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## Appeal Decision

Hearing Held on 19 September 2017

Site visit made on 19 September 2017

**by AJ Steen BA (Hons) DipTP MRTPI**

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

**Decision date: 21 December 2017**

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### **Appeal Ref: APP/W0530/W/17/3172405 Land South of Fen Drayton Road, Swavesey**

- 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 Bloor Homes (Eastern) and Mr A Johnson against the decision of South Cambridgeshire District Council.
  - The application Ref S/1027/16/OL, dated 19 April 2016, was refused by notice dated 11 January 2017.
  - The development proposed is the construction of up to ninety nine dwellings with associated access, infrastructure and open space.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the construction of up to ninety nine dwellings with associated access, infrastructure and open space at land South of Fen Drayton Road, Swavesey in accordance with the terms of the application, Ref S/1027/16/OL, dated 19 April 2016, subject to the conditions in the schedule at the end of my decision.

### **Application for costs**

2. At the Hearing an application for costs was made by Bloor Homes (Eastern) and Mr A Johnson against South Cambridgeshire District Council. This application is the subject of a separate Decision.

### **Preliminary Matters**

3. The proposal is for outline planning permission, and the application form makes clear that approval is also sought at this stage for the access to the development, but not for its layout, scale, appearance or landscaping. Drawings have been submitted showing the access and some details of the layout, scale and landscaping. I have treated the details of layout, scale and landscaping submitted as illustrative.
4. I note that a draft Local Plan (draft LP) has been submitted for examination that I will refer to in my reasoning.
5. A second planning application has been submitted on the site that seeks to overcome the Council's concerns as to the safety of pedestrian access to the proposed development, although there are outstanding concerns from Cambridgeshire County Council Highway Authority on that revised proposal. It was suggested that this should be considered as an alternative form of access

as part of this appeal, but it has not undergone the same level of consultation as the appeal development and I have not been provided with copies of third party comments. This was discussed at the hearing and I concluded that those third parties would be prejudiced should it be considered alongside this appeal, so I will not do so.

### **Main Issue**

6. Whether the proposed development would comprise sustainable development, with specific regard to:
  - whether the proposal would be in a suitable location in terms of access to services and facilities, in particular:
    - i. Primary and secondary schools
    - ii. Health services
    - iii. Foul sewage and drainage
    - iv. Highway capacity and
    - v. Open space; and
  - the effect of the development on highway safety with regard to the adequacy of pedestrian access routes.

### **Reasons**

7. The land south of Fen Drayton Way, Swavesey comprises a field outside the village with residential development on Gibraltar Way backing onto the site and further residential development over Fen Drayton Way. To the rear of the site, and separated from it by part of the field that is not included within the appeal site, is Swavesey Village College whose access road runs around the opposite side of the field from the village.
8. The development plan, including the South Cambridgeshire Local Development Framework (LDF) comprising the Core Strategy (CS) and Development Control Policies (DCP) Development Plan Documents provides the statutory framework for managing development in South Cambridgeshire. In addition, the National Planning Policy Framework (the Framework) is a material consideration in the assessment of this proposal.
9. It is common ground between the parties that South Cambridgeshire District Council (SCDC) has a 4.1 year supply of deliverable housing sites. Where a five year supply cannot be identified the Framework states, at paragraph 49, that relevant policies for the supply of housing should not be considered up to date. The Supreme Court<sup>1</sup> has made clear that the important issue at paragraph 49 of the Framework is not whether particular policies should be categorised as policies for the supply of housing, but whether the result of the application of those policies is a five year supply in accordance with the objectives of paragraph 47 of the Framework.
10. As a result, housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the

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<sup>1</sup> In *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council*

Framework provides a definition of that presumption, and it is the shortfall itself which triggers the operation of the fourth bullet point of paragraph 14 whether this is due to the policies which specifically deal with housing provision or because of other restrictive policies. The fourth bullet point states that, where the development plan is absent, silent or relevant policies are 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.

