



Appeal Decision

Hearing held on 16 November 2021

Site visit made on 17 November 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/W0530/W/20/3264242

Land at and to the rear of Nos 30 and 32 New Road, Over, Cambridgeshire CB24 5PJ

- 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 Mr Andy Brand, Abbey Properties Cambridgeshire Ltd and Dennis and Rita Rolph against the decision of South Cambridgeshire District Council.
 - The application Ref 20/03254/OUT was dated 27 July 2020.
 - The development proposed is the demolition of Nos. 30 and 32 New Road, Over and the redevelopment of land at and to the rear of these properties for 44 residential units, public open space provision, landscaping, means of access and associated works (all matters reserved except for access).
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Decision

1. The appeal is allowed and permission is granted for the demolition of Nos. 30 and 32 New Road, Over and the redevelopment of land at and to the rear of these properties for 44 residential units, public open space provision, landscaping, means of access and associated works (all matters reserved except for access) on land at and to the rear of Nos 30 and 32 New Road, Over, Cambridgeshire CB24 5PJ in accordance with the terms of the application, Ref 20/03254/OUT dated 27 July 2020, subject to the attached schedule of conditions.

Preliminary Matter

2. The application is in outline with all matters reserved except access. However, an illustrative layout plan (drawing no. 1725 PL-1-01 Rev H) was included to show how the scheme might be laid out on the site. During the course of the application a revised illustrative layout plan (Rev K) was submitted to show an amended layout, in particular a revised location for the public open space to demonstrate how a full-size football pitch could be accommodated. Having an objection to the proposal in principle, the Council did not carry out further consultation on this latter layout, but for the purposes of the appeal the appellant wrote to the Parish Council, neighbouring properties and those who had commented on the application to provide a copy of the revised plan and to invite representations¹. Sufficient publicity has therefore been given to the revised layout to conclude that no party would be prejudiced by taking it into account.

¹ Letter dated 1 December 2020

Main Issues

3. The main issues are:

- the effect of the proposal on the character and appearance of the area, including the form of the village;
- whether the proposal complies with the settlement strategy of the development plan;
- the five-year housing land supply position; and
- the benefits of the proposal, in particular the provision of public open space and additional football facilities.

Reasons

Introduction

4. The proposal is for 44 residential dwellings on about half of the appeal site and public open space provision on the other half. The public open space would form an extension to the existing recreation ground which adjoins the site to the west, whilst the housing would be accessed from New Road to the south following the demolition of Nos 30 and 32, two unoccupied bungalows.
5. The application is a resubmission following the dismissal on appeal of a similar proposal in January 2020². The current proposal differs in two respects, firstly it is an outline application whereas the initial application was fully detailed, and secondly, following the submission of the revised layout plan, the public open space would be sited on the western half of the site rather than the northern half. This would provide a more usable extension to the recreation ground and a full-size football pitch rather than a community orchard and informal open space as previously envisaged. The appellant argues that with the passage of time the planning policy context has also changed, in particular that the Council cannot now demonstrate a five-year supply of deliverable housing land. This aspect of the case is dealt with in paragraphs 16 to 23 below.

Character and appearance

6. The relatively flat 2.9 ha appeal site lies on the edge of the village with housing on three sides to the north, east and south and a recreation ground with the village hall/community centre to the west. The housing to the south lines both sides of New Road but soon gives way to open countryside. The site itself is used for grazing horses with its boundaries quite well screened by hedgerows and trees, particularly on the northern side where the site adjoins The Doles, a green lane. Some of the neighbouring houses do however have views into the site where their rear boundary screening is less substantial.
7. The site therefore links with the recreation ground and open countryside to the west and south and contributes positively to the area by bringing open land of a semi-rural character into the village. By developing the eastern half of the site with housing, the proposal would inevitably reduce the extent of the green space and erode this semi-rural character, but by extending the recreation

² APP/W0530/W/19/3220761

ground to include the western half, much of the area would remain open in the long term, albeit for more formal open space uses.

