



Appeal Decision

Hearing held on 19 July 2016

Site visit made on 19 July 2016

by I Radcliffe BSc(Hons) MCIEH MRTPI DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2016

Appeal Ref: APP/W0530/W/16/3144592

**Land adjacent to 41 Denny End Road, Waterbeach, Cambridge,
Cambridgeshire CB25 9PB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cocksedge Building Contractors Limited against the decision of South Cambridgeshire District Council.
 - The application Ref S/0882/14/FL, dated 15 April 2014, was refused by notice dated 28 October 2015.
 - The development proposed is the construction of 30 affordable dwellings including associated external works and roadways.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 30 affordable dwellings including associated vehicular access and external works on land adjacent to 41 Denny End Road, Waterbeach, Cambridge, Cambridgeshire CB25 9PB in accordance with the terms of the application, Ref S/0882/14/FL, dated 15 April 2014, subject to the conditions in the schedule at the end of this decision.

Procedural matters

2. The description of the development that appears on the decision notice and on the appeal form is the 'erection of 30 affordable dwellings including associated vehicular access and external works.' I am content that this amended description adequately describes the proposal and I shall use it in the determination of this appeal.
 3. To address concerns regarding overlooking between 14b Winfold Road and the proposed bungalows on plots 29 and 30, revision A to drawing reference CB.624.P11 was prepared. The appellant provided an e-mail demonstrating that the plan was submitted to the Council in July 2015, several months before the application was determined. However, the Council decided the application on the basis of the original drawing.
 4. The revised drawing was presented at the hearing as a solution to the concerns regarding overlooking. The Council and local residents objected to its inclusion. The drawing amends the position of two of the thirty proposed dwellings on the site. The semi-detached pair of bungalows on plots 29 and 30 would be re-orientated and moved a few metres to the north. As a result, the flank elevation of these dwellings would largely face the site boundary between 14a and 14b, rather than the rear elevation of 14b. This amendment does not
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amount to a material change in the type of development, and the nature of concerns of those who would normally have been consulted are clear from consultation on the original set of plans. Furthermore, the occupiers of Nos 14a and 14b were present at the hearing and had the opportunity to view the revised plan and express their concerns in relation to it. As a result, I do not consider that the interests of those who would normally have been consulted would be prejudiced if I took this amended plan into account. My consideration of the case and decision is therefore based upon it.

5. The appellant's updated noise report was not published on the Council's website. However, it did form part of the public register and the update in relation to the BS4142:2014¹ assessment was referred to in the officer's report and was taken into account by the Council in its decision. Moreover, more importantly in respect of the appeal the updated report formed part of the evidence base and was thoroughly discussed at the hearing. Taking all these matters into account, I therefore find that no party would be prejudiced by me taking it into account in this appeal decision.
6. Policy SC/11 of the draft Local Plan relates to noise pollution. The draft Local Plan is currently the subject of public examination and no unresolved objections to policy SC/11 have been identified. On the basis of this, and due to the consistency of this policy with the Framework, I attach moderate weight to this policy in consideration of this appeal.

Main Issues

7. The main issue in this appeal is whether the appeal scheme comprises sustainable development as defined in the National Planning Policy Framework ('the Framework'), having particular regard to;
 - whether the location of the proposed development would comply with the development plan;
 - the effect of the proposed development on the living conditions of future occupiers of the proposed development with regard to noise and disturbance, and overlooking of plots 29 and 30;
 - the effect of the proposed development on the character and appearance of the area, and how it would link with the village;
 - the effect of the proposal on local infrastructure and services; and,
 - housing land supply, accessibility and the effect of the proposal on agricultural land.

