
Appeal Decision

Inquiry opened on 14 March 2017

Site visit made on 17 March 2017

by Paul Jackson B Arch (Hons) RIBA

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

Decision date: 05 July 2017

Appeal Ref: APP/W0530/W/16/3149854

Land east of Highfields Road, Highfields Caldecote, Caldecote, Cambridgeshire CB23 7NX

- 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 Gladman Developments Limited against South Cambridgeshire District Council.
 - The application Ref S/2510/15/OL, is dated 23 September 2015.
 - The development proposed is up to 140 residential dwellings (including up to 40% affordable housing) removal of existing temporary agricultural equipment and debris, introduction of structural planting and landscaping, informal public open space and children's play area, community orchard and allotments, surface water flood mitigation and attenuation, vehicular access point from Highfields Road and associated ancillary works, with all matters reserved except for the main site access.
-

Preliminary matters

1. The application was submitted in outline with all matters reserved except for the main site access.
2. Following the Inquiry on 10 May 2017, the Supreme Court issued a judgment in the case of *Suffolk Coastal District Council v Hopkins Homes*, and the case of *Richborough Estates Partnership LLP v Cheshire East Borough Council*¹ on the interpretation of paragraph 49 of the National Planning Policy Framework (NPPF) and its relationship with paragraph 14. I considered that it was necessary to seek the opinions of the main parties on the judgment. The responses have been taken into account in this decision.

Decision

3. The appeal is allowed and planning permission is granted for up to 140 residential dwellings (including up to 40% affordable housing) removal of existing temporary agricultural equipment and debris, introduction of structural planting and landscaping, informal public open space and children's play area, community orchard and allotments, surface water flood mitigation and attenuation, vehicular access point from Highfields Road and associated ancillary works, with all matters reserved except for the main site access, on land east of Highfields Road, Highfields Caldecote, Caldecote, Cambridgeshire CB23 7NX in accordance with the terms of the application, Ref S/2510/15/OL,

¹ Refs [2017] UKSC 37 on appeals from: [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)

dated 23 September 2015, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

4. The main issue is whether the proposed development would be acceptable, having regard to the economic, social and environmental dimensions of sustainable development as defined in the NPPF.

Reasons

The site and surroundings

5. Highfields Caldecote is a village situated immediately south of the A428 which connects Cambridge to St Neots. It is about 14 kilometres (km) west of Cambridge by road and around 5 km by road east of the new settlement of Cambourne, separated from it by Bourn Airfield. The village is characterised mainly by bungalows and family houses, many in relatively generous plots and mostly built at various times in the 20th century. In the early 2000s up to the present, a great deal of 2 storey modern estate type housing has been built in response to a late 1990s policy aim to support the local primary school. The surrounding countryside is in arable use with large fields and intermittent hedges and occasional areas of woodland. It is largely flat and drains slowly to the south and east through a system of ditches and culverts. The site consists of 3 fields on the north eastern edge of the village adjacent to Highfields Road from which site access would be obtained and which links the village to the A428. The illustrative Development Framework Plan² shows a central open area centred on an existing pond and bushes. The residential development would be situated around this in 3 distinct areas. The development proposal includes alterations and additions to drainage ditches and the footpath network.

Policy background

6. The development plan for the area includes the Local Development Framework (LDF) Core Strategy (CS) and the LDF Development Control Policies Development Plan Document (DPD) both adopted in 2007. Four policies are referred to in the Council's putative reasons for refusal. CS policy ST/6 identifies Highfields Caldecote as a Group Village, where residential development and redevelopment up to an indicative maximum scheme size of 8 dwellings will be permitted, or up to about 15 dwellings where it would make the best use of a brownfield site. The accompanying text indicates that Group Villages are generally 'less sustainable locations for new development than Rural Centres and Minor Rural Centres, having fewer services and facilities allowing only some of the basic day-to-day requirements of their residents to be met without the need to travel outside the village. All Group Villages have at least a primary school and limited development will help maintain remaining services and facilities and provide for affordable housing to meet local needs'.
7. DPD policy DP/7 relates to development frameworks³, in other words, settlement boundaries. It says that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and

² Ref 6663-L-03 Rev B

³ The explanatory text says that 'Development frameworks define where policies for the built-up areas of settlements give way to policies for the countryside. This is necessary to ensure that the countryside is protected from gradual encroachment on the edges of villages and to help guard against incremental growth in unsustainable locations'.

other uses which need to be located in the countryside will be permitted. Policy DP/1 concerns the principles of sustainable development and advises that development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form. Amongst criteria that should be met, DP/1a says that development should be consistent with the sequential approach to development, as set out in the strategy chapter of the CS, where rural settlement is the subject of policies ST/4 to ST/7. DP/1b advises that development should minimise the need to travel and reduce car dependency.