11. My attention has been drawn to Policy ST/6 of the CS that defines Swavesey as a Group Village where residential development up to an indicative maximum size of 8 dwellings will be permitted, or, exceptionally, up to 15 dwellings where this would make the best use of a single brownfield site. In addition, Policy S/9 of the draft LP would redefine Swavesey as a Minor Rural Centre and increases that limit to 30 dwellings. My attention has not been drawn to any objections to that policy, so taking account of the stage of preparation of the draft LP, I give it moderate weight. Given the scale of the development, it would be clearly contrary to these policies.
12. The development would be contrary to Policy DP/1 of the DCP insofar as it states that development should be consistent with the sequential approach to development, which is set out in the Council's Core Strategy. In addition, it would conflict with Policy DP/7 of the DCP that restricts development outside urban and village frameworks to those uses that need to be located within the countryside.
13. I will return to the consequences of this conflict with development plan policy in light of the presumption in favour of sustainable development after I have considered the remainder of the main issue.

#### ***Services and facilities***

14. Swavesey is well served by services and facilities, with Swavesey Village College forming the local secondary school and a primary school to the end of School Lane, a continuation of Fen Drayton Way, and local shopping facilities, GP surgery and public open space also located in the village. A number of other developments have been recently approved or are at various stages in the planning process within this settlement and surrounding settlements, such that the Council has concerns as to the capacity of these services to accommodate the population growth that is taking place. This proposed development would add substantially to the population of this village.

#### ***Primary and secondary schools***

15. Both Swavesey Primary School and Swavesey Village College operate at or around capacity, despite recent extensions to both. However, this is largely due to their success as well performing schools. I understand the concerns of Swavesey Parish Council, local residents and representatives of Swavesey Primary School and Swavesey Village College as to the ability of those schools to accommodate further growth and that they may need to turn pupils away in the future. However, Cambridgeshire County Council (CCC), as local education authority, consider that these schools, following recent extensions, are capable of accommodating the anticipated population growth from this development.

16. A legal agreement has been concluded between the appellants, SCDC and CCC under Section 106 (S106) of the Town and Country Planning Act 1990 that would ensure contributions toward primary and secondary education. This would contribute toward the extensions that have already taken place in order to meet expected demand from additional developments in the area. That toward the extension at Swavesey Village College remains disputed, although the S106 legal agreement sets out a mechanism for this to be resolved.
17. CCC has calculated the contribution toward Swavesey Village College based on the remainder of the cost of provision of the expansion of the college (option (a) in the definition of the Secondary Education Contribution). I understand that this was to be paid by another, larger, development within a neighbouring village that has also been refused planning permission by SCDC. As such, it is unclear whether or when that development would come forward. However, an agreement on this basis would result in this development contributing proportionately more than other developments. I note that this would be the fifth development to contribute and that, under Regulation 123(3) of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), the use of pooled contributions toward items that may be funded via CIL is restricted to five. Clearly, therefore, should the proposed development contribute less than the amount requested by CCC, there would be a funding shortfall.
18. However, I consider that the funding of services and facilities in this manner would mean that contribution would not be fairly or reasonably related in scale and kind to the development. As such, it would not meet the tests set out at Regulation 122 of the CIL Regulations.
19. The appellants have put forward an alternative arrangement through the S106 legal agreement (option (b) in the definition of the Secondary Education Contribution). That contribution would be calculated based on an estimate of pupil numbers generated by the proposed development, which appears to better reflect the calculations of contributions from other developments toward the expansions of the local schools. I, therefore, conclude that the contribution under option (b) would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development, thereby meeting the relevant tests set out in Regulation 122 of the CIL Regulations. Furthermore, I note that this conclusion is consistent with that reached in appeal reference APP/W0530/W/16/3165562 for development of land including and at the rear of 130 Middle Watch, Swavesey.
20. With regard to the early years and primary school contributions, the requested amounts and compliance with Regulations 122 and 123(3) of the CIL Regulations are not disputed by the appellants. Having reviewed the evidence submitted and discussed at the hearing, I see no reason to disagree with their conclusions in this regard.
21. On education provision, I conclude that the additional demand on education services from the proposed development would not put undue pressure on the education provision within Swavesey, taking account of the financial contributions set out in the S106 legal agreement for early years, primary school and secondary education provision.

