
Appeal Decision

Inquiry held between 24 May 2022 and 1 June 2022

Site visit made on 31 May 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2022

Appeal Ref: APP/W0530/W/22/3291523

Land at Teversham Road, Fulbourn, Cambridgeshire CB21 5EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent to details required by a condition of a planning permission.
 - The appeal is made by Castlefield International Ltd against the decision of South Cambridgeshire District Council.
 - The application Ref S/3290/19/RM, dated 13 September 2019, sought approval of details pursuant to condition No 01 of outline planning permission Ref S/0202/17/OL, granted on 26 October 2017.
 - The application was refused by notice dated 20 October 2021.
 - The development proposed is a reserved matters application for the development of 110 dwellings with areas of landscape and public open space and associated infrastructure works.
 - The details for which approval is sought are appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely appearance, landscaping, layout and scale submitted in pursuance of condition No 01 attached to planning permission Ref S/0202/17/OL dated 26 October 2017, and subject to the conditions set out in the attached Schedule.

Background and Procedural Matters

Outline planning permission and definition of reserved matters

2. Outline planning permission was approved on 26 October 2017 for residential development of up to 110 dwellings with areas of landscaping, public open space and associated infrastructure¹. Access details were approved at this stage leaving appearance, landscaping, scale and layout reserved. This appeal relates to the aforementioned reserved matters.
3. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) defines what each of the reserved matters means and these are as follows.
 - **Appearance** – means the aspects of a building or place within the development which determines the visual impression the building or

¹Outline planning permission ref S/0202/17/OL

place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture;

- **Landscaping** – In relation to a site or any part of a site for which outline planning permission has been granted or, as the case may be in respect which an application for such permission has been made, means the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated;
 - **Layout** - means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development;
 - **Scale** - except in the term 'identified scale', means the height, width and length of each building proposed within the development in relation to its surroundings; and
 - **Access** - means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network; where "site" means the site or part of the site in respect of which outline planning permission is granted or, as the case may be, in respect of which an application for such a permission has been made.
4. For the avoidance of doubt, planning permission has already been granted for the erection of up to 110 dwellings on the site including details of access. I can only therefore consider the acceptability of the reserved matters which are before me. There is no scope for me to reconsider matters which have been dealt with, or should have been dealt with, at the outline stage.
5. I was able to visit the appeal site in both March (i.e. a pre-visit viewing from public land only) and May this year. Consequently, I have had the opportunity to appreciate the site when deciduous trees on and off the site are with and without leaf.
6. With my agreement, a completed unilateral undertaking was submitted shortly after the close of the inquiry. This is listed as Inquiry Document 6 at the end of this decision.

Details of relevant outline planning permission conditions

7. The outline planning permission includes a number of conditions. Of particular relevance to the main issues detailed below, condition 4 lists the approved plans including M06 Rev E 'Parameters Plan' (showing three distinct development parcels where residential development is acceptable in principle) and P2 '50m Exclusion Zone B'. Condition 5 requires the submission of details of the mix of housing on the site (market and affordable housing) to be submitted at reserved matters stage, and condition 6 requires 'general accord' with the illustrative layout drawing No M03 Rev C subject to 'taking into account' the 50 metre noise Exclusion Zone B.
8. Condition 8 requires that prior to commencement of development, a detailed surface water drainage scheme is submitted for approval for the site based on the agreed Flood Risk Assessment CCE/B411/FRA-03 September 2014 prepared by Cannon Consulting Engineers. Condition 19 requires that

concurrently with a reserved matters application, a noise mitigation/insulation scheme relating to the effects of Brackenwood Industrial Estate and from rail noise to the north is submitted for approval.

9. Condition 20 states that no dwellings or private gardens shall be sited within the 50m Exclusion Zone B unless a noise mitigation strategy and/or a detailed insulation scheme to address the off-site operational noise of the Breckenwood Industrial Estate has been approved and implemented. Condition 28 stipulates that *'notwithstanding the particulars shown on the parameters plan, the numbers of storeys and the height of the eaves and ridge above AOD of any built development hereby approved shall be determined through reserved matters applications'*.
10. The reserved matters application was submitted to the Council alongside an application to discharge conditions imposed on the outline planning permission. The evidence is that conditions 7 (tree protection measures); 12 (landscape and biodiversity management scheme); 14 (grassland mitigation and translocation); 19 (noise and mitigation scheme); and 20 (noise and mitigation scheme for residential units within the 50m Exclusion Zone - part one discharged only) have been discharged by the Council. Some of these matters are of direct relevance when considering some of the main issues below.