8. DPD policy TR/1 seeks more sustainable means of travel and advises that planning permission will not be granted for developments likely to give rise to a material increase in travel demands unless the site has (or will attain) a sufficient standard of accessibility to offer an appropriate choice of travel by public transport or other non-car travel mode(s). It sets out measures designed to increase accessibility to non-motorised modes including securing design proposals that promote integrated travel and access by such means as far as practicable (including walking and cycling) and facilitate and encourage their use.
9. Both the NPPF, published in 2012, and Planning Practice Guidance (PPG) initially published in 2014, are material considerations in the determination of this appeal. They post-date the CS and DPD, the policies of which were predicated on the 2003 Cambridgeshire and Peterborough Structure Plan, now revoked.
10. The Council is well into the process of preparing the replacement South Cambridgeshire Local Plan (SCLP), which was submitted to the Secretary of State on 28 March 2014 alongside the Cambridge City Local Plan. Joint examination of both plans commenced in 2014 but the examination was put on hold in June 2015 because additional work was necessary on the objectively assessed need for housing amongst other things. Hearings recommenced in 2016 and are continuing. There are still unresolved issues and objections and as a result, only limited weight can be attached to the SCLP.

The main issue

11. The NPPF advises that 'the environmental aspect of sustainability includes contributing to protecting and enhancing our natural, built and historic environment; economic and social gains should be sought jointly and simultaneously with environmental improvement'.
12. As background, the village already contains a substantial amount of new housing because in the 1990s it was recognised that primary school numbers were declining. Subsequently 11.8 hectares were allocated east of Highfields Road under Policy Caldecote 1 in the 2004 Local Plan. Not all of the allocated land was built out⁴ but about 400 dwellings have been added at Blythe Way, Clare Drive and Strympole Way in the last 15 years⁵. Concomitant improvements were carried out to highway infrastructure where Highfields Road meets the A428. The promotion of the village for development ceased with the adoption of the 2007 CS and DPD.

⁴ Doc 3

⁵ Figure taken from Officer's Report CD6.2

13. The Council's objection to the appeal scheme relates to its location in a village that in its view scores poorly in terms of public transport links, health provision, local facilities and employment. Local people refer to the recent increase in population which they feel has not been sufficiently accompanied by new facilities apart from the new village hall which is small.

Considering each matter in turn:

Shops and facilities

14. The village possesses limited shopping facilities but does include a coffee shop, a hairdressers, a beauty salon and a SPAR shop at the petrol station which offers a limited range of day to day groceries and newspapers. There is a village club, a community hall and a recreation ground with a pavilion and multi-use games area. The primary school offers a children's centre for the under 5s.
15. For most shopping, residents need to travel to Cambourne or Cambridge or to one of the other nearby villages that offer services such as public houses, farm shops or specialist independent retailers.

Transport and accessibility

16. Public transport bus services provide 3 buses every hour for the 30 minute journey to central Cambridge or Cambourne from early morning to late at night⁶ from a stop at the Highfields Road roundabout. Onward services are available from there to many of the outer Cambridge employment centres. This bus stop is within 800 metres (m) of the centre of the site equating to approximately a 10 minute walk along the footway. This is a reasonable distance according to *Manual for Streets*. Hourly buses also serve Huntingdon, Hardwick, Papworth Everard and Childerly. A daily morning and evening bus serves the centre of Highfields Caldecote just outside the site and goes to Hardwick, Boxworth, Toft and Cambridge, though the infrequency of this service is likely to deter many. In the round, the availability of public transport options from the site is better than many other rural locations in Cambridgeshire.
17. However, for larger purchases and food shopping, living in Highfields Caldecote necessitates use of a car or using a delivery service. The petrol station at the Highfields Road roundabout is the subject of an application for enlargement but the nearest large supermarket is in Cambourne. I acknowledge the appellant's argument that electric cars may well provide a more sustainable private transport option in future years but their use is not common as yet. In common with most rural villages in South Cambridgeshire, inhabitants of the village would have to use a car for most day to day activities. The proximity of the partially dualled A428 offers easy links to Cambourne and Cambridge and further afield to St Neots and the main line railway station there. Whilst getting to or from central Cambridge by car in the busy morning and afternoon peaks is slow due to the congestion on the A1303 Madingley Hill, access to north Cambridge and the Cambridge Science Park via the A428 and A14 is straightforward and relatively quick.
18. Turning to other means of transport, cycling is a popular activity because of the generally flat landscape but for commuting purposes is generally impractical for

