



---

## Appeal Decision

Site visit made on 27 January 2015

**by Nick Palmer BA (Hons) BPI MRTPI**

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

Decision date: 18 February 2015

---

**Appeal Ref: APP/W0530/A/14/2228834**

**Land at Bannold Road and Bannold Drove, Waterbeach, Cambridge  
CB25 9JT**

- 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 Downing Ventures Ltd, Mrs A J Johnson and Mrs C E Grigg-Spall against the decision of South Cambridgeshire District Council.
  - The application Ref S/0558/14/OL, dated 4 March 2014, was refused by notice dated 18 September 2014.
  - The development proposed is up to 57 dwellings, including affordable housing, public open space, new roads and associated infrastructure including a sustainable drainage system, access to be secured from Bannold Road.
- 

### Decision

1. The appeal is allowed and planning permission is granted for up to 57 dwellings, including affordable housing, public open space, new roads and associated infrastructure including a sustainable drainage system, access to be secured from Bannold Road at land at Bannold Road and Bannold Drove, Waterbeach, Cambridge CB25 9JT in accordance with the terms of the application, Ref S/0558/14/OL, dated 4 March 2014, subject to the conditions set out in the attached schedule.

### Procedural Matters

2. The application is for outline planning permission with all matters except access reserved. The Planning, Design and Access Statement states that the masterplan<sup>1</sup> submitted with the application is illustrative and that the Landscape Plan<sup>2</sup> is conceptual. I will consider the proposal on this basis.
3. The application form gives the site address as Bannold Drive. This is corrected on the appeal form to Bannold Drove and I have used that address in the heading above.

### Main Issues

4. The main issues in the appeal are:
  - i) the effect of the proposal on the character and appearance of the area; and

---

<sup>1</sup> Ref 3495/JC/13/002

<sup>2</sup> Ref 342-01

- ii) whether or not the proposed density of development would make efficient use of the land.

## Reasons

### *Character and Appearance*

5. The parties agree that the Council cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up-to-date in these circumstances. Paragraph 14 of the Framework states that where 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.
6. The site is outside the village framework and in the countryside, but relevant policies which restrict housing development outside village framework boundaries are out-of-date. The site is at the eastern end of open land which separates former military housing from the rest of the village but the former military housing forms a continuous part of the village to the west. That housing is not therefore a distinct settlement. It is an integral part of the village and its residents have direct access to the village facilities via Cody Road to the west of the site. The former military housing is also seen in the background from Bannold Road giving the character of a built up area rather than open countryside. Bannold Drove forms the eastern boundary of the site and beyond that road the area is rural in character.
7. An appeal<sup>3</sup> has been allowed for residential development of up to 90 dwellings on the adjoining land to the west and other planning permissions have been granted for residential development to the west of that land. There is every indication that those developments are likely to go ahead. In this context the site is the only remaining open land between the former military housing and Bannold Road. Its limited area in relation to the adjacent existing and proposed developments and in relation to Bannold Drove restrict its capacity to act as an open buffer between the former military housing and the development south of Bannold Road. The southern boundary of the site does not adjoin the development south of Bannold Road and in this regard the site does not have a role in providing separation.
8. The existing residential development on the southern side of Bannold Road stops just to the west of the site. In the context of that development and the proposals for development on the northern side of the road, the proposal would form an extension to the developed area of land and would be bounded by Bannold Drove. The existing trees around the boundaries of the site provide some visual containment and although some trees would be removed, landscaping could be required as a condition to strengthen the landscaped boundaries. This would maintain the enclosed nature of the site and separate the development from the rural areas to the east and south east of the site.
9. The proposed development would be visible in distant views from Burgess Road and Burgess's Drove to the south east and from the footpath along the River Cam to the east. In those views the development would not be unduly

---

<sup>3</sup> Ref APP/W0530/A/13/2209166

prominent or disruptive to the landscape character because of the distances involved and the screening which would be provided by existing trees and buildings including those at Midload Farm. The development would also be seen from those viewpoints in association with existing development including the housing south of Bannold Road.

10. For these reasons I conclude that the proposal would not adversely affect the character and appearance of the area. It would accord with policy DP/3 of the South Cambridgeshire Development Control Policies Development Plan Document (DPD) (2007) which requires that there is no unacceptable adverse impact on the countryside and landscape character. The proposal would accord with the core planning principle in paragraph 17 of the Framework which is to take account of the different roles and character of different areas.

#### *Density of Development*

11. The proposed density of development would be 32 dwellings per hectare (dph) which would be slightly higher than the density approved on the land to the west (30 dph). Although the density of the former military housing may be higher the proposed density would be in keeping with the character of the area, especially given the location of the site on the edge of the village.
12. Policy HG/1 of the DPD recommends densities between 30 and 40 dwellings per hectare (dph) but that policy relates to the supply of housing and is therefore out-of-date. Little weight can be given to policy H/7 in the emerging Local Plan because there are unresolved objections to that policy.
13. The parties agree that the site is in a sustainable location in terms of its accessibility to local facilities and to public transport. This may be a factor in determining density but for the above reasons other matters including character and appearance can also be relevant. To a certain extent this is supported by the South Cambridgeshire District Design Guide Supplementary Planning Document (2010) which recognises<sup>4</sup> that high density development may not be acceptable in some villages.
14. For the above reasons the proposed density of development would make efficient use of the land and would accord with policy DP/1 of the DPD in this respect. The proposal would for the reasons given above optimise the potential of the site to accommodate development in accordance with paragraph 58 of the Framework.

