable – there are no facilities near the site, and all journeys would be undertaken by private vehicle. There is no bus service, nor footpath serving the site. The site would not be suitable for permanent accommodation, and therefore it would not be appropriate to grant a temporary planning permission.
- 6.10 The proposal does not meet the criteria, laid down in policy H11 of the HIPPS, by which such applications should be judged.
- 6.11 This is not a site where permanent dwellings would be permitted and there is no justification for allowing mobile homes in this location as an exception to established policy.
- 6.12 The proposal would result in a loss of value to adjacent properties.
- 6.13 Determination of the application would be premature in advance of the adoption of the DPD on Traveller provision.
- 6.14 The proposal would be contrary to the provisions of the Human Rights Act in that it would deprive residents of the peaceful enjoyment of possessions (Art 1), the right to private and family life (Art 8) and the right to the enjoyment of property (Art 14)
- 6.15 The proposal would set a precedent for future development, either on this site, or others close by. The site could expand to take more families. The number of residents on the site would dominate the local settled community and they are unlikely to integrate. This is contrary to paragraph 54 of circular 1/2006.
- 6.16 The site is a possible area for mineral extraction and should be protected from development. The proposal is premature in advance of the adoption of the Minerals and Waste DPD, presently being prepared by the County Council.
- 6.17 The proposal could overload local and site services.
- 6.18 The circumstances of the proposal have not changed since the previous refusal, and the reasons used then are still valid.
- 6.19 The proposal could exacerbate flooding in the area.

- 6.20 The provision of traveller sites should be spread across the District and not concentrated in one area.
- 6.21 The roadway was constructed without any form of permission, and should be removed. It could be construed as fly tipping.
- 6.22 The weight of local opposition should count strongly against the proposal.
- 6.23 Brown field site should be used first before green field sites are considered.
- 6.24 There will be noise and disturbance during the construction period.
- 6.25 There are no services to the site, and there could be a loss of amenity because of the use of generators. The disposal of sewage could lead to health issues.
- 6.26 The equine report commissioned by the applicant is weighted in favour of the proposal.

7. SUMMARY OF ISSUES

- 7.1 The main issues are:
- Whether the site is an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities, as well as other sustainability considerations referred to in paragraph 64 of Circular 1/2006
 - Impact on the character and appearance of the locality
 - Impact on residential amenity
 - Impact on neighbouring businesses
 - Impact on protected species
 - Drainage
 - Highway safety
 - Whether, if there is any harm and conflict with policy on the above issues, there are material considerations which outweigh that harm and conflict, including whether or not the applicant's and other intended occupiers are gypsies as defined in Circular 1/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the applicant's personal and family circumstances and accommodation alternatives.

The acceptability of the site for the scale of use proposed having particular regard to accessibility to services and facilities, as well as other sustainability considerations referred to in paragraph 64 of Circular 1/2006

- 7.2 The development plan includes the Regional Spatial Strategy for the East of England (the East of England Plan (EEP)), the Cambridgeshire and Peterborough Structure Plan 2003 (CSP), the Huntingdonshire Local Plan 1995 (HLP) and the Huntingdonshire Local Plan Alteration 2002 (HLP A). The policies in these documents are of limited relevance and the application does not directly conflict with policy H3 of the EEP or policy H44 of the HLP.

- 7.3 The Inspector who dealt with the recent public inquiry in respect of a proposed gypsy site at Brington Road, Catworth (the Catworth Inspector) noted that Policy Core Strategy policy CS6 had superseded policy H11 of HIPPS and, although he could give it some weight, it had not been tested for soundness by an Examination. He therefore, in the absence of up-to-date and adopted policy, considered that Circular 1/2006 was the most relevant policy advice and should have the greatest weight in the decision. That approach has been followed in this report.
- 7.4 Circular 1/2006 makes it clear that gypsy sites are acceptable in principle in the countryside. This advice is considered to override any apparent conflict with conventional policies for the constraint of residential development in the countryside.
- 7.5 With regard to sustainability, paragraph 54 of the Circular advises local authorities to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services'.
- 7.6 The site is in open countryside 2.9km (1.8miles) from the centre of Somersham village. For the first 1.6km (1 mile) the route is along a busy stretch of B class road with no footway or lighting. The road is wide enough for two vehicles to pass and there is a grass verge which pedestrians could use as a refuge. On this section traffic travels at or around the speed limit of 60mph. There is also a quarry access on this section of the route. For the remaining 1.3km (0.8 miles) (from Dews garage) the route is within the built-up area, there is a footway and the speed limit is 30mph. It is considered that the distance to the village primary school and the nature of the route are such that pupils would not be likely to walk or cycle to school. Adults might cycle to the village to use the good range of facilities that it has. There is no public transport serving the site. It is likely that the majority of journeys to and from the site would be made by private motor vehicle.
- 7.7 The other aspects of sustainability referred to in the Circular are:
a) the promotion of peaceful and integrated co-existence between the site and the local community;
b) the wider benefits of easier access to GP and other health services;
c) children attending school on a regular basis;
d) the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment; and,
e) not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- 7.8 The overall thrust of these considerations is to recognise the sustainability advantages of a settled lawful site in any location compared with unauthorised camping. Consideration (a) relates to the scale of the use and whether or not it dominates the nearest settled community.
- 7.9 *It is considered that although this proposal for six pitches would be significant in relation to the permanent dwellings adjacent to the site it would not dominate them, given the separation distances. If this proposal was to go ahead in addition to the proposal for two pitches*

on the frontage it is considered that there would be an unsatisfactory relationship with the existing dwellings. Paragraph 54 of Circular 1/2006 advises that sites should respect the scale of, and not dominate the nearest settled community. The cumulative impact of 8 pitches spread along the whole depth of the site would not respect the scattered group of dwellings in this part of the community. In terms of Somersham as a whole, this proposal, even in conjunction with two pitches on the frontage and the other temporary and permanent sites in the parish, at St Ives Road (5 pitches on 2 sites) and Parkhall Road (1 pitch), would not dominate the settled community given the broad spread of the sites and the overall modest number of pitches.

- 7.10 *With regard to considerations (b) and (c), half of the proposed families are not travelling and have access to medical and education facilities.*
- 7.11 *Under consideration (d), half of the named prospective families are travelling so there would be only limited benefit in terms of reduced long distance travelling.*
- 7.12 The issue of flooding, consideration (e) is dealt with in more detail below but there is no objection.
- 7.13 Conclusion - The distance to Somersham, which is a Key Service centre with a good range of services and facilities, is moderate. In terms of transport mode and distance from services it is considered that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD. Following the approach taken by the Catworth Inspector, the scale of the development proposed has not been taken into account in making this assessment of accessibility but it is relevant in considering the weight that should be given to the merits or disadvantages of the site's accessibility. The greater the number of pitches, the more services residents will need regular access to, the greater the number of car journeys that will be made and the greater the disadvantage for residents when a motor vehicle is not available. The benefits of a settled, lawful site are in this case limited but it is considered that the distance to services is not so far as to be a reason to justify refusal of a temporary permission under the transitional arrangements.

Impact on the character and appearance of the locality

- 7.14 The site is in the Fen Margin Landscape Character Area identified in the Huntingdonshire Landscape and Townscape Assessment. It is characterised by its flat topography and the presence of woodland and treed hedgerows. The site is on the very eastern edge of this area where it abuts the expansive open area of the Fens landscape which is much less vegetated. The landscape has no protective designation. Built development in the vicinity of the application site is scattered, and is confined to a number of isolated buildings standing in large tracts of open land. A substantial amount of planting around the boundaries of the land, and within it, has been undertaken recently. This planting has some limited effect now and it will reduce the visual impact of the development with time, but will not hide it in its entirety.

- 7.15 *The six pitch site is set back from the road and this will open it up to views from the south across open farmland. The pitches will initially be very visible but screening and landscaping would filter views over time. Circular 1/2006 says that in designated landscapes such as National Parks and AONB permission should only be granted when the development will not compromise the objectives of designation. Less important local landscape designations should not be used, in themselves, to refuse permission for gypsy sites. In this open Fen edge area any gypsy site is likely to be prominent until screen landscaping matures. It is considered that the impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD. It could be unreasonable to require landscaping for a temporary permission but in this case the applicant has offered to landscape the site and has already carried out significant planting which has some effect which will increase over time. It is considered that the short-term harm in terms of landscape impact is not sufficient to warrant a refusal of planning permission for a temporary period.*

Impact on residential amenity

- 7.16 It is difficult to be precise about the impact of the use on the amenities of the immediate residential neighbours but, given that the site is presently unused, some increase in noise and disturbance is inevitable. The Circular refers specifically to the noise and disturbance from vehicles using sites, and to potential business activities. Using average traffic statistics, each pitch could generate around six vehicle movements per day, potentially giving 36 movements per day in total. These would be spread across the day, although there may be some concentration at the morning and evening peaks. Following the refusal of application 0702530FUL, the position of the access has been moved away from 'The Paddock', the dwelling located to the south of the site, towards the centre of the site frontage. An access in this position will limit the impact of vehicular movements on 'The Paddock' to a level which would not warrant a refusal.
- 7.17 No business activity is proposed to take place in the site and this could be the subject of a condition. Within the site, there would be the normal activity associated with human occupation but, any disturbance would not readily support a reason for refusal in terms of impact on residential amenity. The development will be clearly visible from a number of the adjacent properties but the new landscaping will provide some filtering and the planting could be reinforced. Adjoining properties could be viewed by occupiers of the site, but, as with noise and disturbance, any loss of privacy would not be significant enough to warrant a refusal.
- 7.18 Overall, it is considered that the combined effect of the two sites proposed on the amenities of the adjoining dwellings would be sufficient to justify a refusal as set out in paragraph 7.9 above.

Impact on the neighbouring equestrian business

- 7.19 The main aspects of this issue are:
- whether the proposal would have a significant adverse effect on the operation of the Long Drove Dressage Centre;
 - if the effect is significant, whether there are any reasonable mitigation measures which could be taken by the applicant or others to lessen or prevent the impact;
 - whether a temporary permission to act as a 'trial run' would be appropriate;
 - whether the impact of the proposed development would be comparable with other impacts that could occur anyway; and
 - the impact from construction noise and disturbance.
- 7.20 Although not part of the adopted development plan, the Submission Core Strategy is at an advanced stage in the adoption process with an Examination in Public having recently taken place. Policy CS6 sets out criteria to guide the provision of gypsy/traveller sites. One of the criteria states that there would be no significant adverse effect on the operations of adjoining land uses. It is repeated in the Gypsy and Traveller Sites DPD Consultation. It can be seen to relate to the statement in Circular 1/2006 that consideration of sustainability in its widest sense should include consideration of 'the promotion of peaceful and integrated co-existence between the site and the local community'. Furthermore, support for considering the impact on nearby uses is found in the advice in Circular 11/95 on Planning Conditions which talks about assessing a use which may be potentially detrimental to nearby uses.
- 7.21 The main concerns are:
- the risk to the well-being of the dressage horses at the Centre;
 - the risk to staff trying to handle distressed or excitable horses;
 - the effect on the Centre's financial viability if it were to lose customers or clients because of the actual risk to the horses or the perception of risk by their owners.
- 7.22 It is clear from the attached independent report from Landscape commissioned by the Council that there may well be some impact on the adjoining Dressage Centre business. The question is whether there will be a significant adverse impact.
- 7.23 *The proposal involves six pitches. It locates the mobile home sites on the side furthest from the centre boundary with existing/proposed screening and a tarmac roadway between the pitches and the common boundary. Whilst information about the intended occupants is provided, if consent were to be granted the make-up and identity of occupants could change over time such that the numbers of children could increase or decrease. The scheme is likely to be occupied by around 26 people. The scheme is such that there would be potential exposure to noise and disturbance over a broad front along/adjacent to a number of paddocks associated with the Centre.*
- 7.24 The application is for residential use only, not business use. It is expected that it will give rise to an element of normal domestic noise, vehicular traffic and the general paraphernalia associated with domesticity including washing lines, garden furniture, etc. The most likely period when there would be significant levels of noise or

increase in disturbance would be light summer evenings, weekends and school holidays when there would be more children on the site perhaps playing football, flying kites, riding bicycles and generally playing in and around the pitches. By their nature children tend to be excitable and sometimes unpredictable with screaming, shouting, running and general noisy activities including the kicking of balls and so on. It is possible therefore that at certain times these activities could cause surprise to horses.

- 7.25 The horses at the Centre are predominantly 'warmblood' type animals typical of dressage and sport-horse varieties. Due to the breed, style of training and management they can be nervous and highly strung, although it is noted that they have to be able to compete in noisy arenas. The main risk of injury would be during the day when the majority of horses would be out in the grass paddocks and unexpected, sudden or loud noises emanating from the neighbouring site could cause disturb or panic them. This could cause young or nervous horses to bolt or flee, running the risk of muscle based injuries and in extreme cases horses escaping from the premises by breaking through fences. A number of the horses at the Centre are young and/or will have arrived relatively recently because of the regular turnover. The nature of the business of horses-for-sale means that they have little time to acclimatise to the site and this is when risk is greatest.
- 7.26 The applicant's equestrian report identifies a number of livery yards in urban or suburban locations where horses are able to cope with the level of disturbance normally associated with housing. In this case it is not clear whether there would be a period of adjustment which would happen quickly and with little or no damage or injury to horses or an ongoing, albeit, relatively low but sufficiently frequent and unpredictable level of disturbance which would lead to problems with horse management. The applicant's consultant considers that incidents would be very infrequent, if at all, and unlikely to cause serious upset or injury to horses but the Centre's owner and vet nevertheless consider that horses could be injured.
- 7.27 The Council's consultant is of the view that none of the elements of domestic noise and disturbance are individually likely to be sufficient to create widespread or frequent potential for injury or accident to horses. However, if there is sufficient concern by horse owners that their animals could be damaged as a result of infrequent noise or disturbance, there is still the possibility that horses would be removed. Whilst disturbance which would scare horses on a regular basis is not expected, with valuable young stock being present on a daily basis even occasional exposure that is within normal residential tolerances may not be acceptable to the Centre's clients.
- 7.28 The Council's consultant considers that if a significant number of clients (greater than 20%) choose to leave this is likely to have a serious adverse impact on the Centre's financial viability at least for a short period of time. Most of the clients have stated that they will leave. There may be a period of "adjustment" until the impact of a mobile home site can be measured based on real experience rather than perception but if the reduction in numbers were likely to occur for longer than a few weeks or months it could have a serious and irreversible impact on the financial sustainability of the Centre.

- 7.29 It is by no means certain how many owners will remove their horses if this application is approved, but it is more likely that owners will remove horses if, as seems to be the case here, there are centres offering similar facilities in the area. The planning authority cannot be certain whether the proposed use would result in a significant adverse impact on the Dressage Centre, nor can it be certain that it will not.
- 7.30 Mitigation - The Centre's boundary to the site has a post and rail dog-proof fence and a hawthorn hedge has been planted recently. This planting, together with that recently carried out on the application site and the further planting and fencing proposed would, in time, offer a significant screen, which would assist in reducing the impact of any noise or disturbance. The Council's Consultant considers it unlikely that the screening would guarantee total or complete reduction in disturbance and it is likely that there would always be the risk of some impact. Even the construction of a low earth bund would not eliminate all noise and disturbance.
- 7.31 Comparable impacts from the existing land use or permitted development - The applicant's equestrian report points out that noise and disturbance could arise from agricultural or limited equestrian use and those activities which could be operated for between 14 and 28 days under the General Permitted Development Order (GDPO). In considering whether the impacts of a development could have a harmful effect, it can be appropriate to consider whether those effects would occur anyway through events outside the control of the planning authority. At present the site is essentially quiet; its lawful agricultural use could give rise to limited or anticipated periods of noise, such as combine harvesting or ploughing, during which it may be possible for individual horses to be removed from their paddocks and stabled as prior notice could be given to the Centre.
- 7.32 Part 4 of Schedule 2 to the GPDO gives certain rights to hold events on open land and Part 5 allows land to be used on a temporary basis as a caravan site, subject to certain restrictions. Notwithstanding these possibilities, it is considered that a temporary or permanent permission for full time occupation would give rise to the risks that have been identified and that they would therefore be unacceptable.
- 7.33 Construction Noise - It is likely that there would be a significant level of noise and disturbance associated with construction work on the site as well as relatively brightly coloured machinery in use. Construction is however likely to last only a matter of a few weeks. It is considered that because the work is predictable and manageable the impact could be controlled to an acceptable level by the imposition of a construction management condition requiring that prior notice be given to the Centre.
- 7.34 Conclusion - Given that the removal of horses and the difficulties in attracting new owners may well have an immediate/short-term and fatal impact on the Dressage Centre business as well as putting the horses and staff at risk, on balance, it is felt that the proposal should not be approved.
- 7.35 In circumstances where a use may be "potentially detrimental to existing uses nearby but there is insufficient evidence to enable the

authority to be sure of its character or effect, it might be appropriate to grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development” (Circular 11/95). The extent of capital expenditure required in this instance is not considered to be prohibitive for a temporary consent. However, the risks associated with a reasonable length of trial run would be comparable with those associated with a permanent permission. Given that the removal of horses and the difficulties in attracting new owners may well have an immediate/short-term and fatal impact on the Dressage Centre, on balance, it is felt that the proposal should not be approved even on a temporary basis.

Impact on protected species

- 7.36 Barn owls, water voles and other fauna have been reported using the site, and both Natural England and the Wildlife Trust have commented on the proposal. Neither has raised an objection to the development, but both have recommended that precautions are taken to mitigate the effects of the proposal in the event of planning permission being granted. These could be secured by conditions.

Drainage

- 7.37 The site is in the flood plain but neither the Environment Agency, nor the Middle Level Commissioners, have objected to the proposal although a number of comments have been made and the Environment Agency has suggested conditions if the development is permitted. The applicants intend to install a self contained sewage treatment unit to deal with foul sewage from the site. This is the preferred means of dealing with foul drainage in locations away from mains drainage.

Highway safety

- 7.38 The LHA has no objections to the application as the required visibility splays can be achieved. These splays will provide a view of oncoming traffic for vehicles leaving the site and forward vision of turning traffic for other road users. Their maintenance can be controlled by condition. The amount of traffic generated by the development is likely to be limited and the advice in the Circular is that proposals should not be rejected if they would give rise to only modest additional daily traffic movements. It is acknowledged that a number of accidents have occurred in the vicinity but there is no evidence to suggest that the situation will be exacerbated if the application is approved.

Whether, if there is any harm and conflict with policy on the above issues, there are material considerations which outweigh that harm and conflict, including whether or not the applicant’s and other intended occupiers are gypsies as defined in Circular 1/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the applicant’s personal and family circumstances and accommodation alternatives.

- 7.39 *The status of the applicant and other occupiers - If permission was to be granted there would be no planning reason to limit the occupation of the pitches to named people. The particular needs of the proposed occupiers, based on the information submitted, are no greater than the general gypsy/traveller population. To that extent the status of the applicant and others named in the application is not a determining issue. As in the Catworth case, a planning permission should be subject to a condition limiting the occupation of the site to gypsies and travellers as defined in paragraph 15 of Circular 01/2006, namely "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependant's educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such."*
- 7.40 Both applications have to be considered on the basis that the pitches could be occupied by any of the named people or other gypsies.
- 7.41 The need for more gypsy sites in the area - The East of England Plan (EEP) was approved in May 2008 but policy H3 is subject to a single policy review. A draft policy was submitted to the Secretary of State in February 2008 and it was the subject of an Examination by a Panel of Inspectors in October. The draft policy proposed 20 additional pitches in Huntingdonshire in the period 2006-11 and a further 18 pitches in the period 2011-21. The Panel report, published in December, recommended increasing these numbers to 25 and 21 respectively. The East of England Regional Assembly which prepares regional policy will consult in the next few months on Proposed Changes to the draft policy based on the Panel's recommendations.
- 7.42 The District Council published a Gypsy and Traveller Sites Development Plan Document Issues Consultation: Principles and Processes in January 2009. As at November 2008 only 1 additional permanent pitch had been granted planning permission (Parkhall Road, Somersham). Temporary consents for a total of 16 pitches have been granted (10 at Catworth, 4 at Somersham Road, St Ives, 1 at St Ives Road/Pidley Sheep Lane, Pidley and 1 at Paxton Road, Offord D'Arcy).
- 7.43 The Council has submitted its Core Strategy to the Secretary of State. Policy CS6 supersedes policy H11 of HIPPS. The Core Strategy is undergoing its Examination and the Inspector's report is expected in Summer 2009. Policy CS6 does not address the number of pitches (dealt with in the review of EEP policy H3), rather it sets out the proposed criteria for identifying sites, although one of the issues considered in the Gypsy and Traveller Sites DPD is whether further criteria are needed.
- 7.44 Paragraphs 45 and 46 of Circular 1/2006 advises that where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period local planning authorities should give consideration to granting a temporary permission. Such circumstances may arise when a local planning authority is preparing its site allocations DPD. In such circumstances

local planning authorities are 'expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified. The fact that a temporary permission has been granted on this basis 'should not be regarded as setting a precedent for the determination of any future applications for full planning permission for the use of the land as a caravan site'.

- 7.45 Availability of alternative accommodation for the applicant - An assessment of alternative accommodation within the locality must also be carried out. At the time of writing, only 3 of the 10 pitches approved at Brington Road, Catworth are currently occupied and as such this site, which has temporary permission, could provide suitable alternative accommodation for gypsies. As noted above, temporary consents have been granted for 16 pitches in order to provide accommodation until permanent sites can be found through the Gypsy and Traveller sites DPD process, probably towards the end of 2010. There is therefore still a need for between 4 and 9 pitches to meet the need identified by the EEP Single Policy Review for the period up to 2011. In principle this site could contribute to meeting the district-wide need.
- 7.46 The overall conclusion on this issue is that there is a requirement for between 4 and 9 pitches to meet the district-wide need to 2011 which would justify a temporary permission in all respects other than the cumulative impact on neighbouring residential properties if implemented in conjunction with the other current proposal and the harm to the neighbouring equestrian centre business resulting from this proposal for the reasons set out above.

Other matters

- 7.47 Many issues have been raised by local residents, and these have been summarised above. The principal planning ones have been addressed by the subsequent comments, and others, especially those relating to the overall selection of sites will be addressed during the preparation of the DPD. The loss of property values is not a material planning consideration.
- 7.48 On the question of mineral extraction, the land to the west of Long Drove is identified in the Cambridgeshire and Peterborough Minerals Local Plan as an Area of Approved Working. The application site which is to the east of Long Drove is not in this area nor is it in an Area of Search within which potential new sites may be identified.
- 7.49 The Government is committed to ensuring that gypsies and travellers have the same rights and responsibility as every other citizen, and, in this respect, Human Rights provisions should be an integral part of the decision making process. Local Authorities should consider the consequences of granting or refusing planning permission on all involved. This issue has been taken into account in this case, but it is considered that the provisions of the European Court of Human Rights do not override the material planning considerations in this instance.

Conclusions

- 7.50 Unlike previous applications on the land the proposal is for a permanent gypsy site. The application has been considered on this basis but also, as a permanent permission is considered to be inappropriate, the site's suitability for a temporary permission has also been considered.
- 7.51 **Sustainability** – The site is not considered to be sufficiently accessible to services to warrant the grant of permanent permission in advance of the consideration of the full range of potential sites that will be carried out in the preparation of the Gypsy and Travellers Sites DPD and thereby the proposal would be contrary to policy CS6 of the Submission Core Strategy. In view of the requirement for pitches (temporary or permanent) to meet the district-wide need until the DPD has been adopted a temporary permission could be granted in respect of this issue.
- 7.52 **Impact on the character and appearance of the locality** – It is considered that the impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD and thereby the proposal would be contrary to the provisions of policy CS6 of the Submission Core Strategy. With suitable landscaping, the impact of the development for a temporary period on the character and appearance of the area is acceptable in view of the advice in Circular 1/2006 that gypsy sites are acceptable in principle in the countryside. For the duration of a temporary permission the screening effect of new landscaping would be limited but district-wide requirement for pitches would outweigh any harm.
- 7.53 **Impact on residential amenity** - The impact of this development in isolation on neighbouring and nearby residential properties is acceptable but the cumulative impact with application 0803523FUL, if both proposals were to go ahead, would be detrimental to the amenities of nearby residential properties. The proposal would be contrary to policy CS6 of the Submission Core Strategy in this respect and to the advice in paragraph 54 of ODPM Circular 1/2006 that sites should respect the scale of, and not dominate the nearest settled community. For the same reason a temporary consent is not appropriate.
- 7.54 **Impact on neighbouring equestrian business** - The proposed development would have a significant adverse effect on the neighbouring equestrian business contrary to policy CS6 of the Huntingdonshire Interim Planning Policy Statement and the advice in Circular 1/2006 that sites should be considered with regard to peaceful and integrated co-existence with the local community. For the same reason a temporary consent is not appropriate.
- 7.55 **Impact on protected species** - Subject to the imposition of appropriate conditions, the development would not cause harm to protected species or their habitats. The development would comply with policies En22 of the Huntingdonshire Local Plan and G4 of the Huntingdonshire Interim Planning Policy Statement.

- 7.56 **Drainage** - Subject to the imposition of appropriate conditions, satisfactory means of foul and surface water drainage are available. The development would comply with policies CS8 of the Huntingdonshire Local Plan and P10 of the Huntingdonshire Interim Planning Policy Statement.
- 7.57 **Highway safety** - Subject to the imposition of appropriate conditions, a safe means of access can be provided. The development would comply with policy T1 of the Huntingdonshire Interim Planning Policy Statement.

