



Appeal Decision

Inquiry held on 17 - 20 October 2023

Site visit made on 19 October 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2024

Appeal Ref: APP/V0510/W/23/3324141

Land to the rear of 163 to 187 High Street and east of Rowan Close, Bottisham CB25 9BJ

- 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 Mr Andrew Adams (Axis Land Partnerships Ltd and Bottisham Farming Ltd) against East Cambridgeshire District Council.
- The application Ref 23/00205/OUM, is dated 16 February 2023.
- The development proposed is development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development.

Decision

1. The appeal is allowed and planning permission is granted for development of a retirement care village in class C2 comprising housing with care, communal health, wellbeing and leisure facilities; and C3 affordable dwellings (comprising up to 30 percent on-site provision), public open space, play provision, landscaping, car parking, access and associated development at land to the rear of 163 to 187 High Street and east of Rowan Close, Bottisham in accordance with the terms of the application, Ref 23/00205/OUM, dated 16 February 2023, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The appeal follows the Council's failure to determine the planning application within the prescribed time period. The appeal was accompanied by the Council's putative reasons as to why planning permission would have been refused by the Council had they been empowered to do so. These reasons relate to:- i) impact on the Green Belt and that very special circumstances do not exist as the totality of harm would not be clearly outweighed by other considerations; and, ii) inconsistency with the locational strategy set out in the Local Plan and harm to the character and appearance of the area.
3. The planning application was submitted in outline form with all matters reserved except for access. That is the basis upon which I have determined the appeal. Whilst a number of the submitted plans show details of 'reserved matters', I have treated these plans as illustrative only, and I have taken them into account only insofar as it shows how the site could be developed in future.

4. Additional amended plans¹ were submitted with the appeal which remove one of the pedestrian accesses at the north-western edge of the site as proposed as part of the original plans. The appellant explained that uncertainty over land ownership only came to light during the appeal process, potentially affecting the future delivery of this access, hence the late submission of the plans.
5. As well as allowing interested parties an opportunity to comment on the amended plans during the Inquiry, I allowed a period of further consultation after the Inquiry closed. I have taken all the representations received into account in my decision and I am satisfied that interested parties would not be unduly prejudiced by my acceptance of these amended plans.
6. During the Inquiry an outstanding policy matter, concerning the Single Issue Review (SIR) of the East Cambridgeshire Local Plan 2015, was concluded. Insofar as this appeal is concerned, the SIR has the effect of updating some of the policy and supporting text in relation to Policy GROWTH 1. The main parties were given an opportunity to address this as part of their respective cases. The SIR has now been formally adopted so that the local plan now includes the East Cambridgeshire Local Plan 2015 (as amended 2023) (Local Plan), and the appeal has been determined on this basis.
7. A revised National Planning Policy Framework was published in December 2023 (the Framework). As this publication followed the Inquiry, the main parties were given an opportunity to comment on the relevance of the Framework to their case. I have taken these representations into account, along with the revised Framework, in reaching my decision.
8. The Council raise several points of procedure in their closing submissions. Prior to and during the Inquiry the Council were given the opportunity to comment on the suitability of a round table session to deal with evidence relating to alternative sites. They raised no objection to this chosen procedure at any stage. In relation to the evidence heard during the Inquiry, I attribute no weight to any submissions made on alternative sites through formal presentation of evidence and cross-examination in respect of other topic areas. To be clear, my determination on the availability of alternative sites is based on the relevant round table session.
9. A number of documents were submitted during the Inquiry (documents ID1 – ID23). Each of the documents was accepted on the basis of their relevance to the appeal and exceptional circumstances for their late submission and where necessary, parties were given an opportunity to comment on them. I am satisfied that no procedural unfairness results.
10. A recently dismissed planning appeal on the appeal site involved a similar proposal² (hereafter referred to as previous appeal). This previous appeal decision is a material consideration and I deal with the relevance to this appeal as part of my reasoning.
11. Finally, a draft Section 106 Agreement under the Town and Country Planning Act 1990 was submitted by the appellant during the Inquiry and subsequently signed by all involved parties³. I deal with this in my reasoning.

¹ ID14 and ID15

² Appeal reference - APP/V0510/W/21/3282241

³ ID22

Main Issues

12. The proposal would lie in the Green Belt and it is common ground that it would be a form of inappropriate development as defined by the Framework. Along with the Council's putative reasons for refusal, I have also considered the evidence before me in framing the main issues, which are:

- The effect of the proposal on the openness of the Green Belt and its purposes;
- The effect of the proposal on the setting of a Grade II listed building and Bottisham Conservation Area.
- The effect of the proposal on the character and appearance of the area.
- Whether the scheme would address the Council's locational strategy.
- Whether there are suitable alternative sites to accommodate the proposed development.
- Whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal in the Green Belt.

Reasons

Green Belt

Green Belt harm

13. The appellant's evidence in relation to Green Belt harm was not challenged by the Council, nor does any of the main parties' evidence question the relevant conclusions drawn by the previous appeal Inspector. This is entirely logical. The main difference between this proposal and the previous scheme is limited to the indicative height of buildings, which have been lowered from 12m to 10m. This change has a negligible effect in determining Green Belt harm.
14. In this regard, like the previous appeal Inspector, I also find that the proposal would constitute a large-scale development which would occupy predominantly open and undeveloped land. There would be a significant loss of spatial openness as a result. This would be apparent particularly from nearby receptors, which would include obtainable views from roads, footpaths and nearby properties. The extensive landscaping proposed would provide some mitigation, but there would still be a perceptible diminution, equating to a moderate negative effect, on the visual openness of the Green Belt.
15. The extensive built form proposed would occupy an agricultural field, resulting in urban encroachment. As a result, there would be conflict with paragraph 143 c) of the Framework in relation to 'encroachment', one of the five Green Belt purposes.
16. I recognise that the revised Framework and Written Ministerial Statement⁴ highlights the importance of retaining Green Belt boundaries even if there are unmet housing needs, but this is in the context of plan making. In any event,

⁴ Written Ministerial Statement UIN HCWS161 - The Next Stage in Our Long Term Plan for Housing Update. Statement made on 19 December 2023

there is no dispute that the appeal scheme would constitute a form of inappropriate development in the Green Belt which would be harmful by definition. In addition, I have identified harm to the openness of the Green Belt and resultant conflict with one of the five Green Belt purposes, due to encroachment. As per paragraph 153 of the Framework, substantial weight should be attributed to Green Belt harm.