8. Importantly, public views of the new housing would be minimal given the thick hedgerow along The Doles, the frontage housing along New Road and the Anglesey Way/Hemington Close/Elstow Close housing estate to the east. There would be some glimpses and the access road from New Road would open up the site, but overall the visual impact would be limited.
9. Whilst the proposed distribution of uses has been changed, the conclusions of the previous inspector regarding this issue remain valid. In so far as the housing element of the proposal would lead to development encroaching into the area of open land which extends into the village, reducing its semi-rural nature, it would be harmful to the character and appearance of the area contrary to Policy HQ/1a of the South Cambridgeshire Local Plan 2018 (SCLP). This requires that development preserves or enhances the character of the local urban and rural area and responds to its context in the wider landscape. The housing element would also conflict with the Over Village Design Guide 2020, a supplementary planning document, which seeks to maintain the 'green fingers' which connect the village interior to the landscape, particularly the fields between the recreation ground, Station Road and New Road. However, that harm would be limited by the retention of existing screening and the relative enclosure of the site meaning public views would be restricted.

Settlement strategy

10. The site lies just outside the 'development framework' of Over as defined by the SCLP, and consequently in the countryside for planning policy purposes. The housing element of the proposal therefore conflicts with Policy S/7 which restricts development to that which requires a countryside location, is supported by other policies in the plan or allocated in a neighbourhood plan, none of which apply in this case.
11. Policy S/6 sets out a hierarchical approach to new housing in the district, with descending order of preference given to the edge of Cambridge, new settlements and only limited development in the rural area. Here allocations are focussed on 5 Rural Centres and 13 Minor Rural Centres, with policies providing for windfall development in different categories of village consistent with the level of local services and quality of public transport.
12. Policy S/10 defines Over as one of 32 Group Villages, the category below Minor Rural Centres, where residential schemes within the development framework of up to 8 dwellings (or exceptionally 15 to make best use of a brownfield site) will be permitted. Whilst the proposal lies outside the development framework, it significantly exceeds this limit, indeed it exceeds the limit of 30 that applies in a Minor Rural Centre. In the case of the lowest category in the hierarchy, an Infill Village, the limit is just 2.
13. The housing part of the proposal thus conflicts with these three policies which set out the settlement strategy for the district. This is intended to concentrate development in the most sustainable locations, and amongst the villages, those with the greatest range of services and facilities. Over has a reasonable range, including a primary school, GP surgery, public house, village hall/community centre and convenience store, but lacks others, particularly more jobs, a

secondary school and better transport links. These would justify Rural Centre or Minor Rural Centre status and support a higher level of growth.

14. However, three housing schemes which breach Policies S/7, S/6 and S/10 have been permitted in recent years, 53 dwellings at Mill Road, 20 dwellings at Fen End and 26 dwellings at Longstanton Road³, the latter two by the Council. Whilst there was a housing land supply shortfall at the time of these decisions, they nevertheless indicate a degree of flexibility in certain circumstances. The inspector allowing the appeal at Mill Road considered access to employment, shops and services in some detail, and concluded there would be only limited harm arising from poor access to facilities due to the limited access to shops⁴. The position has not changed significantly since that time.
15. In conclusion, the housing element of the proposal would conflict with the settlement strategy for the district contrary to SCLP Policies S/7, S/6 and S/10 due to its location outside the development framework of the village and the quantum of housing involved. However, there would be only limited harm arising from relatively poor access to shopping facilities.

Five Year Housing Land Supply

16. The Council sets out the latest position in the document 'Greater Cambridge Housing Trajectory and Five Year Housing Land Supply' published on 1 April 2021. This claims a satisfactory 6.1 years supply of deliverable sites for the period 2021-26 based on the position for South Cambridgeshire District and Cambridge City combined and the Liverpool method in accordance with SCLP Policy S/12. However, this figure is disputed by the appellant who maintains that there is only 3.95 years supply and that the 'tilted balance' in paragraph 11(d)(ii) of the National Planning Policy Framework (NPPF) should therefore apply. This is for three reasons which are dealt with in turn below.
17. Firstly, a 5% buffer is used in the calculation rather than the 20% buffer set out in Policy S/12. However, the local plan inspector applied this buffer figure back in August 2018 as required by the 2012 version of the NPPF due to persistent underdelivery of housing against targets over the previous 15 years, concluding that the appropriate buffer *at this point* should be 20%⁵.
18. Since then the annual Housing Delivery Test (HDT) has been introduced with paragraph 74 of the NPPF now prescribing that a 20% buffer applies where there has been significant underdelivery of housing over the last three years, defined as an HDT figure below 85% of the requirement. In the case of South Cambridgeshire and Cambridge City the latest HDT figures are 114% and 176% respectively⁶. It follows that Policy S/12 is out of date in this respect and the Council is correct to use the 5% figure.
19. Secondly, the appellant argues that 1,000 dwellings should be added to the combined requirement of 33,500 over the 2011-31 period to reflect the Greater Cambridge City Deal entered into with the Government in June 2014. This included a commitment to deliver an additional 1,000 new homes on rural exception sites by 2031, interpreted as all affordable homes built on non-allocated sites outside defined settlement boundaries once the main per annum

