

Appeal Decision

Inquiry held on 5-7 September 2017

Accompanied site visit made on 6 September 2017

by M C J Nunn BA BPL LLB LLM BCL MRTPI

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

Decision date: 20 December 2017

Ref: APP/W0530/W/17/3172541

Land off Grafton Drive, Caldecote, CB23 7UE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Welbeck Strategic Land II LLP & Mr B J Fletcher and Mrs J S Fletcher against South Cambridgeshire District Council.
 - The application Ref: S/2764/16/OL is dated 17 October 2016.
 - The development proposed is described as 'residential development of up to 58 dwellings with associated infrastructure, landscaping and public open space; all matters reserved except for access'.
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Decision

1. The appeal is allowed and planning permission granted for an outline planning application for a residential development of up to 58 dwellings with associated infrastructure, landscaping and public open space (with all matters reserved except for access) on land off Grafton Drive, Caldecote, CB23 7UE, in accordance with the terms of application Ref S/2764/16/OL, dated 17 October 2016, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application is made in outline with all matters except for access reserved for subsequent determination. In addition to my accompanied site visit, I made unaccompanied visits to the site and its surroundings on other occasions, before, during and after the Inquiry.
3. The Council failed to determine the application within the prescribed period. On 4 August 2016, the Council's Planning Committee refused planning permission for a duplicate application¹ and agreed that the same three reasons for refusal should apply to this appeal scheme.
4. A planning obligation, dated 7 September 2017, has been submitted. I deal with this in the body of my decision².

¹ Ref S/1144/17/OL [CD 5.3]

² Inquiry Document (ID) 19

Main Issues

5. The main issues are:
- i. the locational accessibility of the site, in terms of shops and services, and public transport;
 - ii. the effect on highway safety;
 - iii. the effect on living conditions at residential properties in Grafton Drive, with regard to noise; and
 - iv. in the absence of a five year supply of deliverable housing sites, whether the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Planning Policy Context

6. The relevant legislation³ requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The statutory development plan comprises the Core Strategy (CS) and Development Control Policies (DCP), both adopted in 2007. The Council, in its putative reasons for refusal, cites Policies ST/6 of the CS, and DP/1(b), DP/6 and NE/15 of the DCP.
7. Policy ST/6 of the CS identifies Highfields Caldecote as a 'Group Village', where residential development and redevelopment of up to 8 dwellings will be permitted within the village framework (or boundary), or up to about 15 dwellings where it would make the best use of a brownfield site. The supporting text to Policy ST/6 notes that Group Villages are generally less sustainable locations for new development (as compared with Rural Centres and Minor Rural Centres), having fewer services and facilities, allowing only some of the basic day-to-day requirements of residents to be met without the need to travel outside the village. The appeal site falls outside the village 'framework' or boundary, where in accordance with Policy DP/7⁴ of the DCP, development is restricted to uses such as agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside.
8. Policy DP1 of the DCP 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. The Policy sets out various Criteria (a) to (r). The Council, in its putative reasons for refusal, specifically mentions Criterion (b) which requires development to minimise the need to travel and to reduce car dependency. Policy DP/6 of the DCP relates to construction methods and provides guidance for development likely to have some adverse impact upon the local environment and amenity during construction. Policy NE/15 of the DCP relates to noise pollution, and states amongst other things that development will not be permitted that has an unacceptable adverse impact on the indoor and outdoor acoustic environment of existing or planned development.