Heritage

17. The proposal would affect the setting of 'Bottisham House, Boundary Wall and Clairvoyee', a Grade II listed building (ref – 1127118) and would lie partly within Bottisham Conservation Area (CA) and within its setting. There would be no impact on any other designated heritage assets.
18. In relation to the listed building, a historic farmhouse dating from the 18th century, its setting includes the agricultural land immediately north of it, which includes part of the appeal site. In particular, the clairvoyee forms part of the rear boundary wall of this property, it being a partially open section of the wall principally designed to facilitate views of the wider landscape for those residing in Bottisham House. The appeal site's rural, semi-parkland character provides a picturesque setting, reinforcing the purpose of the clairvoyee and Bottisham House's historic scenic backdrop. The special interest of the listed building, insofar as it relates to this appeal, also derives from the positive contribution made by its rural setting.
19. The proposed buildings and the access road within the parkland area would diminish the rurality of the listed building's setting and its picturesque outlook, to some extent compromising the clairvoyee's intended purpose as a metaphorical window into the countryside beyond Bottisham House. Nevertheless, the built form would be largely situated beyond the retained parkland area which would act as a landscaped buffer, significantly reducing adverse effects. Therefore, I conclude that there would be limited harm in this respect.
20. In terms of the CA, whilst it has been infiltrated with modern buildings over time, a number of historic buildings with a traditional style remain. In particular, its agricultural setting underlines its historic role as a rural village which relied on the surrounding land for farming. Therefore, insofar as it relates to this appeal, the CA's rural setting contributes to its traditional village character.
21. The proposed access would occupy a relatively small part of the CA, immediately to the north of High Street, and this element of the scheme would preserve its character and appearance. The main effects would be due to the large buildings associated with the proposed residential accommodation and the access road which would route through the parkland. These elements would erode the rurality of the CA's setting, but this would be significantly mitigated by the retained parkland area adjacent to the CA. Therefore, the overall harm to the character and appearance of the CA would also be limited.
22. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset and that any such harm should have a clear and convincing justification.

I find limited harm to the identified heritage assets, this being less than substantial in this instance but nevertheless of considerable importance and weight⁵. There would be conflict with Policies ENV 11 and ENV 12 of the Local Plan as a result. In accordance with the Framework, I am required to balance the heritage harm against any public benefits, which I consider in my 'Planning Balance'.

Character and appearance

23. The visual effects of the proposal would be most apparent from close quarters, particularly when observed from the properties generally beyond the western boundaries of the site, where clear views of the built form would be obtainable. There would also be moderate adverse effects for users of the nearby public footpath on the basis that it would change undeveloped, large and open fields to extensive areas of buildings, hardstanding and roads. However, these effects would reduce over time due to the maturation of the landscaping proposed. Moreover, the retention and improvement of an area of open space within the southern portion of the site would reduce the extent of visual impacts.
24. In terms of landscape effects, the appeal site is located within the *Lowland Village Chalklands* landscape character typology (LCT) as identified in the East of England Regional Landscape Character Typology and *Area 2:Chalklands* landscape character area (LCA) as depicted by the Cambridgeshire Landscape Guidelines. As a result of the extent of existing urban features associated with Bottisham village, which are visible to varying degrees from the appeal site, the landscape types within which the appeal site sits have medium-low susceptibility to the type of development proposed. Whilst the scheme would alter a large part of the site from countryside to built form, these effects would be limited in extent across a relatively small part of the wider landscape area.
25. In relation to the *Planned Peat Fen LCT* which lies adjacent to the north of the appeal site, the site's proximity to Bottisham means that its prevailing characteristics do not align directly with the LCT, which identifies an important role as a quiet, remote landscape. The effects on this landscape would therefore be low.
26. My findings in relation to the impact of the proposal on the character and appearance of the area reflect the observations of the previous Inspector. Neither main party disagreed with his conclusions. Therefore, there would be moderate harm to the character and appearance of the area and low harm to landscape character. As a result, there would be conflict with Policy ENV 1 and ENV 2 of the Local Plan which require, amongst other matters, that landscape character is protected, and that development is sympathetic to the surrounding area.

Location

27. In relation to the locational strategy, and given the countryside location, Policy GROWTH 2 states that outside the defined settlements development will be strictly controlled. It goes on to state that a range of development types may be permitted as an exception in these areas, including 'Residential Care Homes' (subject to Policy HOU 6).

⁵ In accordance with sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act)

28. There is no dispute between the main parties that it is only the first part of Policy HOU 6 which applies in this case, as opposed to the second part of the policy, which specifically relates to care or nursing home development (and not extra care housing). In relation to the first part of the policy, the proposal's countryside location and the adverse impact on the character of the locality means that it would conflict with Policy HOU 6.
29. Returning to Policy GROWTH 2, the proposal would not meet the exceptions set out in this policy because it would conflict with Policy HOU 6 and the two policies are intrinsically linked⁶. Furthermore, as a result of conflict with Policy HOU 6, the proposal would fail to 'satisfy other Local Plan policies' which is also a requirement of Policy GROWTH 2. Overall, therefore, the proposal would conflict with Policy GROWTH 2.
30. In terms of other locational considerations, the evidence before me indicates that the scheme would lead to a relatively limited loss of arable land having regard to the availability of other arable land across the district. This was not advanced as a concern by the Council.
31. The affordable housing element is not advanced as a 'rural exception site' by the appellant⁷, thus Policy HOU 4 would not be directly applicable in this case. Nevertheless, the scheme would address the Framework's expectations that affordable housing is provided on site and would address the requirements of Policy HOU 3, which states that all new major open market housing schemes are required to make an appropriate contribution to affordable housing.

Other Considerations

Need

32. Planning Practice Guidance (PPG) states that the need to provide housing for older people is critical⁸, whilst recognising that there are a variety of specialist housing types to meet the needs of this group. The type of accommodation proposed would comprise extra care housing for older people (also known as housing-with-care) in the form of an integrated retirement community facility (IRC). Whilst it falls within the C2 use class, extra care housing is distinctly different from other forms of older people's accommodation such as care homes and retirement housing.
33. The scheme would cater for the changing care and support needs of its occupants over time. IRCs typically include a range of on-site facilities such as cafes/restaurants, leisure facilities, hairdressers, libraries and lounges, with permanent staff presence. This type of accommodation helps occupants live independently for longer, feel more connected to their community and assists in reducing social care needs and wider health costs⁹. It would support improved physical health as well as psychological and social well-being for its residents, including reducing the feeling of loneliness as well as helping couples remain together when one partner's needs require additional care.
34. Only one extra care scheme exists in the District (57 units) and there are no extant planning permissions or known pending applications for the type of

⁶ As per para 26 of previous appeal decision

⁷ Paragraph 3.40 of appellant Planning Proof

⁸ Paragraph: 001 Reference ID: 63-001-20190626

⁹ Core Document 5.4 paragraph 10

accommodation proposed. Set against this, in 2023 a need existed for approximately 319 units in the local area. This is expected to rise to at least 352 units by 2026 (at the time of the Inquiry, the earliest date by which this scheme could be delivered).