³ APP/W0530/W/16/3148949, S/2577/17/FL and S/2383/17/FL

⁴ APP/W0530/W/16/3148949 decision letter paragraph 35

⁵ SCLP Inspectors Report August 2018 paragraph 39

⁶ 2020 figures published January 2021

requirement is being met. However, this commitment was made well before the adoption of the SCLP and the local plan inspector did not amend the housing requirement in the plan as a result. Instead, paragraph 2.75 was added to the plan making clear that this did not form part of the SCLP housing requirement and would be monitored separately.

20. SCLP Policy S/13 requires the early review of the local plan which will take on board any implications of the City Deal. Whilst the anticipated timescale for submission of the plan has slipped by 18 months or so, in such circumstances the local plan inspector leaves the weight to be attached to the policies in the SCLP to the decision maker having regard to national policy⁷. With the SCLP (and Cambridge Local Plan) only slightly over three years old national policy is that housing land supply should be based on adopted requirements, namely 33,500 dwellings over the 2011-31 period in this case.
21. In addition, the City Deal commitment is for 1,000 affordable dwellings on rural exception sites. Increasing the overall housing requirement for five year land supply purposes would primarily deliver market homes which is not the aim of this part of the City Deal.
22. Thirdly, the appellant disputes the likely delivery of housing on 20 individual sites in the Council's trajectory totalling 2,433 dwellings over the five year period 2021-26. Whilst it is impossible to predict completions over this period with great accuracy, the detailed written and verbal evidence to the hearing leads to the following conclusions against the definition of deliverable in the glossary to the NPPF and related advice in Planning Practice Guidance:
 - Site 1. Travis Perkins Site, Devonshire Road (dwellings disputed: 43). Allocated site, will become vacant in Q1 2022 and under option by a developer. Although a denser scheme is now proposed a full application has been submitted with time available to resolve outstanding issues. Could slip a year and still deliver within five years. Include in trajectory.
 - Site 2. Police Station, Parkside (50). Dependent on relocation of Police Station which is not yet under construction and has no firm start date. No developer appointed, no planning application. Exclude 50 from trajectory.
 - Site 3. Camfields Resource Centre, Ditton Walk (14). In developer ownership, existing building demolished. Full planning application submitted with time available to resolve outstanding issues. Could slip three years and still deliver within five years. Include in trajectory.
 - Sites 4 & 7. Land N of Cherry Hinton (120). Allocation for 1,200 dwellings with outline permission, now owned by a developer. Planning Performance Agreement (PPA) in place including target dates and resources for Council. However, numerous issues to be resolved including site wide design code. First reserved matters applications due 2022 but slippage since April 2021 and thus completions appear optimistic. Exclude 120 from trajectory.
 - Site 5. Land N of Worts Causeway (75). Allocation for 200 dwellings with outline permission imminent. However, no developer in place so little certainty of a firm programme at present. Exclude 75 from trajectory.

⁷ SCLP Inspectors Report August 2018 paragraph 202.

Site 6. Land S of Worts Causeway (30). Allocation for 230 dwellings with outline planning permission, owned by a developer. PPA in place including target dates and resources for Council. However, slippage since April 2021 with no completions now before 2022/23 so last 30 likely to slip beyond 5 year period. Exclude 30 from trajectory.

Sites 8 & 9. Northstowe Phase 2 (641). PPA in place including target dates and resources for Council. Phase 2a has detailed permission for 406 dwellings, site under construction using more rapid modular construction and 40% will be cheap starter homes at £250k. No evidence these will not be delivered within the 5 years. Detailed permission for Phase 2b (300 dwellings) issued, developer in place with start on site early 2022. Developers for remaining parcels however not in place and may be a demand limit overall so 250 dwellings likely to slip beyond 5 year period. Exclude 250 from trajectory.

Site 10. Waterbeach New Town (500). Allocated site with outline permission for 6,500 dwellings and pre-commencement conditions discharged. First detailed permission in place and second imminent. PPA in place with master developer including target dates and resources for Council. Anticipated early years delivery likely. Include in trajectory.

