
Appeal Decision

Site visit made on 16 February 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/W0530/W/16/3162747

Land at Linton Road, Balsham, Cambridgeshire CB21 4HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Endurance Estates Strategic Land Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/2830/15/OL, dated 30 October 2015, was refused by notice dated 6 July 2016.
 - The development proposed is an outline application for residential development and details of means of access.
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Decision

1. The appeal is allowed and planning permission is granted for an outline application for residential development and details of means of access up to 29 dwellings at Land at Linton Road, Balsham, Cambridgeshire CB21 4HA in accordance with the terms of the application, Ref S/2830/15/OL, dated 30 October 2015, subject to the conditions set out at the end of my decision.

Preliminary Matters

2. The application sought outline permission for the proposal, with only access to be dealt with at this stage. I have considered the appeal in the same manner and have thus treated all plans, aside from those which relate to access, as indicative only.
3. I have used the description of development provided to me in the decision notice and appeal form in my formal decision above, as I consider this to be more accurate than that contained in the application form.

Main Issue

4. The main issue in this case is whether the proposed development would provide a suitable site for housing, having regard to the proximity and accessibility of services.

Reasons

5. The appeal site lies on the western edge of the village of Balsham. Balsham has a linear character, with development mostly following Cambridge Road/High Street/West Wickham Road. The site comprises a large grassland field, located between Linton Road and the road to Hildersham. There is one agriculturally tied detached house located in the south east corner of the site.
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6. On the opposite side of Linton Road lies Queens Close, a fairly modern development of primarily large detached houses. The northern boundary of the site is delineated by the rear boundary treatments of properties on Cambridge Road, with hedging, trees and post and rail fencing present on the remaining boundaries. The southern boundary has a particularly substantial hedgerow, and due to this, as well as the existing house and its domestic curtilage, I agree with both parties that the site has the character of the edge of village, as opposed to the open countryside that is visible to the south and west. The scheme, although in outline, proposes up to 29 dwellings on the site. The Council consider such a density to be appropriate in such a location and I agree that significant harm would not be caused by such a quantum of development in this edge of village location, which would be broadly similar in density terms to Queens Close.
7. The site would be accessed from Linton Road, creating a new access in the north east corner of the site, close to the junction for Queens Close. I noted on site that visibility in both directions was reasonable from the proposed access point. At present the speed limit changes from the national speed limit to 30mph at a point just to the south of Queens Close. Strong concerns are raised by neighbours over issues of road safety, in particular over the safety of school children crossing Linton Road.
8. As part of the proposal, the scheme would relocate the 30mph limit some 75m to the south, well beyond the site. A gateway feature at this point would also be constructed, as would traffic calming before the site edge, and junction improvements to the junction of Linton Road and Cambridge Road/High Street to slow traffic turning left off the High Street towards the site. Based on these details the Highways Authority raise no concerns subject to conditions and I see no reason to disagree on this matter on the evidence provided. Whilst adding to local traffic levels, the proposed measures should ensure that overall highway safety issues are improved on the road close to the site.
9. The Council identify three areas where they consider that services in Balsam are deficient to accommodate a scheme of this size, with their view being that anything but the most basic of shopping trips cannot be carried out within the village, the lack of significant sources of employment in the village, and the lack of a secondary school in the village.
10. Services are mostly congregated in the historic core of the village, and include a village shop and post office, a primary school and two pubs. The post office is around a 10 minute walk from the site. Such a range of services is not out of character for a village the size of Balsham. The proposal would create a footpath along the edge of the site and the west side of Linton Road to tie into the existing footpaths towards the centre of the village. I walked this route on my visit and noted that it was a fairly easy, flat walk. As such it is reasonable to assume that many of the future occupants of the proposal would generally walk into the village to access the shop and post office, pubs and the school. Larger shopping trips would need to take place outside of the village.
11. I noted a range of employment uses in the village. However, such uses, in common with many villages of the size of Balsham, were fairly small scale and would not be expected to generate significant employment. To access other sources of employment it would be necessary to travel out of the village.

