



## Appeal Decision

Hearing Held on 14 March 2018

Site visit made on 15 March 2018

**by I Radcliffe BSc(Hons) MRTPI MCIEH DMS**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 May 2018**

---

**Appeal Ref: APP/W0530/W/17/3187048**

**Land north east of Rampton Road, Cottenham, Cambridgeshire CB24 8TJ**

- 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 Cambridgeshire County Council against the decision of South Cambridgeshire District Council.
  - The application Ref S/2876/16/OL, dated 21 October 2016, was refused by notice dated 31 August 2017.
  - The development proposed is residential development comprising 154 dwellings, including matters of access with all other matters reserved.
- 

### Decision

1. The appeal is allowed and planning permission is granted for residential development comprising 154 dwellings, including matters of access with all other matters reserved on land north east of Rampton Road, Cottenham, Cambridgeshire CB24 8TJ in accordance with the terms of the application, Ref S/2876/16/OL, dated 21 October 2016, subject to the conditions in the schedule at the end of this decision.

### Procedural matters

2. The application was submitted in outline with only access to be determined at this stage. The illustrative plans that have been submitted as part of the application have been taken into account insofar as they are relevant to my consideration of the principle of the development on the appeal site.
3. Public consultation on the main modifications to the emerging Local Plan has recently been completed. Nevertheless, given the prolonged history of the examination and objections that have been made it is by no means certain that the emerging Local Plan will be found to be sound and become part of the development plan. As a result, other than where specifically stated otherwise in this decision, I attach limited weight to it and its policies.
4. Cottenham Parish Council published a Pre-submission Draft Neighbourhood Plan in February of this year, before the Hearing opened. As this plan is at an early stage in the process to adoption, with public consultation and examination not having yet occurred, it does not, at the current time, form part of the development plan. I have therefore attached little, if any weight to it and the policies it contains in the determination of this appeal.
5. A properly completed section 106 agreement was submitted following the close of the hearing. The contents of the draft agreement were discussed at the hearing. In assessing the provision the final agreement makes for affordable

housing, local infrastructure and services the comments invited from the Parish Council have been taken into account. The terms of the final agreement are addressed in more detail within the decision.

### **Main Issues**

6. The main issues in this appeal are:

- whether the location of the proposed development would comply with the development plan;
- the effect of the proposed development on the character and appearance of the area; and,
- the effect of the proposed development on designated heritage assets.

### **Reasons**

7. Paragraph 47 of the National Planning Policy Framework ('the Framework') advises that Local Planning Authorities should have a five year housing land supply. It is common ground between the local planning authority and the appellant that less than a five year housing supply exists.
8. In relation to the shortfall in housing delivery, the Sedgfield approach of addressing it over the next five years is currently used by the local planning authority, which is the approach supported by the Government's Planning Practice Guidance. The Inspectors examining the emerging Local Plan requested that the Council prepared proposed modifications to the plan, including calculating the housing land supply using the Liverpool methodology, which addresses the shortfall in housing delivery over the lifetime of the plan. Based on the Liverpool approach the calculations are that the Council has in excess of a 5 year housing land supply. However, as strong objections have been made to this approach following consultation on the main modifications, unless and until the examining Inspectors find in their report when published that the Liverpool approach should be taken as part of a sound plan to address the housing shortfall, I agree with the main parties that, for the purposes of this appeal, the Sedgfield approach is the correct approach to take.
9. On the basis of the information supplied by the appellant and the local planning authority a housing land supply of at least 4.1 years and no more than 4.5 years exists. As a consequence, relevant policies for the supply of housing are considered not to be up to date.

#### *Planning policy and the location of the proposed development*

10. The development plan for the District includes the South Cambridgeshire Local Development Framework Core Strategy ('Core Strategy') and the South Cambridgeshire Local Development Framework Development Control Policies ('Development Control Policies'). In order to further sustainability objectives and protect the countryside, policy ST/2 sets a strategy for the location of new housing in the District. The strategy focuses new development in order of preference on the edge of Cambridge, Northstowe, Rural Centres and other villages.
11. Cottenham is classified as a Minor Rural Centre where policy ST/5 of the Core Strategy supports new residential development of up to 30 dwellings per scheme within the village framework defined by the development plan. The emerging Local Plan upgrades the status of the village to a Rural Centre in recognition of Cottenham being amongst the largest and most sustainable

villages in the District. It also proposes to remove the limit on individual scheme size within the village framework.

12. The appeal site lies outside the village framework for Cottenham. As a consequence, for planning policy purposes it lies within the open countryside where new development is strictly controlled. It is no part of the appellant's case that the proposal accords with the types of development supported by the development plan within the open countryside. The location of the proposed new house would therefore be contrary to policies ST/2 and ST/5 of the Core Strategy.
13. A limited area of the appeal site forms part of a wider area of playing fields. The emerging Local Plan designates the playing fields as Local Green Space. In accordance with the Framework, policy NH/12 of the emerging Local Plan seeks to protect the playing fields, with development only allowed in very special circumstances. There are no unresolved objections to this policy. As a result, I therefore attach moderate weight to it. On the basis of the illustrative layout plans that have been provided, I am satisfied that should this land be proposed for development as part of a reserved matters application an appropriately worded condition would ensure that compensatory playing fields would be provided elsewhere within the appeal site.