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8. RECOMMENDATION – REFUSE, for the following reason:

- 8.1 The site is not sufficiently accessible to services and facilities by means of travel other than private motor vehicles to justify granting permanent planning permission in advance of the consideration of alternative sites as part of the preparation of the Council's Gypsy and Traveller Sites Development Plan Document and the proposal would thereby be contrary to policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 and advice in Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites.
- 8.2 The impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD and thereby the proposal would be contrary to the provisions of policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008.
- 8.3 The development of the site as proposed would, if permitted in conjunction with the development of application site 0803523FUL, for a temporary period or permanently, result in a number and extent of pitches that would be detrimental to the amenities of nearby residential properties because it would not respect the scale of, and would dominate the nearest part of the settled community contrary to policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 and to the advice in paragraph 54 of ODPM Circular 1/2006
- 8.4 The proposal would be contrary to the provisions of policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 in that the development would, by reason of the noise and disturbance likely to be generated by the proposed use, have a significant adverse effect on the operations of the adjoining dressage centre whether permitted for a temporary period or permanently.

BACKGROUND PAPERS:

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995

Huntingdonshire Local Plan Alterations (2002)
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy
2008
Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites
Huntingdonshire Landscape and Townscape Assessment 2007

CONTACT OFFICER:

Enquiries about this report to **David Hincks Development Control Officer**
01480 388406

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Case No: 0803523FUL (FULL PLANNING APPLICATION)

Proposal: PERMANENT CHANGE OF USE OF AGRICULTURAL LAND TO A TRAVELLERS SITE FOR 2 PITCHES INCLUDING NEW VEHICULAR ACCESS, ASSOCIATED ROADWAY AND HARDSTANDING

Location: LAND NORTH OF THE PADDOCK CHATTERIS ROAD

Applicant: MR F ADAMS

Grid Ref: 537929 279270

Date of Registration: 15.12.2008

Parish: SOMERSHAM

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 *This report is substantially the same as that for application 0803522FUL. For ease of reference sections that are different are identified in italic type.*
- 1.2 *This site is located approximately 2.9 km north east of the centre of Somersham, on the B1050 road between Somersham and Chatteris. The applicant's land holding amounts to 0.80 ha, although this application relates only to a section at the front and the access. The proposed access is at the centre of the frontage. The site measures 50m by 28m. The front boundary of the application site is approximately 33m from the edge of the highway. The site is vacant agricultural land. A substantial amount of planting has been undertaken recently, notably around the boundaries of the land. The planting is a mix of laurel and native tree species. There are open ditches along the eastern and southern boundaries of the site, and a 9m wide maintenance strip, as required by the Middle Level Commissioners, along the southern side. There is an access from the B1050 at the south eastern corner of the land, and a recently laid hardcore road serving the entire length of the land.*
- 1.3 There is a dwelling immediately to the south of the site, and an equestrian centre (with temporary dwelling) to the north and west. The paddocks for this centre extend along the northern boundary of the site. Beyond the paddocks, to the north, is a plant nursery with dwelling and there is a new dwelling a short distance away on the opposite side of the road. Elsewhere, development is scattered, and the landscape is very open, being generally devoid of landscape features.

- 1.4 *The proposal is for a permanent change of use of the land to a travellers' site for two pitches and the provision of a new vehicular access, associated roadway and hardstanding. The existing access will be closed and the hardcore road will be removed. A new access will be constructed close to the centre of the frontage. There will be one mobile home and one touring caravan per pitch. Some of the landscaping has already been carried out but a 1.5m high fence will be erected around the site, and additional hedge planting will be undertaken outside the fence.*
- 1.5 *The application is for a two pitch travellers' site. The names and circumstances of those hoping to live on the site have been provided in the Planning, Design and Access Statement. The intended occupants are 4 adults and 2 children, aged 11 and 14 years. They are all part of the applicant's family.*
- 1.6 *The proposal is, in effect, a re-submission of application 0801685FUL but is for a permanent change of use rather than a temporary one.*
- 1.7 The site is in the open countryside, and the land is liable to flood. The road is classified (B1050).

2. NATIONAL GUIDANCE

- 2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3 – “Housing” (2006)** sets out how the planning system supports the growth of housing completions needed in England.
- 2.3 **PPS7 – Sustainable development in rural areas (2004).** Sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.4 **PPS9 – Biological and Geological Conservation (2005).** sets out planning policies on the protection of biodiversity and geological conservation through the planning system.
- 2.5 **PPG13 Transport (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.
- 2.6 **PPS25 – Development and Flood Risk (2006)** sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.
- 2.7 **Circular 1/2006** – Planning for Gypsy and Traveller Caravan Sites.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
- **H3:** “Provision for Gypsies and Travellers” – Provision should be made for sites/pitches to meet the identified needs of Gypsies and Travellers living within or resorting to their area.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.
- The Panel Report on the Single Issue review of Policy H3 was issued in December 2008. It recommends that the additional pitch requirement for Huntingdonshire be increased from 20 to 25 for the period 2006 to 2011.

3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- None

3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **En17** – development in the countryside will be restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
- **En20:** landscape scheme – wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- **En22:** “Conservation” – wherever relevant, the determination of applications will take appropriate consideration of nature and wildlife conservation.

- **H23** Outside Settlements - general presumption against housing development outside environmental limits with the exception of specific dwellings required for the efficient management of agriculture, forestry and horticulture.
 - **H44** Gypsy Sites – the need will be monitored to provide additional facilities for gypsies to supplement the Local Authority owned site and existing private facilities.
 - **CS8:** “Water” – satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.
- 3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)
- None relevant
- 3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007
- **P8** – Development in the Countryside – Outside the defined limits of the Market Towns and Key Centres and the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
 - **P10** – Flood Risk – development should: not take place in areas at risk from flooding, unless suitable mitigation/flood protection measures are agreed; not increase the risk of flooding to properties elsewhere; make use of sustainable drainage systems where feasible; be informed by a flood risk assessment where appropriate.
 - **G2** – Landscape Character – development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape.
 - **G3** - Trees, Hedgerows and other environmental features – development proposals should minimise the risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
 - **G4** – Protected Habitats and Species – development proposals should not harm sites of national or international importance for

biodiversity or geology. Proposals will not be permitted if they potentially damage County Wildlife sites, Local Nature Reserves, Ancient Woodland, Important Species or Protected Roadside verges, unless they significantly outweigh the harm.

- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.

3.6 Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.
- **CS6:** “Gypsies, Travellers and Travelling Showpeople” - Account will be taken of the need to ensure that Gypsies, Travellers and Travelling Showpeople are accommodated in sustainable locations where essential services such as water and sewerage are provided and with good access by foot, cycle or public transport to services such as education and health. Providing sites in appropriate locations will help prevent the social exclusion of Gypsies, Travellers and Travelling Showpeople and conflict with settled communities. Consideration will be taken of the preference of many Gypsies, Travellers and Travelling Showpeople for a rural location with a degree of separation from the settled community.
- The number of pitches should be appropriate to the size of the site and the availability of infrastructure and services and facilities in accordance with the general principles set out in the settlement hierarchy. The selection of sites is subject to criteria.

3.7 Huntingdonshire Landscape and Townscape Assessment 2007

- **Gypsy and Traveller DPD** – the Council has produced the Issues and Options Stage 1 which was published for consultation in January 2009. It is expected that Stage 2 Site Alternatives will be published for consultation in Summer 2009.

4. PLANNING HISTORY

4.1 0702530FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers site (six pitches). Refused on 19th December 2007. Copies of the layout plan and decision notice are attached.

4.2 0704185FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers site (six pitches) including new vehicular access, associated roadway and hardstanding. The location of the pitches was the same as 0702530FUL but the access was

different. The application was withdrawn by the applicant on the 13th December 2008.

4.3 0801685FUL – Temporary change of use of land from agriculture to caravan/mobile home travellers' site (two pitches). The application was refused on 14th July 2008. Copies of the layout plan and decision notice are attached.

4.4 0803522FUL – *Permanent change of use of agricultural land to a travellers' site with 6 pitches including new vehicular access roadway and hardstanding. This application is considered elsewhere on this agenda.*

5. CONSULTATIONS

5.1 **Somersham Parish Council – REFUSE** (copy attached)

5.2 **Local Highway Authority (CCC)** – No objections in principle.

5.3 **The Wildlife Trust** – any development should be a minimum of 30m from any barn owl nest. The access over the drain should be constructed using a box culvert to limit the disturbance to any water voles living in the drain.

5.4 **Natural England** – No objections subject to adequate protection for the owls and voles.

5.5 **Environment Agency** – The revised flood risk assessment is acceptable and the Agency has no objections to the proposal. Two conditions relating to the height of the floors above ground level and the secure anchorage of the mobile homes have been suggested.

5.6 **Middle Level Commissioners – No objection.** Comment that consent has not been given for the proposed culvert, and that a number of trees have been planted in the maintenance strip. The applicant has replied by stating that consent has been granted for additional culverting (but not in the position of the new access) and that any trees have been replanted elsewhere in the site.

5.7 **Environment Health Officer** – The site is within 250m landfill buffer and could potentially have migrating landfill gases within the ground. The applicant is advised to carry out an investigation to establish the presence or otherwise of landfill gases or ensure that the air gap between the ground and the base of the mobile homes is kept clear to allow the free flow of air.

6. REPRESENTATIONS

6.1 Neighbours – 92 letters of objection have been received. The following points have been raised:-

6.2 The proposal will have an adverse impact on the amenities of the immediate neighbours. The development will be visually intrusive, and the present planting will provide little screening, especially in winter, when most of the plants lose their leaves. The new planting will take too long to become effective. The proposal will result in increased noise, disturbance and loss of privacy through the use of

the site itself, and also from the vehicles using the access and parking areas. There would be light pollution from vehicles and the caravans. Barking dogs could be a problem, as could the burning of rubbish. The site could attract litter and scrap vehicles.

- 6.3 There would be an adverse impact on adjacent businesses. This could affect the equestrian centre in particular where the increase in noise and disturbance could spook the horses, and cause them to panic. This could lead to injury to very valuable animals. As a consequence, owners could remove their animals from the centre, with serious financial consequences, and the possible risk of closure. The number of pitches is irrelevant – it is the increase in the amount of noise and disturbance which will put the horses at risk. A number of the paddocks directly adjoin the proposed site, and the horses using them are very likely to be frightened by the increased activity. There would be no restriction on the use of the remainder of the site for, for example, recreational uses. If the equestrian business fails as a result of the proposal, the employee will lose her job, and the owner will lose her livelihood and home. So much mitigation work is required as to make the site unsuitable for the proposed development. Tree screens could cause the horses to panic as they are susceptible to disturbance from sources they cannot see.
- 6.4 Adverse impact on the character of the landscape. This was one of the reasons for refusing the original application, and the reason remains good. This is a greenfield site, in an open landscape, and any development will be prominent and visually intrusive. The buildings have the potential of being fairly sizable (up to 15m by 6m), and will be seen from considerable distances. They will not be screened by the existing vegetation, and any new planting will take a considerable time to mature and become effective. The planting may not provide screening at ground level. Caravans and mobile homes are out of character with the area.
- 6.5 Adverse impact on wildlife. The proposal will result in the loss of a wildlife habitat and feeding areas for the local fauna. The locally nesting barn owls would suffer from the use of the site, and the increased noise and disturbance, as would a number of other bird species. A number of these are protected by legislation. The construction of the access to the site and the culverting of the ditch could affect water voles living in the ditch. The development would adversely affect the natural breeding cycle of the local wildlife.
- 6.6 Access and highway issues. The relocation of the access to the centre of the site has not alleviated the concerns expressed in respect of the earlier scheme. This was a reason for refusal and the circumstances have not changed. The access will be onto a fast stretch of road, and slow moving vehicles entering and departing the site will exacerbate existing traffic hazards. The road is already prone to accidents. Visibility is poor in both directions, and is blocked by trees in the verges. Use of the road has increased substantially in recent years and is likely to continue to do so with additional development in the Chatteris area.
- 6.7 Personal circumstances of the applicant – the applicant owns a house in Huntingdon, and business premises in Wyton. He appears to be settled and cannot be considered to be a traveller as he no longer

has a nomadic life style. His parents are disabled and also appear to be settled. If the applicant does not follow a nomadic life style, there is no justification to support the application, and there is no compelling reason why they should be located in Somersham. The applicant has no connection with Somersham. Why would the applicant want to leave his present accommodation?

- 6.8 Need for additional traveller accommodation – Somersham already has its fair share of travellers sites (there are three in the vicinity), and the village should not be expected to accommodate any more. The existing sites are some distance from the nearest residential properties and two are on temporary consents only. Recent consents should not be taken as setting a precedent for further permissions in the area. The existing site on the St Ives road could be expanded to take additional pitches. There are no guarantees that the named residents would continue to reside on the site.
- 6.9 The location of the site is not sustainable – there are no facilities near the site, and all journeys would be undertaken by private vehicle. There is no bus service, nor footpath serving the site. The site would not be suitable for permanent accommodation, and therefore it would not be appropriate to grant a temporary planning permission.
- 6.10 The proposal does not meet the criteria, laid down in policy H11 of the HIPPS, by which such applications should be judged.
- 6.11 This is not a site where permanent dwellings would be permitted and there is no justification for allowing mobile homes in this location as an exception to established policy.
- 6.12 The proposal would result in a loss of value to adjacent properties.
- 6.13 Determination of the application would be premature in advance of the adoption of the DPD on Traveller provision.
- 6.14 The proposal would be contrary to the provisions of the Human Rights Act in that it would deprive residents of the peaceful enjoyment of possessions (Art 1), the right to private and family life (Art 8) and the right to the enjoyment of property (Art 14)
- 6.15 The proposal would set a precedent for future development, either on this site, or others close by. The site could expand to take more families. The number of residents on the site would dominate the local settled community and they are unlikely to integrate. This is contrary to paragraph 54 of circular 1/2006.
- 6.16 The site is a possible area for mineral extraction and should be protected from development. The proposal is premature in advance of the adoption of the Minerals and Waste DPD, presently being prepared by the County Council.
- 6.17 The proposal could overload local and site services.
- 6.18 The circumstances of the proposal have not changed since the previous refusal, and the reasons used then are still valid.
- 6.19 The proposal could exacerbate flooding in the area.

- 6.20 The provision of traveller sites should be spread across the District and not concentrated in one area.
- 6.21 The roadway was constructed without any form of permission, and should be removed. It could be construed as fly tipping.
- 6.22 The weight of local opposition should count strongly against the proposal.
- 6.23 Brown field site should be used first before green field sites are considered.
- 6.24 There will be noise and disturbance during the construction period.
- 6.25 There are no services to the site, and there could be a loss of amenity because of the use of generators. The disposal of sewage could lead to health issues.
- 6.26 The equine report commissioned by the applicant is weighted in favour of the proposal.

7. SUMMARY OF ISSUES

7.1 The main issues are:

- Whether the site is an appropriate location for the scale of use proposed having particular regard to accessibility to services and facilities, as well as other sustainability considerations referred to in paragraph 64 of Circular 1/2006
- Impact on the character and appearance of the locality
- Impact on residential amenity
- Impact on neighbouring businesses
- Impact on protected species
- Drainage
- Highway safety
- Whether, if there is any harm and conflict with policy on the above issues, there are material considerations which outweigh that harm and conflict, including whether or not the applicant's and other intended occupiers are gypsies as defined in Circular 1/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the applicant's personal and family circumstances and accommodation alternatives.

The acceptability of the site for the scale of use proposed having particular regard to accessibility to services and facilities, as well as other sustainability considerations referred to in paragraph 64 of Circular 1/2006

7.2 The development plan includes the Regional Spatial Strategy for the East of England (the East of England Plan (EEP)), the Cambridgeshire and Peterborough Structure Plan 2003 (CSP), the Huntingdonshire Local Plan 1995 (HLP) and the Huntingdonshire Local Plan Alteration 2002 (HLP A). The policies in these documents are of limited relevance and the application does not directly conflict with policy H3 of the EEP or policy H44 of the HLP.

- 7.3 The Inspector who dealt with the recent public inquiry in respect of a proposed gypsy site at Brington Road, Catworth (the Catworth Inspector) noted that Policy Core Strategy policy CS6 had superseded policy H11 of HIPPS and, although he could give it some weight, it had not been tested for soundness by an Examination. He therefore, in the absence of up-to-date and adopted policy, considered that Circular 1/2006 was the most relevant policy advice and should have the greatest weight in the decision. That approach has been followed in this report.
- 7.4 Circular 1/2006 makes it clear that gypsy sites are acceptable in principle in the countryside. This advice is considered to override any apparent conflict with conventional policies for the constraint of residential development in the countryside.
- 7.5 With regard to sustainability, paragraph 54 of the Circular advises local authorities to be 'realistic about the availability, or likely availability, of alternatives to the car in accessing local services'.
- 7.6 The site is in open countryside 2.9km (1.8miles) from the centre of Somersham village. For the first 1.6km (1 mile) the route is along a busy stretch of B class road with no footway or lighting. The road is wide enough for two vehicles to pass and there is a grass verge which pedestrians could use as a refuge. On this section traffic travels at or around the speed limit of 60mph. There is also a quarry access on this section of the route. For the remaining 1.3km (0.8 miles) (from Dews garage) the route is within the built-up area, there is a footway and the speed limit is 30mph. It is considered that the distance to the village primary school and the nature of the route are such that pupils would not be likely to walk or cycle to school. Adults might cycle to the village to use the good range of facilities that it has. There is no public transport serving the site. It is likely that the majority of journeys to and from the site would be made by private motor vehicle.
- 7.7 The other aspects of sustainability referred to in the Circular are:
a) the promotion of peaceful and integrated co-existence between the site and the local community;
b) the wider benefits of easier access to GP and other health services;
c) children attending school on a regular basis;
d) the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment; and,
e) not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- 7.8 The overall thrust of these considerations is to recognise the sustainability advantages of a settled lawful site in any location compared with unauthorised camping. Consideration (a) relates to the scale of the use and whether or not it dominates the nearest settled community.
- 7.9 *It is considered that this proposal for two pitches would not be significant in relation to the permanent dwellings adjacent to the site. If this proposal were to go ahead in addition to the proposal for six pitches on land to the rear it is considered that there would be an*

unsatisfactory relationship with the existing dwellings. Paragraph 54 of Circular 1/2006 advises that sites should respect the scale of, and not dominate the nearest settled community. The cumulative impact of 8 pitches spread along the whole depth of the site would not respect the scattered group of dwellings in this part of the community. In terms of Somersham as a whole, this proposal, even in conjunction with six pitches on the rear and the other temporary and permanent sites in the parish, at St Ives Road (5 pitches on 2 sites) and Parkhall Road (1 pitch), would not dominate the settled community given the broad spread of the sites and the overall modest number of pitches.

- 7.10 *With regard to considerations (b) and (c), all of the proposed occupants of the site have access to medical and education facilities.*
- 7.11 *Under consideration (d), none of the named prospective occupants is travelling so there would be no benefit in terms of reduced long distance travelling.*
- 7.12 The issue of flooding, consideration (e) is dealt with in more detail below but there is no objection.
- 7.13 Conclusion - The distance to Somersham, which is a Key Service centre with a good range of services and facilities, is moderate. In terms of transport mode and distance from services it is considered that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD. Following the approach taken by the Catworth Inspector, the scale of the development proposed has not been taken into account in making this assessment of accessibility but it is relevant in considering the weight that should be given to the merits or disadvantages of the site's accessibility. The greater the number of pitches, the more services residents will need regular access to, the greater the number of car journeys that will be made and the greater the disadvantage for residents when a motor vehicle is not available. The benefits of a settled, lawful site are in this case limited but it is considered that the distance to services is not so far as to be a reason to justify refusal of a temporary permission under the transitional arrangements.

Impact on the character and appearance of the locality

- 7.14 The site is in the Fen Margin Landscape Character Area identified in the Huntingdonshire Landscape and Townscape Assessment. It is characterised by its flat topography and the presence of woodland and treed hedgerows. The site is on the very eastern edge of this area where it abuts the expansive open area of the Fens landscape which is much less vegetated. The landscape has no protective designation. Built development in the vicinity of the application site is scattered, and is confined to a number of isolated buildings standing in large tracts of open land. A substantial amount of planting around the boundaries of the land, and within it, has been undertaken recently. This planting has some limited effect now and it will reduce the visual impact of the development with time, but will not hide it in its entirety.
- 7.15 *The two pitch site is close to the roadside and the pitches would be seen in the context of the frontage buildings either side of the site.*

The pitches will initially be open to view from the road but screening and landscaping would filter views over time. Circular 1/2006 says that in designated landscapes such as National Parks and AONB permission should only be granted when the development will not compromise the objectives of designation. Less important local landscape designations should not be used, in themselves, to refuse permission for gypsy sites. In this open Fen edge area any gypsy site is likely to be prominent until screen landscaping matures. It is considered that the impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD. It could be unreasonable to require landscaping for a temporary permission but in this case the applicant has offered to landscape the site and has already carried out significant planting which has some effect which will increase over time. It is considered that the short-term harm in terms of landscape impact is not sufficient to warrant a refusal of planning permission for a temporary period.

Impact on residential amenity

- 7.16 It is difficult to be precise about the impact of the use on the amenities of the immediate residential neighbours but, given that the site is presently unused, some increase in noise and disturbance is inevitable. The Circular refers specifically to the noise and disturbance from vehicles using sites, and to potential business activities. Using average traffic statistics, each pitch could generate around six vehicle movements per day, potentially giving 36 movements per day in total. These would be spread across the day, although there may be some concentration at the morning and evening peaks. Following the refusal of application 0702530FUL, the position of the access has been moved away from 'The Paddock', the dwelling located to the south of the site, towards the centre of the site frontage. An access in this position will limit the impact of vehicular movements on 'The Paddock' to a level which would not warrant a refusal.
- 7.17 No business activity is proposed to take place in the site and this could be the subject of a condition. Within the site, there would be the normal activity associated with human occupation but, any disturbance would not readily support a reason for refusal in terms of impact on residential amenity. The development will be clearly visible from a number of the adjacent properties but the new landscaping will provide some filtering and the planting could be reinforced. Adjoining properties could be viewed by occupiers of the site, but, as with noise and disturbance, any loss of privacy would not be significant enough to warrant a refusal.
- 7.18 Overall, it is considered that the combined effect of the two sites proposed on the amenities of the adjoining dwellings would be sufficient to justify a refusal as set out in paragraph 7.9 above.

Impact on the neighbouring equestrian business

- 7.19 The main aspects of this issue are:
- whether the proposal would have a significant adverse effect on the operation of the Long Drove Dressage Centre;

- if the effect is significant, whether there are any reasonable mitigation measures which could be taken by the applicant or others to lessen or prevent the impact;
- whether a temporary permission to act as a 'trial run' would be appropriate;
- whether the impact of the proposed development would be comparable with other impacts that could occur anyway; and
- the impact from construction noise and disturbance.

- 7.20 Although not part of the adopted development plan, the Submission Core Strategy is at an advanced stage in the adoption process with an Examination in Public having recently taken place. Policy CS6 sets out criteria to guide the provision of gypsy/traveller sites. One of the criteria states that there would be no significant adverse effect on the operations of adjoining land uses. It is repeated in the Gypsy and Traveller Sites DPD Consultation. It can be seen to relate to the statement in Circular 1/2006 that consideration of sustainability in its widest sense should include consideration of 'the promotion of peaceful and integrated co-existence between the site and the local community'. Furthermore, support for considering the impact on nearby uses is found in the advice in Circular 11/95 on Planning Conditions which talks about assessing a use which may be potentially detrimental to nearby uses.
- 7.21 The main concerns are:
- the risk to the well-being of the dressage horses at the Centre;
 - the risk to staff trying to handle distressed or excitable horses;
 - the effect on the Centre's financial viability if it were to lose customers or clients because of the actual risk to the horses or the perception of risk by their owners.
- 7.22 It is clear from the attached independent report from Landscape commissioned by the Council that there may well be some impact on the adjoining Dressage Centre business. The question is whether there will be a significant adverse impact.
- 7.23 *The proposal involves two pitches immediately adjacent to the eastern end of the Centre's paddocks. This judgement is considered to be finely balanced. These pitches would be close to other potential noise generating uses (the road, nursery and residential properties). From the representations received, it appears that noise levels from the nursery and existing residential properties are very low. Even accepting this, the locality is not particularly tranquil. In addition to the uses described above, there is a quarry with associated lorry movements on Long Drove to the west of the Dressage Centre. Whilst there may already be some noise and disturbance in the locality, any significant additional noise and disturbance, or even a perception that there will be additional noise and disturbance, has the potential to have a significant impact on the business.*
- 7.24 The application is for residential use only, not business use. It is expected that it will give rise to an element of normal domestic noise, vehicular traffic and the general paraphernalia associated with domesticity including washing lines, garden furniture, etc. The most likely period when there would be significant levels of noise or increase in disturbance would be light summer evenings, weekends and school holidays when there would be more children on the site

perhaps playing football, flying kites, riding bicycles and generally playing in and around the pitches. By their nature children tend to be excitable and sometimes unpredictable with screaming, shouting, running and general noisy activities including the kicking of balls and so on. It is possible therefore that at certain times these activities could cause surprise to horses.