Site 11. Bourn Airfield New Village (100). Allocated site for 3,500 dwellings but outline permission still subject to S106 agreement. Slippage since April 2021 and reserved matters still to be resolved so 100 likely to slip beyond 5 year period. Exclude 100 from trajectory.

Site 12. Fulbourn & IDA Darwin Hospitals (13). Outline permission for 203 dwellings but approval of reserved matters delayed so slippage by one year likely. Exclude 13 from trajectory.

Site 13. Cambourne West within Business Park (60). Part of allocated site. Owned by developer but no application to date. No clear evidence at present. Exclude 60 from trajectory.

Site 14. Land S of Babraham Road, Sawston (50). Allocated site for 260 dwellings. Owned by developer. Full application submitted but undetermined. Slippage since April 2021 so 50 likely to slip beyond 5 year period. Exclude 50 from trajectory.

Site 15. Bishops Site, Impington (35). Full planning permission for scheme which has been implemented, no evidence it won't be delivered. Could slip three years and still deliver within five years. Include in trajectory.

Site 16. Station Yard, Histon (32). Outline planning permission, tenants given notice to vacate site. Whilst developer not yet in place and reserved matters application yet to be submitted the scheme could slip three years and still deliver within five years. Include in trajectory.

Site 17. Former CEMEX Works, Barrington (50). Detailed planning permission for 220 dwellings. Construction underway with first completions likely in early 2022 as anticipated in April 2021. Include in trajectory.

Site 18. Hallmark Hotel, Bar Hill (40). Detailed planning permission with start made on site. Whilst application to vary a condition remains outstanding the details have apparently been agreed. In developer ownership, the scheme could slip three years and still deliver within five years. Include in trajectory.

Site 19. Land NE of Rampton Road, Cottenham (30). Outline permission for 140 dwellings. In developer ownership, detailed planning permission granted recently. Some slippage since April 2021 and further approvals needed, so 30 likely to slip beyond 5 year period. Exclude 30 from trajectory.

Site 20. Wellcome Genome Campus, Hinxton (550). Outline permission for mixed use development including 1,500 market and affordable dwellings for campus workers. This will provide housing that would otherwise need to be provided elsewhere, so should be included for monitoring purposes. PPA in place including target dates and resources for Council. However, numerous issues to be resolved, campus demand unproven and housing delivery mechanism unclear. 550 completions in 2024-26 appears optimistic, so 200 likely to slip beyond 5 year period. Exclude 200 from trajectory.

23. Given the conclusions above, a total of 978 dwellings should be excluded from the Council's trajectory over the 2021-26 period as unlikely to be delivered, not the 2,433 disputed by the appellant. Consequently, using a 5% buffer and requirement of 33,500 dwellings, the Council's housing land supply as at April 2021 was 5.6 years⁸, a slightly improved position compared to 5.07 years at the time of the last appeal⁹. The most important policies in the SCLP can therefore be considered up to date and the 'tilted balance' does not apply.

Benefits of the proposal and the planning balance

24. Notwithstanding the satisfactory housing land supply position, the delivery of 44 additional dwellings would add to the existing supply, have economic and social benefits for the local area and assist the NPPF objective of significantly boosting the supply of homes. Of these, 18 dwellings would be affordable housing¹⁰, 13 for affordable rent and 5 for shared ownership, with first priority given to those with a local connection to Over. In addition, of the market dwellings, 4 plots would be made available for custom build housing, a further objective of the NPPF. A new footpath link would be established from New Road to The Doles, improving connectivity within the village. However, a particular benefit in this case would be the provision of about 1.3 ha¹¹ of public open space to extend the recreation ground, sufficient for a further full-size football pitch or two junior pitches.
25. The Parish Council explained at the hearing that Over has had a longstanding requirement for additional formal sports provision, particularly the need for further football pitches to accommodate various junior teams. Indeed, the appeal site itself had been earmarked for many years for this purpose but efforts to secure the site had not been successful. Whilst use of the whole site for public open space would be preferred, the opportunity to create a new football pitch adjacent to the recreation ground and its existing changing facilities was seen by the Parish Council as a compelling argument and led to the withdrawal of their previous objection to the scheme.
26. The Council's Recreation and Open Space Study dated July 2013 identifies an existing provision of 3.8 ha of sports pitches, play space and informal open space in the village against a recommended standard for the population of

⁸ 2011-31 requirement 33,500; Completions to April 2021 15,407; Remaining requirement 2021-31 18,093; Annual requirement 1,809; Five year requirement with 5% buffer 9,499; Anticipated completions 10,624.

