The Planning Inspectorate

Appeal Decision

Site visit made on 10 November 2020

by Stephen Wilkinson BA BPl DIPLA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2020

Appeal Ref: APP/H0520/W/20/3254679
The Bungalow, Great North Road, Norman Cross, PE7 3TE

- 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 Mr Marcus Vanner against the decision of Huntingdonshire District Council.
- The application Ref 19/01968/OUT, dated 2 October 2019, was refused by notice dated 10 January 2020.
- The development proposed is erection of 3 detached dwellings and garages with access.

Decision

1. The appeal is allowed and outline planning permission is granted for 3 detached dwellings at the Bungalow, Great North Road, Norman Cross PE7 3TE, in accordance with the terms of the application, Ref 19/01968/OUT, dated 2 October 2019, and the plans submitted with it, subject to the following conditions included in the schedule to this letter.

Procedural Matters

2. The application was made in outline form with the matters of appearance and landscaping reserved; these are therefore not considered in this decision.

3. In representations[1] the Council has indicated that if I am satisfied by the evidence included in the Noise Survey and the Phase 1 ecology survey then it would withdraw reasons 2 and 3 of its decision. As there have been no objections to this scheme in respect of these 2 matters from third parties, I am satisfied with this suggestion.

4. The appeal has been accompanied by a completed Unilateral Undertaking for contributions for the provision of wheeled bins. This is signed and includes a plan of the appeal site. The Council, on receipt of this has indicated that it is will withdraw its fourth reason for refusal. I address this matter later in the decision letter.

Main Issues

5. The effect of the proposals on:

    - the character and appearance of the area

[1] Letter dated 9 October 2020, from Huntingdonshire District Council

- the living conditions of future occupiers with reference to noise, and
- ecology.

Reasons

Character and appearance

6. The appeal site is located in Norman Cross, an isolated settlement comprising 3 dwellings and a Premier Inn. The site can be accessed from the New North Road, a lane which follows the route of the original A1 classified road and runs parallel to the A1(M) motorway. To the east of the site is a Scheduled Ancient Monument (SAM) and beyond this is open countryside.

7. The main difference between the parties on this issue is how the site should be treated given the location of the Great Haddon urban extension which lies to the north east and east of the appeal site. This development benefits from an outline planning permission granted in 2018 for 5,350 homes with associated infrastructure. The appellant has included evidence of the delivery programme for this site which will extend over 20 years.

8. The A1(M) and its slip roads serving the Norman Cross junction, have a discordant and urbanising impact on the appeal site and sever the site's relationship with the countryside to the west. The site's countryside setting is determined entirely by its relationship with land to the east and north east, areas which are now included in Great Haddon. Whilst the Council's case is predicated on a consideration of the appeal scheme as forming part of the countryside in the context of Norman Cross as it is now, this context will alter significantly with the development of Great Haddon.

9. Although the site is detached from the existing built settlements of Yaxley and Folksworth the development of Great Haddon would alter the whole landscape along the New Road. In place of open countryside there would be a broad belt of public open space and playing fields which extend to the northern boundary of the SAM. This form of development would alter the character of the appeal site, eroding its relationship to the countryside. Furthermore, two roads serving Great Haddon would be accessed from the New North Road which it is expected would carry greater volumes of traffic than at present. For these reasons, the character of the appeal site in relation to the countryside would alter significantly as Great Haddon is built out.

10. The appeal scheme would be confined solely to the large garden of the existing bungalow and would involve the removal of a large brick built structure and wooden shed. The site is surrounded on two sides by dense hedges with a fence to its eastern boundary with the SAM and is open to the bungalow. The topography within the SAM prevents long range views from the east into the site. The Council acknowledge that the proposals would maintain the existing linear pattern of development and accepts that conditions included in any permission requiring appropriate materials and an extension of landscaping could partially mitigate for its location. Furthermore, the height of the proposed dwellings at 1.5 and 2 storeys would mean that they would not be discordant features in this context.

11. For these reasons the proposal would not erode the openness and rural character of the area. Furthermore, it would not involve the loss of Best and Most Versatile Agricultural land. The site's existing boundary treatment would

mean that low scale development would not be readily seen from outside the site. Given the scale and form of the Premier Inn, I do not consider that the addition of 3No. new dwellings would cumulatively result in harm to the character of the countryside arising from this proposal.

12. Policies LP2 of the Huntingdonshire's Local Plan 2036, (the Local Plan) is predicated on the principles of sustainable development in seeking to direct new development to locations which have the greatest range of services and where a choice of transport modes would be readily available. Policy LP9 requires that within rural areas new development is directed to built up areas which comprise 30 or more homes and to land that relates to the group of buildings rather than the countryside.

