



Appeal Decision

Site visit made on 18 March 2019

by Michael Wood RIBA

an Inspector appointed by the Secretary of State

Decision date: 13th June 2019

Appeal Ref: APP/W0530/W/18/3219207

Land to the rear of 49 – 83 Impington Lane, Impington, Cambridge CB24 9NJ

- The appeal is made under the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Hill Residential Ltd against the South Cambridgeshire District Council.
 - The application Ref S/1486/18/FL is dated 11 April 2018.
 - The development proposed is the erection of 26 dwellings with associated access, car and cycle parking, open space and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 26 dwellings with associated access, car and cycle parking, open space and landscaping on land north of Impington Lane, Impington, Cambridge CB24 9NJ in accordance with the terms of the application Ref S/1486/18/FL dated 11th April 2018, subject to the conditions contained in the attached Schedule.

Main Issues

2. The main issues are; firstly, the sustainability of the location; and secondly, the effect of the development on the appearance of the area.

Reasons

3. The appeal is in respect of an application for 26 dwellings on land off Impington Lane to the rear of houses fronting the lane. A gap in the built up frontage would give access to a cul-de-sac within the site which would facilitate a linear layout. At the midpoint on the cul-de-sac there is a sharp turn around two apartment blocks accommodating affordable housing. The affordable housing is grouped together at the centre of the site.

Sustainability of the location

4. South Cambridgeshire Local Plan (the Local Plan) of 2018 identifies this site within the development area of the village and policy H/1d sets out a requirement for the development of the site that there should be a buffer zone to provide a soft green edge to the adjacent green belt land on the northern boundary. The site is included in the 5 year housing land supply figures for implementation during 2019-2020. The proposed housing would be in accordance with policy S/5 and policy H1 of the Local Plan.

5. The appeal was made for failure to determine the application within the prescribed period following the Council's lack of a decision at their committee meeting. There had already been strong objections expressed by the Parish Council and detailed objections on behalf of neighbours and interested parties. Objections were based on numerous technical issues and there were complaints that there had been inadequate consultation with the community. The officer's recommendation was to approve the application. Officers were satisfied with the proposal, which had been submitted following pre-application advice and reference to a design panel whose comments were given to the Appellants. Many of the issues raised in objections had received amendments and the objections overcome. Housing in South Cambridgeshire has been underprovided in the past and the National Planning Policy Framework of 2019 (the Framework) requires compliance with paragraph 11 for sustainability issues and the need to make timely decisions. The proposal for 26 houses subject to the conditions imposed is in accordance with policies H/8, H/9, H/10 and H/12 of the Local Plan. The Council's intention was to impose conditions which would safeguard concerns expressed by consultees and members of the public. Paragraph 11 of the Framework is concerned with applying a presumption in favour of sustainable development and proposals, such as those which are the subject of the appeal where they accord with an up-to-date development plan, should be approved without delay.

The appearance of the area

6. The Council's Design Enabling Panel (DEP) found the siting, the amount of open space and the layout of the social housing to be very poor. They advised the Appellants to make specific modifications which would improve the overall appearance of the housing cluster, facilitate connectivity, enhance views of the countryside from within the site and reduce the impact of overshadowing. The Council are satisfied that the modifications subsequently submitted adequately address these issues. From the evidence provided to me and from my observations on site, the proposed development would be in accordance with the objectives of paragraph 127 of the Framework. I find that subject to suitable detailed specifications for improved biodiversity together with the retention of trees, hedges and other environmental provisions, the development will achieve a high-quality appearance in accordance with policy HQ/1 of the Local Plan.

Other matter

7. Following the decision to appeal the Council requested that, if allowed, a condition be imposed requiring a scheme for additional works connecting walking and cycle routes directly to Merrington Place. This would facilitate a route towards the local school which would not pass along Impington Lane. I am unable to

impose a condition which would require land from another ownership to be incorporated into the appeal site.

