The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2015

by Gareth W Thomas BSc(Hons) MSc(Dist) PgDip MRTPI

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

Decision date: 8 February 2016

Appeal Ref: APP/W0530/W/15/3133015
The Railway Tavern, Station Road, Great Shelford, Cambridgeshire CB22 5LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Great Shelford (Cambridge) LLP and Manhattan Corporation Ltd against the decision of South Cambridgeshire District Council.
- The application Ref S/0291/15/FL, dated 2 February 2015, was refused by notice dated 2 July 2015.
- The development proposed is demolition of existing building and erection of 12 dwellings and associated new access and landscaping.

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 8 January 2016.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of 12 dwellings and associated new access and landscaping at the Railway Tavern, Station Road, Great Shelford, Cambridgeshire CB22 5LR in accordance with the terms of the application, Ref S/0291/15/FL, dated 2 February 2015, subject to the schedule of conditions attached.

Procedural matter

2. A signed and completed S106 Unilateral Undertaking (UU) has been submitted by the appellant in respect of infrastructure contributions and affordable housing provision. I return to this matter later.

Main Issue

3. The main issue relates to the effects upon the living conditions of neighbouring properties with regards to outlook.

Reasons

4. The site is roughly triangular in shape and rises slightly away from Station Road. It is located in a mixed use area but opposite residential properties as the road approaches the automatic railway crossing at Shelford Station. A previous appeal for 13 flats (APP/W0530/A/11/2155355) showed two and three storey elements with a set back of several metres from the road, which according to the Inspector helped reduce the prominence of the development in

the street scene. The current proposal has a more direct relationship with Station Road but is still set back further from the roadside edge when compared with the adjoining office building, The Stables, which the Inspector found to be a prominent feature but not overbearing when viewed from the windows to houses along Station Road opposite. Nevertheless, it is the relationship between the proposal and the semi-detached houses fronting Station Road and the detached house at the end of Shelford Park Avenue however that continues to concern the Council.

5. The appeal proposal would see the construction of eight terraced houses and four apartments and include either integral rear parking spaces within the envelope of the townhouses or courtyard parking further to the rear. These would be served by a single access centrally located under an oversail feature midway along the road frontage. From the existing houses opposite, the proposed development would appear as two and a half storey elements incorporating dormers in the roofslope. Towards the northern end, the development becomes three storey and is of more contemporary appearance as it curves away from Station Road.

6. Policy DP/3 (2) of the South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document (DCP) seeks amongst other things to prevent unacceptable adverse impact arising from developments on residential amenity. The Inspector in assessing the previous appeal proposal gave weight to the varied development styles that exists along this part of Station Road and opined that the mix of roof heights proposed, together with gable features and the variety of cladding materials would help reduce the mass when viewed from properties opposite. But in this appeal, the development is of more traditional appearance with the vertical elements comprising windows and dormers in the roofspace taking on a more orderly frontage arrangement, which is consistent with the domestic architecture found opposite. The continuous frontage is broken by the use of set backs to define entry points and changes in materials, which help to produce a form and scale not uncommon to a residential street of terraced properties, including in the immediate locality.

7. In terms of height, the development proposed would be marginally lower when compared to the previous appeal. In terms of siting, the proposal would be nearly identical in terms of its positioning relative to Station Road. With regards to scale and massing, the ridge height would be some 1.36m higher than the dwellings opposite on Station Road. Although the nature of views across an existing open car park will inevitably lead to a significant change for the occupiers of those dwellings opposite, at a distance of just over 20m from No's 5 to 15 Station Road and 21.5m from 2A Shelford Park Avenue, development of this magnitude would not be overbearing. I have therefore concluded that the living conditions of the occupiers of these dwellings would not be unduly affected, and consequently, the development would comply with Policy DP/3 of the DCP.

Section 106 Unilateral Undertaking

8. Paragraph 204 of the Framework, the Planning Practice Guidance and Regulation 122 of the CIL Regulations require that planning obligations should only be sought, and weight attached to their provisions, where they 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.

9. There is a signed and completed UU. It requires the appellant to make financial contributions totalling £35,719.13 towards infrastructure as follows: £5,085.88 for the provision of 'community space' (meeting space or extension to the village hall); £11,202.37 towards outdoor sports provision; £915.29 for informal play space; £15,567.35 for formal play space provision; £2,114.24 for river stabilisation works at the local recreation ground; and, £834 towards household waste receptacle provision. In addition, provision is made for four affordable units to be provided as part of the total 12 residential units.