Reasons

Location of development

8. The appeal site is located within the Green Belt. The National Planning Policy Framework ('the Framework') is an important material consideration. Paragraph 89 of the Framework advises that, other than in relation to certain exceptions, the construction of new buildings in the Green Belt is inappropriate. These exceptions include limited affordable housing for local community needs under policies set out in the Local Plan.
9. Policy HG/5 of the South Cambridgeshire Development Control Policies Development Plan Document (DCPPDP) sets out the Council's approach in this

¹ 'Methods for rating and assessing industrial and commercial sound'

regard. It supports the provision of 100% affordable housing schemes designed to meet identified local housing needs on small sites within or adjoining villages subject, amongst other matters, to good design. All the dwellings proposed in the appeal scheme would be affordable housing. As the site is less than a hectare in size, in development terms, it can reasonably be described as a small site. The site is also located next to the village framework. The proposed development therefore complies with the basic requirements of policy HG/5.

10. In terms of local housing needs, it was confirmed at the hearing that planning permission has been granted for a number of housing developments in the area which between them would provide a large number of affordable homes. However, the nature of the planning obligations securing the provision of these units means that, unlike the appeal scheme, they would be provided to meet the district wide need for affordable housing, rather than need local to the village. In this respect, with 78 applicants with a connection to the village on the housing waiting list and an appropriate mix of housing proposed the 30 dwellings would make a significant contribution to help meet local housing need.
11. Policy HG/5 also requires for sites within the Green Belt that there are no alternative appropriate sites that can be found for the scale of development proposed. The Council is satisfied that it has been demonstrated that there are no alternative appropriate sites. On the basis of what I have read and heard I agree with that assessment. The proposed development therefore in principle complies with policy HG/5 and so, subject to the policy's criteria in relation to good design and accessibility, would not be inappropriate development.

Character, appearance and connectivity

12. The appeal site is an agricultural field which is enclosed by the development framework of the village on two sides and does not protrude significantly beyond the village framework. Development of the site would therefore complement the form of the village.
13. The village itself is characterised by linear residential development along its main roads with housing development in depth behind. As a result, the proposed scheme, which in the form of a cul-de-sac would develop land to the rear of houses along Denny End Road, would be in keeping with the existing pattern and grain of development of the village. The District Design Guide is a supplementary planning document (SPD) to which I have had due regard. In order to provide a choice of interesting routes and improve connectivity it advises against the use of cul-de-sacs. However, the appeal site is not large and with a distance of approximately 100m from the centre of the site to Denny End Road it would not result in a long isolated spur of development remote from the village. As a consequence, I find that it would be reasonably well connected to the highway and settlement.
14. In terms of the site layout, with the landscaping proposed the wide site access would appear as an approach to a new area. The positioning of two houses, set back from but facing Denny End Road along the access, would mean that the scheme would be legible within the street scene as a housing development. The proposal would include a central area of public open space around which many of the houses would face providing interest and natural surveillance. In terms of the detailed design of the houses, their gable ended single or two storey semi-detached forms, set behind modest front gardens, would be in

keeping with development in the area. The dwellings would be well proportioned and the inclusion of porches to a number of the houses would provide visual interest.

15. An acoustic fence is proposed along the southern and western boundaries of the site inside the line of the boundary hedges. Along the western side of the site the fence would sit on top of an earth bund. However, the high height of the boundary hedges would screen the fences from external view.
16. Taking all these matters into account, I therefore conclude that the proposed development would be well designed, integrating with surrounding development and be adequately connected to it. As a result, it would represent good design that complements the character and appearance of the area. It would therefore comply with policy HG/5 in this regard, as well as policies DP/2 and DP/3 of the DCPDPD, the layout guidance contained within the SPD in relation to a backland site and section 7 of the Framework. The policies and section 7 of the Framework cited require good design in relation to new development.