#### *Character and appearance*

14. A core planning principle of the Framework is that the intrinsic character and beauty of the countryside should be recognised in decision taking. In judging the effect of the proposed development on the character and appearance of the area, I have taken into account the Landscape and Visual Impact Assessment (LVIA) prepared by the appellant, the Council's response to it, the discussion at the hearing and my own observations from the site visit.
15. The supplementary planning document '*South Cambridgeshire District Design Guide*' identifies that the appeal site lies within the Fen Edge Character Area. The key characteristics of this character area include a low lying, flat open landscape with extensive vistas and large skies creating drama. It identifies that slightly elevated fen 'islands', such as Cottenham, have a higher proportion of grassland cover, trees and hedgerows.
16. The appeal site is on the northern edge of the village and gently slopes downwards away from it. Enclosed by Les King Wood on its northern side, and buildings and land use within the village framework on its southern side and partly on its western side, it is visually divorced in public views from the wider flat low lying open landscape. Furthermore, with the relatively brief views of the site available from Rampton Road and the formal well maintained appearance of the playing fields wrapping around its eastern side, its value as open countryside and contribution to the setting and form of the village is limited. Therefore, whilst the proposed development would result in the loss of open countryside to built development, I agree with the findings of the LVIA that the proposed development would have only a minor adverse significance of effect on landscape character. In my judgement, the Council in its evidence on this issue overstates the value of the landscape, its sensitivity to change and the magnitude of effect of the proposed development.
17. The supplementary planning document '*Cottenham Village Design Statement*' identifies that the village was originally characterised by linear development along the High Street which passes along the length of the village. Over the

years development in depth from the centre outwards has enlarged Cottenham. This trend has been continued by the recently permitted developments for over 300 dwellings outside the village framework off Oakington Road and opposite the appeal site on the other side of Rampton Road. In the context of the development in depth that has occurred, and the recently permitted developments described, I consider that the proposed scheme would complement the form of the village.

18. In public views from the north, the density and height of the semi-mature Les King woodland means that if two storey houses were developed on the site, only the roofs of some of the dwellings would be visible. In closer views passing the appeal site along Rampton Road, there is sufficient space within the site for development in its north western corner to be set back from the road and a deep landscaped edge to be created. Further to the south on the other side of Rampthill Farm, housing could be laid out in a linear pattern to complement existing development at this point along the road. In relation to Les King Wood and the playing fields, there would be sufficient space available to allow dwellings to be arranged so that an attractive edge to the development could be created. The scheme would be readily apparent in views from these two locations. However, given the limited value of the appeal site within the local landscape, subject to good design and appropriate landscaping, the development would not have a significant adverse effect on the character and appearance of the area.
19. With control that exists in relation to scale, layout, appearance and landscaping I have no doubt that a well-designed permeable housing development that has proper regard to the guidance contained within the supplementary planning document, '*Cottenham Village Design Statement*', and which complements the village could be achieved.
20. A sustainable drainage scheme (SUDS) would be provided for the proposed development. The illustrative drawings indicate that the easternmost part of Les King Wood would be cleared to provide one of the attenuation ponds. Given the size of the appeal site and the range of techniques available for managing surface water drainage, I am not persuaded that a SUDS would necessarily require clearance of woodland on the site such that there would be any material impact on its screening effect and its contribution to the character and appearance of the area.
21. Taking all these matters into account, whilst I have found that the proposed scheme would complement the form of the village, it would result in the loss of countryside to development and thus would have a minor adverse significance of effect on landscape character. The resulting harm, although small, would be contrary to policies DP/1, DP/2, DP/3 and NE/4 of the Development Control Policies, which require that new development conserves and where possible enhances landscape character.

#### *Designated Heritage Assets*

22. The appeal site is located a few hundred metres outside the edge of Cottenham Conservation Area. The heritage significance of the Conservation Area, deriving largely from the design and grouping of its older buildings, is architectural and historical. There is nothing in the evidence before me to indicate that the setting of the Conservation Area plays any part in its heritage significance. Moreover, the proposed development would be too far away from the Conservation Area for it to materially impact upon views into or out of it.

There would be no harm, therefore, as a consequence of the proposal, to the heritage significance of the Conservation Area. The proposal would therefore comply with the Framework and policy CH/5 of the Development Control Policies which seeks to protect Conservation Areas.