⁶ Limited in the evenings to an hourly service. Sunday services cease around 1730-1800

many because of the lack of dedicated cycle lanes. Whilst this may improve in the Cambridge direction in the long term, it cannot currently be given a great deal of weight as a transport choice for most. The appellant offers to upgrade the footway along Highfields Road to the bus stop and SPAR shop to a cycleway/footway as part of a S106 undertaking.

19. Local facilities are all within 10 minutes walking distance, except for the coffee shop (904m) the community centre (856m) the hairdressers (914m) and the recreation ground and sports pavilion (around 1100m). However none of these distances would be so great as to deter people from walking rather than driving.
20. I conclude that although most future residents will need to use a car for main shopping trips and commuting, the bus services together with the opportunity to use an upgraded cycleway to the main road and shop offer a practical choice which in this case limits the degree of conflict with the aims of DPD policies TR/1 and DP/1b.

Education

21. The primary school in the village is within reasonable walking distance. A County Council school bus provides transport to the local secondary school at Comberton about 6 km away by road. Although evening activities at the school would require use of a car, in many instances this is likely to be shared by several people. That is a common situation in rural areas and does not weigh heavily against the appeal scheme.

Employment

22. There are a few employment opportunities in the village but the great majority are in Cambridge and its surroundings and in Cambourne. A number of residents including some who spoke at the Inquiry, use the internet to work from home and agreed that the broadband service is adequate for this purpose. In any event, in my opinion, the frequency of bus services to Cambridge and Cambourne is sufficient to provide a realistic choice for commuters. It may be that from time to time, the bus service is crowded, but there is no indication from the bus company that there is any undercapacity and my own observation in the mornings during the Inquiry was that everyone who needed to board was successful in doing so.

Medical services

23. There are no medical or dental practices in the village and none are easily accessible by public transport. The appellant referred to the practice in Bourn but that requires a change of buses in Cambourne. I do not doubt that most people would find that option restrictive, particularly if feeling unwell. Other practices are accessible by car within a reasonable distance, but the lack of access to medical facilities within the immediate community diminishes the sustainability of the proposed location because of its importance in maintaining the health of local people. The NPPF promotes accessible local services that reflect the community's needs and support its health, social and cultural well-being.
24. I conclude that although bus services are significantly better than many other rural locations, the development conflicts with the sequential development

sustainability criteria set out in CS policy ST/6 and DPD policies DP/7, DP/1a and 1b.

Other matters

25. The appellant has submitted a signed and dated S106 Unilateral Undertaking (UU1) which seeks to provide contributions towards improvements in healthcare by means of extended accommodation at Little Eversden Surgery, off-site children's playspace and community space, libraries, early years and primary education, bus shelter maintenance, footpath upgrades and other things. The off-site children's playspace contribution is for a BMX park, skate park or Wi-fi enabled youth shelter. The off-site open space contribution is for a choice of improvements to existing sports facilities in the village. An off-site indoor community space contribution is for an extension to the Caldecote Village Hall. UU1 also includes provisions which would ensure the setting up of a management company on the appeal site for the purpose of maintaining the common areas and ditches.
26. Areas of disagreement had been defined before the Inquiry. I regard the modest Council monitoring fees to be reasonable in the context of commitments which will extend over several years and which are important to the successful integration of the scheme into the village fabric. I was persuaded by the arguments from the Clinical Commissioning Group that the additional population living in the development will generate additional healthcare needs which the existing surgeries and present staff complement would find difficult to cope with. The fact that the existing surgeries, which share their resources, are all accepting patients does not mean that the number of people likely to occupy the proposed development could all be offered an acceptable service without improvements. With regard to the off-site community and open space contributions, the actual composition of the dwelling mix on the site is at present unknown. A formula approach takes account of any variations in bedroom numbers that would be approved at the detail stage.
27. Contributions to education provision were finally agreed at the Inquiry and are incorporated into the signed undertaking. In correspondence subsequent to the Inquiry the County Council made representations to the effect that phasing of the project and sequential approval of reserved matters for different phases could result in a shortfall in contributions for the later phases. However, no phasing is envisaged by the Council or the appellant. Agreement had been reached between the appellant and the education authority on the trigger points that would apply. Moreover, the County Council was very adequately represented at the Inquiry round table discussion and confirmed that those present had the authority to agree the terms with the appellant's representatives. It was pointed out that there would be no further opportunity for further discussion to alter the terms of the UU after the Inquiry was closed. The Authority now suggests that the UU is unenforceable but in my view, the definitions of 'Primary Education Contribution' and 'Composition of Development' in the UU are sufficient to ensure it would be enforceable.
28. It remains a possibility however, that a subsequent developer purchasing the site might have a different idea about phasing. To avoid any risk that this could be used as a means of avoiding paying appropriate education contributions on later phases conditions can be imposed controlling the mix of housing to ensure