Living conditions

Noise

17. The appeal site is separated by Long View Farm from Denny End Industrial Estate. The industrial estate contains a number of businesses, including Blayson Olefines which operates through the day and night and whose operations include some activities that generate noise. This business is located on the eastern side of the estate and is separated from the appeal site by a field. The Framework requires that in relation to new development noise should be avoided that gives rise to significant adverse impacts on health and quality of life². Policy NE/15 of the DCPDPD and policy SC/11 of the emerging Local Plan are consistent with this approach. As the appeal site is closer to the industrial estate than the existing development within the village the potential for such noise exists.
18. As a consequence, the Council required that a noise assessment was carried out in accordance with BS4142: 2014 'Methods for rating and assessing industrial and commercial sound'. Monitoring used in this assessment was carried out over a week at the end of April 2014 and over one night at the end of June 2015. The noise levels measured at the end of April included a bank holiday weekend when businesses on the estate may not have been operating. However, the data collected was used, in part, to establish the background noise levels against which noise from the estate was to be assessed. As a result, any lowering of levels that occurred would mean that in subsequent monitoring noise from the estate would be more prominent. Consequently, I find that the use of monitoring data collected at the end of April has not biased the noise assessment in favour of the proposed scheme.
19. In relation to the monitoring that was carried out over the night of 29 – 30 June 2015, Blayson Olefines state that they were not operating normally that night and that activities that generate noise outside the building were not taking place. However, the earlier monitoring that took place at the end of April 2014 covered an eight day period and there is no suggestion that the

² Planning Practice Guidance, advises that noise at or above the significant observed adverse effect level (SOAEL) will have a significant adverse effect on health and quality of life (Paragraph 004 Reference ID: 30-004-20140306).

business was not operating normally for at least part of that week. As a consequence, I find that it provides an acceptable record of peak noise levels and the number of occasions that they are likely to occur, associated with activities related to the operation of the business throughout the night and day. These noises include the operation of plant, machinery within buildings and the movement outside of fork lift trucks and the breaking up of raw materials. Typically, there were eight occasions overnight (23:00 hrs to 07:00hrs) where noise levels briefly exceeded 60dB(A). Maximum levels did not exceed 68dB(A).

20. The results of the noise assessment, confirm that noise from the estate would exceed the significant observed adverse effect level (SOAEL) at night time. As a result, without mitigation noise levels would have a significant adverse impact on the health and quality of life of future inhabitants of the proposed development. Internally, the mitigation proposed is the provision of appropriate double glazing to the proposed dwellings with mechanical ventilation or trickle vents. This would reduce noise levels by 35dB avoiding any adverse effects such as sleep disturbance.
21. Externally, based upon the results of the noise assessment work that has been carried out and the standards contained within BS8233:2015 'Guidance on Sound Insulation and Noise Reduction for Buildings' external daytime noise levels within the gardens to the houses at 46dB(A) LAeq would be acceptable. However, its standard for the daytime (07:00hrs to 23:00hrs) is based upon the equivalent continuous sound level over 16 hours and unlike BS4142 does not properly allow for the prominence of the short duration and distinct noises that can be associated with industry. As a result, external mitigation would be necessary.
22. A 2.4m tall acoustic fence is proposed inside the hedge line along the southern boundary of the site. Along the western boundary of the site it is proposed that the fence would sit on top of a 1m high earth bund inside the hedge line. This would achieve a 10 to 15 dB reduction in noise levels which would have the effect of at least halving levels of any noise heard from the industrial estate. On the basis of the maximum sound levels observed in relation to activity at Bayson Olefines, whilst activity would not be inaudible, these measures would result in acceptable living conditions within the gardens of the proposed houses. In reaching this finding I have noted that there is no history of noise complaints from the houses along the eastern side of the appeal site whose rear elevations and back gardens face the industrial estate.
23. Concerns have been expressed about the proposed development restricting the future operation and expansion of Blayson Olefines and other businesses on the Industrial Estate. This risk is recognised by paragraph 123 of the Framework. However, with the proposed mitigation a significant noise attenuation buffer would exist which means that this is unlikely to occur.
24. There is an expectation that windows within habitable rooms will be openable to provide fresh air. However, with modern insulation standards and mechanical ventilation systems as found in the most energy efficient homes this is not essential. As a result, I find that the provision of unopenable windows to certain rooms of the proposed dwellings would not result in unacceptable living conditions. The provision and retention of such mitigation measures could be secured by condition.

