



Appeal Decision

Site visit made on 16 September 2019

by D J Board BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th October 2019

Appeal Ref: APP/W0530/W/19/3231100

Land South of Villa Road, Histon, Cambridgeshire, CB24 9HF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by conditions of a planning permission.
 - The appeal is made by Mr Jon Baxter against the decision of South Cambridgeshire District Council.
 - The application Ref S/4604/18/DC, dated 2 January 2019, sought approval of details pursuant to conditions Nos 4, 6 & 7 of a planning permission Ref S/1992/18/FL, granted on 2 November 2018.
 - The application was refused by notice dated 25 February 2019.
 - The development proposed is described as the 'erection of 1no 3 bed dwelling'.
 - The details for which approval is sought are: Discharge of Conditions application 3 (Finished floor levels) , 4 (Contractors management plan), 5 (External materials), 6 (Details of hard and soft landscaping), and 7 (Scheme for ecological enhancements) relating to S/1992/18/FL for a redesigned 3 bed dwelling previously approved (S/0241/16/FL).
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The Council has drawn my attention to the fact that the appellant has amended the submitted information since its decision was issued. The changes to the documents clarify a number of points. Since planning permission has been granted for the scheme, I do not consider that my taking them into account would be prejudicial to the interests of either party. I have therefore taken them into account and considered the appeal on this basis.
3. Planning permission was granted for the erection of a dwelling on the site. The approval was subject to a number of conditions. The appellant applied to discharge a number of these conditions 3, 4, 5, 6 and 7. The Council issued a decision that refuses the approval of details. However, the letter clarifies that the Council's concerns relate to conditions 4, 6 & 7. These cover the matters of a traffic management plan, hard and soft landscaping and ecological enhancement. Accordingly, the main issues are the effect of the details of the scheme on:
 - Highway safety;
 - The character and appearance of the area, having particular regard to hard and soft landscaping; and
 - Ecological interests of the site.

Reasons

Traffic management plan

4. The appellant has provided a site transport management plan (TMP). The Council has provided comments from the Local Highway Authority (LHA) on the details initially submitted for approval. The amended document appears to have addressed the first two points, namely removal of the words 'where possible' and confirming the hours of delivery as being 0930-1530. This would be within the hours sought by the LHA.
5. The TMP contains a plan showing a gate on the site frontage across the driveway for the appeal plot and the adjacent plot. There is no indication on the plan of the distance that this would be set back from the edge of the adoptable highway. The LHA indicate that it would require a gate to be set back by a minimum of 5m. However, there is nothing within the Council's report and formal decision that explains why this is required.
6. The LHA has provided a copy of its 'Travel Management Plan: notes for guidance'. These refer to the requirement for the position of the gate to be provided on a plan for 'larger' sites and there is information on gate set backs for larger sites to allow delivery/muck vehicles to wait off the highway. However, this would not appear to be applicable to a scheme for one unit. Nonetheless, the LHA set out that the TMP Document should be clear on how the operation of the site would affect the operation of the adopted highway.
7. The gate is described within the management plan as being shut to protect the public when not in use for deliveries and site traffic movement. The condition was seeking the details of - Contractors' access arrangements for vehicles, plant and personnel; ii) Contractors' site storage area(s) and compounds(s); iii) Parking for contractors' vehicles and contractors' personnel vehicles. As such, notwithstanding the lack of guidance and the information provided in section 2.3 of the TMP, it is not unreasonable to expect that the TMP would not just show the gate but explain how its use for the purposes detailed in the condition would impact on the highway. More specifically I do not have detail of what set back would in fact be achieved, whether the gate would slide or open inward or outward and what the detailed provisions would be for deliveries and site traffic using the gated access point.
8. I therefore conclude that as submitted I cannot be satisfied that the details would not result in a harmful effect on highway safety. As such it would be in conflict with policy HQ/1 of the South Cambridgeshire Local Plan (LP) which amongst other things requires all new development to provide ease of access for all users and linkages to existing services.

Character and appearance

9. The site is located adjacent to another plot which has planning permission for a new dwelling. On the opposite side of the road is existing residential development. The properties are typified by simple post and rail style fences with garden areas behind. The overall character is a suburban one.
10. Condition 6 sought the details of both hard and soft landscaping and sets out specific requirements. One of these is '*...specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock...*'. The submitted information commits to a 'native mixed

hedgerow'. However, the level of detail is not sufficient to fulfil the requirements of the condition. I appreciate that the submitted plan indicates the existing tree and a form of protection. However, it does not provide the detail of the type of fence or whether it would be appropriate for tree protection. I appreciate that the gabion wall would be at path level and behind a picket fence. Nonetheless, compared to the simple enclosure and frontage treatment of nearby units, it would be an alien landscape feature in the locality as would a picket style fence.

11. I therefore conclude that the details of the scheme submitted would harm the character and appearance of the area. It would therefore be in conflict with LP policies HQ/1 and NH/4 which amongst other things require new development to be compatible with its location in terms of design, materials, texture and colour.

Ecological enhancement scheme

12. Condition 7 sought the submission of a scheme for ecological enhancement. This should include details of the features to be enhanced, recreated and managed for species of local importance both in the course of the development and in the future.
13. The Council's specialist response suggested that the provision of bat and bird boxes along with a log pile would be acceptable. However, the Council wanted to see the detail of where these features would be provided. The position of these has now been annotated on the site plan. As the Council did not object to these provisions in principle, I am satisfied that the information pertaining to this condition is acceptable.
14. I therefore conclude that the details submitted would not be in conflict with LP policies HQ/1 and NH/4 in so far as they require new development to maintain, enhance, restore or add to biodiversity.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

D J Board

INSPECTOR