- 7.25 The horses at the Centre are predominantly ‘warmblood’ type animals typical of dressage and sport-horse varieties. Due to the breed, style of training and management they can be nervous and highly strung, although it is noted that they have to be able to compete in noisy arenas. The main risk of injury would be during the day when the majority of horses would be out in the grass paddocks and unexpected, sudden or loud noises emanating from the neighbouring site could cause disturb or panic them. This could cause young or nervous horses to bolt or flee, running the risk of muscle based injuries and in extreme cases horses escaping from the premises by breaking through fences. A number of the horses at the Centre are young and/or will have arrived relatively recently because of the regular turnover. The nature of the business of horses-for-sale means that they have little time to acclimatise to the site and this is when risk is greatest.
- 7.26 The applicant’s equestrian report identifies a number of livery yards in urban or suburban locations where horses are able to cope with the level of disturbance normally associated with housing. In this case it is not clear whether there would be a period of adjustment which would happen quickly and with little or no damage or injury to horses or an ongoing, albeit, relatively low but sufficiently frequent and unpredictable level of disturbance which would lead to problems with horse management. The applicant’s consultant considers that incidents would be very infrequent, if at all, and unlikely to cause serious upset or injury to horses but the Centre’s owner and vet nevertheless consider that horses could be injured.
- 7.27 The Council’s consultant is of the view that none of the elements of domestic noise and disturbance are individually likely to be sufficient to create widespread or frequent potential for injury or accident to horses. However, if there is sufficient concern by horse owners that their animals could be damaged as a result of infrequent noise or disturbance, there is still the possibility that horses would be removed. Whilst disturbance which would scare horses on a regular basis is not expected, with valuable young stock being present on a daily basis even occasional exposure that is within normal residential tolerances may not be acceptable to the Centre’s clients.
- 7.28 The Council’s consultant considers that if a significant number of clients (greater than 20%) choose to leave this is likely to have a serious adverse impact on the Centre’s financial viability at least for a short period of time. Most of the clients have stated that they will leave. There may be a period of “adjustment” until the impact of a mobile home site can be measured based on real experience rather than perception but if the reduction in numbers were likely to occur for longer than a few weeks or months it could have a serious and irreversible impact on the financial sustainability of the Centre.

- 7.29 It is by no means certain how many owners will remove their horses if this application is approved, but it is more likely that owners will remove horses if, as seems to be the case here, there are centres offering similar facilities in the area. The planning authority cannot be certain whether the proposed use would result in a significant adverse impact on the Dressage Centre, nor can it be certain that it will not.
- 7.30 Mitigation - The Centre's boundary to the site has a post and rail dog-proof fence and a hawthorn hedge has been planted recently. This planting, together with that recently carried out on the application site and the further planting and fencing proposed would, in time, offer a significant screen, which would assist in reducing the impact of any noise or disturbance. The Council's Consultant considers it unlikely that the screening would guarantee total or complete reduction in disturbance and it is likely that there would always be the risk of some impact. Even the construction of a low earth bund would not eliminate all noise and disturbance.
- 7.31 Comparable impacts from the existing land use or permitted development - The applicant's equestrian report points out that noise and disturbance could arise from agricultural or limited equestrian use and those activities which could be operated for between 14 and 28 days under the General Permitted Development Order (GDPO). In considering whether the impacts of a development could have a harmful effect, it can be appropriate to consider whether those effects would occur anyway through events outside the control of the planning authority. At present the site is essentially quiet; its lawful agricultural use could give rise to limited or anticipated periods of noise, such as combine harvesting or ploughing, during which it may be possible for individual horses to be removed from their paddocks and stabled as prior notice could be given to the Centre.
- 7.32 Part 4 of Schedule 2 to the GPDO gives certain rights to hold events on open land and Part 5 allows land to be used on a temporary basis as a caravan site, subject to certain restrictions. Notwithstanding these possibilities, it is considered that a temporary or permanent permission for full time occupation would give rise to the risks that have been identified and that they would therefore be unacceptable.
- 7.33 Construction Noise - It is likely that there would be a significant level of noise and disturbance associated with construction work on the site as well as relatively brightly coloured machinery in use. Construction is however likely to last only a matter of a few weeks. It is considered that because the work is predictable and manageable the impact could be controlled to an acceptable level by the imposition of a construction management condition requiring that prior notice be given to the Centre.
- 7.34 Conclusion - Given that the removal of horses and the difficulties in attracting new owners may well have an immediate/short-term and fatal impact on the Dressage Centre business as well as putting the horses and staff at risk, on balance, it is felt that the proposal should not be approved.
- 7.35 In circumstances where a use may be "potentially detrimental to existing uses nearby but there is insufficient evidence to enable the authority to be sure of its character or effect, it might be appropriate to

grant a temporary permission in order to give the development a trial run, provided that such a permission would be reasonable having regard to the capital expenditure necessary to carry out the development” (Circular 11/95). The extent of capital expenditure required in this instance is not considered to be prohibitive for a temporary consent. However, the risks associated with a reasonable length of trial run would be comparable with those associated with a permanent permission. Given that the removal of horses and the difficulties in attracting new owners may well have an immediate/short-term and fatal impact on the Dressage Centre, on balance, it is felt that the proposal should not be approved even on a temporary basis.

Impact on protected species

- 7.36 Barn owls, water voles and other fauna have been reported using the site, and both Natural England and the Wildlife Trust have commented on the proposal. Neither has raised an objection to the development, but both have recommended that precautions are taken to mitigate the effects of the proposal in the event of planning permission being granted. These could be secured by conditions.

Drainage

- 7.37 The site is in the flood plain but neither the Environment Agency, nor the Middle Level Commissioners, have objected to the proposal although a number of comments have been made and the Environment Agency has suggested conditions if the development is permitted. The applicants intend to install a self contained sewage treatment unit to deal with foul sewage from the site. This is the preferred means of dealing with foul drainage in locations away from mains drainage.

Highway safety

- 7.38 The LHA has no objections to the application as the required visibility splays can be achieved. These splays will provide a view of oncoming traffic for vehicles leaving the site and forward vision of turning traffic for other road users. Their maintenance can be controlled by condition. The amount of traffic generated by the development is likely to be limited and the advice in the Circular is that proposals should not be rejected if they would give rise to only modest additional daily traffic movements. It is acknowledged that a number of accidents have occurred in the vicinity but there is no evidence to suggest that the situation will be exacerbated if the application is approved.

Whether, if there is any harm and conflict with policy on the above issues, there are material considerations which outweigh that harm and conflict, including whether or not the applicant’s and other intended occupiers are gypsies as defined in Circular 1/2006; the need for more gypsy sites in the area; the likelihood and timescale for identified needs to be met through the development plan system; the applicant’s personal and family circumstances and accommodation alternatives

- 7.39 *The status of the applicant and other occupiers - The intended occupants of the two pitch site are the applicant and his family on one*

pitch and his elderly parents on the other pitch. The particular needs of the proposed occupiers, based on the information submitted, are no greater than the general gypsy/traveller population. The applicant has stated that although he has a permanent dwelling in Huntingdon, this style of living is contrary to his ethnic values, and was forced upon him as a temporary measure when he had to move from his previous location. He and his family remain gypsies within the accepted definition and their current accommodation conflicts with his preferred lifestyle. His family have connections with Cambridgeshire and members have lived in the County for the past 100 years, working primarily on the land. The matter of the applicant's status as a gypsy has been questioned by a number of objectors but the applicant's agent has confirmed that her client maintains his gypsy status.

- 7.40 Both applications have to be considered on the basis that the pitches could be occupied by any of the named people or other gypsies.
- 7.41 The need for more gypsy sites in the area - The East of England Plan (EEP) was approved in May 2008 but policy H3 is subject to a single policy review. A draft policy was submitted to the Secretary of State in February 2008 and it was the subject of an Examination by a Panel of Inspectors in October. The draft policy proposed 20 additional pitches in Huntingdonshire in the period 2006-11 and a further 18 pitches in the period 2011-21. The Panel report, published in December, recommended increasing these numbers to 25 and 21 respectively. The East of England Regional Assembly which prepares regional policy will consult in the next few months on Proposed Changes to the draft policy based on the Panel's recommendations.
- 7.42 The District Council published a Gypsy and Traveller Sites Development Plan Document Issues Consultation: Principles and Processes in January 2009. As at November 2008 only 1 additional permanent pitch had been granted planning permission (Parkhall Road, Somersham). Temporary consents for a total of 16 pitches have been granted (10 at Catworth, 4 at Somersham Road, St Ives, 1 at St Ives Road/Pidley Sheep Lane, Pidley and 1 at Paxton Road, Offord D'Arcy).
- 7.43 The Council has submitted its Core Strategy to the Secretary of State. Policy CS6 supersedes policy H11 of HIPPS. The Core Strategy is undergoing its Examination and the Inspector's report is expected in Summer 2009. Policy CS6 does not address the number of pitches (dealt with in the review of EEP policy H3), rather it sets out the proposed criteria for identifying sites, although one of the issues considered in the Gypsy and Traveller Sites DPD is whether further criteria are needed.
- 7.44 Paragraphs 45 and 46 of Circular 1/2006 advises that where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period local planning authorities should give consideration to granting a temporary permission. Such circumstances may arise when a local planning authority is preparing its site allocations DPD. In such circumstances local planning authorities are 'expected to give substantial weight to

the unmet need in considering whether a temporary planning permission is justified. The fact that a temporary permission has been granted on this basis 'should not be regarded as setting a precedent for the determination of any future applications for full planning permission for the use of the land as a caravan site'.

- 7.45 Availability of alternative accommodation for the applicant - An assessment of alternative accommodation within the locality must also be carried out. At the time of writing, only 3 of the 10 pitches approved at Brington Road, Catworth are currently occupied and as such this site, which has temporary permission, could provide suitable alternative accommodation for gypsies. As noted above, temporary consents have been granted for 16 pitches in order to provide accommodation until permanent sites can be found through the Gypsy and Traveller sites DPD process, probably towards the end of 2010. There is therefore still a need for between 4 and 9 pitches to meet the need identified by the EEP Single Policy Review for the period up to 2011. In principle this site could contribute to meeting the district-wide need.
- 7.46 The overall conclusion on this issue is that there is a requirement for between 4 and 9 pitches to meet the district-wide need to 2011 which would justify a temporary permission in all respects other than the cumulative impact on neighbouring residential properties if implemented in conjunction with the other current proposal and the harm to the neighbouring equestrian centre business resulting from this proposal for the reasons set out above.

Other matters

- 7.47 Many issues have been raised by local residents, and these have been summarised above. The principal planning ones have been addressed by the subsequent comments, and others, especially those relating to the overall selection of sites will be addressed during the preparation of the DPD. The loss of property values is not a material planning consideration.
- 7.48 On the question of mineral extraction, the land to the west of Long Drove is identified in the Cambridgeshire and Peterborough Minerals Local Plan as an Area of Approved Working. The application site which is to the east of Long Drove is not in this area nor is it in an Area of Search within which potential new sites may be identified.
- 7.49 The Government is committed to ensuring that gypsies and travellers have the same rights and responsibility as every other citizen, and, in this respect, Human Rights provisions should be an integral part of the decision making process. Local Authorities should consider the consequences of granting or refusing planning permission on all involved. This issue has been taken into account in this case, but it is considered that the provisions of the European Court of Human Rights do not override the material planning considerations in this instance.

Conclusions

- 7.50 Unlike previous applications on the land the proposal is for a permanent gypsy site. The application has been considered on this

basis but also, as a permanent permission is considered to be inappropriate, the site's suitability for a temporary permission has also been considered.

- 7.51 **Sustainability** – The site is not considered to be sufficiently accessible to services to warrant the grant of permanent permission in advance of the consideration of the full range of potential sites that will be carried out in the preparation of the Gypsy and Travellers Sites DPD and thereby the proposal would be contrary to policy CS6 of the Submission Core Strategy. In view of the requirement for pitches (temporary or permanent) to meet the district-wide need until the DPD has been adopted a temporary permission could be granted in respect of this issue.
- 7.52 **Impact on the character and appearance of the locality** – It is considered that the impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD and thereby the proposal would be contrary to the provisions of policy CS6 of the Submission Core Strategy. With suitable landscaping, the impact of the development for a temporary period on the character and appearance of the area is acceptable in view of the advice in Circular 1/2006 that gypsy sites are acceptable in principle in the countryside. For the duration of a temporary permission the screening effect of new landscaping would be limited but district-wide requirement for pitches would outweigh any harm.
- 7.53 **Impact on residential amenity** - The impact of this development in isolation on neighbouring and nearby residential properties is acceptable but the cumulative impact with application *0803522FUL*, if both proposals were to go ahead, would be detrimental to the amenities of nearby residential properties. The proposal would be contrary to policy CS6 of the Submission Core Strategy in this respect and to the advice in paragraph 54 of ODPM Circular 1/2006 that sites should respect the scale of, and not dominate the nearest settled community. For the same reason a temporary consent is not appropriate.
- 7.54 **Impact on neighbouring equestrian business** - The proposed development would have a significant adverse effect on the neighbouring equestrian business contrary to policy CS6 of the Huntingdonshire Interim Planning Policy Statement and the advice in Circular 1/2006 that sites should be considered with regard to peaceful and integrated co-existence with the local community. For the same reason a temporary consent is not appropriate.
- 7.55 **Impact on protected species** - Subject to the imposition of appropriate conditions, the development would not cause harm to protected species or their habitats. The development would comply with policies En22 of the Huntingdonshire Local Plan and G4 of the Huntingdonshire Interim Planning Policy Statement.
- 7.56 **Drainage** - Subject to the imposition of appropriate conditions, satisfactory means of foul and surface water drainage are available. The development would comply with policies CS8 of the

Huntingdonshire Local Plan and P10 of the Huntingdonshire Interim Planning Policy Statement.

- 7.57 **Highway Safety** - Subject to the imposition of appropriate conditions, a safe means of access can be provided. The development would comply with policy T1 of the Huntingdonshire Interim Planning Policy Statement.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – REFUSE, for the following reason:

- 8.1 The site is not sufficiently accessible to services and facilities by means of travel other than private motor vehicles to justify granting permanent planning permission in advance of the consideration of alternative sites as part of the preparation of the Council's Gypsy and Traveller Sites Development Plan Document and the proposal would thereby be contrary to policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 and advice in Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites.
- 8.2 The impact on views and the character of the countryside is such that the site does not perform well enough to justify granting permanent planning permission in advance of the detailed consideration of a range of sites that will take place in the DPD and thereby the proposal would be contrary to the provisions of policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008.
- 8.3 The development of the site as proposed would, if permitted in conjunction with the development of application site 0803522FUL, for a temporary period or permanently, result in a number and extent of pitches that would be detrimental to the amenities of nearby residential properties because it would not respect the scale of, and would dominate the nearest part of the settled community contrary to policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 and to the advice in paragraph 54 of ODPM Circular 1/2006
- 8.4 The proposal would be contrary to the provisions of policy CS6 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008 in that the development would, by reason of the noise and disturbance likely to be generated by the proposed use, have a significant adverse effect on the operations of the adjoining dressage centre whether permitted for a temporary period or permanently.

BACKGROUND PAPERS:

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alterations (2002)
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy 2008

Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites
Huntingdonshire Landscape and Townscape Assessment 2007

CONTACT OFFICER:

Enquiries about this report to **David Hincks Development Control Officer**
01480 388406

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Case No: 0900013FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE OF LAND TO TRAVELLERS SITE WITH THE STATIONING OF A MOBILE HOME AND TRAVELLERS CARAVANS FOR A TRAVELLER FAMILY

Location: LAND SOUTH EAST OF OLD TOLLBAR HOUSE TOLL BAR LANE KEYSTON

Applicant: MR W SIGGERY

Grid Ref: 505021 276109

Date of Registration: 18.02.2009

Parish: BYTHORN & KEYSTON

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This site is located close to the A14 in the open countryside outside the village of Bythorn. Bythorn village lies approximately 0.7km to the south east of the application site. The village of Keyston is approximately 0.6km to the south west. The site is accessed off Toll Bar Lane and is opposite an existing Lay-by. Hardstanding is already present on the site and it is enclosed by fencing. The site slopes down towards the A14 and the existing vegetation surrounding the site provides screening.
- 1.2 The application seeks consent for the change of use of the land for use as a gypsy and traveller site, comprising one pitch for Mr Siggery and his family, which equate to one static caravan and one touring caravan, plus additional space on the pitch for the accommodation of two further touring caravans for extended family members to reside when visiting.

2. NATIONAL GUIDANCE

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3: "Housing" (2006)** sets out how the planning system supports the growth in housing completions needed in England.
- 2.3 **PPS7: "Sustainable Development in Rural Areas" (2004)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.
- 2.4 **PPG13: "Transport" (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.

2.5 **PPG24: “Planning & Noise” (1994)** guides planning authorities on the use of planning powers to minimise the adverse impact of noise.

2.6 **Circular 01/2006: Planning for Gypsy and traveller caravan sites**

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **SS1:** “Achieving Sustainable Development” – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.
- **H3:** “Provision for Gypsies and Travellers” – Provision should be made for sites/pitches to meet the identified needs of Gypsies and Travellers living within or resorting to their area.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- None relevant

3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **H23:** “Outside Settlements” – general presumption against housing development outside environmental limits with the exception of specific dwellings required for the efficient management of agriculture, forestry and horticulture.
- **H44:** “Gypsy Sites” – the need will be monitored to provide additional facilities for gypsies to supplement the local authority owned site and existing private facilities.

- **En17:** "Development in the Countryside" - development in the countryside is restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
 - **En20:** Landscaping Scheme. - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- 3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)
- None relevant
- 3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007
- **P8** – Development in the Countryside – Outside the defined limits of the Market Towns and Key Centres and the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
 - **G2** – Landscape Character - development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape
 - **G3** – Trees, hedgerows and Other Environmental Features - development proposals should minimise risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
 - **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- 3.6 Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.
- **CS1:** "Sustainable development in Huntingdonshire" – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

- **CS6:** “Gypsies, Travellers and Travelling Showpeople” - Account will be taken of the need to ensure that Gypsies, Travellers and Travelling Showpeople are accommodated in sustainable locations where essential services such as water and sewerage are provided and with good access by foot, cycle or public transport to services such as education and health. Providing sites in appropriate locations will help prevent the social exclusion of Gypsies, Travellers and Travelling Showpeople and conflict with settled communities. Consideration will be taken of the preference of many Gypsies, Travellers and Travelling Showpeople for a rural location with a degree of separation from the settled community. The number of pitches should be appropriate to the size of the site and the availability of infrastructure and services and facilities in accordance with the general principles set out in the settlement hierarchy. Subject to set criteria.

3.8 Huntingdonshire Landscape and Townscape Assessment (2007)

3.9 Gypsy and Traveller DPD – the Council have produced the Issues and Options Stage 1 which is currently out to public consultation. It is expected that Stage 2 Site Alternatives will be published for consultation in summer 2009.

4. PLANNING HISTORY

4.1 0700852FUL - Erection of stables – refused

4.2 0600510FUL - Erection of stables – refused

4.3 0500387FUL - Siting of mobile home for traveller family – refused – appeal dismissed (copy of Inspectors decision attached)

4.4 0402165OUT - Erection of bungalow and garage with all matters reserved except access – refused

4.5 00/00078/FUL - Erection of petrol filling station – refused

5. CONSULTATIONS

5.1 **Bythorn and Keyston Parish Council – OBJECTION** (copy attached)

5.2 **Catworth Parish Council** – Inspector noted that the site at Brington was refused by the Planning department for a number of reasons and these reasons for objection would apply to this application. (copy attached)

5.3 **Brington and Molesworth Parish Council – OBJECTION** (copy attached)

5.4 **CCC Highways – NO OBJECTION**, subject to conditions

5.5 **HDC Environmental Health** – site is within Noise Exposure Category B and it would not be possible to provide adequate mitigation measures, suggest that the site is not suitable for the proposed use

6. REPRESENTATIONS

6.1 1 letter of support has been received in response to the consultation exercise, 1 letter of support was received via the agent from the Northamptonshire NHS Public Health specialist, 1 letter of support from Autism Independent UK and 2 letters of support have been received from schools attended by the applicant's son. (copies enclosed)

6.2 63 letters of objections have been received in response to the application, the comments made are as follows:

- * contrary to policy, only infilling permitted and this does not constitute infilling

- * no benefit to Bythorn or Keyston

- * consider that sites should be established in locations which are sustainable and accepted by existing settled community to avoid future confrontation

- * Council should take a strategic view on provision of travellers sites, rather than being pressurised by speculative applications on less suitable sites

- * not sustainable, only accessible by vehicles, significant distance from shops, schools, medical facilities and other basic requirements

- * concern that the main driver is to increase the value of the land or to rent the land to other gypsy and travellers to ensure compensation if a bridge is built

- * near A14, seen a traffic increase, the site is also on a blind bend

- * concern over potential accident at B663/A14 junction and need to build a bridge. The purchase of the land would be more difficult if already designated as a travellers site

- * concerns associated with Mr Siggery's Autistic son and the location of the site. The inspector in 2005 considered the site unsuitable, also further concern with two further young children to be brought on to the site

- * consider the appeal of 2005 is relevant to this application

- * approval of the site would result in a disproportionate concentration in this area

- * families are not local to the area and consider they may be taking advantage of the recent temporary consent at Brington

- * green belt land and unsuitable for accommodation

- * no justification for the move for either the applicant or associated members of his family

- * Brington site is not comparable

- * Do not consider that gates could be achieved on the site and set back 15 metres

- * Brington decision refers to children of primary school age, this is not relevant on this site

- * Understand that the land previously owned by Mr Siggery is not previously developed

- * Has the Council identified further funds for sound proofing on the A14 – will the tax payer fund this development?

- * Only 95 residents in the village, proposal would see a significant increase

- * Grant of temporary consent at the Brington site brings HDC up to or about its required number of pitches for 2011 and any shortfall should

not give Mr Siggerys application any precedence over the previous unsuitability of the site

* Consider that as Mr Siggery owns the site at Ringstead he could have accommodated his family when it was extended in 2006

* Access is dangerous and lack of footpath

* If the junction can be improved or widened then the application site may be needed

* Has potential to increase noise, volume of traffic, light and pollution

* Concern over impact on Conservation Area

* HGV's park in the existing layby

* Question the gypsy status of the applicant

* No unmet need

* Concern over noise levels on the site

* Concern over contamination and asbestos on the site

* Brington site is undersubscribed

* Land has been transformed from a field suitable for agricultural purpose to partially tarmac area

* If the application were allowed it would pre-empt the DPD

* Development would erode the natural beauty, character and tradition of the area and this is at a time when heritage and open spaces should be reserved

* Site has never been used as a truck stop or café

* Does not consider that proposal would provide a home for several families without a suitable home

* Other families that are said to need accommodation are already living on sites elsewhere, and children are already in schools where they currently live, no need to move onto this site

* Concerns over the applicants motives to locate a caravan on the site

* nothing has changed since the since previous applications except the A14 has become more congested

* the proposal would cause a hazard to those passing the site and using the bridleway

* parking space for two vehicles would appear inadequate and envisage more vehicles

* Human rights and race relation requirements should not give a group any additional rights to establish a site in contravention of planning control

* Local gypsy and traveller accommodation need for Huntingdonshire is defined in draft policy documents as 40 pitches by 2011, currently 26 in place with a further 9 being the subject of an application or appeal, need is therefore met

* Residential property on this site would not be supported

* Permitting the proposal in terms of numbers would be wrong and set a precedent for development of all future sites both locally and nationally

* Pollution from A14

* No recreational spaces available

* Should not be necessary to permit another site a couple of miles away

* 40% of traffic on the A14 is made up of heavy goods vehicles, with an increase in noise and risk of accidents

* additional traffic shall exit onto the A14 and exacerbate the risk of injury

* concern over access and traffic using the existing road

* question why Hunts DC should be responsible for those on unauthorised sites in Braintree and the West Midlands

7. SUMMARY OF ISSUES

- 7.1 The main issues to consider are:
- * The acceptability of the land use
 - * Scale of development
 - * Sustainability
 - * Impact on the character and appearance of the locality
 - * Impact on residential amenity and noise
 - * Highway safety
 - * Gypsy status of the applicant
 - * Local need, availability of alternative accommodation and personal circumstances

Background

- 7.2 The applicant has referred to the recent appeal decision at Thrapston Road, Catworth (Brington site) as a material consideration. This appeal decision highlighted the relevant policies contained within the Development Plan, with Policy CS6 of the Submission Core Strategy (currently under examination) superseding policy H11 of the Huntingdonshire Interim Planning Policy Statement. It was concluded that in the absence of an up to date adopted and relevant policy on the selection of gypsy sites, Circular 01/2006 is the most relevant policy and should have the greatest weight.
- 7.3 The Catworth site was granted consent for a temporary period of four years. The Inspector indicated that the site was poorly located for access to shops, services and facilities, with the exception of a primary school. However, it was recognised that there is a substantial need for more gypsy sites, all the intended occupiers had a need for a lawful pitch, there are no available alternatives and it is likely to be four years before additional sites are available through the development plan process.
- 7.4 The Inspector concluded that on balance the positive factors in favour of the appeal, when considered on a four year temporary period did outweigh the harm identified in the appeal decision.
- 7.5 Whilst a temporary consent has been granted at Brington, this does not reduce the number of permanent sites that need to be provided in the District. This consent is only temporary and the Local Planning Authority is ultimately required to provide permanent pitches.

The acceptability of the proposed land use

- 7.6 The site lies outside the defined environmental limits of Bythorn and outside of the built framework in the open countryside. The application site has not had a commercial history and it would seem that only a small part of the site would have appeared to have provided access to a former transport café, which was located on the corner of Toll Bar Lane and the B663. The site is also partly enclosed by fencing and has had hardcore laid down over recent years.
- 7.7 Development in the countryside is generally restricted to that which is essential to the efficient operation of agriculture, horticulture, forestry

or other similar activities. There is a general presumption against housing development in the countryside except where dwellings are required for the efficient management of agriculture, forestry and horticulture. Whilst this application does not specifically seek dwellings in the countryside, it does seek a form of residential development.