23. Tower Mill (Grade II listed) is located on a modern residential cul-de-sac separated from the appeal site by allotments. All Saints Church (grade I listed) is located several hundred metres away to the north east. A further listed building, Moretons Charity Almhouses (grade II listed) is located by the roundabout at the junction of Rampton Road and Oakington Road some distance to the south east of the site. The special interest of these buildings, it seems to me, is largely architectural and historical and relates to their immediate rather than their extended setting. The statutory test in relation to a listed building is that special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
24. In relation to Tower Mill, this building is seen and appreciated in its current context of suburban residential development with allotments and playing fields beyond to the north west. Whilst Tower Mill can be seen from the appeal site, which thus lies within its setting, there is nothing to indicate that the appeal site makes any contribution to the special interest or heritage significance of the listed building. As a result, there would be no harm in this regard.
25. In terms of All Saints Church, there is limited long distance inter-visibility between it and the appeal site. There is no suggestion, in this regard, that the appeal site makes any contribution to the heritage significance of the church as an integral part of its setting. Its setting and significance therefore also would not be adversely affected by the proposed development.
26. In relation to the Moretons Charity Almhouses, whilst there is no intervisibility between it and the appeal site the roundabout improvements associated with the proposed development would take place close to the western end of the front of this terraced group of buildings. These works would reduce the width of the grass verge at this end of the terrace and bring the carriageway at the roundabout closer to it. Given that the eastern part of the building is set on the back edge of the pavement and a grass verge, albeit narrower than currently exists, towards the western end of the building would remain, the setting of the building would not be materially adversely affected by these improvements. The proposed development would therefore comply with policy CH/4 of the Development Control Policies which seeks to protect the setting of a listed building.
27. The greater closeness of the carriageway to the western end of the Almhouses, and the increase in traffic as a result of the roundabout improvements, may increase the potential for vibration and the splashing of standing water to affect the property. However, in my judgement, given that a reasonable gap between the carriageway and western end of the building would continue to exist, on the basis of the submitted evidence at worst only minor harm would be caused to this listed building.
28. The harm that would be caused to the to the heritage significance of the Moretons Charity Almhouses, a Grade II listed building, would be far less than substantial. It is nevertheless a consideration to which I must afford considerable importance and weight. Having regard to paragraph 134 of the

Framework, I am required to weigh that harm against the public benefits of the proposal.

29. The proposed development would provide 154 dwellings in an accessible location and would make a noteworthy contribution towards affordable housing. This would help meet housing need in the District in the context of the absence of a five year housing land supply, as sought by the Framework. The construction of the development would also result in employment, generate economic activity and increase local spending power. Collectively, in the context of the minor harm that at worst would be caused to the Moreton Charity Almshouses, these considerations are of considerable weight in favour of the development.
30. Taking all these matters into account, my overall conclusion on this issue is that the public benefits of the proposal would clearly outweigh the 'at worst' minor harm that would be caused to Moretons Charity Almshouses. The proposed development would therefore comply with the Framework and policy CH/3 of the Development Control Policies.

### **Other matters**

#### *Accessibility*

31. In the emerging Local Plan, Cottenham has been upgraded to a Rural Centre in recognition of its variety of services, facilities and good public transport links. Based upon the Chartered Institution of Highways and Transportation's 'Providing for Journeys on Foot' suggested acceptable walking distances a significant number of local services and facilities, including bus stops, are within a reasonable walking distance of the centre of the appeal site. In relation to cycling, all services and facilities are within comfortable cycling distance. Future residents of the proposed development would therefore be able to readily access services and facilities using sustainable modes of transport.
32. Elderly people and those with disabilities may be unable to walk to the bus stops a few hundred metres away, or to the other services and facilities within the village. However, given the extent to which mobility can be impaired by old age or disability for instance, this could still be the case if the site was closer to the village centre. As a result, having due regard to the Public Sector Equality Duty contained in the Equality Act 2010, I find that access of services, facilities or public transport from the site would not be discriminatory to older people or people with mobility difficulties.

#### *Site access, highway safety and congestion*

33. Two access points from Rampton Road onto the appeal site are proposed. Subject to the accesses being created in accordance with the submitted details, which would provide good visibility of oncoming traffic at the access points, and the provision of a shared cycleway / footway, safe access and egress would be provided to the site. These matters could be secured by condition.
34. The proposed development would increase traffic using Rampton Road. As a result, to avoid congestion the roundabout at the junction of Rampton Road and Oakington Road would need to be upgraded and walking and cycling encouraged by creation of a shared cycleway / footway. These matters could also be dealt with by condition.

#### *Living conditions*



35. Houses abut the appeal site along Rampton Road. Based upon the illustrative plans, with the control that exists in relation to reserved matters, there would be sufficient space within the site for dwellings to be laid out without harming the living conditions of existing residents by way of overlooking or overshadowing. During construction, noise could be controlled by limiting the hours during which plant could be used and deliveries take place.
36. Concerns have been raised on behalf of the residents of the Moretons Charity Almshouses that the increase in traffic as a result of the proposed development, together with the increased closeness of the roundabout, would adversely affect their living conditions by increasing noise and vibration. However, given the existing close proximity of roads to the Almshouses and their busy nature I am not persuaded that material harm in this regard would occur.