12. Within a 5 minute walk a bus stop is located on the High Street. The services available from this stop are not comprehensive, comprising of 5 services a day to the town of Haverhill and 7 to the larger village of Linton. Only 1 bus a day travels to Cambridge. Such services are limited and would not, I consider, be likely to cater for many journeys, and so trips out of the village for shopping, employment, or other needs, would therefore likely to be undertaken by private transport. However, I do note that the Cambridge service takes place at a time to provide for students attending the VI form colleges in the city.
13. The local secondary school is located at nearby Linton. However, there is a school bus service that runs to Linton Village College, as confirmed by the appellants and the headteacher of the village primary school. Such an arrangement of a larger village hosting a village college and smaller surrounding villages feeding into the school by buses is not uncommon in rural areas and does not I consider weigh against the proposal.
14. Policy ST/6 of the Core Strategy¹ defines Balsham as a 'group village'. Within such villages this policy states that residential development up to an indicative maximum size of 8 dwellings, or exceptionally 15 dwellings on brownfield sites will be permitted within village frameworks. The site lies adjacent to, but outside the defined village framework. Policy DP/1 (a) of the Development Control Policies DPD² (the DPD) states that development will only be permitted where it would be consistent with the sequential approach to development as set out in Core Strategy, and policy DP/7 states that outside frameworks, only development for agriculture, horticulture, forestry, outdoor recreation or other countryside specific uses will be permitted. The proposal would thus not comply with these policies.
15. However, it is common ground between the parties that the Council are unable to demonstrate a five year supply of deliverable housing sites, with the latest information I have from the Council stating that they have a 3.9 year supply. In such circumstances the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date. Policies ST/6, DP/1(a) and DP/7 all seek to restrict and control the supply of housing and as such are relevant policies.
16. Paragraph 14 of the Framework states that where the development plan is out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or there are specific policies in the Framework which indicate that development should be restricted.
17. It is axiomatic that the development of a field with housing would cause some environmental harm. However, some mitigation is proposed in the form of landscaping and hedgerow augmentation, as well as the provision of a small area of native tree planting and wildflower meadow. Such measures could be conditioned. As discussed above, I am also not convinced that the bus services would provide a sufficient service for many needs and consider that most future residents would likely use private transport to access jobs and services not available in the village. In this respect the proposal would conflict with the

¹ South Cambridgeshire District Council Local Development Framework Core Strategy Development Plan Document 2007

² South Cambridgeshire District Council Local Development Framework Development Control Policies Development Plan Document 2007

- core planning principle of the Framework that planning should actively manage patterns of growth to make the fullest possible use of public transport.
18. The proposal would provide up to 29 dwellings, which would have a positive economic and social benefit in terms of both construction of the houses and the economic and social activities of the future residents of the houses. Furthermore, the provision of 40% affordable housing is also a significant social benefit in favour of the proposal. Whilst only 29 homes, the site would still have a positive effect on the housing supply of the District, particularly given the stated 3.9 year supply, and would comply with the Framework's core principle that planning should proactively drive and support sustainable economic development to deliver the homes that the country needs.
19. I have noted above that some regular needs could not be met within the village. However, the village does offer a range of basic services, all of which are in walking distance. The future occupants of the proposed houses would assist in a small way in supporting such services. I particularly note in this respect the submitted letter from the Headteacher of the village primary school. This letter, whilst specifically neither objecting nor supporting to the proposal, notes the falling roll that the school has had for some six years, and also notes the existence of several families who live with other family members in the village, awaiting an affordable property to become available. The letter states that new housing within the catchment of the school that meets the needs of the village would be welcome.
20. Whilst in outline form, the Council Affordable Housing Officer notes that the appellants have proposed a mix of 1 and 2 bedroom dwellings for the affordable units, which it is stated is in line with the housing need for the area. The proposal would clearly therefore assist in meeting the needs of the village and would comply with paragraph 55 of the Framework, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and with Planning Practice Guidance, which advises that affordable and accessible rural housing is essential to ensure viable use of the local facilities on which thriving local communities depend.
21. Given the range of benefits of the proposal I consider that, when assessed against the policies of the Framework as a whole, the adverse impacts of the development do not significantly and demonstrably outweigh such benefits. I consider therefore that the proposal would represent sustainable development and that permission should be granted in accordance with the presumption in favour of sustainable development embodied within the Framework. Similarly, despite the location of the proposal I am also of the view that when taken as a whole the proposal would accord with Policy DP(1) of the DPD, which states that development will only be permitted where it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
22. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Above I have concluded that policies ST/6 of the Core Strategy and DP/1(a) and DP/7 of the DPD should not be considered up to date. The Council are of the view that considerable weight should be given to Policy ST/6 of the Core

Strategy, with some weight to Policy DP/7 of the DPD. I note that the policies seek to promote sustainable development and a sustainable pattern of development, which accords with the overall aims of the Framework. However, given the extent of the lack of housing supply I consider that such policies in this case hold limited weight.