- 7.8 However, Circular 01/2006 makes it clear that gypsy sites are acceptable in principle in the countryside. This advice is considered to override any apparent conflict with conventional policies of restraint of residential development in the countryside.

Scale of development

- 7.9 The proposed development seeks one pitch on the site. The applicant seeks consent for one mobile home and traveller van and the provision to site two additional traveller vans for extended family members. The mobile home shall accommodate the applicant and his family, with two other traveller vans each housing two adults and one child.
- 7.10 Given the scale of the proposal and whilst noting the population of the village, it is not considered that this would dominate the existing settled community.

Sustainability

- 7.11 The site lies approximately 0.7 km to the north west of the village, there is a lack of footpaths leading into the village and there are at present no facilities in the village, as the existing public house has recently been partially burnt down. The bus service in the village is also very limited, there are only two bus services, one on Tuesday from Huntingdon to Thrapston and another bus service, every 3rd Wednesday of the month from Huntingdon to Kettering.
- 7.12 Using the NHS website the nearest doctors to the site, in the district, is in Kimbolton approximately 5.1 miles from the site.
- 7.13 When considering the issue of sustainability, it is necessary to have regard to paragraph 64 of Circular 01/2006 and look beyond merely the issue of travelling distances to facilities. The issues identified within the Circular are as follows:
- a) the promotion of peaceful and integrated co-existence between the site and the local community;
 - b) the wider benefits of easier access to GP and other health services;
 - c) children attending school on a regular basis;
 - d) the provision of a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment; and,
 - e) not locating sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans.
- a) The site has been located outside of the settlement of Bythorn. The site is of a small scale and given this relationship it is considered

that this would allow for integration and co-existence between the site and the local community.

b) The village of Bythorn does not benefit from any services and has only a limited bus service. In essence, it is not located in a sustainable location. To access any services it would be necessary to use a private vehicle, however it would provide for a settled base and allow access to these services, even if these cannot be reached through sustainable transport methods.

c) There are two school age children associated with the site, the applicant's daughter is home schooled and as such would not need to travel. The applicant's son would continue to attend Isebrooke School in Kettering and would travel by car. The applicant has indicated that the distance from the site to the school to the application site is less than they currently travel at present. There is not a need for the applicant to be located on this site due to educational requirements, for the reasons outlined above.

d) The site would not reduce the need to travel for the applicant as they are already on an authorised site. It is recognised however that for the two family groups which are situated in the West Midlands and Essex this would provide a more settled base for certain periods of time.

e) The site is located in Flood Zone 1 of the Environment Agency's Flood maps and as such would not be located in an area of high flood risk potential.

7.14 It is evident that this site is not located in the most sustainable location, given the distance to services and facilities, although it does share some similarities with the recent Catworth appeal site, although the Catworth site was close to Brington Primary School.

Impact on the character and appearance of the locality

7.15 The site lies within the Northern Wolds, character area and at present is partially fenced, with hard core having been laid down over recent years. The site is mostly screened by the existing hedgerow and slopes away towards the A14. Clear views of the site are difficult to obtain, except when standing directly in front of the access to the site.

7.16 There are no significant landscape features on the site or surrounding the site. The surrounding land is agricultural. To the north lies a detached dwelling and to the north west lies an agricultural building.

7.17 Mindful that gypsy and traveller sites are acceptable in principle in the countryside, it is not considered that the addition of a stationed caravan would significantly harm the landscape character. Whilst views may be gained of the caravan this would not be significantly detrimental to the area, especially when having regard to the proximity of the site to the A14.

7.18 Neither is it considered that this application would harm the Conservation Area of Bythorn, as there is no direct relationship.

Impact on residential amenity

- 7.19 There is only one residential property in the vicinity of the site, this is approximately 42.5 metres to the northwest. Having regard to the proposal it is not considered that this would harm residential amenity by reason of noise and disturbance, increase in traffic or light pollution. The site is in a relatively isolated position, in relation to the village and the proposal would effectively relate to the provision of one single dwellinghouse on the site. As such, it could not be considered that the occupants of this site would have a detrimental impact on the residential amenity of those properties located in the vicinity of the site.
- 7.20 Regard must also be given to the residential amenity that would be afforded to the occupiers of the application site. The site is located in relatively close proximity of the A14, approximately 100 metres away. In accordance with the guidance contained in PPG24 a proposal for residential development near a noise source requires the Local Planning Authority to determine which of the four noise exposure categories the site falls within. A daytime noise survey suggests that it is within Noise Exposure Categories (NEC) B. Category B deals with situations where noise mitigation measures may make development acceptable. A night time noise survey has not been carried out at this time. Whilst NEC B would not preclude residential development under normal circumstances, it does suggest that some form of noise mitigation may be appropriate. However, this proposal seeks the stationing of a caravan on the site and not residential development in its traditional form and in light of this adequate mitigation would not be possible. This site would therefore not be suitable for the use intended, due to the concerns over noise levels from the A14.

Highway safety

- 7.21 Both the Local Highways Authority and the Local Planning Authority's Transport Officer have commented on this application. There are no objections to the proposed use of the land, subject to conditions, it is acknowledged that this may result in some alterations to the site and existing boundaries. The Local Highway Authority have requested that the siting of any new gates, the minimum width of the access, adequate turning and parking on site, visibility splays and drainage are conditioned.
- 7.22 Whilst concerns have been raised about the proximity of the site to the existing road bend, the level of traffic passing the site, potential increase in vehicles and risk of increase in accidents on the road network, this would not warrant refusing this current application. The relevant Highways Authority has considered the merits of this application and it is not considered to harm highway safety.
- 7.23 Residents have raised concerns that if the existing junction to the A14 needs to be widened or improved then the application site may be required. The Local Planning Authority is not aware of any pending alterations to this junction and that being said can only consider the current circumstances. This issue would not impact on the determination of this application.

- 7.24 It can only therefore be concluded that whilst the site would provide for a settled base for the gypsy and traveller community, it is remote from services, its location adjacent to the A14 and associated noise would not be suitable and would give rise to an unacceptable level of residential amenity afforded to the occupiers.

Gypsy Status

- 7.25 The gypsy status of the applicant is not questioned, the applicant has clearly demonstrated that they conform to the definition in Circular 01/2006. Supporting evidence has also been produced by Northamptonshire Primary Care Trust to confirm this.

Local need, availability of alternative accommodation and personal circumstances

- 7.26 Whilst the site is considered unsuitable for a gypsy/traveller site, careful regard must be given to the local need, the availability of alternative sites and personal circumstances of the applicant, as these circumstances may override the unsuitability of the site and give rise to reasoned justification for granting a temporary consent.
- 7.27 The East of England Plan was approved in May 2008 but policy H3 is subject to a single policy review. A draft policy was submitted to the Secretary of State in February 2008 and it was the subject of an Examination by a Panel of Inspectors in October. The draft policy proposed 20 additional pitches in Huntingdonshire in the period 2006-11 and a further 18 pitches in the period 2011-21. The panel report, published in December, recommended increasing these numbers to 25 and 21 respectively. The East of England Regional Assembly which prepares regional policy will consult this spring on Proposed Changes to the draft policy based on the Panel's recommendation.
- 7.28 The District Council published a Gypsy and Traveller Sites Document Plan Document Issues Consultation: Principles and Processes in January 2009. As at November 2008 the Council has submitted its core strategy to the Secretary of State and its policy CS6 supersedes policy H11 of the Huntingdonshire Interim Planning Policy Statement 2007. The Core Strategy is undergoing its Examination and it is not adopted, the Catworth Inspector therefore gave some weight to it but gave the greatest weight to Circular 01/2006 – Planning for Gypsy and Traveller Caravan Sites as the most relevant policy advice.
- 7.29 Until such time as the final number of pitches required in Huntingdonshire by the EEP is known, and a site specific Gypsy and Traveller Site Allocation DPD has been adopted, there remains a need to make transitional arrangements for gypsies and travellers. Circular 01/2006 advises that local authorities should give consideration to granting temporary permission where there is an unmet need but no gypsy and traveller site provision in the area. However, this does not mean that every proposal and site should be supported.
- 7.30 Having regard to the existing provision in the District and with reference to the Gypsy and Traveller Count of January 2008 there are approximately 38 caravans on the County Council's site in St Neots, 7 caravans on private sites, 8 on unauthorised sites. In addition, three

sites have received temporary consent for 6 pitches in total and the recent appeal at Brington, has permitted a further 10 pitches on the site for a temporary period.

- 7.31 The applicant seeks the stationing of a mobile home and traveller van pitches for two other related family members and their immediate family when they visit, on a site area of 0.07 hectares. In considering this application it is not considered that a temporary permission under the transitional arrangements outlines in Circular 01/2006 would preempt the DPD, as it is clearly evident that there is still an unmet need in the District. To the contrary, in accordance with the contents of Circular 01/2006 Local Planning Authorities 'are expected to give substantial weight to the unmet need in considering whether a temporary planning permission is justified' in advance of a DPD. This does not however pertain to every site being identified as being suitable for use.
- 7.32 The District Council is conscious of the need to provide suitable pitches. However, at this stage, the final precise number of pitches to be provided in Huntingdonshire is not known and the District Council is currently in the process of producing a Gypsy and Traveller Sites DPD, which shall look at site allocation criteria and ultimately allocations.
- 7.33 The applicant currently lives at Ringstead, which is approximately 4 miles west of the site and is a private traveller's site. This site is authorised and as such the applicant, whilst they may wish to relocate, does not need to find an alternative site.
- 7.34 Two other families (both relatives of the applicant) also seek traveller caravans on the site, for a limited period only, when visiting. One family currently reside on an unauthorised site in Braintree and the other family in Stourport in the West Midlands also on an unauthorised site. It is recognised that there is a need for these two family groups to find more suitable accommodation.
- 7.35 Assessment of alternative accommodation within the locality must also be carried out. At the time of writing, only 3 of the 10 pitches approved at Brington are currently occupied and as such this site, which benefits from temporary consent could provide suitable alternative accommodation for the applicant.
- 7.36 The applicant's son is autistic and attends a special school in Kettering. The applicant considers that the current location in Ringstead is unsuitable for their son and this current application site would allow them to keep animals on the site and assist in providing a therapeutic environment. Supporting documents have also been received from Autism Independent UK and the schools, which the applicant's son has attended and currently attends.
- 7.37 The points raised in these letters are noted however it is necessary to have regard to the appeal decision in 2005 when considering this issue. The policy issues are now no longer relevant, as Circular 01/2006 has superseded the Inspectors earlier considerations. The Inspector did however conclude that the application site could not 'be regarded as a safe environment for a child, soon to be a teenager, who has little conception of traffic dangers and may well be

resourceful escape artist.’ The Inspector came to the conclusion that this site would not be in the best interests of the applicant’s son.

- 7.38 It is not considered that this issue has been overcome, or that any information has been provided in support of the application to counter the Inspector’s finding or demonstrate a change in circumstances and as such whilst there has been a change in policy this does not fully overcome the Inspector’s findings on this matter and as such it is not considered that the Local Planning Authority could consider this to be an overriding personal circumstance that would allow a temporary planning permission to be forthcoming.

Neighbour objections

- 7.39 It is considered that the main points raised in the letters of objections have already been considered in the report, where these have been relevant to the determination of this application. Some other issues not already considered are detailed below:

Other issues

- 7.40 Some concern has been raised over potential contamination of the site and asbestos on the site. The Council’s Environmental Health department has not raised this as an issue. Matters relating to asbestos are dealt with under separate legislation.

Conclusions

- 7.41 In conclusion, it is recognised that there is an unmet need for gypsy/traveller pitches in the district and that it is necessary to provide transitional arrangements. However, the application site is not considered to be a sustainable site. Furthermore, the site is not considered to be suitable due to the noise levels associated with it, which fall within Category B of the Noise Exposure Categories. For residential development to be acceptable this would require mitigation measures, such mitigation measures in this instance this would not be possible with a caravan and as such the residential amenity afforded to the applicant and his family would not be acceptable.
- 7.42 There are no overriding personal circumstances that would warrant setting these concerns aside and granting a permanent permission or a temporary planning permission under the transitional arrangements. Furthermore, it is considered that alternative pitches at Catworth within a reasonable proximity of the application site, but further away from the A14, are currently available.
- 7.43 Whilst the Local Planning Authority is committed to providing transitional arrangements in the interim period until permanent sites are allocated, this site would not appear to be the most suitable for the applicant and his family for the reasons outlined above and also due to the distance from services and noise levels in the vicinity. In light of this, it is recommended that the application be refused.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – REFUSE, for the following reasons:

- 8.1 The site has limited access to services and facilities and is considered to be in an unsustainable location, for either a temporary or a permanent consent for a traveller's site. The applicant has failed to consider other more suitable and available sites. There are no personal circumstances which would override the unsuitability of this site and allow a temporary consent to be granted under the transitional arrangements set out in Circular 01/2006. The proposed development is therefore considered to be contrary to Circular 01/2006, PPS1, PPS7, policy SS1 of the Regional Spatial Strategy East of England and policies CS1 and CS6 of the Submission Core Strategy.
- 8.2 The site is located in close proximity of the A14 and the noise levels associated with the site fall within Category B of the Noise Exposure Categories. Mitigation measures would normally be required to ensure residential development is acceptable. In this instance, this would not be possible with a caravan and as such there would be a harmful level of residential amenity afforded to the applicant and family, which is not considered acceptable. The proposal is considered to be contrary to PPG24 and policy B4 of the Huntingdonshire Interim Planning Policy Statement 2007.

BACKGROUND PAPERS:

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alterations (2002)
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy 2008
Huntingdonshire Landscape and Townscape Assessment (2007)
Gypsy and Traveller DPD

CONTACT OFFICER:

Enquiries about this report to **Michelle Nash Development Control Officer**
01480 388405

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**APPLICATIONS REQUIRING REFERENCE TO
DEVELOPMENT CONTROL PANEL
(Reports by Development Control Manager)**

Case No: 0900130FUL (FULL PLANNING APPLICATION)
Proposal: CONSTRUCTION OF SAND ARENA
Location: LAND NORTH WEST OF NEW MANOR FARM SAWTRY
WAY WYTON
Applicant: MR S WRIGHT
Grid Ref: 528834 272897
Date of Registration: 13.02.2009
Parish: HOUGHTON & WYTON

RECOMMENDATION - REFUSE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site is bounded by hedgerow. To the south east of the site lies a public footpath and beyond this a number of buildings associated with New Manor Farm. The land slopes away to the south and south west.
- 1.2 The proposal seeks the construction of a sand arena approximately 30 metres in width by 60 metres in length. The arena would be enclosed by a 1.3 metre high fence, constructed with 250mm x 2m boards on 1.5m x 1.5m posts, set in concrete.

2. NATIONAL GUIDANCE

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS7: "Sustainable Development in Rural Areas" (2004)** sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008)

East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **ENV7:** "Quality in the Built Environment" - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

3.2 Cambridgeshire and Peterborough Structure Plan (2003)

Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

None relevant

3.3 Huntingdonshire Local Plan (1995)

Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **En17:** "Development in the Countryside" - development in the countryside is restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
- **En18:** "Protection of countryside features" – Offers protection for important site features including trees, woodlands, hedges and meadowland.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

3.4 **Huntingdonshire Local Plan Alterations (2002)**

Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

None relevant

3.5 **Huntingdonshire Interim Planning Policy Statement 2007**

Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **P8** – Development in the Countryside – Outside the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
- **G2** – Landscape Character - development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape
- **G3** – Trees, hedgerows and Other Environmental Features - development proposals should minimise risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
- **B1** – Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- **T3** – Rights of Way and Other Public Routes - Lists the criteria which should be considered in relation to Rights of Way.

3.6 **Huntingdonshire Local Development Framework submission Core Strategy 2008**

Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

3.7 **Huntingdonshire Landscape and Townscape Assessment (2007)**

4. **PLANNING HISTORY**

4.1 **0900132FUL** - Provision of vehicular access, car parking area and erection of stables – pending consideration

4.2 **0802943FUL** - Erection of building and change of use of land from agricultural to paddocks for livery purpose and construction of new access – permission granted

4.3 **0704036FUL** - Erection of building and change of use of land from agricultural to paddocks for livery purposes and construction of access – refused

5. **CONSULTATIONS**

5.1 **Houghton & Wyton Parish Council – recommend APPROVAL (copy attached)**

5.2 **CCC Highways – NO OBJECTIONS**

5.3 **CCC Countryside services – no comments received**

6. **REPRESENTATIONS**

None

7. **SUMMARY OF ISSUES**

7.1 The main issues to considered are the principle of the development, the impact on the character and appearance of the area, the impact on the existing landscape features, the impact on the public footpath, the impact on highway safety and impact on amenity.

History

7.2 Planning permission has been granted on this site for the erection of a stables, provision of vehicular access and turning and parking.

Principle

7.3 This proposal seeks the construction of a sand arena approximately 30 metres by 60 metres in area.

7.4 PPS7 recognises that ‘horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies’. This proposal is not part of a farming activity, required only for personal use. Whilst there were no objections to the erection of stables, due to the reasonable size and siting of the building, the addition of this

arena is not considered acceptable in this instance. The scale of the proposal would not seem appropriate in this rural area and would appear large for personal use.

Character and appearance of the area

- 7.5 The site lies within the Central Claylands landscape, which is characterised by 'gentle undulating arable farmland with large scale field pattern with few hedgerows or hedgerow trees, giving rise to a predominantly open landscape'. The Landscape and Townscape Assessment seeks to prevent the further deterioration of the landscape through greater controls on siting and design.
- 7.6 It is acknowledged that the equestrian centre to the south east of the site contains a large number of buildings and as such alters the appearance of the area. Notwithstanding this, it is not considered that this should preclude to any development in this area being acceptable. In addition, there remains an existing field between the sites, which allows for a visual separation between these two sites and as such they would not be read in association with one another.
- 7.7 This application seeks to alter a large area of land to a sand arena, this would substantially alter the character of this rural area. At present, it is possible to gain glimpse views through the hedgerow and over the hedgerow into the site, whilst not in leaf. A change in the appearance of this land would become visible from the public viewpoint at certain times of the year, fundamentally altering the appearance of the area, to its detriment and introducing a large incongruous feature into the landscape. It is not considered that this would be acceptable.
- 7.8 Whilst there are concerns over the scale of the proposal, it may be possible to consider a smaller scale arena, subject to its siting to ensure it does not form an incongruous addition in this rural landscape.

Highway safety

- 7.9 Comments received from the Highways Authority indicate that there are no objections to the proposal. This would not harm highway safety.

Residential amenity

- 7.10 Having regard to the location of the site, which is surrounded by agricultural land with the equestrian centre to the south east, it is not considered that the proposal would harm residential amenity.

Conclusion

- 7.11 In conclusion, the proposal is not considered to be acceptable. There are no objections in principle to equestrian activities in the countryside, this proposal however would be of a relatively large scale for a personal use and would alter the character of a large area of land in this rural area, to its detriment. In light of this, it is recommended that the application be refused.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION - REFUSE for the following reason:

- 8.1 The proposed sand arena fails to protect and enhance the natural environment and the quality of the countryside. The proposal would result in the introduction of an incongruous element into the landscape, by reason of its size and siting. Mitigation methods would not overcome the harm caused by this proposal. The proposal is contrary to PPS1, PPS7, policy G2 of the Huntingdonshire Interim Planning Policy Statement, policy CS1 of the Submission Core Strategy and the Huntingdonshire Landscape and Townscape Assessment 2007.

BACKGROUND PAPERS:

Planning Application File Reference: 0900130FUL
East of England Plan – Revision to the Regional Spatial Strategy May 2008
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alteration, 2002
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy 2008
Huntingdonshire Landscape and Townscape Assessment (2007)

CONTACT OFFICER:

Enquiries about this report to **Michelle Nash Development Control Officer**
01480 388405

Case No: 0900134FUL (FULL PLANNING APPLICATION)

Proposal: CHANGE OF USE AND ALTERATIONS TO BUILDINGS 1 AND 5 AND DEMOLITION AND REPLACEMENT OF BUILDINGS 2, 3 AND 4 FOR B1, B2 AND B8 USE

Location: HOUGHTON HILL FARM HOUGHTON HILL HOUGHTON

Applicant: MR T J SMITH

Grid Ref: 529546 272598

Date of Registration: 30.01.2009

Parish: HOUGHTON & WYTON

RECOMMENDATION - REFUSE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site is located to the north of the A1123 and B1090 and outside the village limits of Houghton. The site is approximately 0.2kms from the edge of St Ives. The application site is set to the rear of the working farm and at present access is gained using the existing farm access. Two of the five buildings are currently occupied and have already been altered, internally and externally. The proposed new access road is also currently under construction.
- 1.2 This application seeks to rectify the existing situation on site. Previously consent was granted for a change of use of five agricultural buildings to B2 and/or B8 (general industry and storage or distribution). This application seeks the change of use and alterations of buildings 1 and 5 and demolition and replacement of buildings 2, 3 and 4 for B1, B2 and B8 use (namely business, general industry and storage and distribution use). Buildings 1 and 5 have already been converted, building 1 is occupied by a printing company, the eastern part of building 5 contains the offices for a company involved in the production and supply of self adhesive products and the western part is occupied by a company involved in the production and storage/distribution of large format printing products.
- 1.3 Buildings 2, 3 and 4 would be replaced with larger buildings and would take on a more industrial appearance, the relevant details are provided below:
- Buildings 2 currently provides approximately 600 sq metres of floor area, the replacement building would provide approximately 775 sq metres and would be approximately 6 metres in height compared to the existing building which is approximately 5 metres and would provide 5 starter units

- Buildings 3 is approximately 110 sq metres and its replacement would provide approximately 169 sq metres, the buildings would also be increased in height from approximately 7.2 metres to 8.5 metres
- Building 4 is approximately 396 sq metres and would be increased to provide approximately 553 metres. The height of the building would also be increased from approximately 5.25 metres to 7.5 metres

1.4 In addition to the above, the proposal also seeks the retention of the roadway, currently being constructed, which provides an alternative access on to Sawtry Way, car parking and additional landscaping.

2. NATIONAL GUIDANCE

2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.

2.2 **PPG4: "Industrial and Commercial Development and Small firms"(1992)** contains advice on the role of the planning system in relation to industrial and commercial development.

2.3 **PPS7: "Sustainable Development in Rural Areas" (2004)** - concerns development proposals in the countryside with development to be strictly controlled and requiring good quality design, which respects the character of the countryside and safeguards the distinctiveness of its landscape.

2.4 **PPG13: "Transport" (2001)** contains advice on the integration of planning and transport.

2.5 **PPG24: "Planning & Noise" (1994)** guides planning authorities on the use of planning powers to minimise the adverse impact of noise.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live.

3.1 **East of England Plan - Revision to the Regional Spatial Strategy (May 2008)**

East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents.

- **SS1: "Achieving Sustainable Development"** – the strategy seeks to bring about sustainable development by applying: the guiding principles of the UK Sustainable Development

Strategy 2005 and the elements contributing to the creation of sustainable communities described in Sustainable Communities: Homes for All.

- **E1:** “Job Growth” – Identifies indicative targets for net employment growth in Cambridgeshire.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.
- **ENG1:** “Carbon Dioxide Emissions and Energy Performance” – for new developments of 10+ dwellings or 1000sqm non residential development a minimum of 10% of their energy should be from decentralised and renewable or low carbon resources unless not feasible or viable.

3.2 **Cambridgeshire and Peterborough Structure Plan (2003)**

Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

None relevant

3.3 **Huntingdonshire Local Plan (1995)**

Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **E1:** “Economic and Employment Growth” – will be promoted, commensurate with the planned residential and population growth and the Council’s aims to provide a range of employment opportunities and reduce commuting.
- **E7:** “Small Businesses” will normally be supported subject to environmental and traffic considerations.
- **E10:** “Reuse of Buildings in Rural Areas” – will normally be allowed to create employment subject to: buildings being of a bulk, form, general design in keeping with its surroundings; of substantial construction requiring no major adaptation or addition to the proposed use; no overriding objection on traffic or environmental grounds.
- **E13:** “Industry, Warehousing or high technology and office developments” – will not be permitted where it would cause serious traffic noise or pollution problems or other damage to the environment.
- **En17:** "Development in the Countryside" - development in the countryside is restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.

- **En18:** "Protection of countryside features" – Offers protection for important site features including trees, woodlands, hedges and meadowland.
- **En20:** Landscaping Scheme. - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.
- **CS8:** "Water" – satisfactory arrangements for the availability of water supply, sewerage and sewage disposal facilities, surface water run-off facilities and provision for land drainage will be required.

3.4 **Huntingdonshire Local Plan Alterations (2002)**

Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002).

None relevant

3.5 **Huntingdonshire Interim Planning Policy Statement 2007**

Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007.

- **P8** – Development in the Countryside – Outside the existing built framework of the Smaller Settlements development will be restricted to: that which is essential to the efficient operation of agriculture, horticulture or forestry, or required for the purposes of outdoor recreation; the alteration, replacement or change of use of existing buildings in accordance with other policies; limited and specific forms of housing, business and tourism development, as provided for within the Local Development Framework; or land allocated for particular purposes.
- **G2** – Landscape Character - development proposals should respect and respond appropriately to the distinctive qualities of the surrounding landscape
- **G3** – Trees, hedgerows and Other Environmental Features - development proposals should minimise risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.