35. Looking at the wider market catchment area, the current supply stands at 150 units with a number of other schemes capable of making a contribution by 2026. The need stood at 987 units (in 2023). As several schemes are anticipated to come on stream, a supply of 437 units is likely by 2026. However, this is significantly below the net need which is anticipated to be *circa* 786 units by this date.
36. In summary, it is clear that when considering the short, medium, or long-term net need for extra care housing for those aged 75 or over, this is likely to far exceed supply¹⁰. Whilst the figures have been updated by the appellant, they do not markedly alter the appellant's evidence as it was considered by the previous appeal Inspector. I also find that the need is acute.
37. Interested parties refer to other vacant units at existing facilities in Bottisham. Be that as it may, the existing facilities comprise different forms of housing for older people and not the extra care housing sought by this appeal. Furthermore, the Council does not dispute that there is a need for older people's extra care housing in the District.
38. The evidence supports the appellant's assertion that retirement housing schemes are generally less viable than general needs housing due to a range of factors, such as higher build costs¹¹. This is not contested by the Council and appears to me to be a major factor influencing past delivery, which has been abject at best. Indeed, the Local Plan acknowledges that the District faces a major challenge in increasing the provision of housing for the potentially vulnerable and elderly¹².
39. Paragraph 63 of the Framework emphasises the importance of planning policies in ensuring that housing needs for different groups, including housing-with-care for older people, are addressed. However, no sites are allocated specifically for C2 use in the Local Plan. That the predicted supply of extra care housing falls significantly below the identified need, and is anticipated to do so in the future, is partly a result of a distinct lack of robust local planning policies and site allocations to support this form of housing. Furthermore, the Council's robust housing land supply position is not predicated on the future delivery of extra care housing¹³, which reinforces the inadequacy of the Local Plan in supporting the deliver of this type of housing for older people.

Alternatives

40. The appellant submitted an Alternative Site Assessment (ASA) with the appeal¹⁴. This was critiqued by the Council's appointed consultant, a suitably qualified and experienced surveyor, who carried out a review of the ASA (Council Review)¹⁵. The Council's contention relates to both the robustness of the ASA and the potential for alternative sites to accommodate the proposal.

¹⁰ Statement of Common Ground: Need for the appeal scheme – table accompanying paragraph 12

¹¹ Reflected by evidence in Core Document 4.30

¹² Acknowledged in para 65 of previous appeal

¹³ Core Document 4.1 – Appendix C.ii

¹⁴ Core Document 1.5a

¹⁵ Gerald Eve LLP - Core Document 4.7

41. The ASA sought to identify sites which, amongst other matters, were available at the time with a landowner willing to enter into agreement to deliver a retirement facility. The search areas included the District and the market catchment area, with a minimum site area of 3.5 hectares (ha).
42. Sites were considered on the basis of their delivery prospects in the short-term, that being the potential for occupation of a scheme within five years. I recognise that the chosen time period does not fit the timescales associated with the appeal site, which has been through a protracted planning process, including a previous appeal. However, the Council have not provided any evidence to counter the appellant's adopted five-year timescale criteria, which appears to be robust, it being representative of the typical delivery timescale for other similar schemes.
43. In any event, there is nothing before me which leads me to question the appellant's assumptions that, should this appeal be allowed, the extra care accommodation proposed could be delivered quickly, thus addressing the ASA, which considered the availability of alternative sites until 2028.
44. In response to the ASA, the Council Review focused on those sites where there might be potential to accommodate the type of retirement care accommodation proposed¹⁶. The Council's closing position was that three sites remain as potential alternatives.
45. In relation to the first disputed site, *Grange Farm*¹⁷, the Council have not provided substantive evidence to demonstrate that a detailed planning permission exists for extra care housing on any part of the site. That in itself leads me to question the likelihood that it is deliverable, compounded by the fact that the site is not anticipated to deliver older people's accommodation imminently, this according to the Council's own Five Year Land Supply Report 2022¹⁸. Therefore, despite positive feedback from the site promoter in response to the Council's enquiries concerning site availability, there is nothing to persuade me that delivery in the short-term is likely.
46. In respect of the *Kennett* site¹⁹, whilst there is evidence to suggest that the landowners would be amenable to accommodating a similar C2 use on the site, it is not anticipated for delivery over the next years according to the Council's Five Year Land Supply Report 2022. Beyond this, there is no substantive evidence to suggest delivery by 2028, particularly as I have not been made aware of a reserved matters consent for this phase of the site.
47. Furthermore, a planning condition attached to the outline planning permission restricting the floorspace would constrain the viability of an IRC due to its small scale. The Council suggests that a planning application could be made to vary this condition, but this adds further uncertainty to a situation where considerable doubts exist over the likelihood of delivery in the short-term. As a result, this would not be a reasonable alternative site.
48. The other main contested site is *Grange Lane*²⁰ and according to the appellant those in control of the land indicated that any extra care units provided could

¹⁶ Those sites are listed in ID6

¹⁷ ID6 – site 2

¹⁸ Core Document 4.1 page 76

¹⁹ ID6 – site 11

²⁰ ID6 – site 14

not be occupied until after 2029. In addition, no planning permission appears to exist on this site, thus future delivery of C2 units on this site is far from certain. For those reasons, it does not constitute a reasonable alternative.

49. The other sites originally contested by the Council can be addressed in short order. In the main these sites either fall below the minimum site area parameter, delivery within the next years is not achievable, or the evidence indicates that the landowner does not wish to develop the site for an IRC. A final site introduced by the Council, land north of Cam Drive²¹, has already been built out for a different form of C2 housing, thus it would not be an available alternative.
50. The Council also asserts that the ASA is insufficiently comprehensive to be relied upon. The previous appeal Inspector criticised the upper size parameter of the site search on the basis that 7.5ha was unduly limiting. The ASA in support of this appeal omits the upper size limit and the search has been carried out accordingly.
51. In respect of the lower size parameter of 3.5ha, the Council Review questions why the ASA did not consider delivery of the proposed accommodation alongside, or in conjunction with, a conventional housing scheme, which could involve sites smaller than 3.5ha. However, during the Inquiry I heard from the appellant that the integrated nature of IRCs means that on-site leisure and other facilities are a component part of the offering. As a result, they generally need to provide a minimum of 100 units to make them viable; a point noted by the previous Inspector²². No substantive evidence has been provided which would lead me to reach a different conclusion on the lower size parameter adopted in this case, nor that any of the alternative sites considered could accommodate and deliver a scheme at the lower end of the threshold.
52. Therefore, whilst the disaggregation of C2 units across multiple sites, as advocated in the Council Review, may feasibly cater for other forms of older people's housing, it does not lend itself to the integrated type of specialist housing accommodation proposed here, and the type against which an unmet need has been identified.
53. Overall, I am satisfied that the ASA considered alternative sites in a sufficiently robust and proportionate manner. Indeed, the other search parameters adopted in the ASA were not challenged by the Council. That does not mean that the ASA is beyond methodological criticism. For example, I realise that the Council identified alternative sites that the ASA initially missed. I also consider that other factors such as market forces and land availability mean that alternative sites discounted in the ASA could become available in future.
54. However, there are two important contextual considerations. Firstly, even if another alternative site considered in the ASA was to be built out and occupied in the short to medium term, it is unlikely that the additional units provided would sufficiently address the scale of the unmet need that exists now and is anticipated in the future.
55. Secondly, the ASA did not set out to cover all land in the District or market catchment. Its principal focus was to assess allocated development plan sites along with other sites that have planning permission, those on the brownfield

²¹ ID6 – site 15

²² Paragraph 81 of previous appeal decision

register and sites available through enquiries made with commercial property agents. Therefore, the ASA cannot be relied upon to conclude beyond any doubt at all that no alternative sites exist.