³ Section 38(6) of the 2004 Act

⁴ This policy is not cited in the putative reasons for refusal

9. The National Planning Policy Framework ('the Framework') sets out the Government's up-to-date planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.
10. Both the CS and DCP are formally 'time expired', their end date being 2016. The mere age of a plan does not mean that it loses its statutory standing as the development plan. Nonetheless, there is no dispute that the Council cannot demonstrate a deliverable five year supply of housing land, as required by the Framework. According to the Council, the five year supply is around 4.1 years⁵. Although the Council states that the shortfall has reduced since the Highfields Road appeal⁶, the shortfall in supply remains significant.
11. In such circumstances, Paragraph 49 of the Framework is clear that the relevant policies for housing supply should not be considered up-to-date. The parties differ as to which policies should be considered 'relevant policies for the supply of housing', with the Council highlighting that recent case law has effectively narrowed the definition⁷. Given that Policy ST/6 seeks to restrict housing to only 8 or 15 units within village frameworks, and that Policy DP/7 restricts the provision housing development outside village frameworks, their effect is to constrain the supply of housing. Such an approach runs counter to the objectives of Paragraph 47 of the Framework which seeks to boost significantly the supply of housing. This diminishes the weight that can be attached to any conflict with these policies.
12. Even if, on the Council's case, Policies ST/6 and DP/7 should not be considered as relevant policies for the supply of housing, it is clear that their application is not leading to sufficient housing being provided in accordance with the Framework⁸. Accordingly, Paragraph 14 of the Framework is triggered. This is clear that where the development plan is absent, silent or 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.
13. Turning to other policies cited by the Council, Policy DP/1(b) seeking to minimise the need to travel and reduce car dependency, Policy DP/6 relating to construction methods, and Policy NE/15 dealing with noise pollution, are all broadly consistent with the Framework, and can be accorded full weight.
14. A new plan is currently being prepared, the replacement South Cambridgeshire Local Plan ('the Emerging Plan'). The putative reasons for refusal cite Policy S/10 (Group Villages), Policy CC/6 (Construction Methods) and Policy SC/11 (Noise Pollution) from the Emerging Plan. This Plan was originally submitted to the Secretary of State for examination in 2014, but was suspended pending further work to address concerns about the proposed level of housing provision, amongst other things. The examination has now

⁵ ID 5, Statement of Common Ground, Paragraph 5.8

⁶ APP/W0530/W/16/3149854, dated 5 July 2016; in this case, the supply ranged between 3.58 or 3.79 years, based on the different calculations of the Council and appellant

⁷ *Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council* [2017] UKCS 37

⁸ Paragraph 47

restarted but the Emerging Plan has yet to be found 'sound'. It is still subject to various outstanding objections, and its policies may be subject to change. It is still a considerable way from adoption. In these circumstances, I cannot give its policies significant weight in this appeal.

Locational accessibility

15. The appeal site forms a flat area of agricultural land accessed from Grafton Drive, a privately maintained cul-de-sac comprising modern housing. The appeal site was previously used as a piggery. The site contains remnants of the previous use, including areas of hardstanding and other assorted structures including a barn. Originally, the piggery activity included land now occupied by the dwellings in Grafton Drive. The western part of the site comprises woodland. To the south is a recreation ground, and to the west is Bourn Airfield.
16. The village of Caldecote has limited shopping facilities, although it does have a coffee shop and a hairdressers. There is a SPAR shop at the petrol station on St Neots Road, at a distance of around 1.6km. This is the closest outlet to buy groceries and other essentials, although the range of goods is rather limited. A large supermarket is located at Cambourne. Although the use of internet shopping is growing, it is clear that for most shopping needs, residents of the village need to travel further afield to Cambourne or Cambridge, which is likely to generate trips by car.
17. There are no medical or dental practices in the village, and there are limited employment opportunities. Although some residents may work from home, many would need to commute to larger centres, such as Cambourne or Cambridge for work. There is a primary school in the village very close to the site, although the secondary school is around 6 kms away in Comberton. Other local facilities include a village hall, a sports pavilion, social club, sports pitches and children's play area⁹.
18. Public transport is limited. There is no railway station. The number of bus services has recently reduced with only a single service remaining: the 'Citi 4' bus. This runs to Cambridge and Cambourne, at reasonably frequent intervals from Monday to Saturday, (and hourly on Sundays) from a bus stop at the Highfields Road / St Neots Road roundabout, around 1.6 km from the appeal site, resulting in an approximately 20-25 minute walk. There was much debate as to the practicality of walking on a regular basis to this stop, or whether people would cycle or be dropped off by car. It seems to me that the distance is walkable, if not especially convenient. Cycling is a possibility as there are some cycle parking stands at the bus stop.
19. I understand that there is an existing car share scheme, but it is short of volunteers, requires notice and is limited to use with those with a genuine need. I also gather that there is a 'pill run' service for those with repeat prescriptions. Whilst these are useful services, they are limited and are not a realistic choice for most residents. They would not avoid the need to use the private car.