- **B1** – Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- **B5** – Energy and Water use – developments should aim to maximise the level of energy efficiency through sustainable design and construction.
- **B6** – Re-use and Redevelopment of Buildings in the Countryside – identifies the criteria to consider for proposals to re-use or redevelop an existing building in the countryside for economic or residential purposes
- **E1** – States proposals for office developments (of less than 500m² gross floorspace, or a site area of less than 0.5ha) will be allowed within the defined limits of the Market Towns and Key Centres (Potential and Limited Growth), and within the existing built-up framework of Smaller Settlements.
- **E2** – Location of Industrial and Warehouse Development – A proposal for a large industrial or warehouse development on unallocated land should be limited to: iii) situations where an existing firm requires additional space to expand; the conversion or redevelopment of suitable existing buildings in the countryside, as provided for elsewhere in the core strategy.
- **T1** – Transport Impacts - development proposals should be capable of being served by safe convenient access to the transport network and should not give rise to traffic volumes that exceed the capacity of the local transport network.
- **T2** – Car and Cycle Parking - development proposals should limit car parking and provide cycle parking facilities to the levels set out in the Council’s parking standards.

3.6 **Huntingdonshire Local Development Framework submission Core Strategy 2008**

Policies from the Huntingdonshire Local Development Framework submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

3.7 **Supplementary Planning Guidance – Re-use and redevelopment of Farm Outbuildings and Outbuildings**

3.8 Supplementary Planning Guidance - **External Artificial Lighting**

4. PLANNING HISTORY

4.1 **0802438FUL** - Alterations to buildings 1 and 5 and erection of rear building as a replacement for building 4 - withdrawn

4.2 **0703250FUL** – Change of use of agricultural buildings to B2 (general industrial) or B2/B8 (industrial/storage and distribution) or B8 (storage and distribution) – permission granted (copy attached of approved layout)

5. CONSULTATIONS

5.1 **Houghton & Wyton Parish Council** – recommend **APPROVAL** (copy attached)

5.2 **CCC Highways** – **NO OBJECTIONS**, conditions to be attached

5.3 **HDC Environmental Health** – **NO OBJECTIONS**, condition to be imposed for noise limit

6. REPRESENTATIONS

None received

7. SUMMARY OF ISSUES

7.1 The main issues to consider are the principle of the development, the impact on the surrounding locality and protected trees, the impact on highway safety, and impact on amenity.

History

7.2 The principle of a change of use of buildings 1 to 5, as identified on the applicant's plan, for B2 and/or B8 use has already been established on the site under application 0703250FUL. This application only considered a change of use of the buildings, no alterations, although did indicate that a new access would be provided. In 2008, an application for change of use and alterations was submitted and later withdrawn. The conditions relating to application 0703250FUL have not been discharged. Given that works had already taken place on the site and some of the buildings were already occupied, it was not considered that these conditions could be discharged retrospectively and in addition that application did not include any proposed alterations. The site at present does not therefore benefit from planning permission and the applicant was advised that this situation would need to be rectified. This application seeks to rectify this situation.

Principle

7.3 The site lies within the open countryside. The principle of re-using these buildings for a B2 and/or B8 use has already been accepted with the granting of planning permission 0703250FUL. Development in the countryside is restricted to that which is essential for the

efficient operation of agricultural and other similar uses. Planning policy permits the replacement and conversion of existing buildings, subject to certain criteria being met.

- 7.4 This application seeks permission for B1, B2 and B8 uses. From the floor plans submitted, building 5 is the only building which would be a predominate office use, the remainder of the units appear only to accommodate ancillary office facilities. As well as the alterations to buildings 1 and 5, the proposal also seeks to demolish and replace three of the five buildings; buildings 2, 3 and 4.
- 7.5 There are no objections, in principle, to the proposed re-use of the existing buildings, although there are concerns regarding the replacement of buildings 2, 3 and 4, as the proposal seeks to introduce a larger scale of development into the countryside.
- 7.6 Policies E1 and E2 of the Huntingdonshire Interim Planning Policy Statement identify the criteria to consider for the location of (i) office development and (ii) industrial and warehouse development, respectively. This indicates that industrial and warehouse development proposals of over 500 metres sq should be located in sites within the defined limits of Market Towns and Key centres; or sites within established industrial estates, distribution and business parks and where an existing firm requires additional space in order to expand, or the conversion or redevelopment of existing buildings in the countryside. For office developments over 500 metres sq proposals should be limited to defined limits of market towns and within town centres where capacity exists, where this cannot take place a sequential approach should be taken.
- 7.7 This proposal, in replacing the existing buildings, seeks to introduce a total floor area for B1 of 775 sq metres, B2 169 sq metres and for B8 553 sq metres. When examining the proposed uses it is evident that buildings of these sizes should be located, in accordance with planning policy, in more sustainable locations, than the site proposed. In considering new development the applicant should have sought a sequential approach when selecting a site, first considering the most sustainable locations such as town centre or key centre locations and established industrial estates or business parks and then considering other areas, as identified in policies E1 and E2 of the Huntingdonshire Interim Planning Policy Statement 2007.
- 7.8 The reuse and redevelopment of existing buildings in the countryside is considered in policy B6 of the Huntingdonshire Interim Planning Policy Statement. There are four criteria to consider when assessing such an application:
- a. The proposal should conserve or enhance the character of any buildings or visual interest.
 - b. Be limited to situations where the existing building is substantially intact
 - c. Not involve a significant increase in the scale of the built development.
 - d. Not entail the loss of a building of historic interest or visual interest

- 7.9 This proposal seeks the replacement of buildings, which are considered to be of little visual interest. The buildings are all standing, but they may in parts be in a poor condition. The applicant has however not submitted a structural survey to support the application.
- 7.10 The replacement buildings, would however be of a larger scale. The total floor area of the existing buildings equates to approximately 1106sq metres. The proposal seeks to increase this floor area to 1497sq metres. As well as an alteration to the floor area, the proposal seeks to increase the height and mass of these buildings and ultimately their visual appearance. The proposal does not comply with this criteria, the sub text of the policy indicates that a proposal should not result in an increased scale of development.
- 7.11 It is noted that building 4 is required by an existing firm on the site, as part of their ongoing operations. It is not considered that this would justify permitting the replacement of these buildings with a larger scale development and as no sequential test has been carried out there is no reason to assume that there would not be suitable alternative sites in nearby St Ives or other areas.
- 7.12 Whilst planning policy seeks to support, the establishment and expansion of small businesses it is also recognised that where it may not be possible to expand an existing business, firms shall be encouraged to relocate elsewhere in the district. Whilst the applicant has indicated that some firms may be forced to leave the site if planning permission is not granted, it is necessary to highlight that other industrial sites appear to be available in the district and in addition, the main concern relates to the proposed replacement of these buildings and not the change of use of these buildings, which are being occupied without the benefit of planning permission.
- 7.13 PPS7 indicates that 'The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape'.
- 7.14 The application in 2007 for a change of use of these buildings for B2 and/or B8 use did not demonstrate that these buildings were structurally unsound. The onus is on the applicant to ensure that the building they seek a change of use for are fit for purpose. It would seem apparent, in this instance that these buildings are not considered to be suitable for re-use by the applicant. Whilst the applicant has indicated this, a structural survey or report has not been submitted to justify that these buildings are not suitable for conversion, nor is there any clear reason why the replacement buildings are larger than the existing buildings.
- 7.15 The following criteria in PPS7 also needs to be considered, when assessing this application:

Impact on the countryside

- 7.16 The site is relatively open, situated on Houghton Hill in the open countryside and as such is in a relatively prominent position within the central claylands landscape. The central claylands are characterised by arable farmland, gently undulating, the large field sizes in the area creates a strong sense of openness and exposure, which is enhanced by the lack of trees across much of the area. This is clearly the case with the application site, the site is generally open with the exception of a small cluster of trees and hedgerows to the north west, where the access roadway is being constructed.

Buildings

- 7.17 The proposal seeks to increase the overall scale of three of the existing buildings and as such, these buildings would have more presence in the landscape. However, given the location of the site, behind an existing agglomeration of buildings, the impact buildings 1 – 5 would have on the landscape, when viewed from the highway, is limited. The main exception is the proposed replacement of building 3, which would be a metre taller than the existing building. This increase in height would result in a more prominent feature within the landscape. Views of this current building can be gained across the fields to the site from Sawtry Way. On balance however, this is not considered to have a significant detrimental impact on the character and appearance of the landscape and to mitigate any potential impact, the proposed materials could be conditioned, should the application be approved to ensure they are appropriate in this rural context.

Local economic and social needs and opportunities

- 7.18 At present there are three companies occupying the site, although this is unauthorised. This would suggest that there is a local economic need for premises and the application indicates that the replacement of building 4 is necessary to provide adequate facilities for an existing firm on the site for production and warehouse purposes. It is unclear, where at present this company houses its production and warehouse facilities, if this is not on the site. The existing building is considered unsuitable and its current size would not be commercially viable to install steel pallet racking, there are also concerns over Health and Safety Standards and the applicant considers that this building would not be suitable for any alternative economic use. Whilst noting this, the application lacks the justification to support these concerns. No information has been provided that would demonstrate that there are no alternative premises available in more sustainable location to accommodate this firm.

Settlement patterns and accessibility to service centres, markets and housing

- 7.19 This site, in the open countryside, is not considered to be sustainable for the location of new industrial and office development. As detailed in policies E1 and E2 of the Huntingdonshire Interim Planning Policy Statement, a sequential approach should be taken, considering town

centre locations first, as being the most sustainable location when siting new development.

- 7.20 Whilst the supporting Economic Statement puts forward the case for the applicant and the need to replace the existing buildings, in part for an existing firm on site, it is important to reflect on the location of the site. The site is located in the open countryside where development is restricted. Although planning policy supports the redevelopment of existing buildings in the countryside, this is subject to a number of criteria, one of which includes the scale of the replacement development and is detailed in policy B6 of the Huntingdonshire Interim Planning Policy Statement. In terms of the replacement buildings, this is not considered to be acceptable. The application lacks justification and the scale of the development is inappropriate. It is not considered that the need to retain employment on this site would outweigh the development of new buildings of the scale proposed in the countryside. The development is therefore not considered to accord with planning policy.

Access and roadway

- 7.21 The proposed roadway to serve the site is currently being developed and is visible within the landscape. Whilst visible it is not considered that this would be detrimental to the character and appearance of the area. This new roadway replaces an existing track, which serves the cottages to the north west of the application site.
- 7.22 The applicant also intends to light the roadway. The proposed lighting columns along the access would measure approximately 6 metres in height and as such would be a visible feature in the landscape. Whilst at present the specification of the lighting is not acceptable, it is not considered that the addition of a lit access would have a detrimental impact on the landscape. Suitable lighting could be provided to ensure that any lighting is not prominent and should the application be approved, it is recommended that this be conditioned. It may also be reasonable to consider limiting the hours of operation for lights, to ensure the lights are not on when unnecessary.

Landscaping

- 7.23 The applicant seeks to implement a landscaping scheme to provide further screening to the site. There are no objections to this proposal, as this would assist in mitigating the potential impact on the built form of the landscape, this should be conditioned.

Trees

- 7.24 There is a TPO tree situated by the new access and in relatively close proximity to Sawtry Way. The access works are still currently taking place and an assessment is still being made by the Trees Officer.

Highway safety

- 7.25 The applicant is at present constructing the roadway for the alternative access to Sawtry Way. Whilst this is currently

unauthorised it is considered to be in accordance with the details required by the Local Highways Authority. It is not considered that this would result in a detrimental impact on highway safety.

- 7.26 The development proposes 47 spaces on the site in total to be distributed across the site. In accordance with the floor area proposed the site should provide approximately 58.9 spaces, in accordance with the guidance contained with the Huntingdonshire Interim Planning Policy Statement Maximum car parking provisions. Whilst this equates to an under provision, these are maximum standards only and as such the provision proposed is considered to be acceptable.
- 7.27 Cycle parking figures have not been provided with the application, although it is recommended that approximately 15 spaces of secure cycle parking should be provided. If the application is approved it is recommended that this detail is conditioned.
- 7.28 The applicant has also submitted a Green Travel Plan to promote more sustainable modes of transport. However this travel plan is the same as that submitted by the applicant under the 2007 application. This is therefore not acceptable as the previous proposal did not include the provision of a B1 use. It is therefore recommended that, should the application be approved, a condition is imposed requiring the submission of a revised travel plan.

Residential amenity

- 7.29 There are two dwellings located to the south of the application site and a small grouping of dwellings to the west, where the proposed access roadway being constructed. Environmental Health does not object to the proposal, however would seek to condition daytime noise limits. To ensure an acceptable level of residential amenity is retained it would also be reasonable to condition hours of operation, to ensure that vehicular traffic is not using the access way during unsociable hours. Subject to conditions, it is not considered that the proposal would have a detrimental impact on residential amenity.

Sustainability

- 7.30 This proposal seeks to replace and create over 1000sq metres of floorspace, it would be reasonable to request, in accordance with Policy ENG1, that 10% of their energy should be from decentralised and renewable or low carbon resources, unless not feasible or viable. The applicant has failed to demonstrate that this would take place or that this would not be a viable option, as such it is not considered to address the need for sustainable development and does not seek to reduce carbon emissions.

Conclusion

- 7.31 There are no objections to the retention of buildings 1 and 5 and the proposed change of use to B1, B2 and B8, subject to suitable conditions. However, the replacement of buildings 2, 3 and 4 would amount to new development in the countryside, without reasoned justification. The scale of development would be increased beyond the existing buildings. This would not assist in promoting more

sustainable patterns of development, introducing further development into the countryside. The replacement of these buildings would not be a sustainable form of development. The applicant has also failed to secure 10% of their energy from decentralised and renewable or low carbon resources or demonstrate that this is not feasible or viable. The proposal is therefore not considered to be acceptable and it is recommended that the application be refused.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION - REFUSE for the following reasons:

- 8.1 The proposed demolition and replacement of buildings 2, 3 and 4 would result in a larger scale industrial development in this rural location. The proposal would amount to new development in the countryside without reasoned justification. The replacement of these buildings would not result in a more acceptable or sustainable development. The proposal is therefore contrary to PPS1, PPS7, policy SS1 of the East of England Regional Spatial Strategy, policy E10 of the Huntingdonshire Local Plan 1995, policies P8 and B6 of the Huntingdonshire Interim Planning Policy Statement, policy CS1 of the Submission Core Strategy and SPG Re-use and redevelopment of Farm Outbuildings and Outbuildings.
- 8.2 The applicant has failed to demonstrate how the proposed development would minimise the need for new resources or that 10% of their energy shall be from decentralised and renewable or low-carbon sources. The proposal is therefore contrary to PPS1, Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1, policies SS1 and ENG1 of the East of England Regional Spatial Strategy and policy B5 of the Huntingdonshire Interim Planning Policy Statement.

BACKGROUND PAPERS:

Planning Application File Reference: 0900134FUL
East of England Plan – Revision to the Regional Spatial Strategy May 2008
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alteration, 2002
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy 2008
Supplementary Planning Guidance – Re-use and redevelopment of Farm Outbuildings and Outbuildings
Supplementary Planning Guidance – External Artificial Lighting

CONTACT OFFICER:

Enquiries about this report to **Michelle Nash Development Control Officer**
01480 388405

Case No: 0900177FUL (FULL PLANNING APPLICATION)
0900178LBC (LISTED BUILDING CONSENT)

Proposal: EXTENSION AND ALTERATIONS AND USE OF PART OF
EXISTING PREMISES AS A CHILDRENS' CRECHE

Location: 138 HIGH STREET

Applicant: MR AND MRS G GENSALE

Grid Ref: 524018 271701

Date of Registration: 17.02.2009

Parish: HUNTINGDON

RECOMMENDATION - APPROVE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 This site is within Huntingdon High Street in the town centre. The site is a grade II listed property which was once two houses and is now used as a shop at ground floor with residential above. The first floor of the part of the property in question is in the ownership of the adjoining public house.
- 1.2 The proposal is for change of use of part of the existing retail premises to a crèche and extension to the rear of the property measuring approximately 7.5m in length and 2.8m in width, to provide additional accommodation. Listed Building Consent is also sought for the extension and internal alterations. The proposed use would specifically serve parents working in the town centre.
- 1.3 This application follows pre-application negotiations with the Agent following the withdrawal of the recent applications in December 2008.

2. NATIONAL GUIDANCE

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS6: "Planning for Town Centres" (2005)** sets out the Government's policy on planning for the future of town centres.
- 2.3 **PPG13: "Transport" (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.
- 2.4 **PPG15: "Planning and the Historic Environment" (1994)** sets out Government policies for the identification and protection of historic buildings, conservation areas, and other elements of the historic environment. It explains the role played by the planning system in their protection.

- 2.5 **PPG24: “Planning & Noise” (1994)** guides planning authorities on the use of planning powers to minimise the adverse impact of noise

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

- 3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **T14:** “Parking” – controls to manage transport demand and influencing travel change alongside measures to improve public transport accessibility, walking and cycling should be encouraged. Maximum parking standards should be applied to new commercial development.
- **ENV6:** “The Historic Environment” - Within plans, policies, programmes and proposals local planning authorities and other agencies should identify, protect, conserve and, where appropriate, enhance the historic environment of the region including Conservation Areas and Listed Buildings.
- **ENV7:** “Quality in the Built Environment” - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

- 3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- No relevant policies

- 3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **S10:** “Shopping Environment” – maintenance, enhancement of vitality of the established town centres by carrying out environmental improvement schemes, providing adequate car parking, and maintaining an appropriate mix of commercial, retail and residential uses will be sought.
- **S13:** “Vitality in Town Centres” – retention will be sought and the conversion or change of use of existing shops at ground floor

level to non retail uses in the primary shopping frontage will be resisted.

- **En2:**“Character and setting of Listed Buildings” - indicates that any development involving or affecting a building of architectural or historic merit will need to have proper regard to the scale, form, design and setting of that building
- **En3:**“Sympathetic Alternative Uses for Listed Buildings” – appropriate, where it is the only way to retain its character and appearance provided any alterations would not themselves detract from the character of the building subject to environmental and traffic considerations
- **En5:** “Conservation Area Character” - development within or directly affecting conservation areas will be required to preserve or enhance their character and appearance.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

- No relevant policies

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **B1** – Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B2** – Street scene – development proposals should make a positive contribution to the character and appearance of streets and public spaces.
- **B3** – Accessibility, Adaptability and Security – the location and design of new development should enable ease of access, have convenient and appropriate facilities and minimise the extent to which users feel at risk of crime.
- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- **B7** – Listed Buildings - lists the criteria against which development proposal affecting the fabric or setting of a listed building should be assessed.

- **B8** – Conservation Areas - states the criteria against which developments within or affecting a Conservation Area should be assessed.
- **E6** – Town Centres, Primary Shopping Areas and Primary Frontages – seeks to maintain the vitality and viability of these areas and allows for limited non-retail use within primary frontages for complementary activities
- **T1** – Transport Impacts - development proposals should be capable of being served by safe convenient access to the transport network and should not give rise to traffic volumes that exceed the capacity of the local transport network.
- **T2** – Car and Cycle Parking - development proposals should limit car parking and provide cycle parking facilities to the levels set out in the Council's parking standards.

3.6 Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1**: “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

3.7 Huntingdonshire Design Guide (2007)

3.8 Huntingdonshire Townscape and Landscape Assessment (2007)

3.9 Huntingdon Conservation Area Character Assessment (2007)

4. **PLANNING HISTORY**

- | | | | |
|-----|------------|--|----------------------------|
| 4.1 | 0802982FUL | Change of use of part of premises to childrens crèche and extension to rear | Withdrawn |
| 4.2 | 0802983LBC | Extension to rear and internal alterations | Withdrawn |
| 4.3 | 9501171FUL | Renewal of permission for change of use to shops and offices, erection of an extension | Approved 16/11/1995 |
| 4.4 | 9501172LBC | Renewal of permission for partial demolitions, extensions and alterations | Consent granted 14/11/1995 |
| 4.5 | 9301544LBC | Alterations to signs and redecoration | Consent granted 16/03/1994 |
| 4.6 | 9301491ADV | External illuminated fascia signs | Consent granted 07/03/1994 |

- 4.7 9111150FUL Change of use to shops & offices and erection of extension Approved 07/03/1991
- 4.8 9100021LBC Partial demolitions, extensions and alterations Consent granted 07/03/1991
- 4.9 8902442ADV Fascia and projecting sign Consent granted 25/01/1990

5. CONSULTATIONS

- 5.1 **Huntingdon Town Council – OBJECTION.** It considers the proposed use inappropriate at this location situated next to a public house and with poor vehicular access. Members are interested to know whether the applicant intends the crèche to be an enhancement to the existing Barber Shop business or if the childcare business is to be a separate entity and are of the view that such information is important to consideration of the proposals. (copy attached)
- 5.2 **HDC Office of Children and Young Peoples Services – No comments.**

6. REPRESENTATIONS

- 6.1 No representations have been received.

7. SUMMARY OF ISSUES

- 7.1 The main issues to consider in relation to this application are the; principle of development, design including impact on the listed building and conservation area, amenity of neighbouring properties, access and transport impacts.

Principle of development

- 7.2 The application site is within the primary shopping frontage of Huntingdon town centre. A plan is attached showing the primary shopping frontage within Huntingdon Town Centre. Policy E6 of the Huntingdonshire Interim Planning Policy Statement 2007 states that a proposal should not result in more than 30% of ground floor units within the primary frontage being in non-A1 (retail)uses and should not create a continuous frontage of three or more non retail units. After reviewing the ground floor primary shopping frontage in Huntingdon the following uses were identified:

Use class	Number of Units
A1 Shops	62
A2 Financial and professional services	10
A3 Restaurants and cafes	0

A4 Drinking establishments	11
A5 Hot food takeaways	1
A1/A3 mixed use – Greggs, Starbucks, Costa coffee and Subway	4
	TOTAL – 88 units

- 7.2 Whilst it is noted that the Woolworths and Marks and Spencer units are now vacant, their use class remains as retail A1.
- 7.3 The percentage of non-A1 uses within the primary frontage currently stands at 30% however if the mixed A1/A3 units are included within the A1 set, the figure reduces to 25%. It is considered reasonable to include at least half of these A1/A3 uses within the A1 set as they maintain an A1 use albeit with an associated café type element. On this basis, the loss of a non-A1 unit would increase the non-A1 percentage to 28%. This is still within the 30% level allowed by the relevant planning policy and therefore is considered acceptable.
- 7.4 The new unit would neighbour the barbers shop (A1 use class) and a public house (A4 use class) and would therefore not result in three consecutive non-retail units. The proposal is therefore again considered acceptable in this regard.
- 7.5 The query as to whether the crèche will be an enhancement to the existing barbers business by the Town Council is not considered to be directly relevant to the consideration of the planning issues and merits of this case. The plans show the barbers shop and proposed crèche connected internally by two fire doors and a store.

Design and impact on listed building and conservation area

- 7.6 The proposed insertion of a door into the existing shopfront is considered acceptable as there is evidence of an original doorway on the property. The proposed internal alterations, although seemingly substantial, are also considered to be acceptable as much of the fabric that is to be altered is modern, including the staircase, and does not therefore form part of the original fabric of the building at the time of its listing.
- 7.7 The proposed extension to the rear is considered to be a simple single storey range that mimics the existing adjacent range and is appropriately scaled in size and bulk to the existing modest listed building. It is noted that a new opening is to be formed between the existing single storey range and the new one to provide access to a disabled WC that is to be installed in the existing building. As the brickwork appears to have been previously disturbed in this location, this is considered to be acceptable.

- 7.8 The fenestration proposed with smaller casements gives a well proportioned design that meets the needs of the proposed use allowing light and ventilation along the whole length of the room.
- 7.9 The extension will not be visible from the conservation area and is considered to have a neutral effect on the character and appearance of the area.

Neighbour amenity

- 7.10 The neighbouring units on either side of the application site are in use as the barbers shop and a drinking establishment. There is residential use on the first floor over the unit. Noise issues are detailed below. There are considered to be no detrimental overbearing, overlooking or loss of light impacts as a result of this proposal.

Noise

- 7.11 Planning Policy Guidance Note 24 relates to planning and noise. There is no external area proposed within the application however the rear extension will provide the larger of the two crèche rooms. In locations such as town centres, with a mix of commercial/office uses containing a high proportion of cafés, restaurants and drinking establishments, close to busy roads, it is considered that a significant degree of noise and activity both during the day and in the evening is inevitable.
- 7.12 The hours of use proposed for the crèche are 9am until 5pm Monday to Friday and 9am until 1pm on Saturdays.
- 7.13 As there are no external areas related to this application, and considering the hours of use proposed, it is considered that the application would not cause significant detrimental harm to the residential amenities of the occupiers at first floor, or to the users of nearby office buildings. In this regard the proposal complies with relevant planning policy.

Access and transport impacts

- 7.14 The site is within the town centre of Huntingdon and has good access to a range of public car parks, public transport and pedestrian and cycle routes. The location of the site at the edge of the High Street is considered to be prohibitive for car borne users who would more logically park elsewhere within the town centre rather than attempt to stop along Hartford Road.
- 7.15 Whilst there is no cycle parking proposed as part of the application, it is considered that due to the size of the extension proposed and its town centre location with cycle parking facilities nearby, it would be unreasonable to require provision to be made on site.
- 7.16 The location is considered to meet sustainability criteria creating a greater mix of uses in a highly accessible location.