### *Health services*

22. Health services provided within the village of Swavesey comprise a GP surgery located within a converted bungalow. I understand that this is a constrained site that is leased by the NHS rather than owned by them. As such, there is some concern that it would not be possible to increase the capacity of the surgery on site to meet the needs of future residents of the proposed development, including relating to parking. However, NHS England has requested contributions toward improvements to the surgery to increase capacity and seem confident this can be achieved to meet the additional demand imposed by the proposed development. The report to the Council's Planning Committee on this application suggests that there is potential for internal modification of the surgery to meet the additional demand arising from the proposed development, and there is potential to extend the surgery to the rear.
23. Whilst I accept that there may be some constraints to any increase in capacity, this is the responsibility of NHS England, whose comments indicate they are confident of providing that additional capacity funded by a financial contribution through a S106 legal agreement. The appellants have agreed to make that contribution. I agree that the healthcare contribution within the S106 legal agreement would meet Regulation 122 of the CIL Regulations and, given the number of contributions toward this service, would also meet Regulation 123(3) of the CIL Regulations.

### *Foul sewage and drainage*

24. My attention has been drawn to the lack of capacity of the foul sewage system in the locality that, it is suggested, would not be able to cope with the additional homes proposed. However, the statutory undertaker, Anglian Water, has confirmed that they are under a legal obligation to meet the needs of the proposed development if it were to proceed, and would do so. Whilst details of how this would happen have not been supplied, those assurances are sufficient to conclude that the proposed development would be adequately provided with foul sewage should the appeal be allowed.
25. The appeal site is located within flood zone 1, with a low probability of flooding. Nevertheless, drainage from the site once developed would alter the flow of water from the site. I note that a Flood Risk Assessment has been submitted in support of the development that details how water flows from the site would be managed. This includes surface water sewers to be offered for adoption to Anglian Water and a series of swales, attenuation ponds and flow controls. Whilst I understand local concerns about the capacity of these systems, no cogent evidence has been provided that an appropriate system could not be put in place to address drainage from the site. Further detail as to how drainage could be managed would be required by condition to ensure the resulting system would be satisfactory.

### *Highway capacity*

26. Swavesey is a linear village around Middle Watch, the main route through the village and the site is linked to that along the relatively narrow Fen Drayton Road and via School Lane. Fen Drayton Road leads from the centre of Swavesey into the surrounding countryside and is used by school buses and traffic accessing Swavesey Village College via the access road adjacent to the

site. Other roads within the village, including Gibraltar Lane, are narrow and unable to take high levels of traffic. The development would result in additional traffic using the surrounding highway network, in addition to that from other developments approved within Swavesey and neighbouring villages.

27. Nevertheless, CCC as highways authority has confirmed that there would be sufficient capacity within the local highway network for the additional traffic emanating from the proposed development. A Transport Assessment and Framework Travel Plan were submitted during the course of the planning application and a condition requiring a Travel Plan could be attached to any permission. Whilst I accept that, at times, traffic can be slow moving within the village and that traffic from this site would need to travel through the village to access the surrounding road network, in particular the A14, the impact of this development on the local transport network would not be severe. As such, the Framework confirms that development should not be prevented or refused on transport grounds.

#### *Open space*

28. The Recreation and Open Space Study of July 2013 demonstrates that there was a shortfall in public open space within the village. Since that time, I understand that permission has been approved for residential development at Boxworth End that would provide additional open space, although I understand how that would be provided and managed is not yet determined. This proposed development would also provide additional open space on site, along with financial contributions secured through the S106 legal agreement toward additional provision within the village.
29. As a result, the proposed development would provide appropriate levels of open space to meet the needs of the development. Whilst this would not address any existing shortfall, the development would not result in additional pressure being placed on existing areas of open space.
30. I conclude that the provision of additional public open space on site, with financial contributions toward additional public open space, would meet Regulation 122 of the CIL Regulations and, given the number of contributions toward this matter, would also meet Regulation 123(3) of the CIL Regulations.

#### *Conclusion*

31. For the above reasons, I conclude that appeal site would be a suitable location in terms of access to services and facilities, in particular with regard to primary and secondary schools, health services, foul sewage and drainage, highways and open space. As such, the proposal would comply with Policy DP/1 of the DCP insofar as it relates to ensuring development is consistent with the principles of sustainable development, including the impact on water and providing for health, education, recreation, community services and facilities and social needs of all sections of the community.