- that the mix adopted on the entire site is submitted with the first reserved matters application.
29. The contribution to footway improvements was agreed prior to the Inquiry. The appellant considers that bus shelter improvements are not compliant with the Community Infrastructure Levy (CIL) Regulations (2010) but the nub of its case is that public transport is a viable option for future residents. I saw that the bus shelters are in poor repair and consider that improvement to their fabric and live service indicators to be a benefit of direct relevance to the scheme and necessary.
 30. A separate S106 UU2 has been prepared with the object of ensuring that 40% of the dwellings constitute affordable housing. The appellant prefers a planning condition for this purpose which may be appropriate in some instances. In this case, the appellant is not the developer of the scheme but a promoter who has no responsibility for the detail of the eventual build. Assuring affordable housing by condition is vulnerable to a further appeal, whereas a signed S106 UU places obligations on every subsequent owner. Moreover paragraph 010 reference ID: 21a-010-20140306 of Planning Practice Guidance advises that a negatively worded condition limiting the development that can take place until a planning obligation or other agreement has been entered into is unlikely to be appropriate in the majority of cases. No exceptional circumstances have been demonstrated here that might justify another approach.
 31. I consider that the provisions of the UUs are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make it acceptable. They meet the tests set out in paragraph 204 of the NPPF and Regulation 122 of the CIL Regulations. As such I give them significant weight.
 32. Local occupiers have experienced serious surface water flooding in Highfields Road in the past. At the site visit, it was apparent that this was at least partly caused by constricted and unmaintained ditches and culverts running along the frontage of properties. The appeal scheme would incorporate a separate drainage ditch draining in an easterly direction towards a balancing pond from where the outflow into the local drainage system would be controlled. In this way, there would be no additional surcharge from development of the appeal site on existing drains in Highfield Road. This matter can be assured by means of an appropriate condition.
 33. Foul drainage is currently pumped away from the village to the Bourn treatment plant. Incidents of flooding and breakdown have occurred at the pumping station, leading to smells and noise, but Anglia Water has indicated that the pumping station has the capacity to pump the additional outflow from the proposed development. On the face of the evidence, there is no reason to consider that foul drainage is a reason to dismiss the appeal. A condition is imposed to ensure that the Council approves the design of the drainage.
 34. The Council proposes new strategic development of about 3500 homes at Bourn Airfield adjacent to the western edge of Highfields Caldecote. I understand the concerns of local residents who perceive this as development that could diminish the existing degree of separation between settlements along the A428. However the appeal scheme is on the eastern edge of the village adjacent to Highfields Road and does not significantly reduce the countryside gap between Highfields and Hardwick, the next village towards

Cambridge. Mention was made at the Inquiry of an application for development by Cala Homes near the school for around 70 homes, currently under consideration by the Council. I appreciate the concerns of residents in respect of this application but that development would be in a different part of the village and would not have any direct bearing on the matters at issue in this appeal.

