

# CALDECOTE PARISH COUNCIL

(South Cambridgeshire District)

Chairman: Cllr J Lang

Clerk: Saskia Dart

89 Highfields Road

Highfields Caldecote

Cambridge CB23 7NX

E-mail: parishclerk@caldecote.gov.uk

20<sup>th</sup> May 2012

Dear Mr Koch

## **Re: Planning application S/1383/11**

I write, on behalf of Caldecote Parish Council to request that the Planning Committee reconsider this application on the grounds that due process has not been followed in relation to the following issues:

- Consultation has not been adequately carried out.
- Lack of sustainable infrastructure
- The Planning Officers Report on which members of the planning committee based their decision contained a number of inaccuracies.
- The Applicant's Report on which members of the planning committee based their decision contained a number of inaccuracies.
- Highways Issues.
- Disabled access has been ignored.
- Undue Influence on the Planning Committee of Cllr Nick Wright's comments.
- SCDC has not followed it's own policies

In addition we have concerns over:

- Enforcement of conditions.
- Opening Date restrictions

I believe this letter raises new and important issues that have not been considered by the Planning Committee.

As you know Caldecote Parish Council object strongly to this proposed change of use, and feeling against such development is running high in the village, with many parishioners dismayed at the lack of consultation for something that can have a major impact on the character of the village,. At the Annual Parish Meeting, held on 17<sup>th</sup> May 2012 attended by 74 parishioners a formal resolution condemning the proposed change of use was carried unanimously.

### **Consultation**

The Parish Council do not believe that SCDC followed due process when consulting with neighbours about this planning application.

Notices were pinned to the telegraph pole on the main road – these were not visible to anyone driving past. Indeed it would have been dangerous to expect village traffic to stop and inspect the notice. Therefore only those walking past would have seen them. Bus

users and people using the village amenities would not walk along the footpath where this sign was posted and therefore would not have seen it. The notices were thus ineffective.

Only two of the four direct neighbours were consulted or notified. Of these at least one was given the impression that “no more than five or six caravans” would be applied for. Scotland Farm, whose land is directly opposite the proposed site was not consulted or informed at all.

Mr. John Goodacre to the south was completely ignored during the consultation. He has additional concerns as his land has already been encroached on by the applicant.

Such a tourist facility has an impact on the immediate neighbours, and a significant wider impact on the residents and business owners of Caldecote, Hardwick, Childerley and Scotland Farm at Dry Drayton. None of the wider community affected were consulted. The Parish Council also believe that not all letters of objection sent to SCDC were presented to the Planning Committee as part of their background information when reaching a decision on the application. As such they were not in full possession of all pertinent facts relating to the application and this may have had a significant impact on their ability to reach an informed decision.

### **Lack of sustainable infrastructure**

20 touring caravans may mean at least an extra 40 people in a village with no pub, poor or non-existent public transport and no recreational facilities for non-residents. We note that no play area or other recreational facility is provided on site, and no S106 contribution is proposed. What will these people do at night? Where will their children play?

### **The Planning Officer's Report.**

The Parish Council highlight the following inaccuracies in comments on the Planning Officer's report.

- **3. “The full planning application date 30 June 2011 was submitted with a landscaping, ecology and Highway report. Protected newts species are known to have been located on site.”**

and

**19. “In 2010 when I first inspected the site I was finding newts across a wide part of the development area. At that point in time the area had just had its scrub cleared. We reported the damage of great crested newt habitat to the Police, and the CPS decided not to take any action over the matter. Since then the site has been largely left alone (I found materials that I had previously searched and found newts in). It is my view that excessive rabbit grazing combined with drying of the land following the scrub clearance has resulted in the development area becoming largely unsuitable habitat for newts to spend time in (it is likely that they still travel across it). As I do not believe the site to be of value to great crested newts at this moment in time I cannot insist that the applicant's ecologist secure a license to remove any great**