#### **Highway safety**

32. Access to the site is to be provided from Fen Drayton Road. Vehicular access would be provided toward the centre of the site frontage and no concerns have been raised as to the safety of highway users arising from the creation of this access. A combined footpath and cycleway is proposed to run from a point on this access a short distance into the site to exit onto Fen Drayton Road



- immediately to the rear of adjacent properties on Gibraltar Lane. Tactile paving would be provided adjacent to the road to signal a crossing point in this location to the existing pavement on the opposite side of the road. New tactile paving would be provided across Moat Way close to the roundabout junction with Fen Drayton Road. A raised table is proposed for the roundabout on the junction with Gibraltar Lane to reduce vehicle speeds in this location.
33. The layout proposed would result in occupiers of the proposed development crossing the road to access the footway network in the village. However, access to a number of services and facilities, notably the two schools, would necessitate crossing back over Fen Drayton Road again. People accessing Swavesey Village College would cross Moat Way and then back over Fen Drayton Road on an existing crossing almost immediately to walk to the College entrance in Gibraltar Way. Students of that College, in particular, could be tempted to remain on the verge or walk down the road to avoid crossing roads three times, despite the position of a proposed fence blocking the way. As adolescent children are more likely to take this type of risk and they are vulnerable road users, the safety of pedestrians using the highway at this point is of particular importance.
34. I accept that some pedestrians may be tempted to take more risky routes along the grass verge and/or edge of the highway to avoid the slightly longer and more convoluted route from the site to the wider footway network, particularly to Swavesey Village College. I also note that there may be better solutions with a pavement on the existing verge.
35. However, none of the proposed crossings would be inherently dangerous and the proposed access routes have undergone extensive consideration, including Road Safety Audit. The works proposed would direct pedestrians to use this route. Whilst some drivers use excessive speed over the roundabout at present, the raised table would mean that vehicle speeds in this location would generally be low and there is good visibility along Fen Drayton Road. For these reasons, a safe route would be provided for pedestrians to access village services.
36. I conclude that the proposed pedestrian access route would not result in an adverse impact on highway safety. As such, the development would comply with Policies DP/3 and TR/1 of the DCP and the Framework that seek to encourage short distance trips by cycle and walking, and ensure traffic generated by the development would have appropriate access from the highway network that does not compromise safety taking account of the road user hierarchy.

### **Other matters**

37. The development extends beyond the existing boundaries of the village into the adjacent field. However, this is bounded on by the new housing over Fen Drayton Road, residential development on Gibraltar Way and, over the small part of the field outside the appeal site, Swavesey Village College. The part of the site furthest from the village and bounded by the access road to the school would be open space. Given these factors, the proposed development would not materially affect the landscape surrounding the village. Whilst the development of this open field would affect biodiversity, this would be mitigated by the ecological and biodiversity benefits provided through the provision of open space and landscaping in the development.

38. I have concluded above on a number of elements of the S106 legal agreement where they relate to the first main issue. In addition, it includes the provision of affordable housing and financial contributions toward maintenance of bus shelters provided pursuant to this development, community facilities and library, household waste receptacles and monitoring of the agreement.
39. The S106 legal agreement would ensure provision of 40% of dwellings on the site to be affordable and provides a mechanism to determine the mix and provision of these dwellings. This meets the requirements of Policy HG/3 of the DCP relating to provision of affordable housing. As a result, the S106 legal agreement meets the requirements of Regulation 122 of the CIL Regulations in relation to the provision of affordable housing.
40. The financial contributions toward other elements, except monitoring, are not in dispute between the parties. These relate to provision of services and facilities that would meet the requirements of Regulation 122 of the CIL Regulations. They would not result in more than five contributions to those services and facilities in accordance with Regulation 123(3) of the CIL Regulations.
41. In terms of contributions toward monitoring the implementation of the S106 legal agreement, there is no direct reference to this possibility within the Framework or Planning Practice Guidance. Whilst monitoring and administration fees may be included within CIL contributions, there is no provision for similar contributions in the CIL Regulations or elsewhere. Local planning authorities have powers to secure compliance with planning controls, including monitoring and enforcing planning obligations, but these are discretionary and there is no statutory requirement for them to do so. In addition, case law<sup>2</sup> suggests that contributions toward such monitoring may not be necessary to make the development acceptable in planning terms.
42. However, I acknowledge that there are a number of elements that require provision of infrastructure on site, including affordable housing and public open space. I accept that the Council would wish to carry out some degree of monitoring both during construction and into the future. Although monitoring does fall within the routine functions of the local planning authority, the scale of such monitoring, given the provision of infrastructure on site in addition to the financial contributions, would place additional burdens on them. In addition, the monitoring contribution has been calculated based on the number of hours required to complete the monitoring, such that it would reflect the cost of those additional burdens.
43. The case law I have referred to related to comparatively small contributions that did not require ongoing management or maintenance, as in this case. In addition, those monitoring costs were not proportionate to the contributions provided. Similarly, the development of land including and at the rear of 130 Middle Watch, Swavesey resulted in relatively small financial contributions rather than provision of infrastructure on site. I note the other decisions referred to by the Council where contributions toward monitoring were accepted. These appear to include more substantial on site infrastructure provision and, therefore, are more comparable to this case.