25. Reference has been made to an application dismissed on appeal where the Inspector found that unopenable windows to control noise would detract from future resident's quality of life³. However, it is an established principle that each case is determined on its merits. In the cited case aircraft noise was an issue and noise levels on the site would have been significantly higher than in the appeal before me. The unacceptable level of outdoor noise that would be experienced together with the need for sealed windows creating a 'sealed box' led the Inspector to find that the quality of life of future residents would be harmed.
26. This is not the situation in the appeal before me where due to the direction of the noise only some windows would need to be sealed and noise levels externally would be acceptable. As a consequence, the cited appeal is not directly comparable to the proposal before me and reference to it has not altered my findings in relation to this issue.
27. Based upon the evidence submitted with the proposed mitigation in place noise levels would be minimised and the overall effect of the noise exposure would be comfortably below the SOAEL. As such it would comply with policies NE/15 of the DCPDPD and policy SC/11 of the emerging Local Plan. Overall therefore, given the pleasant location of the appeal site and the statutory controls that exist in relation to businesses on the industrial estate to the west, a good standard of residential amenity could be achieved for future occupiers of the proposed development in accordance with a core planning principle of the Framework.

Overlooking

28. 14b Winfold Road is a bungalow whose side elevation faces the appeal site. As a consequence of its roofspace having been converted into a bedroom, a first floor window in the gabled side elevation of the dwelling overlooks the appeal site. In the original version of drawing P11 this window would have overlooked the rear gardens and rear elevations of proposed bungalows on plots 29 and 30. However, the revised drawing (P11 A) shows the semi-detached pair of bungalows on plots 29 and 30 re-orientated so that their side elevation would face the boundary with dwellings on Winfold Road. In doing so, the bungalows would largely face the space between 14a and 14b Winfold Road. As a result, there would be no overlooking from a first floor window at close range of the rear gardens of these dwellings.
29. For these reasons, I therefore find that the bungalows on plots 29 and 30 would not be materially overlooked by 14b or any other property. As a consequence, acceptable living conditions would be provided to future occupiers of these properties. The proposal would therefore comply with policies DP/3 of the DCPDPD which seeks to prevent such harm and the supplementary planning document the District Design Guide.

Local infrastructure and services

30. A signed and dated unilateral undertaking was submitted following the close of the hearing. The document has been assessed having regard to the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and the tests in paragraph 204 of the Framework. The unilateral undertaking secures the provision of affordable housing on the site to meet the need locally identified for the village. It also

³ Appeal decision reference APP/R0660/W/15/3027388

- secures the provision of refuse bins and the provision and maintenance of public open space proposed as part of the scheme. Contributions are also secured towards outdoor sport, indoor community space and monitoring. Policy DP/4 of the DCPDPD requires that new development provides or contributes to infrastructure necessary to make development acceptable in planning terms.
31. In relation to affordable housing, there is a shortage in the District and locally. As a rural exception site, in order to comply with policy HG/5 of the DCPDPD the dwellings provided on the site needs to be secured as affordable housing to meet local need. I therefore find that the affordable housing contribution sought passes the relevant tests.
 32. Turning to refuse bins for the houses, the development would generate the need for such receptacles. In relation to outdoor sport, playspace and informal public open space, a study commissioned by the Council demonstrates that there is an existing shortfall in provision in Waterbeach which the proposal would exacerbate. In accordance with policies SF/10 and SF/11 of the DCPDPD provision therefore needs to be made. With regard to community space provision, a community facility audit has identified a deficit in Waterbeach which the proposal would worsen. In relation to public art, policy SF/6 seeks provision in relation to residential developments of 10 or more dwellings. Contributions either financially or in terms of on site provision are therefore necessary in relation to all these matters to make the development acceptable in planning terms.
 33. Based upon the approach laid out in the RECAP Waste Management Design Guide and Open Space in New Development, which are supplementary planning documents, and the external audit and needs assessment of community space provision, I am satisfied that the sums and provision sought are fairly and reasonably related in scale and kind to the proposed development. As provision would either be made on site, or locally what would be provided would also be directly related to the proposal. Accordingly these contributions pass the relevant tests and requirements.
 34. A monitoring fee is also sought. Monitoring for the most part is a local planning authority function. However, a number of the obligations require more than one-off payments. For example, in relation to public open space and affordable housing there is the need for further involvement of the Council to ensure that this infrastructure is provided in a proper and timely fashion and that in the future its use continues to be secured. As a result, I find that this contribution is necessary to make the development acceptable in planning terms, directly related to the proposed development and, on the basis of the work that would be involved now and in the future, fairly and reasonably related in scale and kind to it.
 35. Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended) prevents the pooling of more than five planning obligations made since 6 April 2010 towards a specific infrastructure project or particular type of infrastructure. The provision of affordable housing is excluded from this requirement of this regulation. In relation to refuse bins and the provision of on site play space and open space these constitute specific projects for which there have been no previous contributions. With regard to outdoor sport and community space provision, whilst there may have been more than five contributions to this type of provision since the relevant date contributions are sought towards specific projects in relation which no more than one