13. The essential thrust of these policies is to both ensure that new development is directed to the most sustainable locations and to protect the countryside. Whilst the appeal site would not be an integral part of the Great Haddon scheme its physical context, as part of a settlement within the countryside has altered significantly. It does not fall within the countryside, and accordingly and accordingly it does not offend Policy LP10. For these reasons policies LP19, LP20 and LP23 are no longer relevant in respect of the specific opportunities for development within the countryside.

14. The scheme is submitted in outline and matters relating to its design would be addressed through the outstanding reserved matters. The quantum of development in relation to the size of the appeal site is not so large as to result in harm in design terms to the area. The appeal scheme would not offend Policies LP11 and LP12.

15. Accordingly, I conclude on this main issue that the granting of outline planning permission for the Great Haddon development is a significant material consideration which changes the site's physical context. For this reason, I do not consider that the appeal scheme would offend policies LP2, LP9, LP10, LP11 and LP12 of the Huntingdonshire's Local Plan to 2036.

Noise

16. The Council's objection to the scheme was that the applicant had failed to demonstrate that the proposed development would not be harmful to proposed occupiers of the dwellings from noise disturbance generated by the high volumes of traffic from the A1(M).

17. The acoustic report submitted with the appeal identifies that measured sound levels to the front of the site are $LAeq_{16\text{-hour}}$ 72dB during the daytime $LAeq_{8\text{-hour}}$ 64dB overnight. These figures indicate that the site is at a high risk of adverse or significant adverse impacts of noise to future occupants.

18. The report recommends a series of measures in the layout and the design of the scheme which could provide mitigation to ensure that living conditions of future occupiers would be acceptable. These include, for example, the location of a screen in place of a hedgerow at the front of the site and the layout of each dwelling with habitable rooms to the rear, designed to 'shield' living rooms and bedrooms thereby reducing sound levels.

19. Having reviewed this evidenced I am satisfied that the mitigation included in the report would reduce the impact of sound to within acceptable tolerances as

defined by the WHO[2]. A condition included in the schedule to this letter requires adherence to the standards and mitigation included in the report.

20. Having considered the Noise Impact Assessment, and in the absence of evidence to the contrary, I accept the findings of the report. Accordingly, I find that the proposal would not offend policies LP14(c) and LP12(l) of the Huntingdonshire Local Plan to 2036.

Ecology

21. The Council's objection to the scheme concerns the applicant's failure to demonstrate that that there would not be any harm to the ecology of the site as a result of the proposed development due to the loss of existing trees and hedgerows.

22. The appeal site comprises about 0.24ha, and according to the Phase 1 Ecology report, identifies only a limited range of habitat types. The survey did not identify habitats which require specific protection and concluded that protected species were not found. The report recommends a series of ecological and biodiversity enhancements and further studies. A condition included in the schedule to this letter requires further studies to be completed in line with this survey report.

23. Given the small size of the site it is considered that it has only a limited amount of ecology and the range of enhancements and the further studies identified are sufficient to comply with policies LP30 and LP31 of the Huntingdonshire Local Plan to 2036.

Other Matters

24. Since the application was refused the appellant has completed a Unilateral Undertaking, submitted with the appeal, which includes financial contributions to meet the costs of waste and recycling bins. This overcomes the Council's objection to the scheme under this ground.

Planning balance and conclusions

25. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

26. The granting of outline planning permissions for the development of Great Haddon is a material consideration which I accord significant weight. The town expansion scheme will significantly alter the physical context of the appeal site to the extent that it would not appear as relating entirely to the countryside. Accordingly, the proposed scheme would not represent an encroachment into the countryside.

27. I am satisfied that the Noise Impact Assessment and the Extended Phase 1 Ecology Survey submitted with the appeal overcome the Council's reasons for refusal. In accordance with its Statement the Council has indicated[3] that it withdraw these reason for refusal.

[2] World Health Organisation – Guidelines for Community Noise 1999
[3] Letter from Huntingdonshire District Council 9 October 2020

28. Finally, the Councils sole objection to the scheme included in its fourth reason for refusal was concerned with the incorrect contribution being included in the Undertaking. This matter has now been resolved through the completion of the Unilateral Undertaking which now includes the correct amount.

29. For these reasons the appeal is allowed.

Conditions

30. I have not included a condition restricting the number of residential dwellings, as suggested by the Council as this is controlled by the terms of the application and is governed by Condition 4 in the attached schedule.

31. Conditions are required specifying the timeframes for the commencement of development and for the submission of outstanding reserved matters as required by Sections 91 and 92 of the Town and Country Planning Act 1990, as amended. A condition is required to ensure that the development is carried out in accordance with the plans and documents submitted with the application to ensure adherence to the principle of the proposed development hereby approved.

32. Given the location of the site in relation to the A1(M) and the levels of noise generated by the high volumes of traffic a condition ensuring that levels of sound are controlled to protect the living conditions of future occupiers of the properties is required.

33. A condition is required in respect of the finished levels across the site in relation to the highway and landform to ensure that the completed form of development is in accordance with the submitted plans.