Conditions

8. The conditions reflect those suggested by the Council which are necessary for the reasons set out below and which have been amended in the interests of clarity and precision.

Conditions 1), 2), 8), 9), 14) and 18) are for the avoidance of doubt.

Condition 3) is to ensure the satisfactory appearance of the development.

Conditions 4) and 5) are to ensure that the development has a high-quality appearance and complies with the requirement for a 5m landscape buffer adjacent to the green belt land.

Condition 6) is to protect trees.

Conditions 10), 12) and 13) are in the interests of highway safety.

Conditions 11) and 22) are to ensure future management and maintenance of streets within the development.

Condition 15) is to reduce car dependency and promote alternative modes of travel.

Conditions 16) and 17) are to ensure there is no flood risk and the risk of pollution is reduced.

Conditions 7), 19), 20), 21), 22), 23) and 24) are to safeguard the amenity and sustainability of nearby residential property and the environment.

Conditions 25) and 26) are to secure future energy efficiency and sustainability.

Conditions 27), and 30) are to benefit future occupants.

Condition 28) is to protect neighbouring amenity.

Condition 29) is in the public interest.

Conclusion

9. For the above reasons the appeal is allowed.

Michael Wood

Inspector

Schedule of Conditions

1) The development hereby permitted shall be begun not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

094 PL005 rev F Proposed Location Plan

094 PL006 rev F Proposed Site Red Line Boundary

094 PL007 rev A Proposed Tree Retention/ Removal Plan

094 PL010 rev AH Proposed Site Layout (B&W)

094 PL011 rev AH Proposed Site Layout (Colour)

094 PL060 rev J House Type A Plans & Elevations

094 PL065 rev J House Type B Plans & Elevations
094 PL070 rev I House Type C Plans & Elevations
094 PL075 rev H House Type D Plans & Elevations
094 PL076 rev H Custom Build Plans & Elevations (option 1)
094 PL077rev A1 Proposed Custom Build Internal Layout Options (option 2)
094 PL080 rev H House Type D1 Plans & Elevations
094 PL085 rev J House Type E Plans & Elevations
094 PL086 rev H House Type E1 Plans & Elevations
094 PL090 rev H House Type F Plans & Elevations
094 PL100 rev I House Type G1 Plans & Elevations
094 110 rev f House Type G2 Plans & Elevations
094 PL200 rev C Bike Store
094 PL201 rev C Bin Store

3) Except for demolition, no development shall take place above slab level until details 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 (the LPA). Development shall be carried out in accordance with the approved details.

4) Prior to the first occupation of the development, full details of both hard and soft landscape works shall be submitted to and approved in writing by the LPA. The details shall also include specification of all proposed trees, hedges and shrub planting, details of species, density and size of stock. Development shall be carried out in accordance with the approved details.

5) Planting works shall be carried out prior to the occupation of any part of the development or in accordance with a programme approved in writing by the LPA. 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 of the original shall be planted in the same place.

6) No demolition, site clearance or building operations shall commence until tree protection, comprising weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres, has been erected around trees to be retained on site, at a distance approved by the LPA following BS 5837, and maintained for the duration of construction works nearby. Any diseased or dying trees, whilst protected, shall be replaced in the next planting season with trees of such size and species approved as part of the landscape works.

7) Prior to commencement, on-site preparation or the delivery to the site of materials, an up to date tree and hedgerow condition survey plan with proposals for their protection or removal shall be submitted to and approved in writing by the LPA. The plan shall include the position and treatment of boundaries and the location of ecology enhancement and mitigation measures. The development shall be carried out in accordance with the approved details. The boundary treatment for each dwelling shall be completed before the dwelling is occupied in accordance with the approved plan.

8) No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Ecological Management Plan has been

submitted to and approved in writing by the LPA. The works shall be implemented throughout the construction period in accordance with the approved plan.

9) No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. Thereafter the works shall be carried out and maintained in accordance with the LEMP.