**crested newts, nor to object on the basis that the development area is removing habitat.**

The land was a habitat for great crested newts but they were unlawfully cleared from this land and that of the adjoining landowner Mr John Goodacre prior to this application being submitted. This clearance was done without Mr Goodacre's knowledge or permission. SCDC were informed of this, as were the Police and the Crown Prosecution Service. The planning officer's comments in relation to this habitat gloss over the fact that the applicant is known to have illegally removed a protected species from the land before the submission of his planning application. There are no significant findings of great crested newts on this site because they had been removed and the applicant has not been held to account for doing so. The Parish Council are incredulous at what appears to be negligence in holding the applicant to account for his criminal act when there was and is overwhelming evidence to show he deliberately degraded this habitat.

A near neighbour has had to comply with all the restrictive conditions applied to his planning application by SCDC. It is inequitable to treat the two land owners differently.

The Parish Council would also like to draw attention to the fact that District Councillor Tumi Hawkins highlighted this inequality at the planning meeting and was told that her point was irrelevant. The Parish Council believe it to be very relevant to the application. A necessary part of this application is SCDC's ability to enforce the restrictions and conditions applied to the application and any future licence conditions for the site. There is a clearly demonstrated issue with adherence to conditions by the landowner and a demonstrable inability by SCDC to enforce conditions.

- **21: "As such I now remove my objection to this development with regard to its impact upon the local great crested newt population. We should not progress any approval until we are in receipt of the new information that I have requested."**

The Parish Council would like to know what information the ecology officer asked for and has it been received? If so the Parish Council would like to see details of it please. Details were not supplied to members of the Planning Committee so they were not basing their decision on full access to all facts relevant to the application.

- **28: "LDF Policy DP/7 specifically refers to development outside urban and village frameworks. It states that only development for agriculture; horticulture, forestry, outdoor recreation and other uses, which need to be located in the countryside, will be permitted. In this instance the proposed touring caravan application is considered as outdoor recreation. It is a use more likely to be located in the countryside or on the edge of village boundaries than inside a built up/urban area. It is considered that the proposed development is acceptable in this instance".**

The Parish Council would like to highlight that this part of the A1303, St Neots Rd is a settlement and built up in its own right. The land is completely surrounded by neighbours on 3 sides, and a 60mph main road on its northern flank. Putting the caravan park here is a departure from policy and therefore consultation should have been more widely done-to all the neighbours along the road, and neighbouring parish who would be affected by the flow of traffic, vehicular and pedestrian (to local facilities). As is demonstrated above under

the heading of consultation, the Parish Council assert that inadequate consultation was carried out.

- **29. “Additionally ET/10 Tourist Facilities and Visitor accommodation promotes the tourism industry in the District and actively supports change of use as part of the policy wording. Overnight visitor accommodation is supported outside of the village boundaries and considered as a vital part of the rural economy providing the countryside is protected from inappropriate development. Policy wording also goes on to state that development permitted under these policies must be carefully controlled to ensure housing policies restricting development in the countryside are not compromised. It is not unusual for a condition to be put in place to ensure stays are short term only and officers are of the view that this can be achieved here also.”**

The Parish Council believe that this is inappropriate development. Strictly speaking, this plot is not on the edge of the village or in the countryside, even though the designation is such. It is surrounded on 3 sides by residential properties. It is inappropriate development.

There are also 2 other caravan parks already in Comberton and Bourn, which have surplus capacity. Therefore, this additional facility is not good for those businesses and they should have been consulted and/or informed of this application. They were not.

- **30: The proposed development benefitted from pre-application advice where the main area of concern was with regard to the wider impact of the development on the surrounding area and its rural character. The proposal for 20 touring caravan plots was considered to be quite high in number. It was suggested by the applicant that the viability of the development would be lessened if the number were decreased. Viability was not a consideration at this point but linked more to the impact the density would have on its surroundings and the character of the area.**

The Parish Council asserts that if that were the case, it should not have been recommended for approval, or more information should have been sought as to what the site could adequately support. The planning committee should have visited the site to see for themselves the size of the plot compared with what was being proposed.