⁹ ID 5, Statement of Common Ground, Paragraph 2.15

20. A number of measures have been proposed by the appellant to improve the accessibility of the scheme. As part of the planning obligation, the appellant has agreed to pay up to £30,000 as a 'community transport contribution' towards the cost of providing and maintaining a community transport vehicle. The Council has agreed that this contribution complies with the relevant tests in the Framework¹⁰ and Community Infrastructure Levy Regulations¹¹, but it has questioned how the scheme would operate in practice. Others at the Inquiry also doubted the effectiveness of this contribution. It seems to me that further liaison will be required to crystallize the exact details and mechanics of this scheme, but it should not be discounted as potentially improving transport links and accessibility.
21. The appellant also proposes improvements to the footway along Highfields Road running towards St Neots Road, thereby improving connectivity, as well as the provision of additional cycle parking at the bus stop on St Neots Road. These measures could be secured by condition. A Travel Plan, also secured by condition, is a way to facilitate sustainable travel modes. All these measures will go some way to improving the site's accessibility to sustainable transport, taking account of the aims of Policy DP/1 (b) of the DCP, concerned with minimising the need to travel and reduce car dependency.
22. Overall, however, I acknowledge that this is a location with limited public transport accessibility. There is also a limited range of other essential shops and services. As a consequence, any residents of the new development are likely to travel further afield for shops, services and employment which will very likely necessitate trips by private vehicles. However, and importantly, the Framework, although seeking to promote sustainable transport, recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas¹². It seems to me that South Cambridgeshire is primarily a rural district, which means many areas within it have restricted access to public transport, and limited facilities. This requires a realistic approach to the general travel method of its residents.
23. To sum up, although the site falls within a village with limited facilities, employment opportunities and limited accessibility to public transport, much of the district is predominantly rural in character. This inevitably means that residents are generally more likely to be reliant on private transport. Residents of the appeal development would be in no different position to many other existing residents in the village, including those already living in Grafton Drive. Importantly, road access to Cambourne and Cambridge is reasonably straightforward. Cambridge itself has a Park and Ride facility to facilitate travel to the city centre. Measures are proposed as part of the scheme to improve accessibility and encourage sustainable transport. Weighing all the above matters in the balance, and notwithstanding some conflict with Policy ST/6 of the CS and Policy DP/7 of the DCP, I am satisfied that this proposal can be justified in this location. Furthermore, by introducing new market and affordable housing along with the associated economic benefits, the proposal

¹⁰ Paragraph 204

¹¹ Regulation 122 & 123

¹² Paragraph 29

would comply with the Framework, which advocates supporting a prosperous rural economy¹³.

Effect on highway safety

24. Grafton Drive would provide access to the development. It is currently a cul-de-sac with limited traffic. At present, because of the limited traffic, the road functions as a shared space, with children often playing on it. There are no parking restrictions and residents often park on the road. The road also bends which reduces visibility in certain places. Concerns have been raised that the proposed development would adversely affect highway safety.
25. The appellant's technical evidence indicates that Grafton Drive is a 5.5m road, and that this is of sufficient width to allow an HGV and private car to pass unhindered. Tracking has also been undertaken which shows that construction and refuse vehicles can safely pass a parked car¹⁴. It is also the case that the existence of parked cars is likely to reduce vehicle speeds, creating safer conditions. Notwithstanding the bend in the road, forward visibility is good for the majority of Grafton Drive, enabling drivers to take appropriate action and avoid any conflict. There is no record of any accidents occurring along Grafton Drive.
26. The technical evidence shows that the proposed development would generate a total of 53 traffic movements in the morning peak, and 42 in the afternoon peak, and that little or no queuing would be expected during peak hours at the junction of Grafton Drive and Highfields Road. The assessment also included traffic growth to 2021, taking into account recently approved developments¹⁵. Although more cars would pass along Grafton Drive, it is predicted that the existing road network would operate well within its existing capacity. It is notable that no technical objections were raised to the original planning application on highway grounds in relation to either safety or capacity by the County Highway Authority, subject to securing an upgrade to the footpath and provision for community transport. In the absence of cogent technical evidence to the contrary, I see no reason to take a different view.
27. A further concern relates to the impact of construction vehicles. A Construction Management Plan (CMP) is before the Inquiry in draft form¹⁶. Criticisms have been made that a number of the measures within it are unenforceable because Grafton Drive is privately owned. For example, the draft CMP proposes that an agreement be reached with residents to restrict parking on the roadway between certain hours during the construction period. This is to avoid hold ups for construction traffic, and prevent damage to residents' cars. It was said at the Inquiry that there is no indication that residents' agreement for such measures would be forthcoming. Other measures to alleviate problems were suggested by the appellant during the Inquiry, including an on-site 'compound' where residents could park during the construction phase, but these were similarly criticised because of lack of clarity as to operation.