56. However, what is abundantly clear is that no suitable alternative sites have been identified by any party, nor has a more suitable site search methodology been provided as an alternative to that adopted by the ASA²³. This consideration is of considerable importance in a case such as this, where past delivery has been abject. As a result, and taking into account the acute unmet need, I attribute very substantial weight to the benefits associated with the provision of the proposed extra care housing.

Release of general market housing

57. The provision of up to 170 extra care units would be anticipated to release 113 existing housing units into the market. This would be due to future occupants of the extra care accommodation vacating existing properties, which are often under-occupied and larger family houses. These knock-on benefits attract significant weight in favour.

Affordable Housing

58. The current proposal, having regard to the Council's most recent monitoring data²⁴, shows that average annual affordable housing completions equate to 67 dwellings per annum. This data indicates that gross affordable housing completions over the last two years have been higher than in previous years. This evidence was not before the previous Inspector, and his reasoning was based on the delivery of a lower average number of affordable dwellings per annum between 2011 and 2021.
59. Be that as it may, a significant unmet need has also been demonstrated in this case and between 2020 and 2040 approximately 200 units per annum will be required to address the need. Whilst the precise number of affordable units proposed is not known at this stage, it would constitute 30% of the total extra care units, equating to up to 51 affordable dwellings.
60. The Council confirms that a viability report in support of the Local Plan policy states that the provision of 30% affordable housing is acceptable in Bottisham. Therefore, the proposal would be in accordance with Policy HOU 3 of the Local Plan.
61. In terms of the weight given to the affordable housing benefits, my overall findings differ slightly from the previous Inspector's conclusions on this matter. This is because the evidence before me suggests that the Council have made progress in addressing under-delivery over the past two years in particular, even though a notable unmet need still persists. I, therefore, attribute significant weight, as opposed to substantial weight, to the affordable housing proposed in this case.

Public Open Space

62. In relation to the southern field within the appeal site, benefits would mainly be derived from the additional planting proposed, dedicated play space for children, and the conversion of an area in excess of 3ha for use as public open

²³ Statement of Common Ground: Alternative Site Assessment

²⁴ ID4

space. Details would be provided as part of any reserved matters submissions, but the illustrative plans submitted with this appeal suggest this space would retain a parkland character and would be useable and attractive for residents of the proposal and for those residing in Bottisham.

63. As the proposal would allow formal public access to this area of land, this represents a tangible benefit of the scheme. This element would not be materially different to the previous appeal proposal, against which the previous Inspector attributed moderate positive weight. As a result, I also give these benefits moderate weight.

Biodiversity

64. The proposal would deliver a biodiversity net gain of 8.6% across the site including significant hedgerow planting and enhancement. This would be in compliance with Policy ENV 7 of the Local Plan and warrants moderate weight in favour of the scheme.

Employment

65. The proposal would generate approximately 70 full time equivalent jobs across a variety of roles such as medical care, social care, management and maintenance. These jobs would also provide opportunities for the residents of Bottisham. There would also be temporary jobs created through the construction phase. These considerations carry significant weight in favour of the scheme.

Access to Services

66. In comparison with the original plans submitted with the planning application, the amended proposal would reduce the scheme's accessibility. Future residents of both the proposed IRC and affordable housing units would be further away from the local footway network, with access to the services and facilities on offer in Bottisham involving a more convoluted route. However, good access to High Street from the site would be retained.
67. I accept that the existing public footpath to the west of the site linking Cedar Walk with High Street is narrow, unsurfaced and unsuitable for those with impaired mobility along with cyclists, those with pushchairs and the like. Therefore, it would not be a suitable alternative to the access originally proposed off Rowan Close.
68. Despite these considerations, along with the narrowness of some of the footways along High Street which link the site to Bottisham, these factors combined do not significantly detract from what is, overall, a good network of continuous and lit footways in between the appeal site and the village. The local services and facilities would not be inherently inaccessible on foot even though the amended proposal would be likely to reduce the propensity of future residents to walk the extra distance to the village.
69. I recognise that the older population demographic typical of IRCs means that its residents would be even less likely to travel on foot to the village than those residing in the affordable units. However, the integration of community and lifestyle facilities within the IRC would be an important aspect in this regard as it would mean that some on-site facilities would be available to future residents which may otherwise require travel off-site by private motor vehicle.

70. In respect of other considerations, part of the existing footway on the south side of High Street would be widened to improve the site's connectivity in relation to the nearest bus stops, with new crossing facilities also provided. There would be suitable opportunities to access the regular bus services which run from the local bus stops to Bottisham, Cambridge and Newmarket.
71. As a result, I place low to moderate positive weight on the proposal's relative accessibility due to the amended proposal, this being less than the 'moderate positive weight' attributed by the previous Inspector due to the change in circumstances as set out.

Other Matters

72. Concerns have been raised by interested parties relating to the proposed access. However, the submitted access drawings demonstrate that adequate visibility would be achievable in both directions at the site's junction with High Street. Furthermore, there is no evidence to suggest that the characteristics of the local highway network have contributed to abnormally high accident rates. The submitted Transport Assessment indicates that traffic generated during the AM and PM peaks would lead to only minor additional impacts on local road junctions, but local roads and junctions would still operate within capacity. The Highway Authority raises no objections to the proposal on highway safety grounds or in terms of impacts relating to an increase in congestion and capacity impacts. I draw the same conclusions.
73. The Parish Council have identified a historic water pump and drain close to the public footpath. The pump is not listed nor is it identified as a non-designated heritage asset. The proposed access would lie to the east and there is no indication that these features would be affected by the proposal. In any event, planning permission would not override separate ownership or legal interests in relation to the pump or drain.
74. I have been referred to the potential presence of mineral reserves at the appeal site. However, the Minerals Planning Authority raises no objection to the proposal and states that any prior extraction of mineral reserve would unlikely be feasible in this case. In this regard, the proposal would address development plan policy requirements.
75. Notwithstanding details provided on the illustrative drawings, consideration of appearance, landscaping, layout and scale have been reserved for future reserved matters and the Council retains control over these elements to be determined as and when they are sought. Whilst the final form of development, including its design, is not before me at this stage, I have no reason to determine that a high quality scheme, which would adequately protect the living conditions of neighbouring occupiers, could not come forward at reserved matters stage. Moreover, the Council has the power to refuse any reserved matters submissions should they find any such proposal unacceptable. Allowing this appeal would not prejudice the Council's position with regard to the reserved matters.
76. Whilst not forming part of the Council's case, interested parties have also raised concerns that the scheme would unbalance the village's age demographic even further. However, the age profile would be balanced to some extent by the provision of affordable units which would not be age

restricted and I am not persuaded that the scheme overall would impact on the viability of services in the village. I find no harm in this respect.