- **32: It is considered that the proposal will have minimal impact on the character of the wider rural area and that appropriate and controlled management of the site will enhance it visually over time”.**

The Parish Council are incredulous at this statement and wonder how closely the local area was inspected. The *character* of the area is one of large single story dwellings located in large plots. This development is completely alien to that character and completely unsuitable, changing its character for ever.

- **33. There are two immediate neighbours, those at Casa de Foseta to the west and Nimitabel to the east**

This statement is untrue. There are FOUR immediate neighbours – Mr. John Goodacre to the south was completely ignored during the consultation! He has a child with severe SEN issues who needs to be kept separated from outside influences. Comings and goings

associated with such a use as a touring caravan site, disturbances by users of the site and any noises from them will have a devastating affect on this child's life and wellbeing and Mr Goodacre was denied the opportunity to present his case to the Planning Committee because of the inadequate consultation. He came to the planning committee meeting having been alerted to it by neighbours but was not permitted to speak. He has been denied a voice on this application despite being directly affected by it. This is inequitable and yet another demonstration of the inadequate consultation conducted in this case – both by the applicant and planning authority. Mr Peck at Scotland farm, whose land is directly opposite the site was also not informed or consulted.

- **38 “It is claimed that the development will have very little impact on the existing habitat and more than compensated by the provision of a dedicated newt area, improved terrestrial habitat across the site, including enhanced wildlife corridors and appropriate site management”.**

As the Parish Council have stated in its comments relating to points 3 and 19, the applicant deliberately degraded the existing habitat. How does SCDC intend to enforce the proposal in paragraph 36 when no protection was afforded the area despite repeated warnings from both the Parish Council and the current and former District Councillors that the site was at risk?

- **“It is confirmed by the applicants’ ecology consultants that the access road will be porous and the remainder of the site will be grass. In addition to the proposed newt area local newt populations will still have access to the remainder of the site. The east and west boundaries are proposed as close-boarded but will have a 25mm gap retained between the bottom of the gravel board and the ground surface to allow movement for amphibians and small mammals. Existing boundaries will be strengthened and no curbs, gully pots or other drainage that could potentially trap newts is being proposed. Boundary treatment can be appropriately conditioned.”**

As pointed out in relation to point 33, this should include the south boundary to also have a close boarded fence. That is the land belonging to Mr Goodacre which the applicant has repeatedly encroached on. This unlawful trespassing must be stopped.

Mr Goodacre has been repeatedly ignored and denied the ability to comment throughout the consultation process – this is all too obviously demonstrated in SCDC's own documentation in relation to this application.

Cllr Hawkins requested that a close-boarded fence be supplied for the southern boundary – the property of Mr Goodacre. The committee chair turned down her request saying landscaping was sufficient. The Parish Council believe this to be inequitable based on the incorrect data in the planning officer's report. This inequity should be rectified.

The Parish Council also wonder about the safety aspects of having a pond on the site and whether this is suitable for a touring caravan site attracting families? No safety issues or suggestions to ameliorate risks have been identified in the Planning Officer or Ecology Officers reports.

- **39: “Permanence of caravans – The site proposes a touring caravan site that can hold up to 20 touring units – equating to one caravan and one towing vehicle. The facilities building is proposed to be available to users of those**

**staying on site and the office open between the hours of 9-5 daily and on Bank Holidays. It does not refer to the provision of static caravans, the storage of caravans, tents or for the use of the travelling community. As a tourist facility it can and will be conditioned accordingly to ensure the appropriate use of the site. The permanence of living accommodation on the site would not be in accordance with the requirements of the LDFDCP 2007 and would not be supported by officers.”**

The Parish Council draw particular attention to this point. Here the issue of permanence is highlighted and noted as being an item of concern. Why therefore did SCDC planning officers not decide to consult more widely with the neighbours and the two parish councils (Caldecote and Hardwick) that would be affected if it became permanent? Nor were the villagers of Caldecote, Childerley and Hardwick consulted. No consultation was conducted with the owners and people living and working at Scotland Farm in Dry Drayton – all directly affected by this application.