¹³ Paragraph 28

¹⁴ Mr Markides Proof of Evidence, pages 29-30

¹⁵ For example, the Gladman and Cala Homes Schemes

¹⁶ Mr Markides Proof of Evidence, Appendix F

28. It seems to me the usual practice is for a detailed CMP to be agreed and approved during the discharge of planning conditions once permission has been granted. I accept that this is a more unusual situation in that the site access is via a private cul-de-sac. That said, I see no reason why, following full and proper engagement with residents, it would not be possible to satisfactorily address areas of concern and devise appropriate measures during the construction phase that are acceptable to all parties. A condition could be applied to any permission requiring the approval of a CMP that complies with Policy DP/6 of the DCP dealing with construction methods.
29. To sum up on this issue, it would not be reasonable to withhold permission for this scheme on the basis of concerns in relation to highway effects. I accept that the proposal would lead to an intensification in the use of Grafton Drive. However, there is no technical evidence before me to suggest there have been any vehicle accidents or that unacceptable traffic congestion or prejudice to highway safety would result from the scheme. Paragraph 32 of the Framework is clear that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. The evidence does not indicate that this would be the case here.

Living Conditions - Noise

30. Many of the existing houses in Grafton Drive directly abut the pavement or have limited front gardens. As a consequence, there is little distance between the highway and the properties. Nonetheless, a Noise Assessment Report¹⁷ carried out by the appellant concluded that the additional traffic from the development would lead to an increase of 4.4 dB(A) at the facades of the Grafton Drive houses fronting on to road. It stated that noise levels at the facades of the dwellings would be no higher than 51.4 dB L_{Aeq} 16 hours¹⁸, and that with a typical insulation level of 32 dB(A), internal noise levels would be no higher than 19.4 dB L_{Aeq} 16 hours¹⁹. The increase in noise levels within existing dwellings, described as 'minor adverse', would be barely perceptible. Most of the external amenity space is to the rear of the houses, so that the attenuating effect of the buildings and the intervening distance means noise levels would be significantly below levels for external areas specified in BS 8233²⁰. I see no reason to doubt the Noise Assessment Report's technical findings, which have not been seriously challenged by the Council.
31. The Noise Assessment Report was concerned with assessing the effects of the completed development, and did not consider construction traffic, although the appellant adduced evidence that the noise impact during construction is unlikely to be worse than the situation following the completion of the development. The Council mentions annoyance caused by peaks in noise from large HGVs. However, any approved CMP could limit the hours of operation of construction traffic, and include other measures, so as to mitigate such impacts, and ensure compliance with Policy DP/6 of the DCP.
32. Overall, I acknowledge that there would inevitably be some increase in traffic from the development, and that residents may notice a change in the local

¹⁷ CD 1.17

¹⁸ L_{Aeq} provides an average noise level over a period of time

¹⁹ Mr Dawson's Proof, Section 3

²⁰ BS 8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings

environment as a consequence of 'through traffic' to the new houses. Some disturbance may result during the construction phase. However, based on the technical evidence before me, I find that there are no reasonable grounds to conclude that the noise effects of the scheme would be unacceptable, or that Policy NE/15 of the DCP would be breached. The scheme would be consistent with the requirement of the Framework²¹ that decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life.

Planning Obligation

33. A planning obligation dated 7 September 2017 has been completed by the appellant, the Council and the County Council. The obligation secures the provision of affordable housing at a rate of 40%. It secures various financial contributions, including towards the cost of providing an extension to Caldecote Village Hall (up to £28,000), an extension to Caldecote Sports Pavilion (up to £62,000), a community transport contribution (up to £30,000) for the provision of a community vehicle over a 5 year period. The obligation also secures open space and an equipped play area, financial contributions towards healthcare (to increase consulting capacity at Bourn and/or Comberton Surgery), education (both early years and primary), libraries (towards improvements at mobile library services serving the development), and waste and recycling (to provide waste receptacles within the development).
34. I have no reason to doubt that the formulae and charges used by the Council and County Council to calculate the various contributions are other than soundly based. In this regard, the Council and County Council have produced detailed Compliance Statements²² which demonstrate how the obligations meet the relevant tests in the Framework²³ and the Community Infrastructure Levy Regulations²⁴. The development would enlarge the local population with a consequent effect on local services and facilities. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework and the Community Infrastructure Levy Regulations.