77. The appeal is supported by an ecology survey submitted in 2023, based on an extended phase 1 habitat survey. The proposed buildings would be sited on arable land which is generally species poor. Hedgerows would be retained, with the exception of gaps created adjacent to High Street and between the northern and southern fields within the site to accommodate the access road. Trees and grassland, which constitutes parkland habitat within the southern field, would largely be retained. No impacts on protected species have been identified, subject to suitable mitigation which could be addressed by planning conditions. Cambridgeshire Wildlife Trust raised no objections at planning application stage, and I find no harm in respect of ecological matters.
78. The Council refer to a previous appeal decision²⁵. The conclusions I reach on relevant policy matters in this case are not inconsistent. Whilst my final decision ultimately differs, I also have regard to other material considerations in determining whether they clearly outweigh harm to the Green Belt and warrant a decision otherwise than in accordance with the development plan. Furthermore, aside from the previous appeal decision on this site, which is referred to explicitly in my decision, none of the other appeal cases referred to are directly comparable either, with each involving different individual considerations which affect each individual planning balance. As the Inspector's did in each of those cases, I have considered this appeal on its own merits.

Planning Balance and Very Special Circumstances

79. In respect of the heritage balance, for the reasons set out in my decision, I have concluded that there would be limited less than substantial harm to heritage assets, but I accord this harm considerable importance and weight. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The benefits associated with the provision of extra care housing and affordable housing in the context of an identified need constitute public benefits of sufficient weight to outweigh the less than substantial harm to both the listed building and the CA in this case²⁶.
80. In terms of the planning balance, the scheme would result in definitional harm, it being a form of inappropriate development in the Green Belt. There would be significant harm to its spatial openness and a moderate effect on visual openness as well as conflict with one of the five Green Belt purposes in terms of encroachment. In accordance with the Framework, I attribute substantial weight to this Green Belt harm.
81. The scheme would lie outside the defined settlement boundary. As a result of the SIR and the recently updated Local Plan, the locational strategy for the District is robust. However, the Local Plan fails to provide the necessary allocations or policy basis to support the identified need for the specific housing type proposed in this appeal, housing-with-care, contrary to the approach advocated by paragraph 63 of the Framework. When considering these factors alongside the site's location, it being close to the existing settlement and

²⁵ Appeal reference - APP/V0510/W/20/3254839

²⁶ This is also common ground between the main parties

capable of supporting services and facilities within the village, I attribute limited weight to the conflict with the locational strategy and Policy GROWTH 2.

82. There would be other harms, including low to moderate adverse effects on the character and appearance of the area and a low-level impact on landscape character and a limited loss of agricultural land. There would also be a low level of less than substantial harm to heritage assets which carries considerable importance and weight. As a result of associated conflicts with a number of Local Plan policies, there would be conflict with the development plan as a whole.
83. In respect of benefits, as well as deficient local policy support, there are significant market constraints affecting delivery potential and no alternative sites have been identified. This leads me to conclude that the identified acute extra care housing needs are unlikely to be realised over the plan period. This proposal would make a significant and meaningful contribution to addressing the need for older people's extra care housing, a matter which attracts very substantial weight in favour.
84. In terms of affordable housing, there remains a notable deficiency with persistent under delivery and past failure to address the significant need. The proposal would make an affordable housing contribution which also weighs significantly in favour of the scheme.
85. The employment benefits carry significant weight, as do the indirect benefits associated with the release of under occupied housing stock. The biodiversity benefits attract moderate weight and I also attribute moderate weight to the provision of public open space.
86. The proposal would be close to the existing settlement and the scheme would ensure reasonably good access to local services and facilities. This matter attracts low to moderate weight in favour.
87. My decision ultimately rests on the balancing exercise advocated by paragraph 153 of the Framework. I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development in the Green Belt.
88. The material considerations in favour of the scheme are also sufficient to outweigh the development plan conflict, indicating that planning permission should be granted otherwise than in accordance with the development plan. This leads me to conclude that the appeal should be allowed.

Planning Obligations

89. A signed S106 agreement is included with the appeal. Whilst the Council have a Community Infrastructure Levy (CIL) schedule in place, it does not apply to C2 housing. Nevertheless, this development would result in impacts on a range of infrastructure. Therefore, mitigation is necessary and is provided in planning obligations included as part of the S106 Agreement.
90. I begin with a wider consideration concerning the impact of the proposal on existing health infrastructure. I recognise that Bottisham Medical Practice (BMP) already provides care services for existing older people's facilities within the village. Furthermore, I have no reason to dispute the concerns raised on

behalf of BMP, that there are a high proportion of elderly patients within its catchment already, with the older population generally demanding higher healthcare needs.

91. I recognise that residents of extra care schemes typically move 3.1 miles on average from their last place of residence. Several important factors mean that this distance should be treated with caution but, at the same time, it seems unlikely that all future residents of the extra care housing proposed would move from an address outside the BMP catchment²⁷. I have also factored in the IRCs benefits to the wider healthcare system. Care needs would likely be reduced, as would costs associated with GP, nurse and hospital visits²⁸. I have no reason to believe that the benefits set out, proportionate to the number of units finally proposed, would not be realised here.
92. However, whilst it seems likely that the impact on GP services would be reduced for the reasons set out above, there would nevertheless be an increased local demand on the BMP due to an increase in population arising from the proposed development.
93. Policy GROWTH 3 of the Local Plan requires that development contributes towards the cost of providing infrastructure made necessary by the development where it is not provided through CIL. The East Cambridgeshire District Council Developer Contributions Supplementary Planning Document (2013) sets out an expectation that planning obligations will be used to secure, improve or expands existing facilities.
94. As confirmed in the consultation response of Cambridgeshire & Peterborough Integrated Care System and NHS property services (CPICS & NHS), a contribution of *circa* £112,000 would be required to address the increase in population due to the development and the additional *net floorspace required* based on the limited existing capacity at BMP. I emphasise this point to address the appellant's opposing view, that the Clinical Commissioning Group is responsible for providing funding arrangements. Whilst that may be the case in relation to staffing costs and service provision in the long-term, the Local Plan identifies that the generation of additional floor space is a form of infrastructure which should be funded by S106 receipts where a need has been demonstrated.
95. The contribution included as part of the S106 would not cover operational costs but would instead focus on providing the funds necessary to expand the capacity of the BMP, thus meeting Local Plan requirements. The S106 Agreement includes a clause allowing me to amend the obligation. However, it is noteworthy that no alternative calculation has been provided, nor is the veracity of the figures presented by the CPICS & NHS challenged in any detail by the appellant. Therefore, I find a contribution to BMP necessary to mitigate the impacts of the development on this local health infrastructure.
96. I appreciate that my view on this specific point differs from the previous appeal Inspector. However, his decision made no reference to the policy context as I have set out, so I cannot be certain that the evidence before him was identical. In any event, I have taken all the evidence presented in this appeal into

²⁷ Appendix C of appellant's 'Need' proof

²⁸ Core Document 4.11 – page 3

account on its merits and set out the reasons why a contribution is necessary in this case.

97. In relation to other health related planning obligations included in the S106, an ambulance services contribution is necessary to increase the capacity of ambulance provision. A contribution towards early years and secondary education involving the provision of additional classroom capacity in association with the affordable housing units proposed, has been identified as necessary by the County Council and is included as a planning obligation. This also address the concerns raised by interested parties that local schools would not be able to accommodate the demand for additional school places as a result of the scheme.
98. Obligations are necessary to secure the proposed affordable housing units and the proposed public open space, landscape and ecological particulars and Sustainable Urban Drainage (SuDS) features, along with the associated maintenance of each. A contribution is also necessary to ensure refuse and recycling bins are provided prior to occupation.
99. I am satisfied that the planning obligations included in the S106 Agreement comply with the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and paragraph 57 of the Framework. The obligations are 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.