#### *Agricultural land*

37. The appeal site includes 9.7 hectares of grade 1 and 2 agricultural land. Land within grades 1 to 3a is defined in the glossary to the Framework as being the best and most versatile agricultural land. In preference to the development of this type of land, the use of land of poorer quality is encouraged by paragraph 112 of the Framework. However, it was agreed at the hearing that new housing in the District will need to be built largely on agricultural land of reasonable to good quality. Consequently, I am not persuaded that land of lower quality is available. Nevertheless, as part of the overall planning balance, I will take into account the economic benefits of this land.

#### *Playing fields and primary school*

38. As I noted in relation to the first main issue, a limited area of the appeal site forms part of a wider area of playing fields that has been designated by the emerging Local Plan as Local Green Space. The playing fields are served by a recently built sports pavilion.
39. The Parish Council is concerned that the playing fields on the appeal site could be developed as part of the scheme. However, as I earlier noted, I am satisfied that with the control that exists by condition that should this land be proposed for development as part of a reserved matters application an appropriately worded condition would ensure that compensatory playing fields would be provided elsewhere within the appeal site.
40. The Parish Council is concerned that the scheme in largely enclosing the playing fields would prevent their future expansion to meet the needs of the village and limit the options for expansion of the primary school. However, other than the limited area of Local Green Space currently occupied by playing fields on the appeal site the emerging Local Plan has not allocated land on the appeal site for the provision of playing fields or school expansion. Furthermore, the compact size of the village surrounded by open countryside means that there is no shortage of alternative locations for playing field provision and in relation to the school open undeveloped land remains to the north.
41. The current version of the Cottenham Pre-submission Draft Neighbourhood Plan includes proposals for use of land on the edge of the appeal site. I have noted though as a procedural matter that this plan is at an early stage in the process to adoption, with public consultation and examination not having yet occurred. As a result, I attach little, if any weight to the proposals and policies it contains.

### *Flood risk*

42. The appeal site is situated within Flood Zone 1 which has the lowest probability of flooding. The incorporation of a sustainable drainage system would prevent surface water from the site increasing flood risk elsewhere whilst also preventing on site flooding.

### *Biodiversity*

43. Based upon the results of the submitted ecology report, which is not contested by the local planning authority, the proposed development would not result in the loss of important habitats for protected species. Subject to the use of appropriate conditions, the effect of the proposed development would be mitigated and biodiversity enhancement would occur.

### *Deliverability*

44. The existence of a 99 year lease on the 'third field' has been raised in relation to the deliverability of housing on the appeal site. However, in the absence of the submission of substantive evidence on this point I find that it has not been demonstrated that this lease would prevent development of the site and the delivery of housing upon it within the next five years.

### *Prematurity*

45. The scale of the proposed development, on its own or cumulatively with other development that has been permitted outside the village framework, would not undermine the plan making process by predetermining decisions about the scale or location of new development central to the emerging Local Plan. As a result, having regard to Planning Practice Guidance<sup>1</sup>, I find that the proposed development would not be premature.

### *Local Infrastructure and services*

46. The submitted section 106 agreement has been properly completed. I have assessed it having regard to the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended) and the tests in paragraph 204 of the Framework. The agreement secures the on site provision of affordable housing, household waste receptacles for each dwelling and public open space (in the form of a Local Equipped Area for Play (LEAP), informal children's play space and open space). It also secures contributions towards the off-site provision of a community centre, burial ground, healthcare, community transport and libraries.
47. In relation to affordable housing, in order to comply with policy HG/3 of the Development Control Policies and meet the need that exists in the District, 40% of the housing to be built on the site would need to be affordable. The submitted agreement makes such provision and passes the relevant tests. To accord with the development plan, household waste receptacles need to be provided to each of the proposed dwellings. As a result, it also passes the relevant tests.
48. Turning to public open space, whilst some on-site provision would be made, given the extent of local provision in accordance with policies SF/10 and SF11 of the Development Control Policies and the supplementary planning document 'Open Space in New Developments' a financial contribution is needed to

---

<sup>1</sup> Paragraph: 014 Reference ID: 21b01420140306 In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?