Other Matters

35. Concerns have been raised by residents regarding rights of access over Grafton Drive to the appeal site. To be clear, private land issues are not a matter for this Inquiry, nor are they relevant in terms of the acceptability of the scheme in planning terms. The Council has not raised this matter as going to the deliverability of the scheme. The appellant has produced a note which states that there is a right of way over Grafton Drive and there is no land ownership impediment to the construction or occupation of the scheme²⁵. I have no reason to doubt the note's accuracy.

²¹ Paragraph 123

²² ID 17 & ID 18

²³ Paragraph 204

²⁴ Regulation 122 & 123

²⁵ ID16

36. Concerns have been raised by residents in respect of surface and foul water drainage. The scheme proposes a Sustainable Urban Drainage System (SUDS) to reduce surface water runoff and direct it to the watercourse. The SUDS may include ponds, water butts, permeable paving, and re-grading of the site to direct flows to drainage ditches. No objections have been raised on this issue by the relevant Flood Authority.
37. Foul water drainage would be connected to the existing sewerage network via an upgraded sewer along Grafton Drive. Although there have been incidences of flooding and operational problems in the past at the Caldecote pumping station, I understand that Anglia Water has recently carried out maintenance, upgrading and improvements. Anglia Water has indicated that the Bourn Water Treatment Plant has sufficient capacity to accommodate the proposed development. Overall, I am satisfied that, subject to appropriate conditions, both surface and foul water flows can be satisfactorily accommodated.
38. Although not raised by the Council as a reason for refusal, concerns have been raised about the possible coalescence of the village with Bourn Airfield to the west, particularly if this appeal were to be allowed. The Emerging Plan identifies the Airfield for development of approximately 3,500 dwellings²⁶. However, as previously noted, the Emerging Plan is still to be adopted, and is subject to outstanding objections and its policies may be subject to change. Therefore I cannot place significant weight on the Airfield proposals at this stage, and do not consider they are a reason for this appeal to fail.

Planning Balance and Overall Conclusions

39. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise. The Framework states that proposals should be considered in the context of the presumption in favour of sustainable development, which is defined by economic, social, and environmental dimensions and the interrelated roles they perform. These dimensions give rise to the need for the planning system to perform a number of roles.
40. In this case, the additional housing would be a weighty benefit for the area, by introducing much needed private and affordable housing for local people. It would boost the supply of housing in accordance with the Framework, contributing up to 58 homes, of which up to 24 would be affordable. It would bring about additional housing choice and competition in the housing market. The scheme would bring about social and economic benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase. The new homes bonus would bring additional resources to the Council.
41. Whilst the development would result in the loss of open agricultural land (albeit with some existing structures on it), the Council has not objected to the scheme in terms of its effect on the character and appearance of the area, nor its effect on the landscape. The site is physically reasonably well contained, and visually well related to the built up area of the village. I have found the objections relating to highway safety and noise not sufficiently well founded to

²⁶ Policy SS/6: New Village at Bourne Airfield

cause the appeal to fail. I am satisfied that the planning obligation accords with the Framework and relevant regulations, and have taken it into account in my deliberations.

42. I accept that this is a location with limited public transport links and other essential shops and services. As a consequence, any residents of the new development are likely to travel further afield for shops, services and employment which will very likely necessitate trips by private vehicles. However, and importantly, the Framework, although seeking to promote sustainable transport, recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. South Cambridgeshire is primarily a rural district, which means many areas within it have restricted access to public transport, and limited facilities. This requires a realistic approach to the general travel method of its residents, and this should not weigh against the development. In addition, various measures are proposed as part of this scheme to improve accessibility and encourage sustainable transport.
43. There would be some conflict with Policy ST/6 of the CS and Policy DP/7 of the DCP. Importantly, however, the Council cannot demonstrate a five year supply of housing. This diminishes the weight that can be attached to any conflict with these policies. The ongoing housing shortfall attracts substantial weight in favour of granting permission for the proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. I am satisfied that none of the reasons put forward for opposing the development establishes that the harm would be significant or would demonstrably outweigh the benefits. Therefore, notwithstanding any conflict with Policies ST/6 and DP/7, it follows that the appeal should succeed, subject to conditions. I deal with these conditions below.