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<sup>2</sup> *Oxfordshire County Council v SSCLG & Others* [2015] EWHC 186 (Admin)



44. As such, I consider the contribution toward monitoring would be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development, thereby meeting the relevant tests set out in Regulation 122 of the CIL Regulations.
45. I conclude that the financial contributions contained within the S106 legal agreement would mitigate the effects of the proposed residential units on local services and facilities, subject to the education contributions being calculated under option (b). As such, they would be in accordance with Regulations 122 and 123(3) of the CIL Regulations. On this basis, the S106 legal agreement is of significant weight in favour of the proposal.

### **Planning balance**

46. The proposed development would be contrary to Policy ST/6 of the CS, some elements of Policy DP/1 and Policy DP/7 of the DCP, and Policy S/9 of the draft LP, but would accord with other policies of the development plan, including Policies DP/3, HG/3 and TR/1 of the DCP. I give moderate weight to that policy conflict. The Statement of Common Ground concludes that none of these are policies for the supply of housing as referred to in paragraph 49 of the Framework and I see no reason to disagree with that conclusion. Nevertheless, such a conflict leads me to the conclusion that the proposed development would be contrary to the development plan as a whole.
47. However, the lack of a five year supply of deliverable housing sites carries considerable weight in the planning process. As a result, that shortfall triggers the operation of the tilted balance in the presumption in favour of sustainable development set out at the fourth bullet point of paragraph 14 of the Framework.
48. The Framework sets out that sustainable development has three dimensions that must be considered together, being economic, social and environmental. The proposed development would provide economic benefits during construction and residents would support local services once the proposed dwellings are occupied. The proposal would provide a positive social impact in contributing to the need for homes in the area, including affordable housing, and taking account of the contributions within the planning obligation that would ensure services and facilities in the village would meet the needs of the new residents. In terms of environmental effects, the provision of open space and landscaping throughout the site would materially affect the landscape setting of the village and would provide ecological and biodiversity benefits.
49. Overall, the adverse impacts arising from this development would not significantly and demonstrably outweigh the benefits. No specific policies within the Framework indicate that development should be restricted. I therefore consider that the proposal would represent sustainable development, as that term is used in the Framework.

### **Conditions**

50. In addition to conditions providing timescales for the submission of reserved matters and commencement of the development that should be imposed to address legislative requirements, in the interests of the character and appearance of the site and the locality, a condition shall be imposed in relation

to reserved matters of appearance, scale, layout and landscaping. The timescales suggested by the Council reflect the need of this Council to address the shortfall in supply of deliverable housing land. I accept that is appropriate, although I have increased the period to submit the reserved matters to two years in order to allow sufficient time to negotiate details of those matters prior to submission of the details.