Conclusion

- 7.17 In conclusion, the proposal: -
- is for a use acceptable in this town centre, primary shopping frontage location
 - is of an acceptable design in relation to the existing listed building
 - has no detrimental impact on the character and appearance of the conservation area
 - does not have a significant detrimental impact on neighbouring amenity
 - will not cause a detrimental impact on highway safety
 - is located within a sustainable location and can be accessed by a range of transport modes
- 7.18 By virtue of the proposed design of the rear extension and its impact on the Listed Building it is considered to be in accordance with planning policy and therefore the officer recommendation is one of approval of both planning permission and Listed Building Consent.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. **RECOMMENDATION – APPROVE**, subject to conditions to include the following:

- | | |
|---------------|---------------------|
| 02003 | Time Limit (3yrs) |
| 050005 | Materials - samples |

BACKGROUND PAPERS:

Planning Application File Reference: 0900177FUL and 0900178LBC
East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alteration, 2002
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Design Guide (2007)
Huntingdonshire Townscape and Landscape Assessment (2007)
Huntingdon Conservation Area Character Assessment (2007)

CONTACT OFFICER:

Enquiries about this report to **Ms Louise Platt Planning Officer 01480 388460**

Case No: 0900023REM (APPROVAL OF RESERVED MATTERS)

Proposal: APPROVAL OF RESERVED MATTERS IN RESPECT OF THE ERECTION OF 128 DWELLINGS

Location: PART OF ST IVES GOLF COURSE AND THE HOW HOUGHTON ROAD

Applicant: DAVID WILSON HOMES SOUTH MIDLANDS LTD

Grid Ref: 528606 273668

Date of Registration: 21.01.2009

Parish: ST IVES

RECOMMENDATION - APPROVE

1. DESCRIPTION OF SITE AND APPLICATION

- 1.1 The site which is part of St Ives Golf Course lies on the southern side of Houghton Road, to the west of its junction with High Leys. It contains tees, fairways and greens with mature and semi-mature trees between the holes and areas of mature trees around the boundaries. There is existing housing to the north and east, the St Ivo School to the south and the remainder of the golf course to the west. The site has an area of 4.7 ha.
- 1.2 Outline planning permission for residential development was granted in July 2006. The means of access to the site were approved as part of the outline planning permission and are not for consideration as part of this application. Condition 8 of the outline planning permission requires access to be provided in accordance with the approved details unless a variation has been agreed by the planning authority. The approved means of vehicular access consist of improvements to the existing 'T' junctions where Hill Rise and High Leys meet Houghton Road, including the installation of traffic signals at the High Leys junction, and the formation of cross-roads at the existing T junction on High Leys. All vehicular access to the site will be taken from this cross-roads.
- 1.3 This application relates solely to the other reserved matters, namely the siting, design and external appearance of the buildings and the landscaping of the site. The application proposes 128 dwellings varying in height from 1 to 3 storeys and comprising a mixture of bungalows, houses and flats, 91 for open market and 37 for affordable occupation. A new public open space containing a Neighbourhood Equipped Area for Play and a Local Equipped Area for Play is also proposed.
- 1.4 Revised plans which involve revisions to the position of roads and buildings in relation to trees, the design of the house types an

improved security and natural surveillance have been submitted and re-consultation is ongoing at the time of writing.

- 1.5 In addition to the reserved matters, a number of conditions of the outline planning permission require details to be submitted before development starts, but not necessarily at the same time as the reserved matters. These are:
- 4. Design and access statement to accompany the reserved matters submission, together with details of: any phasing, any alterations to the remaining golf course, children's play areas, footpath/cycleway links, landscaping details and structural planting to replace roadside trees lost in the junction works.
 - 7. Details of the density, scale and housing mix.
 - 10. Scheme for access, on-site parking and turning facilities for construction traffic.
 - 11. Scheme of hard landscaping works, finished levels, means of enclosure, refuse containers, street furniture and lighting.
 - 12. Scheme of surface water drainage incorporating appropriate flow attenuation and balancing facilities.
 - 13. Programme of archaeological work.
- 1.6 The information submitted under conditions 10, 12 and 13 will be dealt with separately from the reserved matters. Conditional submissions are not normally the subject of public consultation and are delegated to officers.
- 1.7 The outline planning permission is also subject to a planning obligation which secures 29% of the units for affordable housing and contributions to: open space, play equipment, off-site facilities, transportation, bus services, footpaths, traffic management and primary health care.
- 1.8 The site is allocated for residential development in policy HL2 of the Huntingdonshire Local Plan Alteration.

2. NATIONAL GUIDANCE

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

- 2.1 **PPS1: "Delivering Sustainable Development" (2005)** contains advice on the operation of the plan-led system.
- 2.2 **PPS3: "Housing" (2006)** sets out how the planning system supports the growth in housing completions needed in England.
- 2.3 **PPS9: "Biological and Geological Conservation" (2005)** sets out planning policies on protection of biodiversity and geological conservation through the planning system.
- 2.4 **PPG16: "Archaeology and Planning" (1990)** sets out the Secretary of State's policy on archaeological remains on land, and how they should be preserved or recorded both in an urban setting and in the countryside.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **ENV7:** "Quality in the Built Environment" - requires new development to be of high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- None relevant.

3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95 The following policies of the Huntingdonshire Local Plan 1995 are relevant:

- **H31:** "Residential privacy and amenity standards" – Indicates that new dwellings will only be permitted where appropriate standards of privacy can be maintained and adequate parking provided.
- **T18:** "Access requirements for new development" states development should be accessed by a highway of acceptable design and appropriate construction.
- **En18:** "Protection of countryside features" – Offers protection for important site features including trees, woodlands, hedges and meadowland.
- **En20:** "Landscaping Scheme" - Wherever appropriate a development will be subject to the conditions requiring the execution of a landscaping scheme.
- **En22:** "Conservation" – wherever relevant, the determination of applications will take appropriate consideration of nature and wildlife conservation.
- **En25:** "General Design Criteria" - indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make adequate provision for landscaping and amenity areas.

3.4 Huntingdonshire Local Plan Alteration (2002) Saved policies from the Huntingdonshire Local Plan Alteration 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95 The following policies of the Huntingdonshire Local Plan Alteration 2002 are relevant:

- **HL5** – Quality and Density of Development - sets out the criteria to take into account in assessing whether a proposal represents a good design and layout.

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at www.huntsdc.gov.uk/Environment and follow the link to Informal Policy Statements

- **B1** – Design Quality - developments should demonstrate a high quality of design in terms of layout, form and contribution to the character of the area.
- **B2** – Street scene – development proposals should make a positive contribution to the character and appearance of streets and public spaces.
- **B3** – Accessibility, Adaptability and Security – the location and design of new development should enable ease of access, have convenient and appropriate facilities and minimise the extent to which users feel at risk of crime.
- **B4** – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.
- **G3** – Trees, hedgerows and Other Environmental Features - development proposals should minimise risk of harm to trees, hedgerows or other environmental features of visual, historic or nature conservation value.
- **G4** – Protected Habitats and Species – development proposals should not harm sites of national or international importance for biodiversity or geology. Proposals will not be permitted if they potentially damage County Wildlife Sites, Local Nature Reserves, Ancient Woodland, Important Species or Protected Roadside Verges, unless they significantly outweigh the harm.
- **G7** – Biodiversity – proposals that could affect biodiversity should: be accompanied by a suitable assessment of habitats and species; maintain and enhance biodiversity; provide appropriate mitigation measures; seek to achieve positive gain in biodiversity.
- **H3** – Mix of Dwelling Sizes – major housing development should incorporate accommodation suitable for a range of household sizes and types, which meets the local community's needs.
- **T1** – Transport impacts - development proposals should be capable of being served by safe convenient access to the transport network and should not give rise to traffic volumes that exceed the capacity of the local transport network.

3.6 Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

- **CS1:** “Sustainable development in Huntingdonshire” – all developments will contribute to the pursuit of sustainable development, having regard to social, environmental and economic issues. All aspects will be considered including design, implementation and function of development.

3.7 The Huntingdonshire Design Guide 2007 (Parts 1 and 3) is relevant.

3.8 The Huntingdonshire Landscape and Townscape Assessment (Parts 3 and 4) is relevant.

3.9 The St Ives West Urban Design Framework 2005 is relevant.

4. PLANNING HISTORY

4.1 9801132OUT Outline planning permission for residential development and extension of golf course. Granted July 2006

4.2 0703438REM Approval of siting, design, external appearance and landscaping for 122 dwellings, roads, sewers and public open space. Withdrawn

5. CONSULTATIONS

5.1 (Consultation responses relate to the original plans, any additional responses in respect of the revised plans will be reported in the Friday Letter)

5.2 **St Ives Town Council – RECOMMENDS REFUSAL** (See attached).

5.3 **Houghton and Wyton Parish Council – RECOMMENDS REFUSAL** (See attached).

5.4 **HDC Operational Services:** Detailed comments made about the design and equipment of the play areas.

5.5 **Cambridgeshire County Council Highways:** Request additional information on road dimensions, the extent of adoptable areas and ‘tracking’ the paths of refuse vehicles.

5.6 **Cambridgeshire County Council – Archaeology:** The site lies in an area of high archaeological potential and it is likely that important archaeological remains survive on the site and that these would be severely damaged or destroyed by the development. Numerous artefacts of pre-historic and Roman date have been recovered in the vicinity of the site and a known Roman cemetery. A scheme of investigation has not yet been submitted.

5.7 **Environment Agency:** Recommend that the decision be deferred. The Agency has no objection in principle but recommends that the decision be deferred until the following information has been

submitted: confirmation of the acceptable surface water discharge rate by Anglian Water; confirmation that Anglian Water will adopt and maintain the surface water system on the site; details of any maintenance responsibilities for any part of the system not to be adopted; revised drainage calculations using the Flood Estimation Handbook. It also stated that the Flood Risk Assessment is acceptable because it demonstrates that the site is at low risk of fluvial flooding and the proposed surface water drainage system will attenuate runoff from the site so that third parties will not be affected by increased flood risk.

- 5.8 **Anglian Water:** Comments awaited.
- 5.9 **Cambridgeshire Police Architectural Liaison:** Detailed comments made on various aspects of the layout and house design related to providing natural surveillance, secure locations for parked vehicles and securing the rear of properties.
- 5.10 **Cambridgeshire Fire and Rescue Service:** Requests provision for fire hydrants secured by a planning obligation or condition.

6. REPRESENTATIONS

- 6.1 (Representations relate to the original plans, any additional responses in respect of the revised plans will be reported in the Friday Letter)
- 6.2 Objections have been received from 6 residents on the following grounds:
- Access to the site should be taken at the junction with Hill Rise. The proposed access will worsen existing severe congestion on High Leys at the beginning and end of the school day.
 - The new cross-roads on High Leys will increase rat-running through High Leys and Green Leys on streets already subject to on-street parking by residents and taxi firms. If approved, the exit from the site should be restricted to a left turn onto Houghton Road and there should be a safe crossing for the children.
 - Traffic will conflict with pedestrians, especially children arriving at and departing from the St Ivo School.
 - Overlooking from dwelling on plot 50 to front rooms and gardens of housing on the north side of Houghton Road and the design does not fit in with the area.
 - Relocation of the footway on the south side of Houghton Road leaves the houses on part of the north side without a roadside footway.
 - Development should take account of existing flooding in drainage ditches alongside Houghton Road.
 - Development should take account of existing private accesses to High Leys which cross the proposed open space.
 - Concern that vehicular access to existing properties on Houghton Road should not be impeded.
- 6.3 The Governors of the St Ivo School have made the following representations:
- The access to plots 127 and 128 appears to cross school land. There are safety concerns about the access, which does not have turning facilities, being close to the school entrance.

- There is no indication of traffic priority at the new cross-roads on High Leys. A raised junction or mini roundabout may be more appropriate. An unrestricted cross-roads is not acceptable in a built-up residential area adjacent to a school with over 1800 children.
- Drainage at the bottom of High Leys has been a problem for many years and it should be considered as part of the submitted drainage scheme.
- The treatment of the boundary between the site and school playing fields should be included on the submitted scheme.
- The most important issue is construction traffic. The School would like to be consulted when a scheme is submitted under Condition 10 of the outline planning permission. Approximately 1000 children gain access to the school via High Leys, the vast majority of these walk or cycle. It is imperative that any scheme considers very carefully how the safety of the children can be ensured.

7. SUMMARY OF ISSUES

- 7.1 The planning issues relate to the acceptability of the plans submitted for approval of the outstanding reserved matters (the siting, design and external appearance of the buildings and the landscaping of the site). They are: whether the layout and design of the buildings create a satisfactory residential environment; the housing mix; the impact of the development on existing trees and the provision for new landscaping; the impact on protected species which may be present on or around the site; and the effect on residential amenity.

Layout and design

- 7.2 The site is one of three covered by the West of St Ives Urban Design Framework. The main points of the design brief were:
- provision of a new footway along the eastern side of High Leys to the St Ivo School
 - retain and strengthen the 'green corridor' approach to St Ives and mitigate the tree loss from the bus lane and junction improvements
 - the remainder of the golf course acts as part of the transition from built-up area to countryside in the gap between St Ives and Houghton, a boundary treatment that allows filtered views will be acceptable
 - facing buildings towards Houghton Road with generous set backs
 - create a development with an identity of its own
 - locate buildings to define roads and open spaces
 - create high quality public realm
 - ease of movement through well-connected streets and spaces
 - clear, legible hierarchy of recognisable spaces
 - provide a range of house types, sizes and tenures
 - retain the wooded area on the southern boundary of the site, the pond on the western boundary and the group of trees between the fairways
 - development concept based on a principal road running east-west through the site
 - higher density development around the central open space
 - contemporary design will be welcomed
- 7.3 These aspects have been incorporated in the layout which responds satisfactorily to the design brief. Two aspects have not been carried

forward into the layout. A suggested secondary access point close to the school roundabout is not considered to be appropriate. The layout does not make provision for a gateway feature at the main access to the site; the dwellings have instead been designed to read as part of a street without this degree of emphasis to the site entrance.

- 7.4 The dwellings are wall of contemporary design. The various styles have regard to, but do not copy, those of existing nearby properties and are considered to sit comfortably with them.
- 7.5 Two design and layout issues are still being addressed. The plans show the roadside footway on the western section of the Houghton Road frontage relocated within the site, behind a belt of trees. This would make it inaccessible to properties on the northern side of Houghton Road were there is currently no footway. The design of the dwelling on plot 50 has been amended but is still considered to be too bulky. Members will be updated on these issues in the Friday Letter.

Housing Mix

- 7.6 The market housing mix proposed is: 2 bedrooms 14%, 3 bedrooms 33%, 4 bedrooms 42%, 5 bedrooms 11%. This mix is considered to be appropriate for the site because it contains a good range of small and medium sized dwellings with 2 and 3 bedrooms. The proposed mix of affordable units is: 1 bedroom 33%, 2 bedrooms 43%, 3 bedrooms 16%, 4 bedrooms 5% 5 bedrooms 3%. This is also acceptable.

Landscaping and impact on trees

- 7.7 The site contains a significant number of mature and semi-mature trees both between holes on the golf course and around the boundaries, especially on Houghton Road. Within the site modifications to the layout continue to be negotiated to ensure that those trees which are to be retained have adequate space for their roots and canopies. The junction improvements and widening on Houghton Road will result in unavoidable and extensive loss of roadside trees. The approach being taken is to secure good quality replanting although it is acknowledged this will take many years to achieve the visual quality and stature of the existing trees.

Impact on protected species

- 7.8 The site contains trees and hedgerows which have value for nesting birds. The applicants have carried out a Phase 1 habitat survey for fauna protected by the Wildlife and Countryside Act 1981, with Red Data Book status or a Species Action Plan. The survey looked for evidence of their presence and for habitats which they could use. It identified a need for a great crested newt survey which has been carried out and the results are being assessed. Subject to the assessment being satisfactory the proposal would comply with policies EN22 of the Huntingdonshire Local Plan and G4 and G7 of the Huntingdonshire Interim Planning Policy Statement.

Effect on residential amenity

- 7.9 One objection has been raised concerning overlooking to the front rooms and garden of a property on the northern side of Houghton Road from rooms in the roof of a 2½ storey dwelling on plot 50. This plot is set back almost 30m from the roadside site boundary, this distance and the width of the road will mean that there will not be an unacceptable loss of privacy.

Other issues

- 7.10 Many of the representations made by the local Councils and objectors relate to issues that are not directly concerned with the reserved matters. For completeness the position in regard to these issues is as follows.

Access location and design

- 7.11 The outline planning permission established the principle of providing vehicular access to the site from High Leys, by converting the existing 'T' junction to a cross-roads. Improvements to the existing 'T' junctions on Houghton Road will provide additional capacity to deal with the traffic generated by this development, the developments at Houghton Grange and north of Houghton Road and links to a new eastbound bus lane to be provided on Houghton Road to the west of the site by the County Council. The detailed design of all junctions needs to be advanced to pass a Stage Two Safety Audit before the County Highway authority will give its consent for works within the highway. The general configuration of these works was approved as part of the outline planning permission. The highway works shown on the latest drawing differ in one main respect from those previously approved. The approved drawing shows three westbound lanes of traffic between the High Leys and Hill Rise junctions: one lane for traffic turning right into High Leys and two for traffic going straight on to Huntingdon which merge back into one lane immediately after the junction. The latest drawing shows one lane for right-turning traffic and one lane all the way through the junction for traffic travelling straight on. This arrangement is likely to be safer than having two lanes merging into one over a short distance. The revised arrangement can be dealt with as a variation under condition 8 if it is considered acceptable by the County Highway Authority when it has assessed the capacity of the junctions and completed the Safety Audit.

Rat-running traffic on High Leys and Green Leys

- 7.12 The s106 planning obligation requires the developers to pay a traffic management contribution of £100,000 (index linked) to the County Council to be used for traffic calming, traffic management and a cycleway scheme on High Leys and Green Leys or other affected areas. The payments have to be completed before the occupation of the first market dwelling on the site and the County Council will be responsible for designing and implementing the scheme.

Safety of School Users

- 7.13 Safety issues arise at two stages, during the construction and when the development is occupied and generating traffic. Issues arising from the construction work will be addressed under condition 10. The School and the County Highway Authority will be involved in negotiating the construction traffic scheme. The safety of the new road layout, including traffic priority at the new cross-roads, will be addressed by the County Council during Stage Two of the Safety Audit.

Maintaining access to properties

- 7.14 Two residents have expressed concern about maintaining vehicular access to their properties. One property on Houghton Road is affected by the High Leys junction improvement; subject to the outcome of the Stage Two Safety Audit the plans show a central reservation delineated by white lines rather than kerbs so traffic would still be able to turn right into the affected property. The other property has an access from High Leys which will be able to cross a widened verge once the road has been re-aligned.

Surface water drainage

- 7.15 The applicants have been made aware of the existing drainage problems on Houghton Road in the vicinity of Hill Rise and High Leys. At times of heavy rainfall surface water overflows from the roadside ditches onto the carriageway at a number of places on Houghton Road causing localised flooding. It is not the responsibility of the applicants to remedy these problems but their drainage proposals must ensure that the situation is not worsened. Hard surfaced roads and roofs within the development will cause surface water to runoff more quickly than from undeveloped land and the drainage scheme is designed to collect the water in pipes beneath the road and in the pond in the north-east corner of the site from where it will be released to the surface water system at a controlled rate.
- 7.16 The Environment Agency has no objection in principle and it confirms that the applicants' flood risk assessment has shown the site will not be at risk of flooding and other land will not be at increased risk of flooding. The Agency's outstanding concerns relate to: confirmation that the runoff rate accepted by Anglian Water in 2006 is still appropriate; the provision to be made for the long-term maintenance of the surface water drainage system and securing revised calculations using a technique that more accurately models the rainfall volumes experienced in a 1 in 100 year event in the east of England. Clarification has been requested from the applicants and an update will be provided in the Friday Letter. Securing satisfactory surface water drainage arrangements is however a matter to be dealt with under the discharge of condition 12 of the outline planning permission and it need not affect the reserved matters.

Foul drainage

- 7.17 Concern has been expressed that the foul sewerage system in the area is inadequate. Problems are experienced during periods of heavy rainfall and this is generally an indication that surface water is getting into the foul sewerage system which is not designed to cater for the increased volume of water. Anglian Water has been made

aware of the issue and their response will be reported in the Friday Letter. The principle of development was accepted when outline planning permission was granted and foul drainage is not relevant to the reserved matters nor is it the subject of a planning condition.

Archaeology

7.18 Condition 13 of the outline planning permission requires archaeological investigation prior to the commencement of development. This requires an assessment of the site, with consequent possible excavation and recording of finds but not their preservation in situ. As such it is not a factor in considering the layout of the development.

Conclusion

7.19 The reserved matters are satisfactory and comply with policies ENV7 of the East of England Plan; H31, T18, En18, En20, and En25 of the Huntingdonshire Local Plan (1995); HL5 of the Huntingdonshire Local Plan Alteration (2002); H3, B1, B2, B3, B4, G3, H3 and T1 of the Huntingdonshire Interim Planning Policy Statement and CS1 of the Huntingdonshire Local Development Framework Submission Core Strategy.

7.20 Having regard to applicable national and local policies and having taken all relevant material considerations into account, it is considered that reserved matters should be APPROVED.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – APPROVE, subject to the following conditions:

Nonstand	Materials
06003	Implementation replacements
17001	Levels
17002	Access for disabled details
Nonstand	Fire hydrants

BACKGROUND PAPERS:

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)
Cambridgeshire and Peterborough Structure Plan, 2003
Huntingdonshire Local Plan, 1995
Huntingdonshire Local Plan Alterations (2002)
Huntingdonshire Interim Planning Policy Statement 2007
Huntingdonshire Local Development Framework Submission Core Strategy 2008

CONTACT OFFICER:

Enquiries about this report to **Mr Nigel Swaby Development Control Team Leader 01480 388370**

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Case No: 0803545FUL (FULL PLANNING APPLICATION)

Proposal: CONTINUED USE OF WOODSHAVINGS LINE WITH EXISTING RUNNING HOURS
INCORPORATING A SUPPLEMENTAL REPORT FOR THE PROPOSED DISCHARGE OF CONDITION 3 OF PLANNING PERMISSION 0701444FUL AND RELATING TO THE USE OF AN ALTERNATIVE ACCESS IN ASSOCIATION WITH THE WOOD PELLETING PROCESS.

Location: SUNDOWN STRAW PRODUCTS STATION ROAD

Applicant: SUNDOWN PRODUCTS LTD (FAO MR D CUBITT)

Grid Ref: 508565 271110

Date of Registration: 18.12.2008

Parish: TILBROOK

RECOMMENDATION - APPROVE

- 1. DESCRIPTION OF SITE AND APPLICATION**
 - 1.1 This site is located within the open countryside to the south of Catworth. It lies to the west of Station Road (B660) and is adjacent to the former railway station. Access to the site is from the B660 via a shared access with Station House. Adjacent to this access is a row of residential properties fronting the B660.
 - 1.2 The application seeks consent for the continued use of the woodshavings line with the existing hours of operation of 0730 – 1800 Monday to Friday, 0730 to 1300 on Saturday and not on Sundays or Bank Holidays. The dust fired burner used to operate the woodshavings line would continue to operate on the permitted hours of 0630 to 2000 Monday to Friday and 0630 to 1400 on Saturdays, thereby allowing the burner to reach temperature and cool before and after its use in association with the woodshavings line.
- 2. NATIONAL GUIDANCE**
 - 2.1 **PPS1 Delivering Sustainable Development 2005** sets out the plan led system and encourages sustainable development
 - 2.2 **PPG4 - 'Industrial and Commercial Development and Small Firms' (1992)** encourages economic development whilst achieving a high quality environment.
 - 2.3 **PPS7 -Sustainable Development in Rural Areas (2004)**

- 2.4 **PPG13: “Transport” (2001)** provides guidance in relation to transport and particularly the integration of planning and transport.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. **PLANNING POLICIES**

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 **East of England Plan - Revision to the Regional Spatial Strategy (May 2008)**

Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **T8:** “Local Roads” – local road networks should be managed in accordance with the local transport plan objectives: tackling congestion and its environmental impacts; facilitating the provision of safe and efficient public transport, walking and cycling; providing efficient vehicular access to locations and activities requiring it and improving safety.

3.2 **Cambridgeshire and Peterborough Structure Plan (2003)**

Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

None relevant

3.3 **Huntingdonshire Local Plan (1995)**

Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **E7** - support will normally be given to the establishment and expansion of small businesses subject to traffic and environmental considerations
- **E11** - supports the expansion of existing firms provided the scale and location does not conflict with other plan policies
- **En17** - indicates that development in the countryside will be restricted to that which is essential to the effective operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services
- **En25** - requires new development to respect the scale, form, materials and design of established buildings in the locality.

3.4 **Huntingdonshire Local Plan Alterations (2002)**

Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

None relevant

3.5 **Huntingdonshire Interim Planning Policy Statement 2007**

Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007.

- E2 Location of Industrial and Warehouse Development- minor industrial or warehousing development will be allowed where an existing firm wishes to expand.
- T1 Transport Impacts- explains transport requirements of new development proposals
- B4 – Amenity - developments should not have an unacceptable impact upon amenity of existing or future occupiers.

3.6 **Huntingdonshire Local Development Framework Submission Core Strategy 2008**

Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning then click on Planning and then click on Planning Policy where there is a link to the Local Development Framework Core Strategy.