In addition the Parish Council asks how do the officers envisage ensuring that the “conditions” are adhered to at all times? Who will do this? And what would their response be if static caravans or traveller caravans were moved to the site? There has been a total dismissal by officers of the Parish Council’s very real concerns that the use of the site may become permanent and that there is little help that will be provided in such circumstances.

### **The Applicant’s report:**

The applicant’s application form clearly states at section 8 that they have consulted with neighbours. Caldecote Parish Council dispute this for the reasons already outlined. As stated above not all immediate neighbours were consulted. There was no consultation with wider neighbours within Caldecote who will be affected by this site. There was no consultation with Hardwick Parish Council (whose boundary is just 200 meters away) or Hardwick inhabitants. There was no consultation with the Villagers of Childerley. There was no consultation with the owners and inhabitants of Scotland Farm at Dry Drayton. All of these people will be directly affected by the change of use of this Site.

At section 11 re on site parking spaces, the applicant states that there will be 20 parking spaces on the site – one car space per caravan. This does not take account of any deliveries or visitors to the site and does not take account of staff parking. Caldecote has a limited bus service and it is very likely that staff will have to drive to the site and park there because there are inadequate public transport links.

At Section 12, the applicant states that there will be a septic tank installed at the site. Drainage is a serious problem at this site and there is no possibility of connection to mains drainage – which is currently overloaded in the village and an issue raised by all speakers at the planning committee. An issue raised, but one which was dismissed without adequate consideration. Drainage is a serious problem as the site gets water logged for large parts of the year. Intensive use of the site as is now proposed will, if a septic tank is installed, cause the surface water to drain into the ditch which has been known to cause flooding to houses along the A1303, St Neots Road. The south western part of the land is contaminated with overflow sewage from Casa de Foseta, a long standing problem that is evident by the dead conifer trees at the bottom end of the western boundary. The proposed alternative of the use of a septic tank is inappropriate. Environment Agency PPG4 guidelines describe the proposed septic tank system only suitable for up to 15

people (2b), far fewer than the planned capacity of 20 caravan pitches – plus staff – at the site. These guidelines also state that any such system must have adequate drainage. The proposed development area holds surface water for the majority of the winter; showing again that it would be unsuitable for such a system.

### **Highways Issues:**

The Parish Council disagree most emphatically with what the Highways Officer has written in their report. The Parish Council maintain their objection that the access to and from the site is not safe. Due to the site layout, in particular the lay-by in front of office, vehicles entering the site towing a caravan cannot park in the lay-by and so following vehicles may queue back on to the highway. The space for manoeuvring vehicles on site generally is inadequate; at key change over days for holiday makers the traffic on this main road will be intolerable and dangerous for all users of the road. The road is a main thoroughfare and has a 60 MPH speed limit. It is a busy road and leads to the only motorcycle test centre in Cambridgeshire and therefore in addition to a heavy traffic load it is also in frequent use by learner motorcyclists. The Parish Council fear that a serious accident is inevitable. No consultation with the Motorcycle test centre appears to have been conducted. The road is one of the main roads used by Instructors for official motorcycle tests.

### **Disabled access**

There would appear to be no disabled provision on the site whatsoever which is discriminatory. The Parish Council believe that this should be a key decision for any planning application, especially when tourism was a key reason given by the planning portfolio holder, Cllr Nick Wright, as a good reason for this site. There are no disabled bays or plots indicated, the toilets show no disabled facilities and the drawings of the office/laundry facilities show no special disabled access provision such as ramps, widened doors or circulation space. There is also the wider issue of disabled access to and from the site. No level drawings are shown, but there is likely to be quite a steep access which will make disabled access to the rest of the village difficult (and as there are very little on site facilities, visitors are likely to need to use these wider facilities). The alternative is to encourage car use which is contrary to sustainability issues.