51. I have imposed a condition specifying the relevant drawings as this provides certainty. Conditions are necessary relating to the housing mix proposed to ensure the proposed development meets the housing needs of the area. A condition relating to phasing is necessary to ensure completion of the scheme in a timely manner, taking account of the need for housing in the locality, and to protect the character and appearance of the area. A condition relating to contamination is necessary in order to ensure it does not affect future residents of the development or neighbouring occupiers. Conditions requiring details and implementation of a surface water drainage system and relating to the disposal of foul water are necessary in order to reduce the risk of pollution to the water environment, reduce the impact of the development on flooding and manage run-off flow rates.
52. Conditions requiring provision of renewable energy generation on site and provision for electric vehicle charging are required to ensure an energy efficient development in accordance with Policies DP/1, NE/1 and NE/3 of the DCP. Conditions requiring a Travel Plan, provision of cycle stands in the vicinity of the Swavesey Guided Busway stop and bus stop improvements are necessary in order to promote alternative modes of travel. A condition is necessary to provide, prior to development commencing, a construction method statement to ensure the development works take place without undue disturbance to neighbouring occupiers. Conditions are necessary to protect the trees and birds nesting within trees, scrub and hedgerow in and around the site during the course of development in order to protect the biodiversity, character and appearance of the area. A condition is necessary to restrict external lighting to protect the character and appearance of the area.
53. A condition requiring a Waste Management Plan is necessary to ensure provision of appropriate refuse disposal. Details of biodiversity enhancements to be provided prior to development commencing, along with the mitigation measures detailed in the Bat Survey Addendum Report, are necessary in order to ensure biodiversity is protected and enhanced in accordance with Policies DP/2 and NE/6 of the DCP. A condition is necessary relating to archaeological work to ensure the development would not adversely affect heritage assets. Conditions to ensure water does not drain from the site across or onto the public highway, to provide bound surfacing into the site and to provide appropriate crossing facilities to access Gibraltar Lane are necessary in order to protect highway safety.
54. Detailed conditions relating to landscaping and boundary treatments are not required as this would be considered with the landscaping reserved matter. Given the distance of the site from the A14, a condition requiring a noise impact assessment is not necessary. Conditions requiring details of the location of refuse storage and cycle parking are not required as that would be considered with the layout and appearance reserved matters. A condition relating to the provision and location of fire hydrants is not required as this would be considered alongside the layout reserved matter. Separate conditions

specifying hours of work during construction and relating to noise and vibration from any piled foundations are not necessary as these matters would be included within the Construction Method Statement.

55. A condition relating to resurfacing of sections of the public footway along Middle Watch and Boxworth End would relate to works some distance from the site. That differs from the appeal at land including and at the rear of 130 Middle Watch, Swavesey, where work to the public footway along Middle Watch would have been more directly related to that site given its proximity. For these reasons, I do not consider such a condition would be relevant to the development to be permitted.

### **Conclusion**

56. I have concluded above that the proposed development comprises sustainable development, notwithstanding the lack of compliance with the development plan. For that reason it would comply with the presumption in favour of sustainable development as set out in the Framework. Therefore, and taking into account all other matters raised, I conclude that the appeal should succeed.

*AJ Steen*

INSPECTOR

### **APPEARANCES**

#### **FOR THE APPELLANT:**

Nicky Parsons BA(Hons) DipUP MRTPI	Pegasus Group
Greg Shaw BA(Hons) DipTP UD MRTPI	Pegasus Group
Simon Parfitt MSc BA MILT	David Tucker Associates
Tim Burrows	Wormald Burrows Pts Ltd

#### **FOR THE LOCAL PLANNING AUTHORITY:**

Sarah Ballantyne Way	SPW Planning for South Cambridgeshire District Council
Dr Jon Finney	Cambridgeshire County Council as Highways Authority
Cllr Will Wright	Chair, Swavesey Parish Council
Linda Miller	Clerk to Swavesey Parish Council
Jubit Carballo	Principal Planning Officer, Cambridgeshire County Council
James Fisher	S106 Officer, South Cambridgeshire District Council
Emily Butler	Principal Transport Officer, Cambridgeshire County Council

**INTERESTED PARTIES:**

Stuart Websdale                      Local resident & member of Neighbourhood Planning Committee

**DOCUMENTS SUBMITTED AT OR FOLLOWING THE HEARING:**

- Document 1: Emails regarding the first reason for refusal
- Document 2: Map Key: Services & Facilities Study 2014
- Document 3: Draft conditions proposed by South Cambridgeshire District Council. Subsequently updated by email dated 22 September 2017
- Document 4: Supporting Statement from Cambridgeshire County Council
- Document 5: Updated draft S106 legal agreement. Final version received by email dated 6 October 2017
- Document 6: Statement of Common Ground
- Document 7: Application for costs on behalf of appellants

**SCHEDULE OF 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 2 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 1 year 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:

Plan no.	Rev	Title
CIR.B.0445_12	A	Site Location Plan
15209-08	D	Proposed Site Access Plan
15209-06	D	Proposed Pedestrian and Cycle Access

- 5) The housing mix within the market housing element of the development hereby approved shall be as follows:  
At least 30% 1 or 2 bedrooms in size;  
At least 30% 3 bedrooms in size; and  
At least 30% 4 or more bedrooms in size.
- 6) At least 5% of the properties within the development shall be single storey bungalows.