35. I have had regard to the concerns expressed for wildlife on the site specifically protected species in the form of badgers and great crested newts. The presence of badgers and the likelihood of the existence of newts has been identified in pre-application studies. Measures can be put in place by means of planning conditions which will ensure that the development would not be detrimental to the badger sett, their foraging behaviour or maintaining the population of the newts in their natural range.
36. Evidence was put forward suggesting that the additional traffic pressure resulting from the scheme is likely to cause an unacceptable increase in risk to highway safety and congestion. It is accepted that many of the new occupiers may choose to use private cars to commute and convey children to school, but the additional vehicles would not be so significant in number as to exceed a safe level on local roads or cause unacceptable safety concerns at the primary school. Congestion of this sort is commonly encountered twice a day in many places and providing those concerned drive and park safely, there should be no unacceptable safety consequences. In any event, the school is within easy walking distance. The Highway Authority (County Council) has no outstanding highway or safety concerns.
37. Whilst the number of affordable dwellings that would be provided in this development would significantly exceed the number identified as needed in the local community, there is no reason to consider that they would remain unused. I have established that the bus service provides a viable alternative to the private car at this location. The likelihood of potential occupiers of affordable housing being put off by the transport links does not suggest planning permission should be withheld.

Balance and conclusion

38. There is no dispute that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the NPPF. The parties disagree as to whether the level of supply is 3.58 or 3.79 years (equating to a shortfall of 2260 or 1816 dwellings respectively) based on only slightly differing assessments of need and a projected supply for the next 5 years of 5707 dwellings. The difference is not significant insofar as this appeal is concerned. I accept that the Council is taking significant steps to address the level of supply, but at the current time, the shortfall is increasing⁷. There is a pressing need for new housing of all types.
39. Paragraph 49 of the NPPF says that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. In these circumstances, paragraph 14 says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh

⁷ HLS declined from 3.9 years in 2015 to 3.79 years in 2016 (Annual Monitoring Report 2016, CD11.8)

the benefits, when assessed against the policies in the NPPF taken as a whole⁸. LP policy ST/6 concerns the numerical supply of housing and by reference to policy ST/2, the spatial distribution of housing. Policies DP/7 and DP/1a seek to restrict housing development by means of a sequential approach and by reference to development frameworks (or settlement boundaries). The parties differ on whether these policies should be considered to be 'relevant policies for the supply of housing' in the terms used in the NPPF, but agree that there is an ongoing and significant shortfall in supply. The application of the policies is not leading to sufficient housing land being provided. Accordingly paragraph 14 of the NPPF is engaged.

40. The sustainability criteria of policy DP/1 (b-r) remain consistent with the NPPF as do the objectives of policy TR/1 and attract full weight.
41. It is a core objective of the NPPF that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. However paragraph 29 notes that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Paragraph 55 says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. South Cambridgeshire is essentially a rural area. The CS notes in its introduction that (in 2007) 'it is a largely rural district which surrounds the city of Cambridge and comprises over 100 villages, none currently larger than 8,000 persons'. It follows that the use of a car for day to day activities in such areas may not mean that a development site is inherently unsustainable. In this case, there is a realistic choice in the form of the bus services which are convenient to the site. The proposed Transport Plan will encourage use of public transport.
42. To facilitate the expected growth from 1999 to 2016 the CS sets out at policy ST/2 the objective of making provision for 20 000 homes on the edge of Cambridge, at a new town at Northstowe and in the rural area in Rural Centres such as Cambourne and other villages. The text anticipates 10 050 of these will come from the rural area, of which 5088 had been completed up to 2006, with 3136 unimplemented permissions and 142 allocated to rural settlements. However, the expected proportion of dwellings completed on 'brownfield' land has not met expectations and the 2007/8 recession seriously impacted on housing starts overall⁹. The Council has relied on affordable housing exception sites and 'five year supply' sites outside development frameworks.
43. The agreed position in 2016, based on the Council's December 2016 Annual Monitoring Report, is that only 12 658 dwellings have been completed. The record of persistent under-delivery is such that in accordance with the NPPF at paragraph 47, a delivery buffer of 20% has been added to provide a realistic prospect of achieving the planned supply.
44. The Council acknowledges that in the absence of a 5 year supply, some houses that will be necessary will have to be built in the rural area and that to apply rigidly its settlement hierarchy policies would not be appropriate. It follows that whether some of those houses would be acceptable in the less sustainable

⁸ There are no other specific policies that indicate development should be restricted (footnote 9)

⁹ Annual Monitoring Report 2016 CD11.8

Group Villages that do not have all the facilities that are considered ideal depends on the circumstances of each case.