⁹ APP/W0530/W/19/3220761 decision letter paragraph 59

¹⁰ A contribution towards the additional 1,000 dwellings on rural exception sites required by the City Deal

¹¹ The statement of common ground puts the figure at 12,912 m²

- 8.1 ha. The 4.3 ha shortfall comprises 1 ha of sports pitches, 2.12 ha of play space and 1.16 ha of informal open space. The study noted that the facility particularly needed to rectify local deficiencies was another football pitch.
27. At present cricket and football pitches are provided by the 1.5 ha Village Green served by a pavilion and the 2.1 ha Recreation Ground served by the village hall/community centre. Whilst the Village Green cannot be expanded, an extension to the Recreation Ground could make use of existing changing facilities and thus represents the only realistic option for additional sports provision in the foreseeable future.
28. Recognising this point, Policy SP/14 of the South Cambridgeshire Site Specific Policies DPD adopted in 2010 allocated the whole appeal site for an extension to the recreation ground¹². It is understood that at one stage the Parish Council offered £50,000 to purchase the site but this was not accepted. The District Council sought to retain the allocation in the current SCLP but due to doubts regarding deliverability it was deleted by the local plan inspector who suggested open space needs could be addressed through a neighbourhood plan¹³. In the absence of such a plan the Over Village Design Guide continues to pursue the matter stating that 'bringing the land adjacent to the community centre playing fields into public amenity use as sports fields and/or community meadow' remains a priority.
29. In the unusual circumstances of this case, namely the evidence of a shortfall in sports provision, the need for further football facilities, the consistent aspiration to address this issue over many years, the previous allocation of the appeal site for the purpose, the lack of realistic alternative sites and the support of the Parish Council, the benefit of additional public open space is indeed compelling. Whilst the housing element of the proposal conflicts with SCLP Policies HQ/1a, S/7, S/6 and S/10, with the harm qualified as explained in paragraphs 9 and 15 above, the opportunity to deliver additional public open space and football facilities for the village is a decisive material consideration that outweighs the identified harm in the overall planning balance.

Other matters

30. Access is not a reserved matter. Vehicular access would be from a priority controlled junction onto New Road with a 5.8 m wide carriageway, 1.8 m footways on both sides and 2.4 m x 43 m visibility splays. A swept path analysis shows this would satisfactorily accommodate large vehicles. These arrangements are acceptable to the local highway authority.
31. A series of objections to the proposal have been received at both application and appeal stage. In addition to the main issues, concerns are raised at the layout, density, design and height of the new housing, parking provision and the privacy of nearby occupiers. However, as an outline application these matters would require the approval of the Council at reserved matter stage. There is no evidence that the doctors surgery is at capacity and a financial contribution would be provided to secure additional school places. Details of surface and foul water drainage would be controlled by condition. No objection has been raised by the local highway authority regarding traffic generation from the scheme or the proposed access subject to conditions. The ecology of

¹² The allocation may also have been in an earlier plan.

¹³ SCLP Inspectors Report Paragraph 173 and Main Modifications SC235 and SC237

the site has been carefully assessed and mitigation/enhancement measures proposed including the provision of off-site biodiversity land and the translocation of Great Crested Newts. Finally, archaeological interests would be protected by an investigation prior to construction.