It is SCDC's stated policy to consult with equality groups. The Parish Council can see no reference to any consultation with any disability groups or the Council's appointed Access Officer. Given the number of holiday makers likely to visit this site, it is almost certain that a reasonable number will have disabilities and provision should have been made for this. This is a fundamental failing in the consideration of this planning application and the application itself.

### **Undue Influence on the Planning Committee of Cllr Nick Wright's comments**

The Parish Council contend that Cllr Nick Wright, who is not a voting member of the Planning Committee, was allowed to speak at the planning meeting on this application in a manner which did not follow due process. Whilst the Parish Council acknowledges that it is at the discretion of the Committee Chair to grant such discretion to the portfolio holder to speak, no such discretion was given at the meeting. Three members of the Parish Council

were in attendance for the entire duration of the meeting and at no time did the Chair give such instruction to the planning committee members. As such, the Parish Council believe that Cllr Wright's comments in relation to the application enhancing the economic development of the area may have unfairly swayed some members votes and may have had an impact on the casting vote of the Committee Chair when they had not been authorised correctly and following due process at the meeting. The Parish Council would like to know how well Cllr Wright has investigated the Caldecote locale to have made his statements with any authority.

### **SCDC has not followed its own policies:**

The Planning Committee failed to consider the Council's own Statement of Community Involvement in a number of respects:

- Community engagement and accountability

SCDC makes the following statement: **"The Council within this policy document has identified four key objectives, which will be implemented over the next three years to deliver excellent equality and diversity practices within the Council. One of these objectives is 'Community Engagement and Accountability'. This will involve ensuring that the Council consults effectively. To get the right outcomes, the Council must know what equality groups and the community think about where and what the Council needs to change."**

This states that the Council will consult effectively. The Parish Council do not see that SCDC have followed this. Where there was consultation, this seems to have been given little weight and not all objections appear to have been noted. The Parish Council's objection should carry significant weight as we represent the views of the wider community in the village. In a case potentially bringing a significant number of additional visitors to the village such as this application, we suggest that consultation should have extended beyond the immediate neighbours. Through the parish council precept, the villagers of Caldecote fund things such as sports and recreation facilities and litter picking. Additional visitors to this village on a regular basis will impose additional burdens on the parish council and those who pay the precept.

- Planning Conditions:

The Planning Committee failed to consider the Council's "Policy DP/1 Sustainable Development" in the following areas:

***"1. Development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, appropriate to its location, scale and form. It should:***

***b. Minimise the need to travel and reduce car dependency*** - the site is outside the village envelope and as there is little on-site facility/recreation provision, holiday makers are likely to have to use cars to travel to these facilities, especially disabled visitors to the site. There are no local pubs, restaurants or other such amenities that can be walked to from this site.



**e. Where practicable, use sustainable building methods and verifiably sustainable, locally sourced materials, including recycled materials, and include a Travel Plan to address the travel needs of labour during construction**

The Parish Council can find no such condition in the report.

**f. Where practicable, minimise use of energy and resources** - There is nothing to identify how this will be achieved nor any condition related to this.

**g. Where practicable, maximise the use of renewable energy sources** – The Parish Council can see no reference or condition requiring any renewable energy source on site.

**h. Incorporate water conservation measures** - there is no reference or condition requiring water conservation measures.

**j. Where practicable, use sustainable drainage systems (SuDS)** – The Parish Council would have expected that this be a condition given the village's well known history with drainage problems.

**2. In criteria e, f, g, j and n it will be for any applicant or developer proposing to compromise sustainability to demonstrate the impracticability of use of sustainable methods, systems, materials and energy sources and provision of sustainable infrastructure.** - As none of these have been imposed as conditions, the Parish Council note that the applicant has not even had to consider whether or not any of these issues are practical.