45. There are no sustainable objections related to the effect on the landscape or the character and appearance of the area. The delivery of 140 new homes with 57 affordable units attracts very significant weight. The Council acknowledges economic and social benefits attach to the scheme by way of construction activity and the contribution that new residents will bring to the vitality of the village by using clubs, sports facilities, shops and businesses. Cambridge is only a 40 minute bus ride away from a stop about 10 minutes walk away from the site.
46. The scheme would make a significant contribution to affordable housing in particular. There is no dispute that the Council has failed over several years to provide sufficient affordable housing.
47. The proposal does not comply with CS policy ST/6 or with DPD policies DP/7 and DP1/1a, but the weight to be attached to the conflict with these policies is reduced because of the ongoing shortfall. The second limb of paragraph 14 of the NPPF applies. Taking all matters into account, the adverse impacts of the proposed development fall short of outweighing the benefits, assessed against the policies of the NPPF taken as a whole. The proposal would represent sustainable development in South Cambridgeshire which should be granted planning permission.

Conditions

48. I have considered the suggested conditions in the light of paragraph 206 of the NPPF, planning guidance and Appendix A to Circular 11/95 *The Use of Conditions in Planning Permission: Suggested Models of Acceptable Conditions for Use in Appropriate Circumstances*. They have been adapted in accordance with the recommendations therein where appropriate, to ensure the wording is precise, necessary, relevant and enforceable. The wording has also been adapted where necessary following discussion at the Inquiry.
49. The usual conditions are imposed to control the submission of the reserved matters which must include the dwelling mix for the entire site. As discussed at the Inquiry, conditions ensure that a pedestrian and cycle link and improvements to the bus stops are provided. A restriction is placed on the total number of dwellings in the interests of maintaining a reasonable density similar to other parts of Highfields Caldecote.
50. A design code is to be submitted and agreed with the aim of ensuring a high quality development which is generally not higher than 2 storeys except for 'nodes' which can help orientation and contribute to a sense of place. Contamination risks have been highlighted on the site and a condition ensures these will be properly dealt with.
51. Other conditions are necessary at this stage to control the surfacing of the main site access, fire hydrants, flood risk, electric vehicle charging points, foul and surface water drainage, lighting and parking within the development. Conditions are required to control landscaping, tree protection, ecological improvements, the protection of wildlife habitats and the alterations to public rights of way. A construction method statement needs to be submitted in the interests of the amenity of neighbouring occupiers and the community in

general and the hours of construction need to be controlled for the same reasons. The Travel Plan is procured by means of a condition. Development plan policies require the provision of an on-site renewable energy resource. Archaeological interest on the site requires a programme for investigation and assessment. The future management of the open space is covered by the S106 UU.

52. For all the above reasons, the appeal should succeed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Douglas Edwards	Queens Counsel
He called	
Sarah Ballantyne-Way	SBW Planning Ltd
BSc (Hons) MSc MRTPI	

FOR THE APPELLANT:

Jonathan Easton	Of Counsel
He called	
Nigel Weeks BSc FACE	Stirling Maynard Transportation
Duncan Hartley BSc (Hons)	Rural Solutions Ltd
MA DipTRP MRTPI	
John Lees BSc CEng MICE	Lees Roxburgh Ltd
MCIWEM	
Laurie Lane BSc (Hons)	Gladman Developments Ltd
MRTPI	

INTERESTED PERSONS:

Anna Mortenson	Caldecote Parish Council
Philip Claridge	Local resident
Mary-Ann Claridge	Local resident
Cllr Tumi Hawkins	District Councillor and local resident

In connection with the S106 discussion on Thursday 16 March

James Fisher	South Cambridgeshire District Council
Stephen Reid	South Cambridgeshire District Council
Judit Carballo	Cambridgeshire County Council
Rob Lewis	Cambridgeshire County Council
Victoria Keppey	Cambridgeshire County Council
Tam Parry	Cambridgeshire County Council
Paul van de Bulk	Cambridgeshire County Council
Laurence Smith	Cambridgeshire County Council
James Stringer	Cambridgeshire County Council
Alice Benton	Cambridgeshire and Peterborough Clinical Commissioning Group
Amy Gilham	Turley

DOCUMENTS

- 1 Replacement Appendix 4, provided by Sarah Ballantyne-Way
- 2 Further details on 5 year housing land supply sites, (response to Rebuttal of Laurie Lane) provided by Sarah Ballantyne-Way
- 3 Note on planning policy history for the expansion of Highfields Caldecote, with Annexes 1 and 2, supplied by the Council
- 4 Extract from Examination into the Soundness of the South