Conditions

100. I have considered the suggested planning conditions agreed between the Council and appellant against the relevant guidance contained within the Planning Practice Guidance (the PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests as set out in paragraph 56 of the Framework.
101. During the Inquiry the appellant clarified that the scheme would likely be developed in distinctive phases. As such, I have imposed a condition requiring the submission of a phasing scheme, with many of the conditions that follow allowing the flexible submission of required details on the basis of the phased nature of the development. The 'pre-commencement' conditions proposed were agreed with the appellant, discussed during the Inquiry and are therefore, necessary in the circumstances.
102. The appeal site lies in an area of archaeological interest and a condition requiring further investigation is necessary so that discovered remains can be preserved and/or recorded as appropriate.
103. A condition requiring the submission of a Construction and Environmental Management Plan (CEMP) 'pre-commencement' is required so that measures can be put in place before any development starts on site to protect neighbouring occupiers and the environment from unacceptable construction related impacts. I have also included protected species mitigation measures as part of the CEMP as it reflects the recommendations set out in the appellant's ecological impact assessment.
104. Noise from traffic and other sources would not be a reason in principle to withhold planning permission, particularly as no objections have been raised by

the Council's Environmental Health, and layout is a reserved matter. However, a further noise assessment and appropriate sound insulation measures are required by condition in order to address potential additional noise emanating from renewable energy devices installed on proposed buildings, such as air source heat pumps.

105. The site lies in flood zone 1, indicating a very low risk of flooding from rivers. The illustrative plans indicate that there would be sufficient space within the site to provide attenuation swales and other drainage features on site and prior to onward discharge. The submitted Flood Risk Assessment indicates that infiltration to ground via soakaways would be suitable, this being the most sustainable form of drainage²⁹. Anglian Water are satisfied that the network has sufficient spare capacity to accommodate foul water arising from the development. Planning conditions are imposed and necessary in order to ensure the submission of acceptable surface water and foul water drainage schemes. Measures to protect trees and to provide biodiversity enhancements are required in the interests of nature conservation.
106. The Council do not object to the proposal on air quality grounds. However, Local Plan Policy ENV 4 requires development to at least aim for reduced carbon emissions. A condition is imposed to reflect this. I have amended the wording to remove the requirement to provide a further assessment should there be subsequent grid capacity issues, as this requirement is not contained in the policy and no relevant guidance has been forwarded in support of this suggested provision.
107. A further Travel Plan is required by condition so that it reflects the final form of development proposed and in order to promote sustainable travel modes. A 'Grampian' style condition is required so that highway works, necessary in the interests of highway safety, are implemented before the development is occupied. The Highway Authority have requested this condition which appears to relate to works within the highway, reducing any uncertainty over its deliverability.
108. Fire suppression details are required by condition in the interests of adequate fire safety and good design. A condition is required in the interests of the environment to address unexpected contamination on site. Conditions relating to piling and site operating hours are necessary to ensure acceptable living conditions for occupiers near the site.
109. It is not necessary to include a separate condition relating to the height of the development as this is included in the details approved in condition [5]. I have included a condition specifying the type of C2 accommodation applied for, as the scheme is largely predicated on a need for this accommodation type. This also addresses concerns raised by interested parties that the development could be used for other types of C2 accommodation. I have removed permitted development rights, in relation to certain aspects close to the proposed junction with High Street, so that highway safety is not compromised.
110. A condition is imposed to limit the floorspace of the C2 accommodation as the impact of the development has been assessed on the basis of this upper limit.

²⁹ As per Planning Practice Guidance Paragraph: 056 Reference ID: 7-056-20220825

111. A suggested condition relating to the internal parking arrangement is not necessary as it would be dealt with at reserved matters. I have therefore, not included this condition.

Conclusion

112. For the reasons set out I conclude that, subject to the attached Schedule of conditions and the obligations in the S106 agreement, the appeal is allowed.

M Woodward

INSPECTOR

Richborough

APPEARANCES

FOR THE APPELLANT:

Robert Walton KC He called:	Landmark Chambers
Colin Brown BA (Hons) MRTPI	<i>Planning</i> - Carter Jonas LLP
Peter Canavan BA (Hons) MSC MRTPI	<i>Alternative Sites</i> - Carter Jonas LLP
Jessamy Venables BSc (Hons) MSc MRICS	<i>Need</i> - Carterwood
Charles Crawford MA (Cantab), Dip LA, CMLI	<i>Landscape and Green Belt</i> – LDA Design
Rob Sutton BSc (Hons) MCIfA	<i>Heritage</i>

FOR THE COUNCIL:

Jack Smyth He called:	No 5 Chambers
Andrew Phillips BA, MPLAN MRTPI	<i>Planning</i> – East Cambridgeshire District Council

INTERESTED PERSONS:

Dr Tamara Keith MBBS DFRH DRCOG MRCPCH MRCGP	Bottisham Medical Practice
Councillor Jon Ogborn Councillor Charlotte Cane	Chair of Bottisham Parish Council Ward Councillor (also spoke on behalf of the 'Wilbrahams')

INQUIRY DOCUMENTS

ID1 - Single Issue Review (SIR) documents – including an Inspector's report and an Inspector's report on main mods
ID2 – Council comments on SIR
ID3 – Appellant comments on SIR
ID4 - East Cambridgeshire Authority Monitoring Report 2022-23 (Interim Report)
ID5 - Appeal decision - APP/Q3115/W/22/3296251
ID6 – appellant updated list of alternative sites, including summary position of each main party, with additional commentary from appellant and annexes
ID7 – Council e-mail concerning 'Kennett Garden Village' site
ID8 – Appeal decision - 3282449
ID9 – Policy map in relation to the settlement of Soham
ID10 – Information concerning an invalid planning application at Fordham
ID11 – CIL compliance statement - Council
ID12 – Statement of Common Ground dated 16th October
ID13 – information concerning a site at Mingle Lane
ID14 – Additional plan ref 8621_004B
ID15 – Additional plan ref 8621_005C
ID16 – Appellant Opening
ID17 – Council Opening
ID18 – Kennett Garden Village Design Code February 2019
ID19 – Heritage SoCG
ID20 – Suggested walking route
ID21 – Draft S106 Agreement

DOCUMENTS SUBMITTED AFTER INQUIRY

ID22 - S106 Agreement dated 2nd November 2023
ID23 – Main parties' comments on the revised National Planning Policy Framework December 2023

A number of additional letters were also submitted by interested parties in relation to further consultation carried out on amended plans.