23. My conclusions regarding the compliance of the proposal with the Framework and that as a whole it would constitute sustainable development outweigh the conflict of the proposal with Policy ST/6 of the Core Strategy and Policy DP/7 of the DPD. Accordingly, I conclude that the development would provide a suitable site for housing, having regard to the proximity and accessibility of services.

Other Matters

24. Representations are made concerning drainage issues, with photographs submitted of localised flooding on Linton Road. Such issues could be conditioned to ensure that a scheme for surface water drainage for the site incorporates sustainable urban drainage techniques and does not aggravate any such existing issues. I also note that the Council Drainage Manager raises no objections subject to conditions.
25. Concerns are raised over the capacity of local infrastructure, such as the Village College or local doctors to accommodate the proposal. I have received no substantive detailed evidence from relevant service providers with regard to infrastructure concerns. In this respect I also note the limited size of the proposal, and also the letter from the primary school noted above.
26. Reference is made to the need to prioritise previously developed land over green field sites. The Framework states that planning should encourage the use of brownfield land provided that it is not of high environmental value. However, whilst the site is Greenfield, I have concluded above that the adverse impacts of developing such a site would not significantly and demonstrably outweigh the benefits of the proposal.
27. The development of 29 houses in an edge of village location, close to existing development could adversely affect the living conditions of nearby residents in terms of privacy, outlook, and noise and light pollution. However, the application is in outline only and matters concerning the layout of new dwellings would be covered by subsequent reserved matters applications. Conditions can be imposed on matters such as light pollution and noise disturbance. Parking would also be considered under reserved matters.
28. Concern is raised over the archaeological value of the site. The County Archaeologist considers that a condition concerning the development of the site would suffice in this respect and I see no reason to disagree with this view. Such a condition would allow the archaeological potential of the site to be considered and recorded.
29. Neighbours raise the issue of precedence, considering that an approval may lead to additional developments in the area. However, no comparable sites or firm details to which this might apply were put forward. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. Reference is also made to other applications in the village for housing. I have limited

information relating to such applications; however, and notwithstanding the limited evidence I have concluded that given the lack of housing land supply with the whole Council area that the adverse impacts of the scheme do not significantly outweigh the benefits of the proposal.

30. I note concern over the issue of car headlights leaving the site access, which would point towards houses opposite. However, this is not an uncommon situation and there is a reasonable amount of space between the road and the front elevations of properties on Queens Close and Linton Road, which are set back within their plots.
31. A signed and dated Section 106 (S106) agreement has been submitted with the appeal. This provides for 40% of the dwellings to be constructed on the site to be affordable, for their mix, tenure type, qualification for residence (with the first priority to persons with a local connection to Balsham), and timing of their development. The S106 also provides for public open space on the site and its future management, and contributions for off-site sport, indoor community space, play space, household waste receptacles, as well as the proposed off site speed limit scheme. The contributions are detailed to schemes within the village such as for the upgrading of the village scout hut and pavilion. The future residents of the proposed houses would use such facilities and the stated schemes have been discussed with the Parish Council. On the basis of the evidence received I consider that the obligation provided is necessary to make the development acceptable in planning terms, is directly related to the development and is fairly and reasonably related in scale and kind to the development.

Conditions

32. I have imposed standard conditions relating to timing and details of reserved matters, as well as accordance with plans. As detailed above I have also imposed conditions relating to surface water drainage, highway safety, lighting details for the site and archaeology.
33. I have also imposed conditions relating to boundary treatments, an update of arboricultural issues on the site and for a scheme of ecological management to be agreed. Also included is a condition restricting any removal of shrubs or trees to times outside the bird breeding season. All such conditions are necessary in the interests of ecology and the character and appearance of the area.
34. Conditions are imposed concerning the finished floor levels of the proposed development, an air quality impact assessment, provisions to reduce airborne dust and mud from the site, details to be agreed regarding piling should such measures be found to be necessary, and a traffic management plan to be agreed concerning construction traffic, including provision for contractor parking within the site. All such conditions are necessary in the interests of the living conditions of neighbouring residents and highway safety.
35. I have imposed conditions concerning contamination and remediation if necessary, as well as the provision of foul water drainage. Such conditions are necessary in the interests of the water environment. A condition is also included concerning renewable energy generation in the interests of the environment.