contribution has been received. I therefore find that the contributions sought comply with regulation 123(3).

36. For all of these reasons, I have therefore taken into account all the provisions of the submitted unilateral undertaking .

Housing land supply

37. The Framework states that local planning authorities should have a 5 year housing land supply. It was agreed at the hearing that the Council has a 3.9 year housing land supply. There is therefore a significant undersupply of housing in the district.

Accessibility

38. The site is located next to the western edge of Waterbeach. The village has a reasonable range of services and facilities which are either within walking or cycling distance of the appeal site. It is therefore capable of meeting some of the day to day needs of its residents.
39. In terms of public transport, the No 9 bus service provides a regular connection to Cambridge and Ely which can meet a wider range of needs. This service can be accessed before 9am from a bus stop approximately 100m from the appeal site. After this time, until the evening, the service can only be caught from a stop approximately 400m away. Nevertheless, this is still within a reasonable walking distance and would not deter use. A train station is also present on the other side of the village. Taking all these matters into account, I therefore find that the appeal site is well related to services and facilities in compliance with policy HG/5 of the DCPDPD. As a result, it is an accessible location for development.

Agricultural land

40. The proposed development would result in the loss of 0.94 hectare of grade 2 agricultural land to development. Land within grade 1, 2 and 3a is defined in the glossary to the Framework as being the best and most versatile agricultural land. In preference to the development of this type of land the use of land of poorer quality is encouraged by paragraph 112 of the Framework. This guidance though relates to proposals involving significant development. The position of the Council and appellant at the hearing was that the proposal did not involve a significant development of such land. I agree with that assessment. Nevertheless, in accordance with the Framework, it is necessary to take into account the economic and other benefits of agricultural land of this grade. As part of the assessment as to whether or not the proposal would constitute sustainable development I have done so.

Other matters

41. In relation to flood risk, it was confirmed at the hearing that the appeal site is at a low risk of flooding and its development would not be contrary to local or national policy in relation to this matter. In terms of drainage capacity, Anglian Water confirmed that there was adequate capacity to accommodate foul and surface water generated by the development. An ecological study of the site identified that there were no protected species present and the hedgerows around the boundary of the site, which are its most significant feature, would largely be retained. The study identified that scope for ecological enhancement exists through planting and the use of bird and bat boxes.

42. A Transport Assessment has been carried out in relation to the proposal. The highway authority has no objection to the scheme in terms of the effect that it would have on the local highway network and highway safety subject to the provision of visibility splays. I saw no reason why such splays could not be provided and I have no reason to disagree with those conclusions.
43. The outlook from the rear of the houses that back onto the appeal site is currently of an open undeveloped field. The loss to development of such a view would have a minor adverse effect on living conditions. However, given that the occupiers of houses in the area currently enjoy good living conditions, the slight harm that would be caused would not result in a standard of amenity lower than that sought by the Framework.