CORE DOCUMENTS

CD1.1	Application Form and certificates	16/02/2023
CD1.2	Planning Statement and appendices	Feb 2023
CD1.3	Design and Access Statement	Jan 2023
CD1.4	Heritage Statement	Jan 2023
CD1.5a	Alternative Site Search Assessment	Feb 2023
CD1.5b	Biodiversity Net Gain Assessment	03/02/2023
CD1.6	Ecological Impact Assessment	03/02/2023
CD1.7	Landscape and Visual Impact Assessment	Jan 2023
CD1.8	Transport Assessment	01/02/2023
CD1.9	Travel Plan	01/02/2023
CD1.10	Green Belt Assessment	Jan 2023
CD1.11	Planning Needs Assessment	Feb 2023
CD1.12	Geoenvironmental & Geotechnical Desktop Study	Dec 2019
CD1.13	Utilities Assessment	Jan 2020
CD1.14	Flood Risk Assessment and Drainage Strategy	Jan 2023
CD1.15	Statement of Community Involvement	Feb 2023
CD1.16	Arboricultural Report	Jan 2023
CD1.17	Arboricultural Impact Assessment	Jan 2023
CD1.18	Noise Assessment	Jan 2020

CD1.19	Site Location Plan	8621_001	Jan 2023
CD1.20	Aerial Location Plan	8621_002	Jan 2023
CD1.21	Development Area, Heights and Land Use Plan	8621_003	Jan 2023
CD1.22	Access & Road Alignment	8621_004	Jan 2023
CD1.23	Public Open Space & Landscape Plan	8621_005	Jan 2023
CD1.24	Visibility Splay (site access)	2209048-01 n.b. within Transport Assessment – see appendix F	18/11/2022

CD1.25	Proposed Access Arrangement Pedestrian Improvements	2209048-04 n.b. within Transport Assessment – see appendix I	18/11/2022
--------	---	---	------------

CD2.1	23/00205/OUM Agenda Item 7	September 2023
-------	----------------------------	----------------

CD3.1	The East Cambridgeshire Local Plan (ECLP)	April 2015
CD3.2	East Cambridgeshire Local Plan - Single Issue Review (of its 2015 Local Plan) Proposed Modifications Consultation document	July 2023
CD3.3	East Cambridgeshire Draft Local Plan (Pre-Submission Version)	January 2013
CD3.4	East Cambridgeshire Local Plan SIR Inspector's Report	October 2023
CD3.5	East Cambridgeshire Local Plan SIR Inspector's Report – Main Modifications	October 2023

CD4.1	East Cambridgeshire Five Year Land Supply Report 1 April 2022 to 31 March 2027	12 August 2022
CD4.2	East Cambridgeshire Authority's Monitoring Report (AMR) 2021-22	Dec 2022
CD4.3	The Cambridgeshire Green Infrastructure Strategy 2011	June 2011
CD4.4	Housing Needs of Specific Groups – SHMA for Cambridgeshire and West Suffolk 2021	October 2021
CD4.5	Previous Appeal Decision on the Appeal Site	April 2022
CD4.6	Appeal Ref: APP/W0530/W/21/3280395 Land between Haverhill Road and Hinton Way, Stapleford, Cambridge CB22 5BX (29 December 2021)	December 2021
CD4.7	Gerald Eve Report – Alternative Site Assessment (ASA 163-187 High Street, Bottisham – Review of Sites	September 2023
CD4.8	NPPG Housing for Older and Disabled People	June 2019
CD4.9	District Demand Profiles for Older People's Accommodation 2021-2036. Cambridgeshire County Council and Peterborough City Council	Winter 2021
CD4.10	Development of accommodation-based care – Market engagement event 16 March 2021. Cambridgeshire County Council and Peterborough City Council.	March 2021

CD4.11	Putting the 'care' in Housing-with-Care (November 2021). Associated Retirement Community Operators (ARCO)	November 2021
CD4.12	People at the heart of care: Adult social care reform white paper (December 2021). Department of Health and Social Care	December 2021
CD4.13	Mayhew, Professor L. (November 2022) The Mayhew Review. Future-proofing retirement living. Easing the care and housing crises.	November 2022
CD4.14	Holland, C et al (2019) Integrated homes care and support. Measurable outcomes for healthy ageing. The ExtraCare Charitable Trust, Centre for Ageing Research at Aston University and Lancaster University.	March 2019
CD4.15	Appeal Ref: APP/B1930/W/21/3279463 Burstons Nurseries Ltd, North Orbital Road, Chiswell Green, St Albans AL2 2DS (31 January 2022)	January 2022
CD4.16	Appeal Ref: APP/D3830/W/19/3241644 Site of the former Hazeldens Nursery, London Road, Albourne, West Sussex BN6 9BL (11 September 2020)	September 2020
CD4.17	Appeal Ref: APP/F0114/W/21/3268794 Homebase Site, Pines Way, Westmoreland, Bath BA2 3ET (2 September 2021)	September 2021
CD4.18	Appeal Ref: APP/H2265/W/18/3202040 Land to the rear of 237-259 London Road, West Malling, Kent ME19 5AD (19 December 2018)	December 2018
CD4.19	Appeal Ref: APP/G2245/W/21/3271595 Kent and Surrey Golf and Country Club, Crouch House Road, Edenbridge TN8 5LQ (2 November 2021)	November 2021
CD4.20	Lichfields Start to Finish Report - What factors affect the build-out rates of large scale housing sites? – Second Edition	February 2020
CD4.21	East Cambridgeshire District Council - Interim Policy Support Viability Assessment Information Report (v2) - DSP19608	April 2019
CD4.22	Appeal Ref: APP/Q3115/W/20/3265861 Little Sparrows, Sonning Common, Oxfordshire RG4 9NY	June 2021
CD4.23	Housing LIN - Design Principles for Extra Care Housing (3rd edition)	June 2020
CD4.24	Report on the Examination of the Draft North Somerset Council Community Infrastructure Levy Charging Schedule	May 2017
CD4.25	Cambridge Inner Green Belt Boundary Study Report, LDA Design	November 2015

CD4.26	Cambridge Inner Green Belt Boundary Study Figures, LDA Design	November 2015
CD4.27	Greater Cambridge Green Belt Assessment, LUC	August 2021
CD4.28	Cambridgeshire Landscape Guidelines	
CD4.29	Landscape East Integrated Landscape Character Objectives	November 2010
CD4.30	Briefing Note on Viability prepared for the Retirement Housing Group by Three Dragons	May 2013 (Amended February 2016)
CD4.31	Anne James's Proof on Previous Appeal on the Appeal Site	December 2021
CD4.32	Andrew Phillips' Proof of Evidence	September 2023
CD4.33	GL Hearn Report: Housing Needs of Specific Groups: Cambridgeshire and West Suffolk	October 2021
CD4.34	East Cambridgeshire Authority's Monitoring Report (AMR) 2022-23 (Interim Report Only)	October 2023
CD4.35	Peter Canavan's Additional Sites Note	October 2023
CD4.36	Appeal Ref: APP/Q3115/W/22/3296251 Land off Papist Way, Cholsey, Oxfordshire OX10 9PA (10 October 2023)	October 2023
CD4.37	Non-material amendment to previously approved 22/01510/FUM for Construction of a 66 bedroom Care Home (Use Class C2) for the elderly with associated access, parking and landscaping at Land South West of 41 Soham Road, Fordham	25 May 2023
CD4.38	Email from Palace Green Homes to ECDC regarding Kennett Garden Village	12 October 2023
CD4.39	Documents relating to land at Soham provided by ECDC in relation to the ASA assessment	12 October 2023
CD4.40	ECDC CIL Compliance Notice and related attachments	13 October 2023
CD4.41	ECDC correspondence regarding a proposed C3 retirement scheme at Fordham	16 October 2023
CD4.42	Email from Ptarmigan to Carter Jonas dated 16 October 2023 and concerning land off Mingle Lane, Stapleford / Great Shelford	16 October 2023
CD4.43	Appellants List of Appearances and Opening Submissions	17 October 2023
CD4.44	Opening Submissions of ECDC	17 October 2023
CD4.45	Kennett Garden Village Design Code	February 2019
CD4.46	ECDC's Closing Submissions	20 October 2023
CD4.47	Appellants Closing Submissions	20 October 2023