- mitigate the impact of the proposed development by helping to provide new facilities, improve existing facilities and fund the purchase of additional land. There is a deficit of indoor community meeting space in Cottenham which the proposed development would exacerbate unless addressed. In accordance with policy DP/4 of the Development Control Policies a contribution is therefore necessary. Future residents of the proposed development would increase the demand on the burial grounds serving the village which are close to capacity. As a result, a contribution is needed to address this.
49. In relation to community transport, policy TR/3 of the Development Control Policies advises that in mitigating the impact of new development on travel adequate provision may need to be made for improved transport infrastructure. To my mind, as a result of the proposed development and other recently approved developments the number of regular movements to and from the village will materially increase. In such circumstances mitigation reasonably includes the provision of a new community transport initiative to improve links to public transport nodes and other settlements. With regard to healthcare, the evidence is that the existing surgeries serving the village are physically not large enough to provide a service for the future residents of the proposed development. As a result, the Telegraph St Surgery needs to be enlarged. In relation to the library, the proposed development will increase demand to the extent that the available floor space for users will need to be increased.
50. Financial contributions are therefore necessary in relation to all these matters to make the development acceptable in planning terms.
51. Based upon the approach laid out in the documents and plans that I have been referred to, and the information provided, I am satisfied that the sums and provisions sought are fairly and reasonably related in scale and kind to the proposed development. As provision would either be made on site, or locally, what would be provided would also be directly related to the proposal. Accordingly these contributions pass the relevant tests and requirements.
52. In order to verify that on-site infrastructure is provided in a proper and timely fashion and, in perpetuity, a monitoring fee is sought by the Council. The fee has been calculated based upon the estimated time it will take to carry out this work and relates to the provision of on-site infrastructure, including affordable housing and public open space, which are not statutory functions. Consequently, I find that this contribution is necessary, directly related to the proposed development and, on the basis of the work that would be involved, fairly and reasonably related in scale and kind to it.
53. Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended) prevents the pooling of more than five planning obligations made since 6 April 2010 towards a specific infrastructure project or particular type of infrastructure. The provision of affordable housing is excluded from this requirement of this regulation. In relation to all the offsite contributions sought they relate to specific projects for which there have been less than five previous contributions. I therefore find that the contributions secured comply with regulation 123(3).
54. The Parish Council have criticised certain aspects of the section 106 agreement. However, on the basis of the appellant's response to the points raised, and the local planning authority agreement with its contents, I find that it is suitably worded and would mitigate the effect of the proposed development on local

infrastructure and services. For all of these reasons, I have therefore taken into account all the provisions of the submitted unilateral undertaking.

**Overall conclusions: The planning balance**

55. For the reasons I have set out earlier, the proposal would be in conflict with policy ST/2 and ST/5 of the Core Strategy and policies DP/1, DP/2, DP/3 and NE/4 of the Development Control Policies. These policies seek to focus new development on the largest settlements in the District in order to further sustainability objectives and protect the countryside and landscape character. It would also be in conflict with the emerging Local Plan which is consistent with this approach.
56. Applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is an important material consideration and contains a presumption in favour of sustainable development.
57. The Council does not have a 5 year housing land supply. As a consequence, paragraph 49 of the Framework directs that development plan policies relevant to housing land supply should not be considered up to date.
58. Policies of the development plan and emerging Local Plan are consistent with the Framework in that they seek to focus development on the largest settlements and protect the countryside and landscape. However, the appeal site is of only limited landscape value and I have found that the harm that would be caused by the proposal to the character and appearance of the landscape and countryside would be small. Whilst the local planning authority has taken a positive approach to granting permission for development outside the settlement framework to increase housing land supply, housing delivery rates when judged against the annual target of the Core Strategy continue to be poor and housing land supply is materially below five years.
59. Taking all these matters into account, I therefore attach limited weight to the policy conflict between the proposed scheme and the development plan and the emerging Local Plan.
60. In circumstances where relevant policies are out of date, the so-called tilted balance in paragraph 14 of the Framework applies. It states that in such circumstances planning 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 as a whole.
61. The policies of the Framework as a whole constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: environmental, economic and social.
62. Socially, the proposed development would contribute to helping address the shortage of housing in the District as a whole. I attach significant positive weight to the social benefits 154 dwellings would provide and that 40% of the units would be affordable housing.
63. Environmentally, whilst there would also be conflict with the spatial strategy of the development plan, the spatial strategy for the district to the end of 2016 needed to deliver 20,000 dwellings and delivery fell 7,332 dwellings short of this target which is a substantial shortfall. Furthermore, over 300 dwellings have recently been granted permission next to the village framework. In the emerging Local Plan, approximately 15,000 homes need to be delivered by