Conditions

44. I have reviewed the suggested conditions in the light of the discussion at the Inquiry and advice in the Planning Practice Guidance (PPG). Where necessary, I have reworded them for clarity and simplicity, and have also amalgamated some of the conditions to avoid duplication.
45. Commencement conditions are necessary to comply with the relevant legislation. A condition requiring compliance with the submitted plans and specifying the maximum number of dwellings is necessary for the avoidance of doubt. A condition specifying the scope of requirements in relation to reserved matters is necessary to ensure these matters are properly dealt with and to ensure a high quality scheme.
46. Conditions relating to landscaping, site clearance /preparatory work, foul and sustainable surface drainage, ecology, vehicular access details, provision of fire hydrants and contamination are required to ensure these matters are appropriately addressed. Conditions requiring a travel plan, the upgrading of the footpath along Highfields Road and provision of cycle parking at the bus stop are required to minimise private car trips and encourage sustainable modes of transport.

47. A condition requiring electric vehicle charging points is necessary to encourage sustainable transport. A condition requiring the provision of on-site renewable energy is necessary to achieve a sustainable and energy efficient form of development. A condition requiring a Construction Management Plan is necessary to minimise disturbance to local residents. A number of the conditions relate to pre-commencement activities. In each of these cases, the requirement of the condition is fundamental to make the scheme acceptable in planning terms.
48. In reaching my decision, I have carefully considered the serious concerns voiced by Caldecote Parish Council, the Ward Councillor and local residents. I also note the concern of local people that granting planning permission would create a precedent for further housing proposals in Caldecote. However, any future proposals would have to be considered on their merits bearing in mind all material factors. In this case, I have judged the balance falls in favour of granting permission because the adverse impacts would not significantly and demonstrably outweigh the benefits. That judgement is specific to this proposal and would not necessarily be the same if applied to other cases. Subject to the conditions in the attached schedule, I conclude that the appeal should be allowed.

Matthew C J Nunn

INSPECTOR

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 the approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two 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 general accordance with the Site Plan 7393-L-05 Rev B and the number of dwellings shall not exceed 58.
- 5) Details of appearance, landscaping and layout required to be submitted and approved under Condition 1 shall include details of:
 - i. All trees and hedgerows on the land and details of those to be retained and how they will be protected during construction;
 - ii. Additional planting along the boundaries of the site, including specification of trees, hedges, and shrub planting, including details of species, density and size of stock;

- iii. Refuse / recycling storage and collection points, including a Waste Management Plan for the site;
 - iv. Cycle storage and parking to serve each dwelling;
 - v. The dwelling mix (including market and affordable housing), including size and type of houses;
 - vi. The design, form, height and architectural features of the dwellings (which shall not exceed 2.5 storeys), including details of the external surfaces and materials to be used;
 - vii. Noise mitigation measures within the dwellings;
 - viii. The public realm including the colour, texture and quality of surfacing of footpaths, roads, parking areas and other shared surfaces;
 - ix. The design and layout of street furniture;
 - x. The hierarchy of roads and public spaces;
 - xi. Visitor parking provision, including up to 10 spaces; and
 - xii. An external lighting strategy to ensure adequate illumination of roads and paths and to avoid unnecessary light pollution.
- 6) The landscaping works shall be carried out in accordance with the approved details in accordance with a programme agreed by the local planning authority; and any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the local planning authority gives written approval to any variation.
- 7) No site clearance, preparatory work or development shall take place until an arboricultural method statement (in accordance with British Standard BS 5837) for the protection of trees & hedgerows including appropriate working methods has been submitted to and approved in writing by the local planning authority. The method statement for the protection of retained trees & hedgerows shall be carried out as approved. Any removal of trees, scrubs 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.
- 8) No development shall commence until a scheme for foul water drainage and a sustainable surface water drainage strategy have been submitted to and approved in writing by the local planning authority. Both schemes shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 9) The dwellings shall not be occupied until a Travel Plan to promote and encourage the use of alternative modes of transport to the car has been submitted to and approved in writing by the local planning authority. The scheme shall include, for the first occupier of each dwelling, a travel information welcome pack for sustainable modes of transport.