CD5.1	Principal Statement of Common Ground	September 2023
CD5.2	Topic-based Statement of Common Ground – Alternative Sites	September 2023
CD5.3	Topic-based Statement of Common Ground – Green Belt	September 2023
CD5.4	Topic-based Statement of Common Ground – Need for Older Person's Housing	September 2023

Richborough

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "Reserved Matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 8621_001, 2209048-01, 2209048-04.
- 5) Application(s) for the approval of reserved matters shall respect the Parameter Plans: 8621_003, 8621_004B, 8621_005C.
- 6) Prior to, or concurrent with, the submission of the first Reserved Matters, a phasing plan, which shall cover the entirety of the site including access, shall be submitted to and approved in writing by the Local Planning Authority. The development of the site shall be carried out in accordance with the approved phasing plan.
- 7) No development shall take place within each phase as approved under condition 6 (hereinafter referred to as "each phase of development") until the implementation of a programme of archaeological work for that phase and its associated access secured in accordance with a written scheme of investigation (WSI) has been submitted to and approved by the Local Planning Authority in writing.

The WSI shall include:

- a) The statement of significance and research objectives;
- b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- c) The timetable for the field investigation and its implementation as part of the development programme;
- d) The programme and timetable for the analysis, publication & dissemination, and deposition of resulting material.

For land that is included within the WSI, no development shall take place other than under the provisions of the agreed WSI.

- 8) No development shall take place within each phase until a Construction Environmental Management Plan(s) (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan(s) shall include:
 - a) measures to control noise affecting nearby residents;
 - b) wheel cleaning/chassis cleaning facilities;
 - c) dust control measures;
 - d) pollution incident control;

e) mitigation measures in relation to protected species.

The construction works for each phase shall thereafter be carried out at all times in accordance with the approved CEMP(s).

- 9) Prior to, or concurrent with, the submission of the first Reserved Matters application within each phase, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the Local Planning Authority for approval. The content of the LEMP(s) shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management, including how a minimum of 8.6% in biodiversity net gain will be achieved across the entire site.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
 - i) Timetable for implementation of each of the above.

The LEMP(s) shall also include details of the legal and funding mechanism(s) by which the long-term implementation (of at least 30 years) of the plan will be secured by the developer(s) with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP(s) are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Each phase of development shall be implemented in accordance with the approved details.

- 10) No development shall take place within each phase or works to construct the access until a scheme for the protection of the retained trees affected by development, in accordance with British Standard BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS), has been submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Location and installation of services/ utilities/ drainage.
- b) Methods of any demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- c) Details of construction within the RPA or that may impact on the retained trees.
- d) A full specification for the installation of boundary treatment works within or adjacent RPA's.

- e) A full specification for the construction of any roads in relation to RPA's, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification.
- f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
- g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
- h) A specification for scaffolding and ground protection within tree protection zones.
- i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
- j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
- k) Methodology and detailed assessment of any agreed root pruning.
- l) Details of arboricultural supervision and inspection by a suitably qualified tree specialist.
- m) Details for reporting of inspection and supervision.
- n) Methods to improve the rooting environment for retained and proposed trees and landscaping.
- o) Veteran and ancient tree protection and management.

The development thereafter shall be implemented in accordance with the approved details before development takes place in each phase.

- 11) No development shall take place within each phase until a scheme to dispose of surface water for that phase has been submitted to and approved in writing by the Local Planning Authority.

Details of the scheme(s) shall include:

- a) A surface water drainage scheme for the phase.
- b) A timetable for its implementation.
- c) A management and maintenance plan for the lifetime of the phase of development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The scheme(s) shall be implemented in accordance with the approved details.

- 12) No development shall take within each phase until a foul water drainage scheme and a timetable for the implementation of the scheme for that phase 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.
- 13) Prior to the occupation of each phase of development comprising affordable housing and extra care housing, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall demonstrate that a minimum of 10% carbon emissions (to be calculated by reference to a baseline for the anticipated carbon emissions for the property as defined by Building Regulations) can be reduced through the use of on-site renewable energy and low carbon technologies. The approved scheme shall be fully installed and operational prior to the occupation of any unit with the residential/extra care housing units which it relates and thereafter maintained in accordance with the approved details.
 - 14) Prior to the occupation of each phase of development comprising affordable housing and extra care housing, a scheme for the provision of fire hydrants, and a sprinkler/fire suppressant system in respect of the extra care housing only, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details prior to the occupation of each respective phase.
 - 15) The pedestrian improvements shown on drawing No. 2209048-04 shall be constructed and completed prior to the first occupation of any part of the development.
 - 16) Prior to the occupation of each phase of development, an assessment of the noise impact of plant and or equipment within that phase including any renewable energy provision sources such as any air source heat pump or wind turbine on the proposed and existing residential premises and a scheme for insulation as necessary, in order to minimise the level of noise emanating from the said plant and or equipment, shall be submitted to and approved in writing by the Local Planning Authority. Any noise insulation scheme as approved shall be fully implemented before the use within that phase is commenced and shall thereafter be maintained in accordance with the approved details.
 - 17) Prior to first occupation of residential accommodation within each phase of development, a Travel Plan to encourage the use of sustainable modes of travel other than the private car, which shall include a timetable for implementation and measures to monitor compliance, 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.
 - 18) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported to the Local Planning Authority within 48 hours. No further works shall take place until an investigation and risk assessment has been undertaken and submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary, a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. The necessary remediation works shall be undertaken, and following completion of measures identified in the approved remediation scheme a verification report must be prepared, and approved in writing by the Local Planning Authority.

- 19) In the event of the foundations for the proposed development require piling, development shall not commence within any relevant phase until a report / method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be assessed in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). Development shall be carried out in accordance with the approved details. The measures shall be implemented prior to any piling works commencing within that respective phase.
- 20) No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 hours on Saturdays and no construction works or collection / deliveries shall take place on Sundays, Bank or Public Holidays.
- 21) The development hereby approved (with the exception of any affordable housing falling within use class C3) shall only be used for provision of extra care housing purposes falling within use Class C2 of the Town and Country Use Classes Order 1987 (as amended).
- 22) Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any order revoking, amending or re-enacting that order) no gates, fences or walls shall be erected across the approved vehicular access, as shown on 2209048-01 within 10 metres of the public highway.
- 23) No more than 14,335m² Gross Internal Area floor area in respect of the C2 Use shall be provided on the appeal site.

End of conditions