34. A condition is required to ensure compliance with the submitted Extended Phase 1 Habitat Survey report to ensure that a net gain in biodiversity can be achieved on the appeal site.

35. Conditions are required in the interests of highway safety to restrict the development of entrance gates. This would prevent the backing up of traffic on the highway as vehicles entered the site allowing the free flow of traffic on the local highway. For the same reason conditions are required to ensure the minimum size of the vehicle accesses, visibility splays, drainage and the turning and parking areas within the site and their completion before dwellings are occupied as indicated on the approved plans.

36. Other conditions are required to ensure that the dwellings are fully accessible and that measures are put in place to ensure that the dwellings are efficient in their use of water.

37. Finally, a condition requiring the implementation of a full programme of archaeological work in line with a written scheme of investigation given the location of the site between the former Roman road, Erskine Street and the Norman Cross SAM.

Stephen Wilkinson

INSPECTOR

Schedule of Conditions

1) Details of the appearance and landscaping, (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 3 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: Block and Location plan 450_01; Site plan 450_02Rev A; Site plan 450_03 Rev C; and visibility splay 450_04 Rev A.

5) Any reserved matters application submitted pursuant to Condition 1 shall be accompanied by Noise Mitigation Scheme, produced by a competent person to demonstrate that the layout, design and mitigation measures will ensure that internal sound levels from road traffic noise shall not exceed 35dB LAeq 07:00—23:00 in any habitable room or 30dB LAeq 23:00-07:00 and 45dB LAmax 23:00-07:00 inside any bedroom and that sound levels from Road traffic noise in any outdoor amenity area shall not exceed 50dB LAeq(1hour) within the first 5 metres from the building facade to which the amenity area relates. The development shall be carried out in accordance with the Noise Mitigation Scheme and no dwelling shall be occupied until these mitigation measures associated with that dwelling as identified in the scheme have been installed. The noise mitigation measures shall thereafter be retained in perpetuity. Where it has not been possible to achieve the aforementioned indoor sound levels with windows open, any reserved matters application, containing residential dwellings submitted pursuant Condition 1 shall be accompanied by a detailed ventilation scheme (shall be submitted to and approved by the LPA). The ventilation scheme shall demonstrate how adequate ventilation and cooling measures will be achieved for dwellings without undermining the performance of the noise mitigation scheme. A suitable ventilation system would achieve between 2 - 4 air changes per hour for each noise sensitive habitable room. The approved scheme shall be fully implemented in the development and the ventilation measures shall thereafter be retained in perpetuity.

6) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

7) Any reserved matters application submitted pursuant to Condition 1 shall be accompanied by a scheme for the enhancement of the site for biodiversity purposes and a programme for implementation and details of future management. These biodiversity enhancements shall accord with the recommendations of section 5.1 of the submitted Extended Phase One Habitat Survey report carried out by Ecology Link Limited, dated

March 2020. The approved scheme of enhancements shall be implemented in accordance with approved details and thereafter so retained.

8) Notwithstanding the provision of Class A of Schedule 2, Part 2 the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking amending or re-enacting that Order), no gates shall be erected across the approved access unless details have first been submitted to and approved in writing by the Local Planning Authority.

9) The access to plot 2 and plot 3 shall be a minimum width of 5 metres for a minimum distance of 10 metres measured from the near edge of the highway carriageway.

10) Prior to the first occupation of the development indicated on plan No. 450_03 Revision C, the vehicular accesses where they cross the public highway shall be laid out and constructed in accordance with the Cambridge County Council construction specification.

11) Prior to the first occupation of the development sufficient space shall be provided within the site to enable vehicles to enter, turn and leave the site in forward gear and park clear of the public highway. This area of the site shall be levelled, surfaced and drained and thereafter retained for that specific use.

12) Prior to the first occupation of the development, visibility splays shall be provided to each side of the vehicle access in full accordance with the details indicated on the submitted plan No.450_04 Revision A dated 02.05.19. The splays, shall thereafter, be maintained free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriage way.

13) Before the development hereby permitted is occupied the vehicular accesses from Great North Road shall be hard surfaced, sealed and drained away from the highway for a minimum length of five metres from the back edge of the existing footway, in accordance with their detailed scheme to be submitted to and approved in writing by the local planning authority.

14) The proposed dwellings hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' prior to first occupation. Such provision shall be maintained for the lifetime of the development.

15) The proposed residential dwellings hereby approved shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement for water efficiency, as set out in Approved Document G private first occupation. Such provision shall be maintained for the lifetime of the development.

16) No demolition/development shall take place within the site until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions including details of:

    i) the programme and methodology of site investigation and recording;

    ii) the programme for post investigation assessment;

iii) the provision to be made for analysis of the site investigation and recording;

iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;

v) the provision to be made for archive deposition of the analysis and records of the site investigation;

vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.