#### *The Section 106 Agreement*

15. The Council has provided a Planning Obligations Justification Statement which explains the basis for the obligations contained in the Section 106 Agreement to which the County and District Councils are party. The Agreement requires the provision of on-site affordable housing and public open space, highway and public transport improvements and financial contributions towards education, community space, public open space, libraries and waste.
16. The affordable housing provision would be in accordance with the Council's identified needs which are based on its Strategic Housing Market Assessment.

---

<sup>4</sup> Paragraphs 6.37 to 6.43

17. The financial contributions are calculated according to standard approaches which are based on the cost of provision per head of population or per dwelling. The information indicates that there are deficits in indoor community space, outdoor sports space and children's play space in Waterbeach. The existing nursery provision for early years and the primary school have limited capacity.
18. The footpath connection along the frontage of the site to the existing footpath east of Cody Road is necessary to provide safe pedestrian access. The improvements to the existing bus stops on Cody Road and the provision of free travel passes to future occupants would encourage the use of sustainable modes of transport.
19. The provisions of the Planning Obligation are necessary to make the development acceptable in planning terms, directly relate to the development and fairly and reasonably relate in scale and kind to it. The tests in paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations 2010 are therefore met.

### **Planning Balance**

20. The proposal would be beneficial in terms of helping to address the identified housing supply shortage and the provision of affordable housing of the required tenure mix. It would also provide employment during construction. The housing would be in a sustainable location with good access on foot to local services and facilities and good access to public transport. I have concluded on the main issues that the proposal would not be harmful when considered against the policies in the Framework when considered as a whole. The benefits of the development are not therefore outweighed by significant and demonstrable harm. The presumption in the Framework is that sustainable development should be approved. The proposal would meet the three strands of sustainable development as set out in paragraph 7 of the Framework. Given that the policies for the supply of housing are out-of-date, the Framework indicates that planning permission should be granted.

### **Conditions**

21. I have considered the Council's suggested conditions against the tests in paragraph 206 of the Framework and the Planning Practice Guidance. I have imposed the conditions suggested with some wording changes and with the exception of a condition requiring tree removal outside the bird breeding season because nesting birds are protected by other legislation. The conditions are necessary for the following reasons.
22. I have imposed condition 4 for the avoidance of doubt, condition 5 to ensure highway safety, conditions 6 and 7 to encourage sustainable travel and condition 8 to ensure privacy for future occupants.
23. I have imposed conditions 9 to 11 to ensure that existing landscape features are retained and that landscaping is provided to assimilate the development into its setting. The site provides opportunities for bats, reptiles and birds and for this reason I have imposed condition 12 to ensure that existing habitats are conserved and enhanced.
24. I have imposed conditions 13 and 14 to ensure that surface water is drained sustainably and that there is no pollution to the water environment. Condition

15 is necessary because the previous agricultural use of the land may have resulted in contamination.

25. The site has potential for archaeological remains and for this reason I have imposed condition 16. Condition 17 is necessary to safeguard residential amenity. Condition 18 is necessary to prevent unnecessary glare and to avoid disturbance to wildlife.
26. Conditions 19 and 20 are necessary in the interest of providing a sustainable development. Finally condition 21 is necessary to ensure adequate provision is made for fire fighting purposes.

**Conclusion**

27. For the reasons given I conclude that the appeal should be allowed.

*Nick Palmer*

INSPECTOR

Richborough Estates

### **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 begins 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 three 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 means of access shall be in accordance with plan number 1310-41 PL02.
- 5) No development shall take place until a construction traffic management plan has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved plan which shall include the following:
  - i) movements and control of lorries and delivery vehicles, including provision for loading and unloading off the public highway;
  - ii) parking of contractor's and visitors vehicles within the site; and
  - iii) control of dust, mud and debris.
- 6) The development shall not be occupied until a Framework Travel Plan for future residents has been submitted to and approved in writing by the local planning authority. The approved Plan shall thereafter be implemented.
- 7) Within 9 months of the occupation of the development a Full Travel Plan shall be submitted to and approved in writing by the local planning authority. The approved Plan shall thereafter be implemented.
- 8) No development shall take place until details of the position, design, materials and type of boundary treatments to be erected have been submitted to and approved in writing by the local planning authority. The approved boundary treatment shall be completed before the dwelling to which it relates or any dwelling on any adjacent plot is occupied and shall thereafter be retained.
- 9) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
- 10) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. If within a period of

5 years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

- 11) In this condition "retained tree" means an existing tree which is to be retained in accordance with plan ref 3867-D Rev A or any subsequently approved plan; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the first date of the occupation of any dwelling within the site.
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 "*Tree Work – Recommendations*" (or any equivalent standard replacing BS 3998: 2010).
  - ii) If any retained tree is removed, uprooted or is destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.
- 12) No development shall take place until a scheme of ecological enhancement 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 and shall be implemented in accordance with a programme which shall be submitted to and approved in writing by the local planning authority.
- 13) No development shall take place until details of a scheme for the provision and implementation of surface water drainage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any dwelling is occupied or in accordance with an implementation programme that has been agreed in writing by the local planning authority.
- 14) No development shall take place until a scheme for the provision and implementation of pollution control of the water environment, which shall include foul drainage, has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any dwelling is occupied or in accordance with an implementation programme that has been agreed in writing by the local planning authority.

- 15) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 16) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
- 17) Construction works including deliveries shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
- 18) No development shall take place until details of the external lighting of the site and an assessment of artificial light impact in accordance with the Institute of Lighting Engineers (2005) '*Guidance Notes for the Reduction of Obtrusive Light*' have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 19) No development shall take place until details of measures for renewable energy provision have been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 20) No development shall take place until a water conservation strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 21) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by Cambridgeshire Fire and Rescue Services has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before any dwelling is occupied.