- 10) No development shall take place until an updated Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide for: details of how construction traffic will access the site from Grafton Drive; the proposed hours and days of working; proposals to minimise disruption to the adjacent local area from ground works, construction noise and site traffic; the parking of vehicles of site personnel, operatives and visitors; loading and unloading of plant and materials; the contractors' site storage areas and compounds; vehicle wheel washing facilities; measures to guard against the deposit of mud or other substances on the highway; a strategy for the minimisation of noise, vibration and dust (including from any piling works). The approved details shall be adhered to throughout the construction period.
- 11) Before the development is first occupied, details of a scheme for electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out as approved before the dwellings are first occupied, or in accordance with a programme agreed by the local planning authority. The approved scheme shall be permanently retained thereafter.
- 12) No development shall commence until a scheme for the provision of on-site renewable energy to meet 10% 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 completed in accordance with the approved scheme.
- 13) No development shall commence until details of schemes for the following have been submitted to and approved in writing by the local planning authority:
 - i. The upgrading of the footway along Highfields Road running towards St Neots Road; and
 - ii. Provision of additional cycle parking at the bus stop on St Neots Road.

The works shall be completed in accordance with the approved schemes before the occupation of the first dwelling on site.
- 14) No development shall commence until a detailed scale plan of the vehicular access from Grafton Drive to the site (including details of any visibility splays) has been submitted to and approved in writing by the local planning authority. The dwellings shall not be occupied until the access has been constructed in accordance with the approved details, and it shall be permanently retained thereafter.
- 15) No development shall commence until an ecological method statement has been submitted to and approved in writing by the local planning authority. The survey shall include:
 - i. An updated survey recording badger activity on the site (including the woodland area to the west). The survey shall include appropriate mitigation measures to be approved by the local planning authority. No development shall be undertaken

except in full accordance with the approved scheme of mitigation; and

- ii. Details of measures for encouraging biodiversity within the site. The works shall be undertaken in accordance with the approved measures.
- 16) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented.
 - 17) No development shall begin until an assessment of the risks posed by any contamination has been submitted to and approved in writing by the local planning authority (in addition to any assessment provided with the planning application). This assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175, and shall assess any contamination on the site, whether or not it originates on the site. The assessment shall include: (i) a survey of the extent, scale and nature of contamination; (ii) the potential risks to human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, and archaeological sites and ancient monuments.

No development shall take place where (following the risk assessment) land affected by the contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use. The approved remediation scheme shall be carried out (and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority) before the development (or relevant phase of the development) is occupied.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

APPEARANCES

FOR THE COUNCIL:

Annabel Graham Paul of Counsel, Instructed by South Cambridgeshire District Council

She called

Sarah Ballantyne-Way SBW Planning Ltd

FOR THE APPELLANT:

Jonathan Easton of Counsel, Instructed by NJL Consulting

He called

Andreas Markides Markides Associates (Highways & Accessibility)

Mark Dawson Wardell Armstrong (Noise)

Graham Whitehouse Wardell Armstrong (Drainage)

Mark Saunders NJL Consulting (Planning)

INTERESTED PERSONS

Councillor Philip Claridge Caldecote Parish Council

Councillor Dr Tumi Hawkins South Cambridgeshire District Council

DOCUMENTS SUBMITTED AT THE INQUIRY

1. Document regarding Cambridge to Cambourne Busway
2. Document regarding bus services in Cambridgeshire
3. Table showing comparison of centres and bus accessibility
4. Journey to Work Mode Share Data
5. Statement of Common Ground, signed 5 September 2017
6. Opening Submissions of appellant
7. Land Registry Document
8. Internal Memorandum of Council's Environmental Health Officer, dated 10 November 2016
9. Notes on Bus Services

10. Google Streetview of Grafton Drive
11. Plan of Cala Homes Scheme
12. Extract showing Google driving distance from Cambridge Science Park to Grafton Drive
13. Submissions of Caldecote Parish Council
14. Submissions of Councillor Dr Hawkins
15. Council's Note regarding Emerging Local Plan
16. Note by appellant regarding land ownership of site
17. Planning Obligation Note: justifying provisions by Cambridgeshire County Council
18. Planning Obligation Note: justifying provisions by South Cambridgeshire District Council
19. Planning Obligation: dated 7 September 2017
20. Schedule of Suggested Conditions
21. Closing Submissions on behalf of the Council
22. Closing Submissions on behalf of the appellant

Richborough Estates