

Waterbeach Parish Council

To: 'Waterbeach Parish Council'
Subject: FW: Birch's Bluebell Woods

Redaction to remove personal details under GDPR

Best regards

Shelley Mason

Parish Clerk & RFO, Waterbeach Parish Council

The Old Pavilion, Recreation Ground, Cambridge Road, Waterbeach, Cambridgeshire CB25 9NJ. Tel: 01223 441338

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From: Kelly Stephen [mailto:Stephen.Kelly@greatercambridgeplanning.org]

Sent: 15 July 2020 23:13

To: NIGEL SEAMARKS <redacted> Kelly Stephen SCDC <stephen.kelly@cambridgeshire.gov.uk>; Stephen Kelly <Stephen.Kelly@cambridge.gov.uk>

Cc: Bradnam Anna Cllr <anna.bradnam@cambridgeshire.gov.uk>; clerk@waterbeach.org.uk; Parry Tam <tam.parry@cambridgeshire.gov.uk>; Simpson Luke <Luke.Simpson@greatercambridgeplanning.org>; Glenda Hansen <Glenda.Hansen@greatercambridgeplanning.org>

Subject: RE: Birch's Bluebell Woods

Dear Nigel,

I am writing further to your email of 3rd June in connection with the above. Please accept my sincere apologies for the delay in my reply. In view of the wide range of concerns expressed to me on this matter, I had wanted to thoroughly review this case for myself (including reading case law on the matter for myself) and with other pressing matters, have unfortunately been unable to do so until now. I hope however that I am now able to clarify the position.

I have noted your concerns, and the concerns expressed on yours and local residents behalf to me by Cllr Bradenham and Lucy Fraser MP. Unlike an application for planning permission however, this application for a certificate of lawfulness of an existing use or development allows for consideration only of whether the use of the land is "lawful." The determination of whether the use is lawful in this case, rested upon the extent of the planning permissions that had previously been granted on the site – and subsequently implemented.

In this case there were two specific planning permissions, both dating back some time; planning permission C/61/122 which sought permission for three caravans which was approved in April 1961 and permission S/1050/75/F for 2 additional caravans which was approved in September 1975. Neither of these permissions included any conditions, limitations or restrictions on the number, the type of caravans or the period that they can be in place. The permissions cover the full extent of the site of the current certificate. The absence of any limitation or restriction on the planning permissions covering the full extent of the site, had led to the earlier grant of a Lawful Development Certificate in February 2006 (Ref S/1134/05/LDC) for the redevelopment of part of the site as a mobile home park for 16 units. This application drew upon the earlier planning permissions to conclude that the proposals were lawful.

In considering the certificate application, officers focus was upon the planning permissions and upon settled planning principles established through case law. In response to yours, and others questions, I have

sought to review the officer report and the relevant cases. The cases have established the now widely applied principle that where planning permission is granted for a certain use, any limitation on the way that use is exercised must be imposed by planning condition, and cannot be limited just by the description of the development. Secondly, the case officer and I have reviewed a more recent case, from 2014 which focused its attention explicitly on whether a planning permission for 54 Caravans on a site had the effect of restricting the development to 54 caravans only. The Court determined in that case that as there was no condition limiting the extent of the permission granted, the planning permission, despite containing an explicit number of caravans in the description, was not, in fact, limited to that number.

Whilst noting your concerns, and those concerns of Councillors, the MP and local residents about the impact of the proposals on traffic, landscape and the amenities of nearby residents, the consideration of this application turned not on those matters or the policies of the local plan, but solely on considerations of the site history and the law. Against that backdrop and following consideration of the officers recommendation by the Council's legal team, a certificate confirming the lawful use of the site was therefore granted.

I am aware that the case officer, Luke Simpson, has sought to explain the legal issues surrounding such applications in response to direct enquiries to him. Whilst I apologise for the delay in my reply, I hope that my reply is also helpful in explaining our reasoning in this matter but please contact me again if you require any further clarification on my response.

Yours sincerely

Stephen Kelly | Joint Director of Planning and Economic Development



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Greater Cambridge Shared Planning: a strategic partnership between Cambridge City and South Cambridgeshire District Councils

From: NIGEL SEAMARKS <redacted >

Sent: 03 June 2020 08:42

To: Kelly Stephen <Stephen.Kelly@greatercambridgeplanning.org>; Kelly Stephen SCDC <stephen.kelly@cambridgeshire.gov.uk>; Stephen Kelly <Stephen.Kelly@cambridge.gov.uk>

Cc: Bradnam Anna Cllr <anna.bradnam@cambridgeshire.gov.uk>; clerk@waterbeach.org.uk; Parry Tam <tam.parry@cambridgeshire.gov.uk>

Subject: Birch's Bluebell Woods

Good Morning Stephen;

I am writing regarding Birch's Bluebell Woods, Landbeach and the impact on the A10 as an individual Parish Councillor of Waterbeach.

1. We all know the stretch of A10 from the Milton turn to the Chittering turn is one of the most dangerous stretches of road within Cambridgeshire. Whilst it is tough and Bluebells can add 32 additional homes we as councillors, and planners need to undertake a Risk assessment on the impacts. We have had three major accidents since the Incinerator appeal involving HGVs, buses, and waste vehicles.

2. The Bluebell development was not modelled within the Incinerator application as a major potential new junction on the A10. Any ideas why this was missed by council/Amey ?

I believe Cllr Bradnam has contacted you directly and I would like to add my support to Cllr Bradnam concerns. We all know the road is unbalanced for a minor A road in terms of HGV to car mix. I have many ideas on slowing the road down; Electronic Speed sign, reduce the speed to 40MPH for the stretch mentioned, no overtaking solid white line and repair the damaged street furniture. We also need to manage the number of HGVs so I fully support the SCDC and CCC rejection of the incinerator application. I also support the call for moving traffic from the A10 directly to the relocated Train Station rather than adding traffic flow to the A10 Denny End Rd Junction sadly as we know RLW and U&C are behaving like two year olds and can't agree on a safe passage route from 1st residents. The early years relocated train station connectivity is mind blowing, given we will draw more people to the village as trains enlarge to 8 carriages.

I reiterate I support Cllr Bradnam in raising the concern.

Take Care
Cllr Seamarks

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