2031. In this context, the proposed scheme of 154 dwellings, whether considered on its own or cumulatively, would result in only minimal harm to the development strategy for the district.
64. The proposed development would cause minor harm to landscape character and the associated roundabout improvements, at worst, would cause minor harm to Moretons Charity Almshouses. However, the proposed development would complement the form of the village and the character and appearance of built development within it. In addition, the settlement has a range of services and facilities accessible from the appeal site to meet many of the day to day needs of its residents together with accessible public transport links. The development also has the potential to enhance biodiversity on the site. Environmentally therefore I attach modest weight to both the adverse impacts and benefits of the proposal.
65. Economically, the amount of agricultural land that would be developed would result in minimal economic harm and so I attach little weight to this adverse economic impact. The development would generate construction employment and the additional households would increase the spending power of the local community to the benefit of businesses and services in the area. I attach modest weight to these benefits.
66. The development would trigger payment of a New Homes Bonus, but there is no evidence of a connection between the payments and the development to enable it to be taken into account in accordance with the advice in Planning Practice Guidance<sup>2</sup>.
67. My overall conclusion in this case, having considered all the matters raised, is that the adverse impacts of the proposal are limited and fall short of significantly and demonstrably outweighing the benefits of the scheme when assessed against the policies of the Framework and development plan as a whole. Consequently, the proposal would represent sustainable development as defined in the Framework, and material considerations indicate that planning permission should be granted for development that is not in accordance with the development plan. I therefore conclude, on balance, that the appeal should be allowed.

### *Conditions*

68. To encourage development to start on the site the period for the submission of reserved matters has been reduced to two years. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. To protect playing field provision associated with the recently built sports pavilion the amount of the appeal site occupied by playing pitches needs to be protected. To ensure that any playing field on the site prepared to an adequate standard further details are required.
69. In order to ensure that the development complements its surroundings further details on landscaping and boundary treatments are required. To ensure that any planting becomes well established it needs to be well maintained. Furthermore, the trees on the site which contribute to the mature landscaping and are to be retained need to be protected.

---

<sup>2</sup> Paragraph: 011 Reference ID:21b-011-20140612 'When should a 'local finance consideration' be taken into account as a material planning consideration?'

70. Given the potential for nuisance to nearby residents control needs to be exerted on the location of external lighting, the dust generated during development and the hours during which plant can be used and deliveries take place. Weekends and bank holidays are particularly valuable and construction noise on such days would be particularly intrusive. Other than on Saturday mornings I have therefore prevented construction on these days.
71. To ensure a water and energy efficient development a water conservation strategy and renewable energy statement are required. To ensure that noise from renewable energy sources does not disturb local residents and that noise from Rampton Road, new roads within the site, the adjacent playing fields and construction activities do not adversely affect living conditions noise assessments are required.
72. In the interests of highway safety, a construction traffic management plan, nearby roundabout improvements, provision of a footway/cycleway, toucan crossing, widening of the existing footway and accesses to the site need to be implemented.
73. As a large development a sustainable drainage scheme is required to comply with government guidance. To protect public health and the water environment details of foul water drainage and details of pollution control are necessary. Given the large size of the proposed development it is important that an assessment is carried out to determine if the land is free of harmful contamination and any necessary remediation carried out.
74. To promote sustainable modes of transport a travel plan is required and a bus shelter installed. Given that a Roman Farm was located on the appeal site a scheme of archaeological investigation is required. To avoid disturbance or harm to protected species further details, including methods of working, are required. To provide wildlife habitats and enhance biodiversity a scheme for ecological compensation and enhancement is necessary.
75. To ensure that an adequate water supply in the event of an emergency, fire hydrants need to be provided. To ensure a suitable mix of housing on the site to meet identified need further details are required.
76. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.
77. A condition was suggested excluding the indicative masterplan from the permission. However, as plans that the development is to be carried out in accordance with have been specified in condition 4 this condition is unnecessary.

*Ian Radcliffe*

Inspector

### **Schedule**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall 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: Drawing numbers G5586.012, G5586.013 and P16021-003E but only in respect of those matters not reserved for later approval.
- 5) A detailed Precautionary Working Methodology relating to protected species and important habitats shall be provided with the Reserved Matters application for approval in writing and shall include the following:
  - i) Details of site clearance methodology to ensure that species including great crested newt and reptiles are protected;
  - ii) Details of how retained habitats including hedgerows, watercourses and woodland will be protected during site clearance and construction;
  - iii) A specification and location plan for a Receptor Area in the event that reptiles are found;
  - iv) Avoidance measures for nesting birds including ground nesting birds;
  - v) Details of an update survey for badger including avoidance, mitigation and/or compensation measures as required;
  - vi) Details of an otter and water vole survey and avoidance, mitigation and/or compensation measures which will be implemented if Catch Water Drain will be impacted; and
  - vii) A protocol to be followed if protected species are found during works. The approved Precautionary Working Methodology shall be adhered to throughout the site preparation and construction period for the development.
- 6) As part of any reserved matter application details of the housing mix (including both market and affordable housing) shall be provided in accordance with local planning policy or demonstration that the housing mix meets local need shall be submitted to and approved in writing by the Local Planning Authority. Development shall commence in accordance with the approved details.
- 7) Any reserved matters application that provides for the development of land currently laid out as playing pitches shall include proposals for the provision of an equivalent area of playing pitches within the appeal site.
- 8) No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority [after consultation with Sport England]:
  - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and
  - (ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, proposed drainage, cultivation and other

operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority [after consultation with Sport England] . The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

- 9) No construction works shall commence on site until a construction traffic management plan has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details. The principle areas of concern that should be addressed are:
  - i. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway)
  - ii. Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street.
  - iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway)
- 10) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the development is occupied in accordance with the approved details and shall thereafter be retained.
- 11) 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 in 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.
- 12) 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 a programme agreed in writing with the Local Planning Authority. If within a period of five 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.
- 13) In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the first occupation of the dwellings hereby approved.
  - a) 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 the relevant British Standard.

b) If any retained tree is removed, uprooted or 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.

c) 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 consent of the Local Planning Authority.