10. Support for the contributions in the UU and how they would be spent is set out in DP/4 of the DCP, the RECAP waste management design guide Supplementary Planning Document of the Cambridgeshire County Council Minerals and Waste Plan and the Council's statement. In terms of affordable housing, a requirement for 40% provision is also set out in the Council's Affordable Housing Supplementary Planning Document and supported by Policy HG/3 of the DCP. I have found that the Council's requirement for intermediate housing provision in this case is reasonable. I am also satisfied that the proposed contributions are necessary, directly related, and fairly and reasonably related in scale and kind to the proposed development, in accordance with CIL Regulation 122. I have therefore attached weight to them in reaching my decision.

Conditions

11. The Council has suggested a number of conditions which I have considered against the *Use of Conditions* guidance set out in the *Planning Practice Guidance.* I have amended some of them for clarity, combined others and either amended or eliminated others because of duplication or lack of necessity.

12. In addition to the standard 3 year limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans for the avoidance of doubt and in the interests of proper planning. Conditions securing appropriate finishing materials and planting/screen fencing, and their maintenance and retention, are necessary to safeguard the character and appearance of the area. A condition as recommended by the Council's archaeological advisor is considered necessary in order to properly record archaeological evidence. Given the brownfield nature of the site, a condition requiring assessment of potential land contamination is necessary in the interests of amenity. A condition requiring approval of lighting is necessary having regard to policy requirements and avoidance of light pollution. A condition requiring development to be carried out in accordance with the ecology report is necessary and subject to compliance therewith, further conditions concerning nesting birds and roosting bats are not considered necessary as these matters are dealt with in the report. Hours when construction and use of machinery and plant can take place, together with deliveries is necessary to protect residential amenity. Given its location and having regard to the recommendations contained within the appellant's noise report, a condition for mitigation/insulation is necessary in order to secure reasonable standards of amenity for future occupants. A site traffic management plan is necessary in order to ensure that heavy vehicles leave the site in a clean condition and avoid spillage of debris onto the

highway. Surface water details are necessary to ensure a satisfactory standard of development having regard to amenity considerations. But given the views of the Water Company, a foul drainage condition is not considered necessary. A condition requiring the proposed parking, access and turning area to be provided before occupation is necessary and thereafter the parking areas retained for such purpose in order to ensure the free flow of traffic on Station Road.

13. I do not consider that withdrawing permitted development rights restricting future small scale alterations, extensions or outbuildings would be necessary or serve a useful planning purpose in this particular case.

Conclusions

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Gareth W Thomas

INSPECTOR

SCHEDULE OF CONDITIONS

1) The development hereby permitted shall begin not later than three years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan P01, P03L, P04J, P20D, P05K, P06A, P10H, P11D, P12D and P14D.

3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

4) 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 and these works shall be carried out as approved. These details shall include: proposed finished levels or contours; means of enclosure; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection during construction. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

5) No development shall take place until a Written Scheme of Investigation of Archaeology has been submitted to and approved in writing by the local planning authority. The scheme shall include the programme and methodology of site investigation and recording, together with the nomination of a competent person or persons/organization to undertake the works. The scheme shall be implemented prior to development commencing on site. A copy of the full report of investigation and findings shall be deposited with the local planning authority prior to commencement of development.

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

7) No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the local planning authority. The lighting scheme shall be carried out in accordance with the approved details.

8) The development hereby permitted shall be carried out in accordance with the ecological enhancements and recommendations detailed in the Ecology Report by Applied Ecology Ltd dated January 2015.

9) No construction site machinery or plant shall be operated and no construction related deliveries taken at or despatched from the site before 08:00 on Mondays to Saturdays nor after 18:00 on Mondays to Fridays and 13:00 on Saturdays, or at any time on Sundays or on Bank or Public Holidays.

10) Construction work shall not take place until a scheme for protecting the proposed dwellings from railway noise and road traffic noise shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before any of the dwellings are occupied and retained thereafter.

11) No demolition or construction works shall commence on site until a traffic management plan has been submitted to and agreed in writing by the local planning authority. The principal areas of concern that should be addressed in the management plan should include (a) movements and control of muck away lorries; (b) contractor parking; (c) movements and control of all deliveries; (d) control of dust, mud and debris. Thereafter development shall proceed in accordance with the approved plan.

12) No dwelling shall be occupied until the proposed parking areas, access and turning areas have been constructed in accordance with the approved plans. Thereafter the parking areas shall be retained for such use.

13) No dwelling shall be occupied until the sustainable drainage system for the site has been completed in accordance with the submitted details. The sustainable drainage system shall be retained for such purposes thereafter.

END OF SCHEDULE