Overall Conclusions: The Planning Balance

44. The location of the proposed development would comply with the development plan. Less than a five year housing land supply exists. In such circumstances paragraph 49 of the Framework advises that policies relevant to the supply of housing land should not be considered to be up to date. However, as the proposal would comply with policy HG/5 of the DCPDPD this does not alter the planning balance in this case.
45. Paragraph 49 goes on to advise that housing applications should be considered in the context of the presumption in favour of sustainable development, a concept that is at the heart of the Framework. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development; environmental; social and economic.
46. I have found that the site is in an accessible location. It is therefore capable of meeting some of the day to day needs of its residents and has public transport links to other large settlements that can meet a wider range of needs.
47. In terms of the environment, although in the garden areas of the proposed development noise from the Industrial Estate would on occasion be audible noise levels would be comfortably below the significant observed adverse effect level outside during the day and inside during the night. The scheme would be well designed and complement the built form of the village. Ecologically, subject to the retention of the hedgerows, and other measures identified, the ecological value of the site would be enhanced.
48. A significant shortfall in housing land supply exists. Socially, the proposed development would therefore make a noteworthy contribution towards helping address the shortage of housing in the District and in particular the lack of affordable housing to meet a locally identified need. This is a significant benefit of the proposal.
49. Economically, the construction of the houses proposed would generate employment. Post completion the spending of the new households that would be created would benefit the economy of the area. These are benefits that weigh in favour of the proposal. On the other hand, due to noise, the location of housing closer to the industrial estate could restrict the future development of businesses on the estate and the benefits that this would bring to the economy of the area. However, for the reasons given in paragraph 23 this is unlikely to occur. Whilst the proposed development would result in the loss of agricultural land, the area involved would be small and thus the harm would be limited.

50. Taken together the benefits of the proposal described are significant and of sufficient weight to clearly outweigh the limited harm that would be caused. As a result, the proposal would represent sustainable development as defined in the Framework. The appeal should therefore succeed. In reaching this decision the views of local residents and the Parish Council have been taken into account. However, important though they are, they do not lead me to a different view on the planning merits of the proposal.

Conditions

51. For the avoidance of doubt and in the interests of proper planning, otherwise than as set out in this decision and conditions, the development needs to be carried out in accordance with the approved plans. To minimise the risk of flooding elsewhere, sustainable surface water drainage is necessary. In order to ensure that the development complements its surroundings further details on materials, site levels and landscaping, including boundary treatments, are required. To ensure that any planting becomes well established it needs to be well maintained. Trees that are to be retained also need to be identified and protected during construction.
52. To safeguard future occupiers of the proposed development from noise that would have an adverse effect on their health and quality of life mitigation measures need to be provided and retained. In order to safeguard the development in the event of fire, hydrants need to be provided as part of the development. In the interests of protecting the living conditions of nearby residents during construction, the hours during which plant and machinery are operated, and the hours during which delivery occurs needs to be controlled. For the same reason, should piling be proposed a method statement is necessary.
53. In the interests of highway safety, visibility splays need to be provided at the site access, adequate drainage provided and a hard bound material used where driveways meet the highway. Similarly, and in order to protect the living conditions of neighbours during construction, a construction method statement is necessary. To conserve and enhance biodiversity on the site further details on ecological matters need to be provided.
54. I have required all these matters by condition, revising the Council's suggested conditions where necessary to better reflect the requirements of Planning Practice Guidance.
55. Conditions were suggested preventing the discharge of surface water onto the highway and the burning of waste on the site. However, as the former matter would duplicate the requirements of the condition requiring a sustainable drainage scheme and the burning of waste would be an offence under pollution legislation it is unnecessary to require these matters by condition. I have therefore not attached them.

Ian Radcliffe

Inspector

Schedule

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.

- 2) The development shall be carried out in accordance with the following approved plans: CB.624.P01, CB.624.P02, CB.624.P03, CB.624.P04, CB.624.P05, CB.624.P06, CB.624.P07, CB.624.P11 Rev A, CB.624.P12, CB.624.P13, CB.624.P20
- 3) No building hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i.) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii.) include a timetable for its implementation; and,
 - iii.) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 4) No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels and the height of the proposed earth bund have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) No development shall take place until details of ecological avoidance and enhancement measures have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include a landscape scheme, specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock. A Landscape Management Plan should also be included.