- 14) No development shall commence until a scheme for ecological compensation and enhancement including a location plan and specification for native planting and inbuilt features for nesting birds and roosting bats has been provided to and agreed by the Local Planning Authority. This shall be consistent with Sections 5.13 to 5.22 of Phase 1 Ecology Report (2016) (TEP, May 2016). This shall also include a long-term management plan including specifications for habitat creation and annual management measures. The measures shall be implemented in accordance with the agreed scheme.
- 15) No development shall take place until a written scheme of investigation (WSI) for an archaeological programme of works has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI which shall include:
- i) The statement of significance and research objectives;
  - ii) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - iii) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material.
- Developers will wish to ensure that in drawing up their development programme, the timetable for the investigation is included within the details of the agreed scheme.
- 16) No development shall begin until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall be based upon the principles within the agreed Flood Risk Assessment (FRA) and Drainage management Strategy prepared by Betts Hydro Consulting Engineers (ref: HYD121\_RAMPTON ROAD\_FRA&&DMS rev 1.1 dated August 2016 and shall also include:

i) Full calculations detailing the existing surface water runoff rates for the QBAR, Q30 and Q100 storm events;

- ii) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as Q100 plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
- iii) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- iv) Full details of the proposed attenuation and flow control measures
- v) Site Investigation and test results to confirm infiltration rates;
- vi) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- vii) Full details of the maintenance/adoption of the surface water drainage system;
- viii) Measures taken to prevent pollution of the receiving groundwater and/or surface water.

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the PPG

- 17) Prior to the commencement of any development, a scheme for the provision of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.
- 18) Prior to the commencement of any development, a scheme for the provision of pollution control of the water environment, which shall include foul and surface water drainage, shall be submitted and agreed in writing with the Local Authority. The works/scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the Local Planning Authority.
- 19) No development approved by this permission shall be commenced, unless otherwise agreed, until:
  - i) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.
  - ii) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (a Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
  - iii) The works specified in the remediation method statement have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
  - iv) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then

remediation proposals for this material should be agreed in writing by the Local Planning Authority.

- 20) No site or plant machinery shall be operated, no noisy works shall be carried out and no construction related deliveries shall be taken or dispatched from the site except between 0800 hours and 1800 hours Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays, and not at any time on Sundays and Bank Holidays.
- 21) No development shall commence until a construction noise impact assessment and a report / method statement detailing predicted construction noise and vibration levels at noise sensitive premises and consideration of mitigation measures to be taken to protect local residents from construction noise and or vibration has been submitted to and approved in writing by the Local Planning Authority. Potential construction noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS5228:2009+A1:2014: 'Code of practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration. Development shall be carried out in accordance with the approved details.
- 22) No development shall commence until a programme of measures to minimise the spread of airborne dust (including the consideration of wheel washing and dust suppression provisions) from the site during the construction period or relevant phase of development has been submitted to and approved in writing by the Local Planning Authority. Works shall be undertaken in accordance with the approved details /scheme unless the local planning authority approves the variation of any detail in advance in writing.
- 23) Prior to commencement of any residential development, a detailed noise mitigation / insulation scheme for the residential units, to protect future occupants internally and externally from Rampton Road traffic noise, shall be submitted to and approved in writing by the Local Planning Authority. The detailed noise attenuation / insulation scheme shall:
  - i) Have regard to the noise mitigation principles and recommendations detailed in the submitted Bureau Veritas noise report titled "Proposed Residential Development at Rampton Road, Cottenham Environmental Noise Report 6354907/R1v2 – 18<sup>th</sup> October 2016
  - ii) Shall demonstrate that the internal and external noise levels recommended in British Standard 8233: 2014 "Guidance on sound insulation and noise reduction for buildings" will be achieved. With regard to internal noise levels the scheme shall have regard to the noise insulation of the composite building fabric, glazing areas, including the provision of sound attenuated alternative mechanical ventilation systems / acoustically attenuated free areas (or similar) to facilitate rapid / purging ventilation and thermal comfort / summer cooling requirements if the recommended indoor ambient noise levels in BS 8233 cannot be achieved with a partially open external window (assuming a -13dB(A) external to internal reduction for a partially open window). The Rampton Road traffic noise attenuation / insulation scheme as approved shall be fully implemented prior to occupation and shall be retained thereafter and not altered without prior approval.