- Cambridgeshire Local Plan- Matter SC6- New Settlements, with table of modifications, supplied by the Council
- 5 Highfields Caldecote and South Cambridgeshire- Table of Method of Travel to Work, supplied by the appellant
- 6 Chartered Institution of Highways and Transportation leaflet 'Planning for Walking' supplied by the Council
- 7 Extract from Institution of Highways and Transportation leaflet 'Planning for Public Transport in Developments, supplied by the Council
- 8 Graphic of Caldecote Floods in 2014, supplied by Cllr Hawkins
- 9 Google Traffic extract showing road congestion at 0800 on 15 March 2017, supplied by Mr Claridge
- 10 Bundle of information submitted by Mr Claridge on drainage, Smart Cambridge, transport, employment
- 11 Copy of Caldecote residents' objections version 2.03 supplied by Mr Claridge
- 12 Appeal Decision ref APP/W0530/W/16/3162747 (Linton Road, Balsham)
- 13 Housing Statistical Information Leaflet from SCDC on affordable housing dated October 2016
- 14 Note on Foul Drainage matters by Utility Law Solutions, provided by the appellant
- 15 Additional Drainage Proposals Information by Lees Roxburgh, provided by the appellant
- 16 Comments on proposed draft conditions, provided by Mr & Mrs Claridge

Schedule of 28 conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for 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 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) Details of the dwelling mix of housing for the entire scheme hereby approved including market and affordable housing shall be submitted with any reserved matters application. The details submitted shall provide the housing mix for all dwellings to be implemented on the site. The details shall be approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 5) Prior to the commencement of development an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include final tree surveys, schedule and timing of works, methods of construction close to trees and

the location of services. The development shall be undertaken in full accordance with the approved details.

- 6) No development shall take place until there has been submitted to and approved, in writing, by the local planning authority a scheme of hard and soft landscaping works (including boundary treatments, play areas, attenuation pond and any works to footpaths). The details shall include an implementation programme, proposed changes in ground levels, and also accurately identify spread, girth and species of all existing trees, shrubs and hedgerows on the site and indicate any to be retained, together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication "BS 5837:2012 Trees in relation to design, demolition and construction".
- 7) All hard and soft landscaping works, shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the local planning authority up to the first use or first occupation of the development.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, are seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.
- 8) No works or development shall be commenced until details of a scheme to secure habitat and species mitigation and enhancement in line with the submitted FPCR Ecological Appraisal dated June 2015 Rev C, have been submitted to and approved in writing by the local planning authority. The detailed protection measures shall include a timetable and arrangements for maintenance and shall be implemented in accordance with the approved timetable.
- 9) If during the course of development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a remediation strategy detailing how the contamination shall be dealt with. The remediation strategy shall be implemented as approved.
- 10) No development shall take place except in accordance with the Badger Mitigation Strategy identified in the submitted FPCR Ecological Appraisal dated June 2015 Rev C. The layout of the site shall provide for badgers to cross the site in accordance with the principles set out in the illustrative Badger Corridor Plan 6663-L-08, unless otherwise approved by the local planning authority in writing.
- 11) The development hereby permitted shall be carried out in accordance with the following plans: 6663-L-03 Rev B, GA0008-001-001A, GA0008-002-001, 6663-A-03 Rev B.
- 12) No more than 140 dwellings (Class C3) shall be erected as part of the development hereby approved.

- 13) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development hereby approved has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved scheme has been implemented in accordance with the approved scheme.
- 14) No dwelling hereby permitted shall be first occupied until an artificial lighting scheme has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the artificial lighting scheme has been carried out in accordance with the approved scheme.
- 15) No development shall begin until a scheme for car parking and secure bicycle storage has been submitted to and approved in writing by the local planning authority. The car parking scheme shall include specific provision for parking for the allotments within the scheme which shall not be from Clare Drive. The car parking and bicycle storage scheme shall be implemented in accordance with the approved scheme and retained and not used for any other purposes.
- 16) The main site access onto Highfields Road shown on drawing GA008-001-001A shall be constructed using a bound material in such a way that no surface water from the site drains across or onto the public highway.
- 17) No development shall commence until an electric vehicle charging infrastructure strategy and implementation plan has been submitted to and approved in writing by the local planning authority. The approved charging points shall be implemented prior to occupation and retained and maintained in accordance with the approved strategy.
- 18) No development shall commence until a scheme for a shared use footway/cycleway along the western side of Highfields Road, from the new development northern access to St Neots Road, has been submitted to and approved in writing by the local planning authority. The scheme shall be completed prior to the occupation of the first dwelling on site.
- 19) No development shall take place until a scheme for the upgrade of the bus stops at the roundabout on St Neots Road and on Highfield Road to include flag, shelters, raised kerbs and timetable information has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the occupation of the first dwelling on site.
- 20) No development shall take place until a scheme for the design and materials to be used for access and public rights of way including their widths, gradients, landscaping and signposting, together with the concurrent extinguishing of part of public footpath No. 9 and the creation of a circular public bridleway, has been submitted to and approved in writing by the local planning authority. The approved scheme shall be completed before the occupation of the 50th dwelling on site.
- 21) No development shall take place until a scheme for the provision of on-site renewable energy to meet 10% of the projected energy requirements of the development has been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved scheme.