None relevant

4. **PLANNING HISTORY**

- 4.1 Planning permission was granted in 1974 for a chemical straw plant, which has been extended over the years (74/00217FUL). In 1997 planning permission was granted for an additional straw processing plant (97/101368 FUL). Further permissions include the erection of a building for the storage of straw, 3 storage silos and intake canopy (98/01545FUL) and an extension to a warehouse (0200897FUL).
- 4.2 In October 2005, a temporary, 12 month permission was granted for the installation of a wood shavings line and chimney (0502662FUL).
- 4.3 In January 2006, permission was granted for the erection of a dust fired burner- 0503890FUL.
- 4.4 In March 2006, a temporary 12 month permission was granted for the change of use and extension to warehouse to house baling plant to process straw, hay and dried grass. – 0600428FUL

- 4.5 In November 2006, a further 12 month temporary permission was allowed for the woodshavings line (0603089FUL).
- 4.6 In March 2007, Members approved the erection of a building to be used as additional storage, new road layout to existing access/egress and improvements to access/egress on Station Road (0603797FUL).
- 4.7 In May 2007, a further 12 month temporary permission was allowed for the processing of straw, hay and dried grass – 0700930S73
- 4.8 In September 2007, a further change of use was permitted to allow the use of part of the building for the manufacture of wood pellets and the erection of an ancillary building – 0701444FUL.
- 4.9 In November 2007 a S73 application was refused to allow the continued use of the woodshavings line for the following reason:
- 4.10 The existing access arrangements to the site are inadequate and below the County Council required standards to allow lorries to turn and access the site safely. Whilst a more acceptable access arrangement may be achievable in the long term, the continued intensification in the use of this existing access as a result of the woodshavings line is unacceptable, in that the manoeuvring of vehicles likely to be generated by the proposed use would be detrimental to the safe and free flow of traffic on the adjoining highway contrary to Policy E11 of the Huntingdonshire Local Plan 1995 and Policy T1 of the Huntingdonshire Interim Planning Policy Statement 2007. – 0702972S73
- 4.11 In January 2008 planning permission was granted for a further revised access arrangement to meet the needs of the site. 0704009FUL
- 4.12 Due to the continued use of the woodshavings line and the applicant's failure to upgrade the access to the site, an Enforcement Notice was served on the 1st August 2008, the notice required the applicant to implement one of the two permitted access arrangements. The applicant subsequently implemented the access approved under 0704009FUL and the Enforcement Notice was withdrawn.
- 4.13 In December 2008 planning permission was refused for the revised access improvements. Retention of use of woodshavings line and use of drying plant on a 24hr basis Monday to Friday and until 2pm on Saturdays and not at all on Sundays and Bank Holidays. (0702500FUL)

5. CONSULTATIONS

- 5.1 **Tilbrook Parish Council – Recommends REFUSAL. (Copy attached)**
- 5.2 **Catworth Parish Council – Recommend APPROVAL. (Copy attached)**
- 5.3 **Covington Parish Council – NO OBSERVATIONS.**

- 5.4 **CCC Highways Authority** – The application has been carefully considered and whilst the new access is the most preferable means of accessing the site, the additional 4 movements, via the original access with the improved bell mouth facilities is deemed acceptable. The minimal increase to which this application refers would be acceptable if served through the original access and associated junction improvements, however, any further increase in movements would be considered unacceptable using the original access.
- 5.5 **HDC Environmental Health** – The site in question has been operating under an environmental permit issued under the Environmental Permitting Regulations (England and Wales)2007. Whilst noise complaints have been received, no statutory noise nuisance has been witnessed. Due to the site being operated under an appropriate permit, there is no objection to the application.

6. REPRESENTATIONS

6.1 Station House, Station Road – Objection

- The suggested number of lorry movements per day associated with the woodshavings line is clearly incorrect, there are on average probably 8 lorries delivering product each day.
- Noise from the site has been an ongoing problem, with the noise report being clearly out of date.
- The access to the site should be via the new access road and not via the original, substandard road.
- Fires continue to be a problem on the site.
- The site has been operating for 5yrs and still doesn't have a planning permission to operate.

6.2 4 Station Row – Objection

- The emissions from the chimney are unpleasant at any time of the year, but this becomes unbearable on hot summer days. It also emits dust and debris, which is evident on cars and windows.
- A variety of lorries and trucks arriving and departing is disturbing, as is the constant reversing alarms of the lorries being loaded.
- There is a continual problem with fires both major and minor, on site.
- Considerable inconvenience to residents was caused when the new access road was built and now it is proposed not to use it. This is ridiculous.
- Ample time has been given for these issues to be resolved, to no avail.
- Is a rural setting the more appropriate location for an industrial unit such as this

7. SUMMARY OF ISSUES

- 7.1 The application seeks the consent to continue using the woodshavings line, which has not benefited from planning permission

since November 2007, in association with the original access road and recently completed junction improvements, comprising a run over area opposite the access point and an increase in the bell mouth at the junction. Whilst the applicant has completed a new access to the site, due to land ownership issues and rights of access, the applicant is not seeking consent to use this access in association with the use.

- 7.2 Within the submitted documentation, the applicant has confirmed that there are 4 lorry movements per day associated with the woodshavings line, previous application submissions confirmed that this would indicate a maximum number of vehicle movements into the site of 25 per day.
- 7.3 The main issues for consideration are whether the nature of this use is acceptable in this location, neighbour amenity and highway safety.

Acceptability of the nature of the use in this location

- 7.4 Permission for the erection of a straw processing plant was granted in 1974. Although the site lies outside the environmental limits of Catworth and Tilbrook and therefore would be described as within open countryside, an industrial process has been carried out on the site since 1974. Local Plan Policy En17 restricts development in the countryside and PPS7 also provides advice on these matters. However Local Plan Policy E7 and Interim Planning Policy Statement E2 give support to the expansion of existing businesses and, in light of the existing, permitted use and associated traffic movements including the number of people already employed by the company, this additional woodshavings line on the site would not impact detrimentally on the Countryside.
- 7.5 Similarly the use of the drier is considered in principle to be acceptable, subject to other criteria, as the facility is existing and the industrial use of this site is established.

Neighbour Amenity

- 7.6 Whilst it is accepted that there are concerns raised by local residents, specifically regarding noise, dust and air pollution, the Council's Environment Health Officer does visit the site regularly and has advised that there is no serious environmental health problem with the site. The applicant continuously works with the Council EHOs to endeavour to resolve any concerns and there is not reason to assume this will change.
- 7.7 It can only be concluded that the existing use of the Woodshavings line does not have a detrimental effect on the amenities of neighbouring properties.

Access Improvements

- 7.8 The applicant provided some information in support of the 2005 application for the installation of the woodshavings line and associated chimney, that indicated that there would be an additional 4 lorry movements per day associated with the woodshavings line in particular, this was further re-iterated as part of this application.

- 7.9 Even with such a minimal increase in the number of movements, the Highway's Authority raised concerns regarding the excessively sub-standard original access to this site and stated that any additional movements into the existing access would be unacceptable without improvements to the access. Accordingly the provision of a new access arrangement has been conditioned on a number of occasions for both the woodshavings line and the woodpelleting proposals.
- 7.10 The applicant has subsequently constructed a new access and junction arrangement, which the Highway's Authority have carefully assessed, whilst the preference is that the applicant utilises the new access in association with the use of the site, the junction improvements are significant enough to ensure that the additional movements associated with the woodshavings line are not detrimental to highway safety and could not be resisted on the original access line.
- 7.11 Additional movements on the original access road would need to be assessed on their individual merits, as such, and as was done for application 0701444FUL for the proposed woodpelleting, it is proposed to impose a suitably worded planning condition restricting the number of HGV and tractor movements into this site to 25 per day.
- 7.12 In conclusion, subject to appropriate conditions, it is not considered that the additional vehicle movements associated with the woodshavings line would be unacceptable on the original access, with the associated junction improvements.

Visual Amenity

- 7.13 At the time of previous applications, the impact on the character and appearance of the locality was considered to be acceptable. This situation remains unchanged from the earlier applications and would not justify the refusal of this application.
- 7.14 In light of the above assessment, it is considered that the woodshavings line, operating on the hours stipulated above, is considered to be an acceptable use in this location, subject to the imposition of suitably worded conditions. As such it is recommended that planning permission be granted.
8. **RECOMMENDATION - APPROVE**, subject to conditions to include the following:

02003	Time Limit (3yrs)
Nonstand	HGV routing
Nonstand	No. of lorry movements
Nonstand	Hours of operation
Nonstand	Hours of operation - dust fired burner.
Nonstand	Restricted use category.

- Nonstand** Noise level.
- Nonstand** HGV routing.
- Nonstand** PD Rights removal

9. SUPPLEMENTAL REPORT

- 9.1 Members will recall the consideration of application 07004009FUL, at the Development Control Panel meeting held in January 2008. The application sought consent for a revised access arrangement into the site from that approved in 2007.
- 9.2 As a result of the change in the proposed arrangement some Members had concerns regarding the suitability of the proposed access for an increased vehicle capacity at this site.
- 9.3 The applicant has sought the discharge of condition 3 of planning permission 0701444FUL (copy attached) which granted planning permission for the 'Change of Use to Production of Wood Pellets. Erection of Shed to Store Sawdust and Machinery.' Condition 3 required no development to take place until improvements to the access have been completed in accordance with the scheme approved under 0603797FUL or any subsequent alternative scheme approved by the Local Planning Authority.
- 9.4 As advised in subsequent planning applications, the applicant has been unable to construct the originally approved access road(0603797FUL), and sought and obtained planning permission for the revised scheme in January 2008(0704009FUL). As such the applicant is now seeking to discharge condition 3 based on the prior completion of the revised scheme approved by the Local Planning Authority under reference 0704009FUL.
- 9.5 The applicant has advised and planning permission 0701444FUL has been suitably condition to restrict movements into the application site to a maximum of 25 within any 24hour period. As this is the same restriction proposed to be conditioned to the woodshavings line, following discussions with the Highway's Authority, it is not considered that the number of permitted movements into the site could be increased and as such the amended access arrangements approved under reference 0704009FULwould meet the needs of this use.
- 9.6 Upon advice, it is therefore recommended that the revised access scheme approved under ref: 0704009FUL is acceptable and meets the requirements of this condition.
- 9.7 Members consent is therefore sought to discharge this condition accordingly.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

BACKGROUND PAPERS:

Planning Application File Reference: 0803545FUL

East of England Plan - Revision to the Regional Spatial Strategy (May 2008)

Cambridgeshire and Peterborough Structure Plan, 2003

Huntingdonshire Local Plan, 1995

Huntingdonshire Local Plan Alterations (2002)

Huntingdonshire Interim Planning Policy Statement 2007

Huntingdonshire Local Development Framework Submission Core Strategy
2008

CONTACT OFFICER:

Enquiries about this report to **Ms Elizabeth Fitzgerald Development Control
Team Leader 01480 388490**

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Case No: 0900034FUL (FULL PLANNING APPLICATION)

Proposal: ERECTION OF DWELLING AND STABLES

Location: LAND REAR OF PRINCE OF WALES RECTORY ROAD

Applicant: MR J WADSWORTH

Grid Ref: 537055 274328

Date of Registration: 14.01.2009

Parish: BLUNTISHAM

RECOMMENDATION - REFUSAL

1. DESCRIPTION OF SITE AND APPLICATION

1.1 This site is located on the southern side of the A1123, to the rear of the Prince of Wales P.H. It measures approximately 30m by 48m and has a 58m long access to the main road. Within the site there is a range of pole barns used as loose boxes, and a modern storage building constructed of profiled sheeting. The grazing/paddock land to the south of the site is within the applicant's ownership. Development along this side of Rectory Road is, apart from the public house, made up from detached and semi-detached dwellings fronting the highway with their gardens and open countryside to the south.

1.2 The proposal is to demolish some of the small agricultural buildings, and to erect a single dwelling with attached stables. The buildings are to be laid out in a "u" shape and are designed mainly as single storey but with a roof space element to provide bedroom accommodation with the maximum height to the ridge being 7m. The design is intended to follow a farm building style, and will include a substantial amount of timber cladding for the walls. Other materials used will be brick and pantiles. The stables will occupy one wing of the "u", and will adjoin the retained buildings. Three parking spaces will be provided, and an access to the paddocks will be retained on the eastern side of the site.

2. NATIONAL GUIDANCE

2.1 **PPS1 – Delivering Sustainable Development (2005)** contains advice on the operation of the plan-led system.

2.2 **PPS3 – "Housing" (2006)** sets out how the planning system supports the growth of housing completions needed in England.

2.3 **PPS7 – Sustainable development in rural areas (2004)**. Sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas and makes clear that the overall

aim is to protect the countryside for the sake of its intrinsic character and beauty.

For full details visit the government website <http://www.communities.gov.uk> and follow the links to planning, Building and Environment, Planning, Planning Policy.

3. PLANNING POLICIES

Further information on the role of planning policies in deciding planning applications can also be found at the following website: <http://www.communities.gov.uk> then follow links Planning, Building and Environment, Planning, Planning Information and Guidance, Planning Guidance and Advice and then Creating and Better Place to Live

3.1 East of England Plan - Revision to the Regional Spatial Strategy (May 2008) Policies viewable at <http://www.go-east.gov.uk> then follow links to Planning, Regional Planning then Related Documents

- **ENV7** – Quality in the Built Environment – requires new development to be of a high quality which complements the distinctive character and best qualities of the local area and promotes urban renaissance and regeneration.

3.2 Cambridgeshire and Peterborough Structure Plan (2003) Saved policies from the Cambridgeshire and Peterborough Structure Plan 2003 are relevant and viewable at <http://www.cambridgeshire.gov.uk> follow the links to environment, planning, planning policy and Structure Plan 2003.

- None relevant

3.3 Huntingdonshire Local Plan (1995) Saved policies from the Huntingdonshire Local Plan 1995 are relevant and viewable at www.huntingdonshire.gov.uk/localplan95

- **H23** Outside Settlements - general presumption against housing development outside environmental limits with the exception of specific dwellings required for the efficient management of agriculture, forestry and horticulture.
- **H31**: “Residential privacy and amenity standards” – indicates that new dwellings will only be permitted where appropriate standards of privacy can be maintained and adequate parking provided.
- **En17** “Development in the countryside” – development in the countryside will be restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, outdoor recreation or public utility services.
- **En25**: “General Design Criteria” – indicates that the District Council will expect new development to respect the scale, form, materials and design of established buildings in the locality and make provision for landscaping and amenity areas.

3.4 Huntingdonshire Local Plan Alterations (2002) Saved policies from the Huntingdon Local Plan Alterations 2002 are relevant and viewable at www.huntingdonshire.gov.uk/localplan - Then click on "Local Plan Alteration (2002)

- **STR1** – Huntingdonshire settlement hierarchy
- **STR5** – Bluntisham is a group village
- **HL5** – Quality and density of development – sets out the criteria to take into account in assessing whether a proposal represents a good design and layout.
- **HL8** – Rural Housing – identifies that in group villages, groups of dwellings and infilling will be permitted on appropriate sites within the village limits and where the development is sensitive to the scale and character of the village.

3.5 Policies from the Huntingdonshire Interim Planning Policy Statement 2007 are relevant and viewable at <http://www.huntsdc.gov.uk> click on Environment and Planning, then Planning then Planning+Policy then Informal policy statements where there is a link to Interim Planning Policy Statement 2007

- **P8** – development in the countryside is limited to that which is essential to, amongst other uses, the efficient operation of agriculture.
- **B1** – Design quality; a development proposal should demonstrate a high quality of design in terms of its layout, form and contribution to the character of the area
- **B4** – Amenity; a development proposal should not have an unacceptable impact upon the amenity of a existing/future occupier
- **T1** – transport impacts, a development proposal should be capable of being served by safe and convenient access to the transport network for all users.

3.6 Local Development Framework Submission Core Strategy 2008

- **CS3** – The Settlement Hierarchy – Bluntisham is a smaller settlement where residential infilling will be appropriate within the built up area. Outside the built-up areas of the defined settlements is countryside and residential development will be strictly limited to that which has an essential need to be there.

3.7 The SPD Huntingdonshire Design Guide 2007 is a material consideration.

4. **PLANNING HISTORY**

4.1 9900603FUL. Erection of field shelter and hay store. Approved 16th June 1999.

- 4.2 0801437FUL. Erection of dwelling and stables. This proposal was identical to the present one, but the applicant sought to justify it on agricultural grounds in that the dwelling was required for the security of the horses. An independent report commissioned by the District Council concluded that there was no justification for the dwelling in terms of the guidance contained in PPS7. The application was due to be considered by the Panel on the 13th October 2008, with a recommendation of refusal, but was withdrawn by the applicant prior to the meeting.

5. CONSULTATIONS

- 5.1 **Bluntisham Parish Council – NO OBJECTION** (copies attached)
- 5.2 **CCC Highways – NO OBJECTION** in principle, subject to conditions relating to access width and construction; the setting back of any gates; the permanent provision of turning, parking and loading.
- 5.3 **Environmental Health Services** – comments received regarding the disposal of manure and stable waste.
- 5.4 **Building Control Officer** – suitable access required for refuse vehicles and fire brigade. Unprotected area may have been exceeded.

6. REPRESENTATIONS

- 6.1 One letter of objection has been received from the occupier of 15 Rectory Road. The following points have been raised:-
1. There would be a loss of amenity due to overlooking.
 2. The buildings will block the view of the river
 3. The proposal will set a precedent for backland development along this stretch of Rectory Road.
 4. The yard is used for a plant hire business but this could be unauthorised. The dwelling could be used as an office. Any increase in traffic would be detrimental on amenity and highway safety grounds.
 5. The increased use of the access could cause damage to adjacent properties.

7. SUMMARY OF ISSUES

- 7.1 The main issues to consider in this instance are the principle of a dwelling in this location; the suitability of the design, scale and proportions of the proposal; the impact of the proposal on the amenities of neighbouring properties; and the highway implications.

Principle

- 7.2 Policies of the adopted Huntingdonshire Local Plan 1995 as altered by the Local Plan Alteration 2002(H23, En17, STR1 and HL8) together with the Core Strategy Submission (CS3) all indicate that housing development outside the settlement limit or built-up framework should only be permitted where there is an essential need for it to be there. These policies have their derivation in well-established national policy of which PPS7 – Sustainable Development in Rural Areas is key.

- 7.3 The built up area of a settlement is defined in paragraph 5.15 of the Core Strategy, and is taken to be the existing built form but excluding buildings which are clearly detached from the main body of the village, gardens and agricultural buildings where they are on the edge of the settlement. The built up area is often more tightly drawn than the environmental limit. The applicant has commented that the site is used for stables and a yard in association with the keeping of horses, and that it is technically, in agricultural use. However, there is no evidence that these horses are used for agricultural purposes, and therefore this conclusion may be tenuous. What is clear, however, is that the site is separated from the main body of the village by the rear garden and car park of the public house, and, considering the definition contained in the Core Strategy, is clearly detached from the principal built up area of the village. If the connection with agriculture is accepted, the case that the land is outside the built up form of the village is emphasised by reference to the definition given in paragraph 5.15.
- 7.4 Para 1 of PPS7 states that 'New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.....all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness'.
- 7.5 Para 10 of PPS7 makes it clear that isolated new houses in the countryside require special justification for planning permission to be granted. One of the few circumstances in which isolated residential development may be justified is when accommodation is required to enable agricultural, forestry and certain other full-time workers to be at, or in the immediate vicinity of, their place of work.
- 7.6 The applicant has not sought to justify this application in terms an overriding need to care for the horses although this is still the reason he wishes to live on the site. An independent assessment of the applicant's case in respect of the previous application concluded that there was no agricultural justification for a dwelling in this location. The applicant's justification in respect of the current case lies with his view that the site is within the built up area of the village, and development is, therefore, consistent with the settlement strategy for the village. As argued above, this site is not within the built up area, and there is no reason to make an exception to policy in this instance.

Other matters

- 7.7 There are no objections to the demolition of a number of the existing buildings as these are of little merit, and do not enhance the character of the area. Notwithstanding the policy objections to this proposal, if the principle of residential development on the site was accepted, the layout and design of the dwelling and stables would be generally acceptable.
- 7.8 The impact upon the amenities presently enjoyed by neighbours is minimal and is only likely to relate to some additional movements and activity associated with residential occupancy. This would not be sufficient reason to justify a refusal.

- 7.9 The additional use of the access given the conditions suggested by the Highway Authority is acceptable.

Conclusion

- 7.10 The site of the proposed dwelling is outside the built-up framework and settlement limits of Bluntisham and is, therefore, in the countryside where policies of restraint operate. Only where an essential need for a dwelling can be proven can such a proposal be supported. In this instance no argument on the grounds of essential need has been put forward, and the justification rests with the applicant's submission that the site is within the built form of the village.
- 7.11 Having regard to applicable national and local planning policies, and having taken all relevant material considerations into account, it is recommended that planning permission should be refused in this instance.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 388388 and we will try to accommodate your needs.

8. RECOMMENDATION – REFUSE, for the following reason:

- 8.1 The proposal would be contrary to the provisions of policy CS3 of the Huntingdonshire Local Development Framework Submission Core Strategy 2008, policy P8 of the Huntingdonshire Interim Planning Policy Statement 2007, and policies H23 and En17 of the Huntingdonshire Local Plan 1995 in that development outside the environmental limits and existing built form of settlements will be restricted to that which is essential to the efficient operation of agriculture and other rural activities, alterations, replacement or changes of use of existing buildings in accordance with other policies, and limited and specific forms of development. The proposal would result in an unacceptable consolidation and intensification of development beyond the built up area of Bluntisham, which would be detrimental to the form, character and appearance of the site and the locality in general.

BACKGROUND PAPERS:

Cambridgeshire and Peterborough Structure Plan 2003
Huntingdonshire Local Plan 1995
Huntingdonshire Local Plan Alterations 2002
Huntingdonshire Interim Planning Policy Statement 2007
Policies from the Huntingdonshire Local Development Framework Submission Core Strategy 2008
SPD Huntingdonshire Design Guide 2007

CONTACT OFFICER:

Enquiries about this report to **David Hincks Development Control Officer**
01480 388406

Agenda Item 5

AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

20 APRIL 2009

APPEAL DECISIONS (Report by Development Control Manager)

HEARING

1. **Appellant:** Mr & Mrs Brunning
 Agent: Andrew S Campbell Associates Ltd
- Conversion to dwelling **Dismissed**
 Former Methodist Chapel **04.03.09**
 Long Drove, Holme

WRITTEN REPRESENTATIONS

2. **Appellant:** Mr M Vellacot
 Agent: D H Barford & Co
- Erection of dwelling **Dismissed**
 Land south west of 80 High Street **27.02.09**
 Needingworth
3. **Appellant:** Mr N Wood
 Agent: Mr Robinson
- Erection of two storey extension **Dismissed**
 38 The Avenue **04.03.09**
 Leighton Bromswold
4. **Appellant.** Mrs F Wisson
 Agent: D H Barford & Co
- Erection of dwelling **Dismissed**
 Land north of Harbins Lane **13.03.09**
 Abbotsley
5. **Appellant** Mr S Bottomley
 Agent: David Trundley & Associates
- Erection of 3 storey dwelling with attached **Dismissed**
 garage **13.03.09**
 land adj. 38 St Judiths Lane,
 Sawtry

INFORMAL HEARINGS

1. **0801429FUL** **Conversion to dwelling
Former Methodist Chapel
Long Drove, Holme
Mr & Mrs Brunning**

Planning permission was refused by Development Control Panel at its meeting held on 14 July 2008 in accordance with the officer recommendation but contrary to the recommendation of the Parish Council for the following reason:

1. The proposed dwelling would be in an isolated location in open countryside and not essential and therefore contrary to settlement policies and SPD on reuse of and redevelopment of farm buildings and outbuildings. The appeal site does not constitute a suitable site for development because the scheme would result in an unacceptable consolidation of development to the rear of the dwellings in East Street, outside of the built framework of the settlement.

The Hearing was held on 24 February 2009

The Inspector's Reasons

- The occupants of the converted building would be heavily reliant upon the private car for travel and therefore would not contribute to the achievement of sustainable development. The building is not of sufficient merit to justify its retention and the potential for economic reuse had not been fully explored. It would also have an adverse effect upon the character and appearance of the surrounding landscape. The proposal would conflict with settlement policies of the present and emerging development plan.

The appeal was dismissed.

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=IU9IJ9IKS0000

WRITTEN REPRESENTATIONS

2. **0801188FUL** **Erection of a dwelling
Land south west of 80 High Street
Needingworth
Mr M Vellacott**

Planning permission was refused by the Development Control Panel at its meeting held on 19 May 2008 contrary to officer recommendation for the following reason.

1. Having regard to the limited area of the site, the close proximity of boundaries and the resulting space about the building, the proposed dwelling would appear cramped and incongruous in the street scene and generally detract from the character and appearance of the street scene.

The Inspector's Reasons

- The Inspector concluded that whilst the design of the dwelling would generally harmonise with the appearance of dwellings in the immediate vicinity because of the restricted site size it would appear cramped and have an unacceptable impact on the character and appearance of the street scene and would therefore be contrary to policies H32 and En25 of the Huntingdonshire Local Plan 1995.

The appeal was dismissed.

**3. 0801969FUL Erection of two storey extension
38 The Avenue
Leighton Bromswold
Mr N Wood**

Planning permission was refused under delegation agreement in accordance with the recommendation of the Parish Council for the following reason:

1. The extension by virtue of its design, scale and massing would result in an unbalanced relationship with the principle structure and increase the dominance of the property within the street scene being harmful to its appearance and to the character and appearance of the conservation area contrary to Development Plan Policy.

The Inspector's Reasons

- The existing visual symmetry of the existing pair of semi-detached dwellings would be unbalanced; the greater frequency of windows on the first floor and the large garage door on the ground floor would further emphasise the visual unbalancing and create a lack of visual harmony. The development would be harmful to the character and appearance of the existing dwelling and its neighbour and would thus fail to preserve or enhance the appearance of the Conservation Area.