- DP/3 states that **planning permission will not be granted where the proposed development would have an unacceptable adverse impact:**

**k. From traffic generated;**

**l. On village character;**

**m. On the countryside, and landscape character;**

**n. From undue environmental disturbance such as noise, lighting, vibration, odour, noxious emissions or dust;**

**o. On ecological, wildlife and archaeological interests;**

**p. On flooding and flood risk;**

**q. On the best and most versatile agricultural land;**

**r. On quality of ground or surface water;**

**s. On recreation or other community facilities**

The Parish Council believe that this planning application will have a significantly unacceptable adverse impact on the village in relation to each of these points as stated above.

## Enforcement of conditions on the site

The Parish Council maintain its assertion that SCDC will not be able to adequately monitor and enforce the conditions applied to this site. SCDC has not been able to demonstrate how rigorously, if at all, it will to enforce and/or monitor any conditions imposed. The Parish Council hereby put SCDC on notice that their performance and that of the landowner will be monitored closely.

## Opening date restriction:

At the planning committee meeting, committee members asked for a condition to be applied limiting the seasonal opening time of the site during the year – for example limiting the site to opening between Easter and October. They were told that this was not possible but they were incorrectly advised.

The Parish Council refer you to the specific terms of the 1960 Act through which local councils licence and regulate caravan sites:

5 Power of local authority to attach conditions to site licences.E+W+S

**(1)A site licence issued by a local authority in respect of any land may be so issued subject to such conditions as the authority may think it necessary or desirable to impose on the occupier of the land in the interests of persons dwelling thereon in caravans, or of any other class of persons, or of the public at large; and in particular, but without prejudice to the generality of the foregoing, a site licence may be issued subject to conditions—**

**(a)for restricting the occasions on which caravans are stationed on the land for the purposes of human habitation, or the total number of caravans which are so stationed at any one time;**

**(b)for controlling (whether by reference to their size, the state of their repair or, subject to the provisions of subsection (2) of this section, any other feature) the types of caravan which are stationed on the land;**

**(c)for regulating the positions in which caravans are stationed on the land for the purposes of human habitation and for prohibiting, restricting, or otherwise regulating, the placing or erection on the land, at any time when caravans are so stationed, of structures and vehicles of any description whatsoever and of tents;**

**(d)for securing the taking of any steps for preserving or enhancing the amenity of the land, including the planting and replanting thereof with trees and bushes;**

**(e)for securing that, at all times when caravans are stationed on the land, proper measures are taken for preventing and detecting the outbreak of fire and adequate means of fighting fire are provided and maintained;**

**(f)for securing that adequate sanitary facilities, and such other facilities, services or equipment as may be specified, are provided for the use of persons dwelling on the land in caravans and that, at all times when caravans are stationed thereon for the purposes of human habitation, any facilities and equipment so provided are properly maintained.**

Point 5 (1) (a) clearly states that Councils may determine the occasions when caravans are stationed on the land. Caldecote Parish Council is not sure how much further clarity SCDC requires to address this issue. Many District Councils set a time for touring caravan sites to be open and SCDC have the ability to apply similar conditions.

For these reasons, Caldecote Parish Council asks for the application's approval to be denied and re-submitted to committee. The information on which the application was granted was flawed and inaccurate in places. Due process was not followed by SCDC and a completely inadequate and flawed consultation with neighbours was carried out. Some local objections to the application were ignored and not passed on the committee members to ensure their decision was fully informed. Cllr Nick Wright's comments with regard to the application may have had an undue influence on some members of the committee. The Committee Chair cast her vote in line with the recommendation of the Planning Officers. As we have clearly indicated, their information was flawed and inaccurate and therefore we contend incorrectly influenced her vote.

Yours sincerely,

Jack Lang  
Chair,  
Caldecote Parish Council