- 7) No development shall commence until a scheme detailing the phasing programme for the construction of the development has been submitted to and approved in writing by the local planning authority. The programme shall include details of the works to be completed in each phase, including the number of residential units and shall give timescales for the implementation of each phase and the overall development. The development shall be carried out in accordance with the approved phasing programme scheme.
- 8) No development approved by this permission shall be commenced until:
  - a) 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.
  - b) 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.
  - c) The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the local planning authority, in accordance with the approved scheme.
  - d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the local planning authority.
- 9) None of the dwellings hereby permitted shall be occupied until works for the disposal of foul water shall have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 10) No development shall commence until a sustainable surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The details shall include the location of the drainage infrastructure to be installed and details of the capacity of the system. 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. The development shall be retained as such thereafter.
- 11) No development above ground level shall commence until a scheme detailing how a minimum of 10% of the energy needs generated by the development shall be achieved through renewable energy sources has been submitted to and approved in writing by the local planning authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels emitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 12) No development above ground level shall commence until an electric vehicle charging infrastructure strategy has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the location of charging points to be installed within the site and how the use of electric cars shall be promoted through the Travel Plan for the site. The



development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

- 13) No development above ground level shall commence until details of a scheme for the provision of 10 cycle stands in the vicinity of the Swavesey Guided Busway stop on adopted highway land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.
- 14) No dwelling shall be occupied until details of the design and location of bus stop improvements on adopted highway land at the Southbound bus stop located on the High Street north of School Lane to include shelter, flag, hard standing and raised kerb and the details of the design and location of bus stop improvements to at the northbound bus stop located on the High Street north of School Lane to include flag, hard standing and raised kerb have been approved in writing with the Local Planning Authority. No dwellings shall be occupied until the bus stop improvements have been provided in accordance with the approved details unless the Local Planning Authority agrees otherwise in writing.
- 15) Prior to first occupation of any part of the development hereby approved, a Travel Plan for occupants of the development shall be submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the approved details.
- 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) Access arrangements for vehicles, plant and personnel;
  - ii) the parking of vehicles of site operatives and visitors;
  - iii) loading and unloading of plant and materials;
  - iv) storage of plant and materials used in constructing the development;
  - v) measures to control noise and vibration, including resulting from any piled foundations required;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
  - viii) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 17) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 18) 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.
- 19) 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.
- 20) Prior to first occupation of any part of the development hereby approved, a Waste Management Plan for the development shall be submitted to and approved in writing by the local planning authority. The Waste Management Plan shall be implemented in accordance with the approved details.
- 21) No development shall commence until details of biodiversity enhancements (including bat and bird boxes) have been submitted and approved in writing by the Local Planning Authority. The details shall include a specification of the enhancements to be incorporated, scaled plans showing their location within the development site and details of how the features will be maintained. The approved biodiversity enhancements shall be implemented in full prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.
- 22) The development shall be carried out in accordance with the mitigation measures detailed in Section 6.3 (Mitigation and Enhancement) of the Bat Survey Addendum Report by ecology solutions dated July 2017.
- 23) No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a Written Scheme of Investigation that shall have been previously submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with the Written Scheme of Investigation.
- 24) The proposed accesses onto Fen Drayton Road (both vehicular and pedestrian) are to be constructed so that their falls and levels are such that no private water from the site drains across or onto the adopted public highway.
- 25) The accesses to the development from Fen Drayton Road (both vehicular and pedestrian) are to be constructed using a bound material for ten metres in to the site from the boundary of the adopted public highway to prevent debris spreading onto the adopted public highway.
- 26) No dwelling hereby approved shall be occupied until the dropped kerbs and tactile paving at crossing points, raised table on the junction with Gibraltar Lane and fence to guide pedestrians to the crossing have been completed in accordance with drawing 15209-06 Rev. D.