36. The Council propose conditions concerning materials and landscaping. Such conditions are not necessary given the range of issues to be agreed at this outline stage and would be considered as part of any subsequent reserved matters applications.

Conclusion

37. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF 22 CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: CJ-001, PL01 Rev C, PL02 Rev B, PL03 Rev C, PL04 Rev A, PL05 Rev D, PL06 Rev D.
- 5) 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 shall be completed before the development is occupied in accordance with the approved details and shall thereafter be retained.
- 6) The application for Reserved Matters required under Condition 1 shall include an updated arboricultural report and the recommendations in the report shall be followed during implementation of the proposed development.
- 7) No development shall take place until a plan showing the finished floor levels of the proposed dwellings in relation to the existing and proposed ground levels of the surrounding land has been submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

- 8) No development shall take place until a scheme for the provision of on-site renewable energy to meet 10% or more of the projected energy requirements of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.
- 9) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
- 10) The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority and Lead Local Flood Authority (LLFA). Those details shall include:
 - Information about the design storm period and intensity (1 in 30 & 1 in 100 (+ an appropriate allowance for Climate Change)), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface water.
 - Flood water exceedance routes, both on and off site;
 - A timetable for implementation;
 - Site Investigation and test results to confirm infiltration rates.
- 11) Details for the long term maintenance arrangements for any parts of the surface water drainage system which will not be adopted (including all SUDS features) are to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings hereby permitted. The submitted details should identify runoff sub-catchments, SUDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA and Drainage strategy (Rev 34009, October 2015).
- 12) Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.
- 13) No development shall take place until a scheme of ecological enhancement, management and maintenance (including the wild flower meadow) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the features to be enhanced, recreated and managed for species of local importance both in the course of development and in the future. The scheme 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.

- 14) Any removal of trees, scrub or hedgerow shall not take place in the bird breeding season between 15 February and 15 July inclusive, unless a mitigation scheme for the protection of bird-nesting habitat has been previously submitted to and approved in writing by the Local Planning Authority.
- 15) No development shall be commenced, until:
 - The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
 - The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
 - Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
 - The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority.
- 16) Before the development hereby permitted is commenced, a simple air quality impact assessment should be carried out and submitted, in writing, to the Local Planning Authority for approval. The assessment should have regard to the National Air Quality Objectives and include a detailed investigation into the existing local background air quality conditions, the potential impact of the development on the nearest sensitive receptors and should explore mitigation measures if necessary. The air quality assessment may require, if appropriate, the use of detailed air pollution modelling and details of stack/flue height calculations, where appropriate as well as account for any on-site combustion plant.
- 17) No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved scheme unless the Local Planning Authority approves the variation of any detail in advance and in writing.
- 18) In the event of the foundations for the proposed development requiring piling, prior to the development taking place the applicant shall provide

the Local Planning Authority with a report / method statement for approval, detailing the type of piling and mitigation measures to be taken to protect local residents noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details.

- 19) Prior to the first occupation of development, the proposed highways works shall be carried out and completed in full accordance with the approved plans set out under Condition 4.
- 20) The surface of the proposed access hereby approved shall be constructed on a level that prevents surface water run-off onto the highway and shall be constructed from a bound material so as to prevent displacement of material onto the highway. The development shall be retained as such thereafter.
- 21) No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority. The principle areas of concern that should be addressed are:
 - Movements and control of muck away lorries (all loading and unloading shall be undertaken off the adopted highway).
 - Contractor parking, for both phases all such parking shall be within the curtilage of the site or within the car hire yard and not on the street at any time.
 - Movements and control of all deliveries (all loading and unloading and storage of materials shall be undertaken off the adopted public highway and should be carried out within the site).
 - Control of dust, mud and debris, in relationship to the functioning of the adopted public highway.
- 22) No development shall take place until a programme of archaeological work has been undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.