The appeal was dismissed.

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=IU9IJ9IKS0000

**4. 0801416FUL Erection of a dwelling
Land north of 16 Harbins Lane
Abbotsley
Mr F Wisson**

Planning permission was refused under delegation agreement in accordance with recommendation of the Parish Council for the following reason:

1. The site is located outside of the built up framework of the village. The development would therefore constitute development in the open countryside with no justification contrary to Policies H23 and En17 of Huntingdonshire Local Plan 1995, P8 of HIPPS 2007, CS3 of the submission Core Strategy 2008.

The Inspector's Reasons

- The proposal conflicts with policies of location and pattern of development in Abbotsley; it would extend the built up area beyond the present limits and harm the character of the area by eroding the transition between the settlement and countryside.

The appeal was dismissed.

The link to this planning application in Public Access is:

http://planning.huntsdc.gov.uk/publicaccess/tdc/DcApplication/application_detailview.aspx?caseno=IU9IJ9IKS0000

**5. 0802668FUL Erection of a three storey dwelling
Land adj. 38 St Judiths Lane
Sawtry
Mr S Bottomley**

Planning permission was refused under delegation agreement in accordance with recommendation of the Parish Council for the following reason:

1. The dwelling is of a poor design and considered to be inappropriate on the sensitive edge of the settlement and would detract from and have an impact on the setting of a listed building

The Inspectors Reasons

- Despite an earlier planning permission for a two storey dwelling this proposal is materially different being higher and wider and extends materially closer to the listed building. In addition there is doubt over the retention of a tree between the two properties. Taken together these two elements would significantly harm the setting of the listed building and in so doing detract from the character and appearance of the area contrary to guidance in PPG15 and contrary to Local Plan policies.

The appeal was dismissed

Background Papers:

Relevant Appeal Files

CONTACT OFFICER - enquiries about this Report to Mrs J Holland, Administrative Officer, ☎ 01480 388418.

FORTHCOMING APPEALS

Informal Hearing

23 Gains Lane, Great Gidding 7 May 2009

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Agenda Item 6

AGENDA ITEM NO.

DEVELOPMENT CONTROL PANEL

20 April 2009

**DEVELOPMENT CONTROL PROGRESS REPORT
1 OCTOBER 2008 – 31 DECEMBER 2008
(Report by Development Control Manager)**

1. INTRODUCTION

- 1.1 This report covers the period 1 October 2008 to 31 December 2008 and compares the performance with the preceding quarter, together with the corresponding quarter of 2007.

2. DEVELOPMENT CONTROL

- 2.1 Table 1 indicates the statistics relating to this quarter (column (a)), the previous quarter (column (b)) and the corresponding quarter of 2007 (column (c)).

TABLE 1	(a) 01.10.08 to 31.12.08	(b) 01.07.08 to 30.09.08	(c) 01.10.07 to 31.12.07
No. of applications in hand at beginning of quarter.	341	356	420
No. of applications received.	366	401	428
No. of applications determined.	380	382	453
No. of Householder applications determined.	159	176	214
No. of applications withdrawn.	35	35	44
County Matters Received.	5	6	2
No. of applications in hand at end of quarter.	292	340	351
County Council Regulation 3 or 4 Received.	4	4	5

- 2.2 The applications referred to above were determined in the time period shown in Tables 2a and 2b. (**NB.** Table 2a is a new form of performance report based upon the revised/new national performance targets for the determination of planning applications).

TABLE 2a ALL APPLICATIONS	(a) 01.10.08 to 31.12.08	(b) 01.07.08 to 30.09.08
60% of MAJOR applications to be determined in 13 weeks	15 out of 18 = 83%	10 out of 16 = 63%
65% of MINOR applications to be determined in 8 weeks	99 out of 127 = 78%	78 out of 114 = 68%
80% of all OTHER applications to be determined in 8 weeks	200 out of 235 = 85%	207 out of 252 = 82%
TOTAL	314 out of 380 = 83%	295 out of 382 = 77%

(Note: The percentage figures are the % achieved within each target group)

TABLE 2b HOUSEHOLDER TYPE APPLICATIONS	(a) 01.10.08 to 31.12.08	(b) 01.07.08 to 30.09.08	(c) 01.10.07 to 31.12.07
0-8 weeks over 8 weeks	145 (91%) 14 (9%)	162 (92%) 14 (8%)	203 (95%) 11 (5%)
TOTAL	159 (100%)	176 (100%)	214 (100%)
HOUSEHOLDER DECISIONS AS % OF ALL DECISIONS			
Householder All decisions	159 380	176 382	214 453
%	42	46	47

- 2.3 Table 3 gives details of the reasons for delay when applications have taken more than eight weeks to determine.

TABLE 3	(a) 01.10.08 to 31.12.08	(b) 01.07.08 to 30.09.08	(c) 01.10.07 to 31.12.07
Reasons for Delay:			
Local Highway Authority	- -	1(1%)	- -
Anglian Water Authority	- -	- -	- -
Environment Agency	- -	- -	- -
Government Office	- -	- -	- -
Parish Council	- -	- -	1 (1%)
Other Statutory Consultations	- -	3 (4%)	2 (3%)
Applicant	20 (30%)	21 (24%)	17 (21%)
Referred to DC Panel	31 (47%)	32 (37%)	30 (37%)
Processing Delays	14 (21%)	29 (34%)	30 (37%)
S106	1 (2%)	- -	1 (1%)
TOTAL	66 (100%)	86 (100%)	81 (100%)

3. CHARGES FOR APPLICATIONS

TABLE 4	(a) 01.10.08 to 31.12.08	(b) 01.07.08 to 30.09.08	(c) 01.10.07 to 31.12.07
Fee Applications	273	329	356
Fees	£161,068.30	£326,139.00	£214,775.00

4. COMPARISON WITH BUDGET

4.1 The fee income figures for this Quarter compare with the budget as follows:

TABLE 6	QUARTERLY INCOME (a)	BUDGET (Revised) (a)
Planning Fees	£155,420	£212,000

5. RECOMMENDATION

5.1 That the contents of this report be noted.

CONTACT OFFICER - enquiries about this report to Andy Moffat, Development Control Manager on ☎ 01480 388402.

Agenda Item 7

TO: ALL DEVELOPMENT CONTROL PANEL MEMBERS

17 April 2009

Dear Councillor

DEVELOPMENT CONTROL PANEL– 20 April 2009

I attach changes that have been made to the agenda for your information.

Agenda Item No.	Proposal	Amendment Details
4.1(a)	Erection of four flood light columns and floodlights, informal open space north east of 46 High Street, Little Paxton	<ol style="list-style-type: none">1. Clarification from the Parish about the months the floodlights will be used (see PDF above)2. Additional information about the proposed light spillage at the site. (see PDF above)
4.1(b) & (c)	Permanent change of use of agricultural land to a travellers site with 6 pitches including new vehicular access roadway and hardstanding – land north of The Paddock, Chatteris Road, Somersham (0803522FUL) Permanent change of use of agricultural land to a travellers site with 2 pitches including new vehicular access roadway and hardstanding – land north of The Paddock, Chatteris Road, Somersham (0803523FUL)	Letter from Fellowes Farm Equine Clinic Ltd. on behalf of Miss T Osborn. The comments in this letter support the concerns expressed by Miss Osborn that these proposals will have an adverse impact on the welfare of the horses under her care. The horses at the Long Drove Dressage Centre are more highly strung than other horses and unexpected sights and sounds can cause them to act unpredictably. The highly developed “fight or flight” reflex can lead to injury to the horse if out at pasture, or to staff/owners when in close proximity. Visiting horses, or those new to the yard, will be particularly vulnerable. The increased activity and noise associate with the changes of use would impact adversely on the horses’ welfare.
4.1(d)	Change of use of	One Letter of objection <ul style="list-style-type: none">o Approval of a similar site in Brington provides sufficient pitches in the local area

	<p>traveller site with the stationing of a</p> <p>Home and travellers caravans for a traveller family - Land South East Of Old Tollbar House Toll Bar Lane Keyston</p>	
4.2(a)	Construction of sand arena land north west of New Manor Farm, Sawtry Way, Wyton	Further information/clarification provided please see word document attached above
4.2(b)	Change of use and alterations to buildings 1 & 5 and demolition and replacement of buildings 2,3 and 4 for B1,B2 and B8 use, Houghton Hill Farm, Houghton Hill Farm, Houghton Hill, Houghton	<ul style="list-style-type: none"> ○ Members are advised that the floor areas stated in paragraph 7.7 of the report are not correct and should read as follows: B1 - 24 sq metres, B2 - 1053 sq metres and B8 - 420 sq metres The total floor area remains the same at 1497 sq metres. ○ Members are advised that the applicant has submitted a structural survey for buildings 2, 3 and 4. Given the receipt of this information on the 16th April 2009, the survey detail has not been assessed. ○ A sentence was omitted from the Parish Council comments. They should have read: Houghton & Wyton Parish Council recommend that this application be APPROVED, for the following reasons: this application agrees with government policy and the site is well thought out. The committee would like to recommend that a bus stop is added near to the site to supplement the Green Travel Plan.
4.2(d)	Approval of reserved matters in respect of the erection of 128 dwellings, part f St	The Chairman has agreed to defer the application for clarification of highways and drainage issues with Cambridgeshire County Council and the Environment

	Ives Golf Course and The How, Houghton Road, St Ives	Agency/Anglian Water Services respectively.
4.2(e)	Continued use of woodshavings line with existing running hours, Sundown Straw Products, Station Road, Tirlbrook	<p>Paragraph 7.5 refers to 'Drier'. This should read 'Burner'</p> <p>With reference to the main report (Continued use of woodshavings line with existing running hours – 0803545FUL), attached is a plan highlighting the extent of works that have been carried out on the east side of Station Road and to the bell mouth junction of the site.</p> <p>With reference to the supplemental report (Change of Use to Production of Wood Pellets. Erection of shed to Store Sawdust and machinery – 0701440FUL), copies of both the originally approved access plan ref: 0603797FUL and subsequent revised access arrangement ref: 0704009FUL are attached as PDF above.</p>

Yours sincerely,

Steve Ingram
Head of Planning Services
Environment and Community Services

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Little Paxton Parish Council



Ref: LetHDC0803557FUL030409
Case Officer Linda Morse

3rd April 2009

Huntingdonshire District Council
Mr. Steve Ingram
Head of Planning Services
Pathfinder House
St. Mary's Street
Huntingdon
PE29 3TN

06 APR 2009

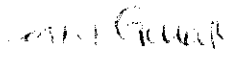
Dear Mr. Ingram

Planning Application 0803557FUL
Informal open space North East of 46 High Street, Little Paxton
Erection of four flood lights and columns

The Council have agreed that the floodlights for the multi use games area will be on from September to April. However, the exact dates within these months will depend on sunset times.

Should you require any further information, please do not hesitate to contact me.

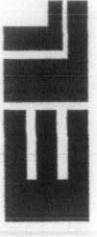
Yours sincerely,


Mrs Jennifer Gellatly
Parish Clerk

*Parish Clerk: Mrs J. Gellatly (MCIBS, Chartered Banker), 11 Hayling Avenue,
Little Paxton, St Neots, Cambs PE19 6HG
Telephone: 01480 470193 e-mail: littlepaxton@hotmail.com*

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080357 Ful

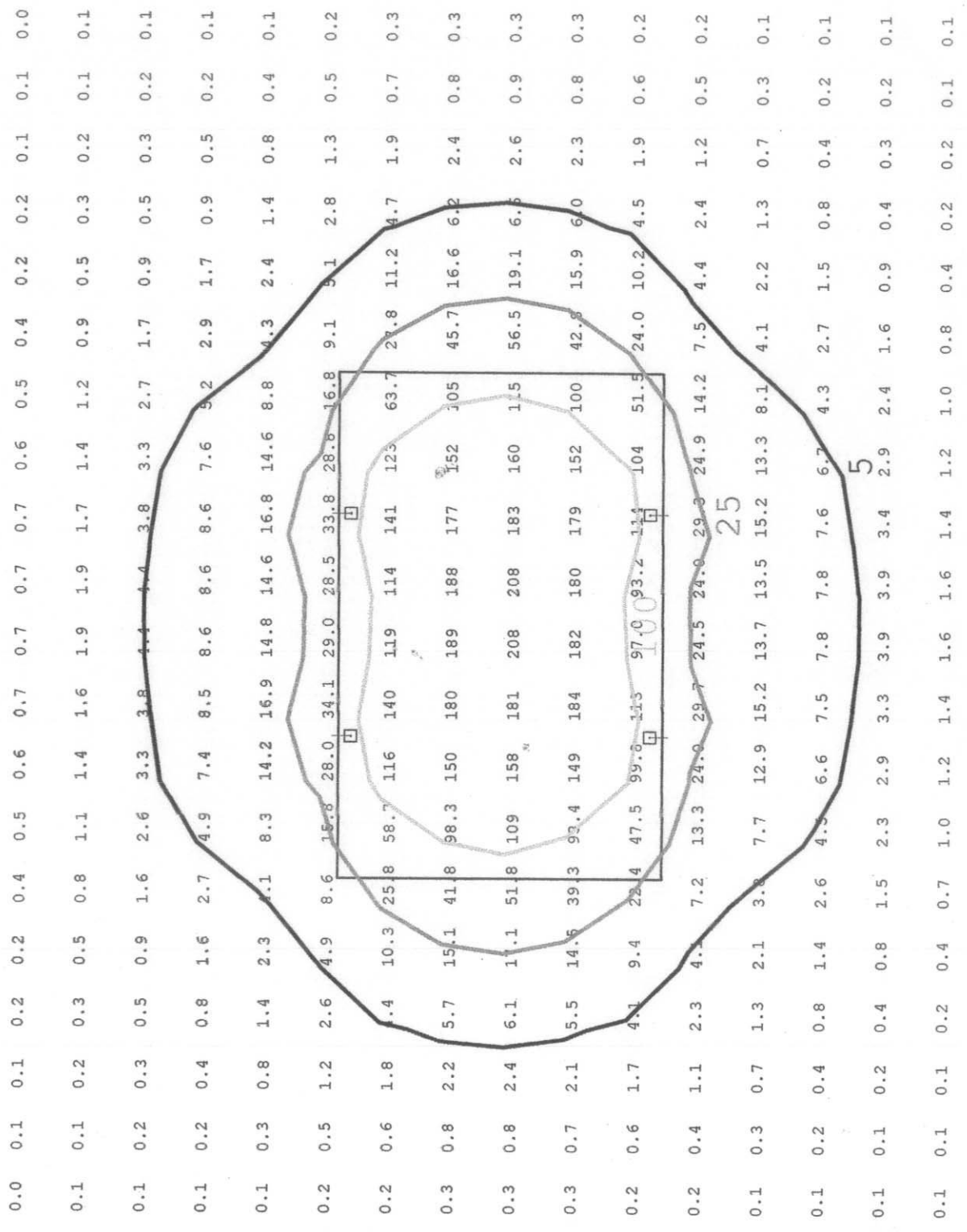


Parkdale Play MUGA - 25M x 16M Little Paxton Parish Council



Exclusive Leisure Ltd
28 Cannon St. Leicester

RECEIVED
- 1 APR 2009



4 No. ADVANTAGE 400W Luminaire
mounted on 4 No. 6 Metre Columns
(ie 6.7 Metre Luminaire Height)

All Luminaires - No tilt

All values initial in Lux

Grid Ref: 3.05 metres (10 feet)

Contour Lines
100 Lux
25 Lux
5 Lux

HDC DOC CENTRE
02 APR 2009

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**DEVELOPMENT CONTROL PANEL
INFORMATION TO BE INCLUDED IN FRIDAY LETTER INCLUDING
CONSULTATIONS/REPRESENTATIONS RECEIVED AFTER REPORT WAS
COMPILED**

DATE OF PANEL: 20th April 2009

ITEM NO. 4.2(a)

APPLICATION NO: 0900130FUL

OFFICER INITIALS: MN

ITEM DESCRIPTION AS AGENDA

**CONSTRUCTION OF SAND ARENA - LAND NORTH WEST OF NEW MANOR FARM
SAWTRY WAY WYTON**

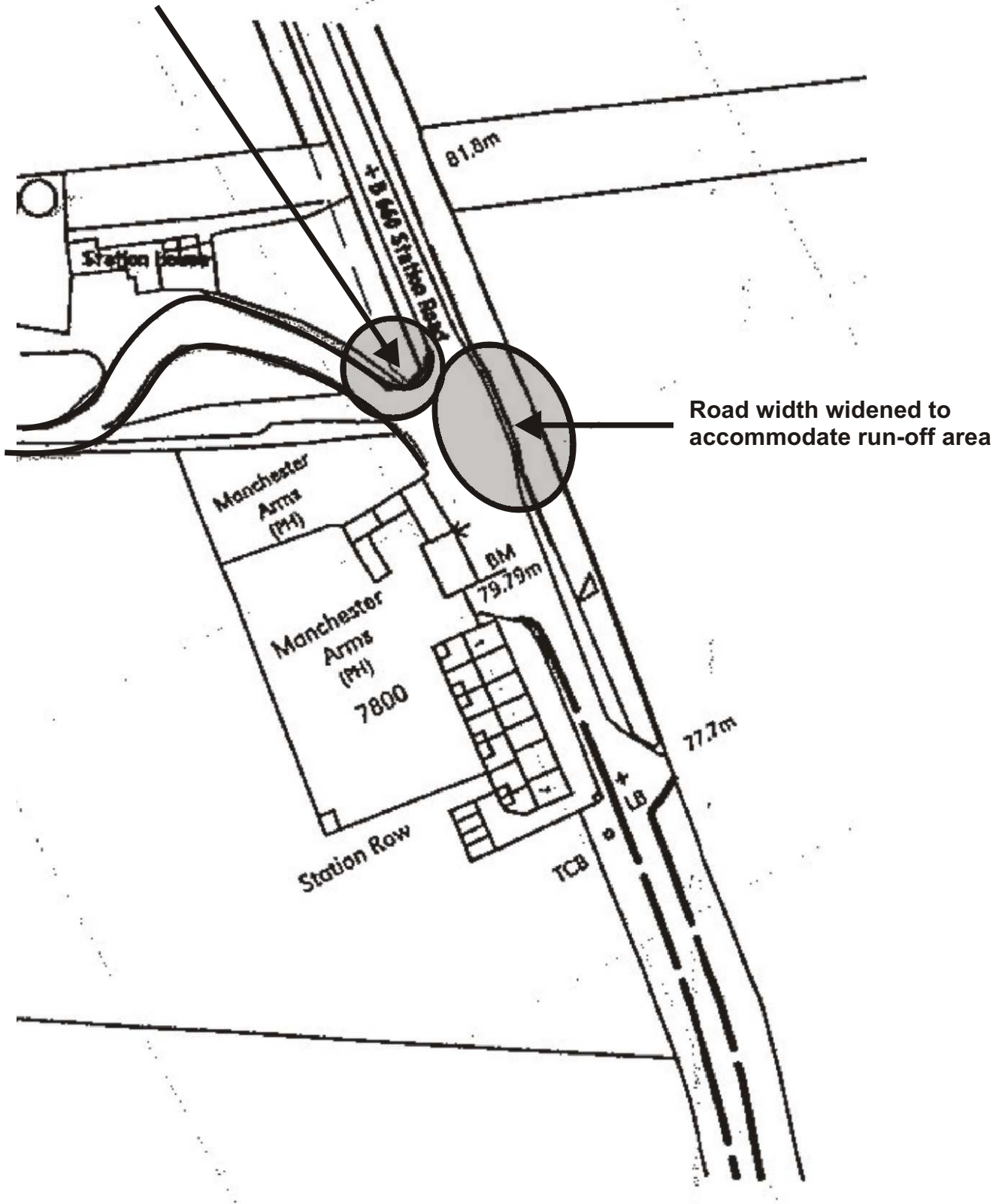
**INFORMATION TO BE INCLUDED IN FRIDAY LETTER INCLUDING
CONSULTATIONS/REPRESENTATIONS RECEIVED AFTER REPORT WAS
COMPILED**

(Copies if appropriate attached – consultations/representations to be conveyed as would have been the case if the consultation/representation was included in the report i.e. Town/Parish Council comments copied and attached and all other consultations/representations summarised)

- For Members' information, planning permission 0802943FUL - Erection of building and change of use of land from agricultural to paddocks for livery purpose and construction of new access, referred to at paragraph 4.2 includes a condition restricting the use of the stables to private use only and not for any commercial or livery business.
- It has become clear that there is not an existing field between the site and the adjacent equestrian centre as stated in paragraph 7.6 of the report. The following paragraphs are revisions to those in the report to reflect this and set out why the proposal is considered to be unacceptable. The officer recommendation remains refusal for the reasons stated in paragraph 8.1.
 - 7.6 It is acknowledged that the equestrian centre to the south east of the site contains a large number of buildings and arenas and as such alters the appearance of the area. This development is however all within the existing equestrian centre to the southeast of the public footpath and should not be a prelude to any development in this area being acceptable.
 - 7.7 This application seeks to alter a large area of open, agricultural land with permission for use as paddocks to a sand arena and would substantially alter the character of this rural area. At present, it is possible to gain glimpse views through the hedgerow and over the hedgerow into the site, whilst not in leaf. A change in the appearance of this land would become visible from the public viewpoint at certain times of the year, fundamentally altering the appearance of the area, to its detriment and introducing a large incongruous feature into the landscape. It is not considered that this would be acceptable.
- For clarity and the avoidance of doubt, the proposed sand arena is for personal use and would not be used as part of the adjacent equestrian centre.

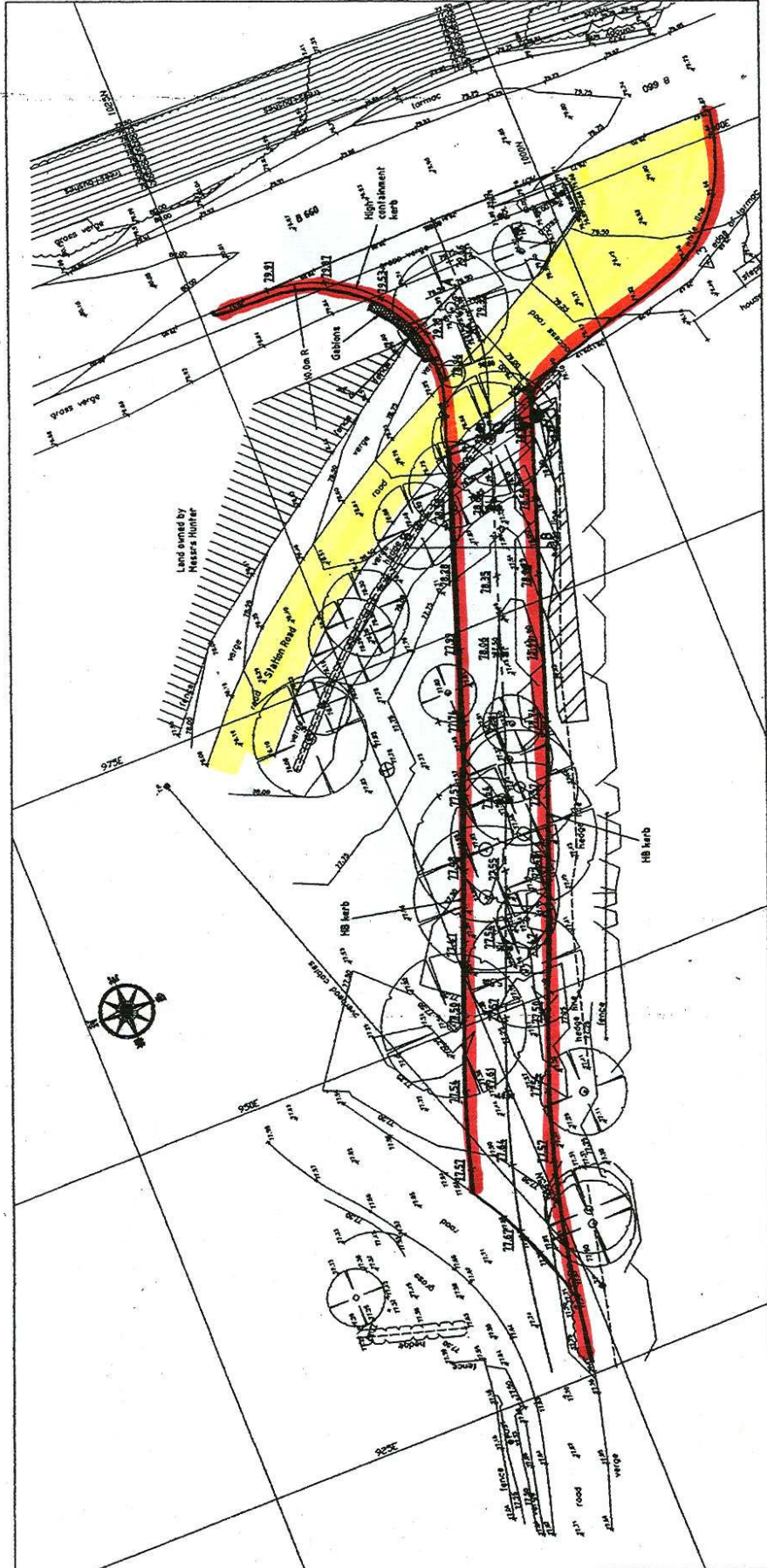
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Junction turning area widened
allowing increased turning area



Road width widened to
accommodate run-off area

Approved Access Layout - 0603797FUL



Agenda Item No:

Tilbrook

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