- 22) No development shall commence until a scheme for foul water drainage has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the foul water drainage works have been carried out in accordance with the approved scheme.
- 23) The development hereby permitted shall not commence until details of the detailed design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPF and PPG, and the results of the assessment provided to the local planning authority in writing. The system should be designed such that there is no surcharging for a 1 in 30 year event and no internal property flooding for a 1 in 100 year event +30% allowance for climate change. The submitted details shall be in accordance with the Site Specific Flood Risk Assessment (5933/R2) dated July 2015 and shall provide:
- (i) Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/ or surface water;
 - (ii) Details of a management and maintenance plan for the lifetime of the development;
 - (iii) A timetable for the provision of the surface water drainage scheme;
 - (iv) A scheme for the maintenance of the ditch adjacent to Highfields Road.

The development shall be carried out in accordance with the approved details.

- 24) No development including preliminary excavation shall take place on the site until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include:
- a) The programme, including phasing, and methodology of site investigation and recording;
 - b) The programme for post investigation assessment;
 - c) The provision to be made for analysis of the site investigation and recording;
 - d) The provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - e) The provision to be made for archive deposition of the analysis and records of the site investigation; and
 - f) The nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Archaeological Investigation.

- 25) No phase of development shall commence until a Construction Method Statement has been submitted to and approved, in writing, by the local planning authority. The statement shall include:
- i) Proposals to minimise harm and disruption to the adjacent local area from ground works, construction noise and site traffic;
 - ii) Details of routes that delivery and muck away vehicles serving the development will take and how they will be loaded and unloaded;
 - iii) Measures to identify how construction traffic shall normally access the site from Highfields Road avoiding any HGV traffic through the village of Highfields Caldecote and Clare Drive;
 - iv) Details of the on-site parking arrangements for contractors and other operatives;
 - v) Details of measures to avoid dust and discharges into watercourses or ditches;
 - vi) Complaints and complaints response procedures;
 - vii) Details of a facility for the washing of the wheels of construction traffic entering and leaving the site; and
 - viii) Screening and hoarding details.

The development shall be carried out in accordance with the approved Statement.

- 26) Construction works on the site shall not be carried out other than between the hours of 08.00 to 18.00 on Mondays to Fridays and 08.00 to 13.00 on Saturdays. No construction work shall take place on Sundays and bank/public holidays.
- 27) No dwelling hereby approved shall be occupied until a Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall accord with the Gladman Residential Travel Plan G008 (August 2015). The Travel Plan shall include a programme for its execution, details of its monitoring and any further actions that shall be taken to secure the objectives of the agreed Travel Plan for a period of 2 years after the occupation of the last dwelling. The approved Travel Plan shall be implemented in accordance with the agreed programme.
- 28) As part of the reserved matters submitted pursuant to condition 1 a document setting out the design principles (hereafter referred to as a 'Design Code') for the development hereby approved shall be submitted to the local planning authority for approval. The Design Code shall set out how the principles and objectives of the Design and Access Statement Rev A (July 2015) shall be met by the development hereby approved and shall include the following matters:
- (i) The design, form and general arrangement of external architectural features of buildings including the walls, roofs, chimneys, porches and fenestration. The height of dwellings shall not exceed 2 storeys except at limited defined 'nodes' as an aid to direction finding and to contribute to a sense of place.
 - (ii) The hierarchy for roads and public spaces;
 - (iii) The colour, texture and quality of external materials and facings for the walls and roofing of buildings and structures;

- (iv) The design of the public realm to include the colour, texture and quality of surfacing of footpaths, streets, parking areas and other shared surfaces;
- (v) The design and layout of street furniture.
- (vi) Waste and refuse bin storage arrangements

The development shall be carried out in accordance with the approved Design Code.