- 24) Prior to commencement of any residential development, a detailed noise mitigation scheme for the residential units, to protect existing and future occupants internally and externally from noise from the new roads within the development, shall be submitted to and approved in writing by the Local Planning Authority.

The noise attenuation scheme as approved shall be fully implemented prior to occupation of the new dwellings and shall be retained thereafter and not altered without prior approval.

- 25) Prior to commencement of any residential development, a detailed noise mitigation / insulation scheme for the residential units, to protect future occupants internally and externally from noise from the adjacent playing field, shall be submitted to and approved in writing by the Local Planning Authority.

The noise attenuation / insulation scheme as approved shall be fully implemented prior to occupation and shall be retained thereafter and not altered without prior approval.

- 26) Prior to the commencement of the development, an artificial lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by, the Local Planning Authority. The scheme shall include layout plans / elevations with luminaire locations annotated, full isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the site and on the boundary of the site and at future adjacent properties, including consideration of Glare (direct source luminance / luminous intensity in the direction and height of any sensitive residential receiver) as appropriate, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type / profiles, mounting height, aiming angles / orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light GN01:2011" including resultant sky glow, light intrusion / trespass, source glare / luminaire intensity and building luminance.

The scheme shall include consideration of sensitive design to retain habitat for protected species such as bats and barn owl.

The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details / measures unless the Local Planning Authority gives its written consent to any variation.

- 27) Before the development / use hereby permitted is commenced, an assessment of the noise impact of plant and or equipment 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 hereby permitted is commenced and shall thereafter be maintained in strict accordance with the approved details and shall not be altered without prior approval.

- 28) No development shall commence until a renewable energy statement 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 and thereafter retained.
- 29) No development shall commence 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 and thereafter retained.
- 30) 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 the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
- 31) No development shall take place until details of a scheme for the provision of a footway/cycleway along the northern side of Rampton Road from the northern site entrance to south of the junction with Oakington Road to be agreed with Cambridgeshire County Council has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
- 32) No development shall take place until details of a scheme for the widening of the existing footway along from the eastern side of the B1049 within the 30 mph zone between the junctions of Dunstal Field and Appletree Close to be agreed with Cambridgeshire County Council has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
- 33) No development shall take place until details of a scheme for the provision of a crossing facility (toucan) at a location on Rampton Road to be agreed with Cambridgeshire County Council has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of any of the dwellings hereby permitted or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
- 34) No development shall take place until details of a scheme for the installation of a bus shelter at the Lambs Lane bus stop to be agreed with Cambridgeshire County Council has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
- 35) The development shall not be occupied until a full Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

- 36) The accesses to the site shall be completed prior to first occupation of any dwelling.
- 37) The Rampton Road and Oakington Road roundabout improvements as shown on drawing number 1434/22 approved by this application shall be completely implemented prior to first occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.

-----End of Conditions Schedule-----



## **APPEARANCES**

### FOR THE APPELLANT:

|             |                             |
|-------------|-----------------------------|
| Mr Piatt    | Gateley Plc                 |
| Mr Walton   | The Environment Partnership |
| Mr Grimshaw | The Environment Partnership |

### FOR THE LOCAL PLANNING AUTHORITY:

|            |                                       |
|------------|---------------------------------------|
| Mr Simpson | Adams Hendry Consulting Limited       |
| Mr Neesam  | The Landscape Partnership             |
| Mr Pitt    | 3C Shared Services                    |
| Mr Fisher  | South Cambridgeshire District Council |

### INTERESTED PERSONS:

|                        |  |
|------------------------|--|
| Councillor Morris      | Chair of Cottenham Parish Council                    |
| Councillor Wotherspoon | District councillor                                  |
| Councillor Harford     | District councillor                                  |
| Mr Kratz               | Birketts LLP - on behalf of Cottenham Parish Council |

## **DOCUMENTS SUBMITTED AT THE HEARING**

- 1 Cambridge City Local Plan and South Cambridgeshire Local Plan Examinations – letter from the Inspectors dated 15 November 2017
- 2 Cambridge City Local Plan and South Cambridgeshire Local Plan Examinations - Statement of Consultation to the Main Modifications Consultation (March 2018)
- 3 Cottenham Village Design Statement, supplementary planning document
- 4 Cottenham Civil Parish Neighbourhood Development Plan 2017 to 2031 Pre-submission Draft Plan v4.1a February 2018
- 5 South Cambridgeshire District Council Report to the Planning Portfolio Holder on the Annual Monitoring Report 2016-17 dated 11 December 2017 & Planning Committee Report on the appeal application.
- 6 Technical Review of SUDS opportunities – letter dated 9 March 2018
- 7 E-mail confirming that the Toucan crossing sought on Rampton Road will be secured by condition

## **PLANS SUBMITTED AT THE HEARING**

- A Preliminary Drainage Layout (surface water only), ref HYD121 1001 A
- B Proposed site visit route