32. A Section 106 agreement dated 18 November 2021 between the District and County Councils, the landowners, site promoter and prospective developer has been submitted to deliver the following:
- 18 affordable homes to satisfy the SCLP Policy H/10 requirement for 40% of the dwellings on the site to meet the need for such housing;
 - 4 custom-build plots to satisfy Policy H/9 2f to meet the need identified by the Council's register of persons seeking self and custom build homes;
 - A large area of off-site biodiversity land west of Station Road to satisfy Policy NH/4 and public art (a piece of sculpture) to satisfy Policy HQ/2;
 - Financial contributions towards indoor community facilities (Over Community Centre) to satisfy Policy SC/6; towards health and wellbeing facilities (Over Day Centre) to satisfy Policy TI/8; towards additional secondary school places (Swavesey Village College) to satisfy Policy TI/9; towards green infrastructure (Ouse Fen Nature Reserve) to satisfy Policy NH/5; to provide household waste receptacles for each house or flat and a sum to ensure the agreement is monitored;
 - On-site public open space totalling about 1.3 ha to include a full-size football pitch or two junior pitches, a local equipped area for play and a swale and pond area, together with financial contributions towards the improvement of off-site children's play space and off-site sports space.
33. In relation to public open space, sports facilities and children's play space the S106 agreement provides for an increase in provision to benefit the existing village on about half the site in addition to off-site improvements to provide for the demands arising from the new housing. These combined proposals are willingly put forward by the appellant as part of a comprehensive scheme and, as explained in paragraph 29, are fundamental to the planning balance and outcome in this case.
34. In essence, some provisions of the S106 agreement are necessary to deliver the public open space element of the proposal for the benefit of the existing village whilst others relate to the housing development. The latter make the housing development acceptable in planning terms, by meeting SCLP policy requirements, are directly related to the development and fairly and reasonably related in scale and kind, the tests in paragraph 57 of the NPPF. In each case the provisions are justified in detailed statements from the two Councils that are not disputed by the appellant.
35. The S106 agreement also provides for a community orchard on the site, a further aspiration of the Over Village Design Guide. However, this would conflict with the Parish Council's priority to deliver football facilities on an extended recreation ground and should therefore be set aside.
36. The Council and appellants have agreed a list of conditions should the appeal be allowed and these have been assessed against the relevant tests, making minor amendments as necessary. In addition to the standard time limit for

submission of reserved matters and commencement, a condition is necessary to define the approved plans in the interests of certainty. Condition 5 is fundamental as the revised illustrative layout plan is the basis on which the decision is made. Other conditions are necessary to control the materials to be used, to control boundary treatments, to control lighting and to protect existing trees to ensure the satisfactory appearance of the scheme.

37. Further conditions are necessary to ensure that any archaeological interest in the site is investigated and published, also that working hours are limited, any piling controlled, burning materials precluded and a construction traffic management plan prepared and followed to protect the amenity of nearby residents. Conditions are also necessary to ensure the access is constructed in a satisfactory manner, to ensure maintenance of the streets, to require a travel plan and an electric vehicle charging plan in the interests of highway safety and to encourage sustainable travel. To protect and encourage biodiversity conditions are necessary to require a construction ecological management plan and a landscape and ecological management plan together with arrangements for its long term implementation.
38. A condition to require some accessible and adaptable dwellings is necessary to provide suitable accommodation for people with disabilities. Conditions are also required to remediate any ground contamination, to ensure satisfactory surface and foul water drainage to protect against flooding and pollution, and the provision of fire hydrants to protect against fire. Finally, conditions are necessary to encourage the use of renewable energy, to conserve water, to enable wifi/fibre optic connectivity, and to require sustainable show home(s), all in the interests of promoting sustainable development.

Conclusion

39. The housing element of the proposal would encroach into the open land which extends into the village, reducing its semi-rural nature, and would therefore be harmful to the character and appearance of the area contrary to SCLP Policy HQ/1a. However, the harm would be limited as public views of the housing would be restricted by existing screening and the enclosure of the site. In addition, the housing proposed would conflict with the settlement strategy for the district contrary to Policies S/7, S/6 and S/10 due to its location outside the development framework of the village and the quantum of housing involved. However, the village has a reasonable range of services and facilities and three other schemes have been permitted recently that breach these policies.
40. Notwithstanding these objections, and the conflict with the development plan, the evidence of a shortfall in sports provision, the need for further football facilities, the consistent aspiration to address this issue over many years, the previous allocation of the appeal site for the purpose, the lack of realistic alternative sites and the support of the Parish Council, the benefit of the additional public open space in the revised layout is a decisive material consideration that outweighs the identified harm in the planning balance.
41. This outcome differs from the decision reached on the previous application two years ago when the same policy framework was in place and the housing land supply position was slightly worse. The previous inspector concluded that a similar proposal would materially undermine the spatial strategy underpinning

the development plan and would be at odds with the plan led system¹⁴. As far as the housing element is concerned, that remains the case. However, the current proposal differs in the crucial respect that the revised layout would allow for a more useable extension to the recreation ground and much needed football facilities. The plan led system itself sought to achieve this aim by allocating the site for public open space for many years, but without success. The previous inspector, dealing with the original layout, reported little evidence and attached little weight to this issue, only noting in passing that 'open space in excess of the policy requirement' would be a benefit¹⁵. On the basis of the revised layout and the detailed evidence before this hearing, the benefit should now be given substantial weight. As a material consideration, this is sufficient to outweigh the harm identified in relation to the housing proposed and to justify a decision at variance with the development plan. It also justifies a different outcome to the last application.

42. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR

Schedule of conditions

- 1) Approval of the details of the layout of the site, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Application for the approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than the expiration of two 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:
Site Location Plan Drawing Number 15.93.LP1
Proposed Site Access Drawing Number JNY9037-01 Rev A
- 5) The layout of the site shall be based upon the revised illustrative layout plan 1725 PL-1-01 Rev K and shall provide for an extension to the recreation ground sufficient for a full-size football pitch or two junior pitches.

¹⁴ APP/W0530/W/19/3220761 decision letter paragraph 76

¹⁵ APP/W0530/W/19/3220761 decision letter paragraph 78

- 6) 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 development shall be carried out in accordance with the approved details.
- 7) Before any works on site commence including archaeology, a detailed Arboricultural Method Statement and Tree Protection Strategy shall be submitted to and approved in writing by the local planning authority, including details of timing of events, protective fencing and ground protection measures. This should comply with BS5837. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site. The tree protection measures shall remain in place throughout the construction period and may only be removed following completion of all construction works.
- 8) Before any works on site commence including archaeology details showing the location of proposed trees and any which will benefit from 3D cellular confinement systems or structural soils shall be submitted to and approved in writing by the local planning authority. The details shall include a method statement or specification for any product. The development shall be carried out in accordance with the approved details.
- 9) Prior to the first occupation of any dwelling, boundary treatment relating to that dwelling shall be erected in accordance with a plan previously submitted to and approved in writing by the local planning authority indicating the positions, design, materials and type of boundary treatment to all plots.
- 10) No development shall take place (including demolition, ground works or vegetation clearance) until a Construction Ecological Management Plan (CEcMP) has been submitted to and approved in writing by the local planning authority. The CECMP shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs if applicable.The approved CECMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 11) 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 local planning authority. The main areas of concern that should be addressed are:
 - i. Movements and control of muck away lorries (all loading and unloading

should be undertaken off the adopted public highway).

ii. Contractor parking for both phases all such parking should be within the curtilage of the site and not on street.

iii. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).

iv. Control of dust, mud and debris in relationship to the functioning of the adopted public highway.

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

- 12) During demolition and construction there shall be no bonfires or burning of waste on site except with the prior written permission of the Environmental Health Officer in accordance with best practice and existing waste management legislation.
- 13) Prior to the first occupation of any dwelling, details of the arrangements for future management and maintenance of the streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details 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.
- 14) Prior to the first occupation of any dwelling, the site access shall be constructed so that its falls and levels are such that no private water from the site drains 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.
- 15) The Travel Plan by RPS (dated July 2020) to reduce car dependency and to promote alternative modes of travel shall be implemented and monitored thereafter in accordance with the details of the report.
- 16) Prior to the first occupation of any dwelling the access point to New Road shall be constructed in accordance with the approved details set out in plan JNY9037-01 Rev A.
- 17) No above ground works shall commence until a surface water drainage scheme for the site (including a timetable for implementation and completion of constituent parts) based on sustainable drainage principles has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall be based upon the principles within the agreed Detailed Drainage Report prepared by RPS Group dated July 2020 and shall also include:
 - a) Full calculations detailing the existing surface water runoff rates for the QBAR, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change) inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - c) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers;
 - d) Full details of the proposed attenuation and flow control measures;

- e) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f) Full details of the maintenance/adoption of the surface water drainage system; and
 - g) Measures taken to prevent pollution of the receiving groundwater and/or surface water.
- 18) 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 local planning authority. The scheme shall be constructed and completed in accordance with the approved strategy prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing by the local planning authority.
- 19) No development shall commence until the following has been submitted to and approved in writing by the local planning authority:
- a) A detailed desk study and site walkover.
 - b) A detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment.
 - c) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the remediation method statement).
 - d) The works specified in the remediation method statement have been completed and a verification report submitted to and approved in writing by the local planning authority in accordance with the approved scheme.
 - e) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for that material shall be agreed in writing by the local planning authority prior to work continuing. The development shall be carried out in accordance with the agreed details.
- 20) No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives.
 - e) Prescriptions for management actions.
 - f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures.
- 21) The LEMP shall also 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. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