- 8) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation. The landscape scheme shall be maintained in accordance with the approved Landscape Management Plan.
- 9) No site clearance or building operations shall commence until there has been submitted to and approved in writing by the Local Planning Authority an arboricultural report including an arboricultural impact assessment, accurate scale plans showing trees plotted and an arboricultural method statement setting providing details of how the trees will be protected during construction of the development and during the operation of the development. The development shall be implemented in accordance with these approved details.
- 10) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars approved via condition 9; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the dwellings hereby approved.
- (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with the relevant British Standard.
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars in condition 9 before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- 11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before that dwelling is first occupied in accordance with the approved details and shall thereafter be retained.

- 12) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
- 13) No development shall commence until a scheme designed to not exceed night-time internal levels of 30 dB $L_{Aeq, 5 \text{ mins}}$ and 45 dB $L_{Amax, f \text{ max } 5 \text{ mins}}$ and a daytime internal level of 35 dB $L_{Aeq, 16 \text{ hr}}$ in habitable rooms has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location of sealed windows and means of mechanical ventilation. The development shall be carried out in accordance with the approved scheme and retained thereafter.
- 14) No development shall commence until a scheme designed to not exceed an external level of 55 dB $L_{Aeq, 1 \text{ hr}}$ in garden or amenity areas has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and retained thereafter.
- 15) No development shall commence until details of the proposed bund and acoustic fencing, including drawings showing the location, design and height of the proposed bund and acoustic fencing, and details of the predicted levels of noise attenuation shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out prior to the occupation of any part of the development in accordance with the details approved by the Council and thereafter retained.
- 16) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) wheel washing facilities;
 - (iv) measures to control the emission of dust and dirt during construction;The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 17) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800-1800 Monday to Friday, 0800- 1300 Saturday and not any time at all on Sundays or Bank or Public Holidays.
- 18) Should driven pile foundations be proposed, then before works commence, a statement of the method for construction of these foundations shall be submitted to and agreed in writing by the District Environmental Health Officer. If pile foundations are to be used their construction shall be carried out in accordance with the approved details.

- 19) The visibility splays specified on approved drawing no. CB.624.P20 at the junction of the access road with the public highway shall be provided before the commencement of the development.
- 20) The vehicular and pedestrian access from each house shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

Richborough Estates

APPEARANCES

FOR THE APPELLANT:

Mr Kratz BA(Hons) Solicitor LMRTPI	Birketts LLP
Mr Nugent	Cocksedge Building Contractors Limited (the appellant)
Mr Evans	RPS Group

FOR THE LOCAL PLANNING AUTHORITY:

Ms Ballantyne-Way	On behalf of South Cambridgeshire District Council
Mr Atkins	South Cambridgeshire District Council
Mr Fisher	South Cambridgeshire District Council

INTERESTED PERSONS:

Mr Johnson District Councillor	South Cambridgeshire District Council
Mrs Bull	Waterbeach Parish Council
Mrs Tregoin District Councillor	South Cambridgeshire District Council
Mrs Williams	local resident
Mrs Pattinson	local resident
Mr & Mrs Smith	local residents
Mrs Foster	local resident
Mrs Pharo	local resident
Mr Clifford	Blayson Olefines
Mr Starr	Blayson Olefines
Mr Williams	Blayson Olefines

DOCUMENTS

- 1 E-mail dated 14 July 2015 submitting plan ref CB.624.P11 Rev A to the Council.
- 2 Updated noise assessment, RPS Group.

PLAN

- 1 Plan ref CB.624.P11 Rev A

PHOTOGRAPHS

- 1 Google earth photograph showing the appeal site in the context of the wider village.
- 2 Google earth photograph showing the appeal site in the context of the industrial estate to the west and housing estate to the east.

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