10) No demolition or construction works shall commence on site until a construction traffic management plan has been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accordance with this plan.

11) Prior to the first occupation of the development, details of the proposed arrangements for future management and maintenance of the streets within the development shall be submitted to and approved in writing by the LPA. The streets shall be maintained in accordance with the approved until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established.

12) Notwithstanding the details in plan 1604-49 PL01revA and prior to the occupation of the first dwelling, the junction of the access road with the highway carriageway shall be laid out and constructed with 6m radius kerbs or such other kerb radius as may be approved in writing by the LPA.

13) Prior to the first occupation of the development, the access shall be constructed so that the falls and levels are such that no private water from the site will drain across or onto the adopted public highway. The access shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.

14) No development shall commence until details of covered and secure cycle parking for each dwelling have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

15) No dwellings shall be occupied until a Travel Plan to reduce car dependency and to promote alternative modes of travel has been submitted to and approved in writing by the LPA. Measures shall be implemented in accordance with the approved plan.

16) No development other than site preparation, ground works and enabling works shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the LPA. The scheme shall have been based on the Flood Risk and Drainage Strategy Report by Walker Associates Consulting (ref: 6923 rev 3) dated July 2018. The approved scheme shall be implemented before development is completed.

17) No development other than site preparation, ground works and enabling works shall commence until a foul water drainage strategy has been submitted to and approved in writing by the LPA. No dwelling shall be occupied until the drainage scheme has been implemented in accordance with the approved strategy.

18) Prior to the first occupation of any dwelling hereby permitted, details of the long-term maintenance arrangements for the surface water drainage system, including SUDs features, shall be submitted to and approved in writing by the LPA. The submitted details shall identify run-off sub catchments, SUDS components, control structures, flow routes and outfalls. In addition, the arrangements shall have clarified the access that is required to each surface water management component for maintenance purposes. Maintenance shall be carried out in accordance with the approved plan.

19) No development shall commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved plan.

20) Prior to the installation of any floodlighting, security or street lighting, a lighting scheme for that particular phase of development shall be submitted to and approved in writing by the LPA. The scheme shall include layout plans (including proximity to existing residential properties) and elevations with luminaire locations annotated and full Isolux contour map. Lighting shall be installed, maintained and operated in accordance with the approved scheme.

21) No construction work or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 on Monday to Friday, 08.00 to 13.00 hours on Saturdays and no construction works, collection or deliveries shall take place on Sundays, Bank or Public Holidays.

22) In the event of the foundations for the proposed development requiring piling, prior to piling taking place the applicant shall provide the LPA with a method statement for approval in writing detailing the type of piling and mitigation measures to be taken to protect local residents from noise and or vibration. Development shall be carried out in accordance with the approved method statement.

23) Except for demolition, no development shall be commenced until a detailed scheme for the investigation and recording of contamination and a Remediation Method Statement has been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the provisions of the approved statement.

24) No development above slab level shall take place until an Electric Vehicle Charging Plan has been submitted to and approved in writing by the LPA. The Plan shall include the details of the provision of cabling infrastructure locations. Development shall be carried out in accordance with the approved plan.

25) No development above ground level shall take place until an Energy Delivery Strategy has been submitted to and approved in writing by the LPA. The strategy shall demonstrate how at least 10% of the expected energy requirements for the development will be delivered from renewable sources or low carbon technologies. The development shall be implemented in accordance with the approved strategy.

26) Prior to the fitting out of any dwelling house, a water conservation statement detailing water conservation and management measures shall be submitted to and

approved in writing by the LPA. Development shall be carried out in accordance with the approved measures.

27) Prior to the first occupation of any dwelling, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for that dwelling.

28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development within Classes B or C of Part 1 of Schedule 2 of the Order shall take place on plots 23-26 unless expressly authorised by the grant of planning permission.

29) No demolition or development shall take place until a written scheme of investigation (WSI) for a programme of archaeological works has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved WSI.

30) The dwelling on plot 16, shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).