- 22) Prior to the commencement of the development an artificial lighting scheme to include details of any external lighting of the site such as street lighting, floodlighting, security / residential lighting and an assessment of the impact on any sensitive residential premises on and off site, shall be submitted to and approved in writing by the local planning authority. The scheme shall include layout plans / elevations with luminaire locations annotated, full isolux contour map / diagrams showing the predicted illuminance in the horizontal and vertical plane (in lux) at critical locations within the site, on the boundary of the site and at adjacent properties, hours and frequency of use, a schedule of equipment in the lighting design (luminaire type /profiles, mounting height, aiming angles / orientation, angle of glare, operational controls) and shall assess artificial light impact in accordance with the Institute of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light GN01:2011". The approved lighting scheme shall be installed, maintained and operated in accordance with the approved details.
- 23) No construction work and/or construction related dispatches from or deliveries to the site shall take place other than between the hours of 08.00 to 18.00 hours on Monday to Friday and 08.00 to 13.00 hours on Saturdays. No construction work or dispatches / deliveries shall take place on Sundays, Bank or Public Holidays unless approved in advance in writing by the local planning authority.
- 24) In the event of the foundations for the development requiring piling, prior to any piling taking place a report/method statement detailing the type of piling and mitigation measures to be taken to protect local residents from noise and/or vibration shall be submitted to and approved in writing by the local planning authority. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 - Vibration (or as superseded). Development shall be carried out in accordance with the approved details.
- 25) No development above slab level shall take place until an Electric Vehicle Charging Plan has been submitted to and approved in writing by the local planning authority. The Plan should include the details of the provision of cabling infrastructure location having regard to parking associated with various planning class uses. The development shall be carried out in accordance with the approved details prior to the occupation of the dwellings.
- 26) No development above slab level shall take place until a Renewable Energy Statement has been submitted to and approved in writing by the local planning authority. The statement should demonstrate that the development reduces carbon emissions by a minimum of 10% (to be calculated by reference to a baseline for the anticipated carbon emissions of the properties as defined by Building Regulations) through the use of on-site renewable energy and low carbon technologies. The development shall be carried out in accordance with the approved details and maintained as such thereafter.
- 27) No development above slab level shall take place until a water conservation strategy has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the occupation of the dwellings.

- 28) No dwelling hereby approved shall be occupied until the dwelling has been provided with infrastructure, including sockets, cabling and connection points, sufficient to enable Wi-Fi, and suitable ducting (in accordance with the Data Ducting Infrastructure for New Homes Guidance Note) has been provided to the public highway that can accommodate fibre optic cabling, unless otherwise agreed in writing by the local planning authority.
- 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 local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI which shall include:
- a) The statement of significance and research objectives;
 - b) The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - c) The programme for post-excavation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material.
- The timetable for the investigation shall be included within the scheme. The development shall be carried out in accordance with the approved details.
- 30) No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service 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.
- 31) Notwithstanding the approved plans, 5% of the plots hereby permitted shall be constructed to meet the requirements of Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended 2016).
- 32) No development above slab level shall commence until a strategy for the delivery of a sustainable show home(s) has been submitted to and approved in writing by the local planning authority. This shall include the following:
- i) a plan showing the location of the sustainable show home(s)
 - ii) an indicative timetable for delivery of the sustainable show home(s)
 - iii) sustainability targets to be achieved in the construction/design of the show home(s)
 - iv) sustainable alternatives available for purchase by prospective house buyers (to include measures such as energy efficiency, renewable technologies, water conservation, waste and recycling and overheating)
 - v) a marketing scheme to demonstrate how the sustainable alternatives in (iv) above can be purchased by prospective house buyers.
- The development shall be implemented in full accordance with the approved details.

APPEARANCES

FOR THE APPELLANT:

Andy Brand BSc MA MRTPI	Planning Director, Abbey Properties Cambridgeshire Ltd
David Mead BA DipUP MRTPI	Planning Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Alexander Greaves	Barrister
Lewis Tomlinson	Principal Planner
Philippa Kelly BSc MSc DipTP MRTPI	Principal Planning Officer, Strategic Sites Team
Jenny Nuttycombe	Principal Planning Policy Officer
Stephen Reid	Senior Planning Lawyer

INTERESTED PARTIES:

Geoff Twiss	Vice Chairman of Over Parish Council
Janet Oswell	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

Further Information to Support Council's Position on Deliverability of Sites
Appellant Response to LPA Updates in November 2021
Section 106 Clarification Note agreed between the Appellant and the Council
Greater Cambridge Housing Trajectory and Five Year Housing Land Supply
Published 1 April 2021