Whether a valid reserved matters application

11. Some interested parties, including Save Fulbourn's Fields and Fulbourn Forum (SFF&FF), question whether a valid reserved matters application was submitted in time. Condition 2 of the outline planning permission requires the submission of reserved matters within two years of 26 October 2017. An application was submitted to the Council prior to 26 October 2019. It is of note that the local planning authority did not treat the application as invalid either at this stage or indeed at any other stage.
12. The appellant does not dispute that when the application was submitted to the Council it did not strictly accord with outline planning permission drawing M06 rev E for the reasons stated in paragraph 22 of SFF&FF's 'outline submissions on validity of application' document. Nonetheless, and, as a matter of fact and degree, I find that for the purposes of validation, the reserved matters application submitted at this time was in broad conformity and harmony with the outline planning permission including the parameters plan.
13. In reaching the above view, I have considered the wording of condition 4 of the outline planning permission which states that *'the development hereby permitted shall be carried out in accordance with the following approved plans'*. It does not state, for example, in *'strict accordance with'* and, in that regard, I find that the deviations from the approved parameters plan/outline planning permission were not so significant as to amount to an unacceptable lack of harmony with such a permission. I acknowledge that condition 6 uses the words in *'general accordance with the illustrative layout'*, but, in my judgment, I do not consider that in itself this meant that the proposal had to be in *'strict'* accordance with condition 4 of the outline planning permission.

14. I would also add that the role of the parameters plan needs to be understood by reference to how it is presented. It is presented through a series of blocks and marked with hatched areas. It is essentially diagrammatic in how it is shown and I do not believe that the scale and nature of the plan should be taken to have precisely fixed the boundaries for each land use. I accept that there has to come a point where the reserved matters proposal is so far removed from the parameters plan that it cannot accord with it, but I do not find that the reserved matters scheme submitted at application stage, or indeed as part of this appeal, reaches that point.
15. Taking into account the evidence that is before me, coupled with the case law referred to by the appellant and SFF&FF, I find that a valid reserved matters application was submitted in time. Very strict accordance with the parameters plan was not required by the outline planning permission. Comments have been made that the proposed sub-station and pumping station would be within areas of 'open space' in the parameters plan. However, that plan uses the words 'open spaces *including proposed planting, children's play areas...*'. The parameters plan does not prohibit ancillary infrastructure development in these areas.
16. While a number of changes have been made to the reserved matters application since it was originally submitted, largely in response to consultee responses, that in itself does not mean that the reserved matters application is now invalid. It is acceptable, and indeed common place, to amend an application, including a reserved matters application, even after the deadline for submission. In this case, the subsequent changes to the reserved matters application did not bring in other reserved matters in respect of which an application had not been made in time, and nor did the amendments alter the whole character of the application.
17. In this case, the actual amendments made to the reserved matters application, while high in numerical terms, have not actually led to a substantial alteration to the proposals. Furthermore, it is evident from the representations received that the public were aware of the amendments made following rounds of public consultation. In addition, SFF&FF are fully aware of the amendments and have taken an active part in the inquiry. I accept that the Council carried out public consultation in respect of the proposed changes to the reserved matters application, but, in this case, I do not find that this in itself means that a 'new' reserved matters application had been submitted.
18. In addition to the above, SFF&FF refer to condition 28 of the outline planning permission which states that '*notwithstanding the particulars shown on the parameters plan, the number of storeys and height of the eaves and ridge above AOD of any built development hereby approved shall be determined through reserved matters applications*'. The evidence is that proposed land levels were not included when the reserved matters application was first submitted to the Council. However, I do not find that this omission was fatal from a validation point of view. The condition requires that this is a matter that is '*determined*' at reserved matters stage.
19. The evidence is that levels details were submitted and considered prior to the Council determining the reserved matters application. Indeed, the aforementioned condition states that this is a matter that needs to be

'determined' as part of this reserved matters appeal. Had sufficient details not been provided, then of course it could have resulted in a negative assessment of the reserved matters application on the basis of insufficient information. This would, however, be a situation which was quite different to the consideration of whether the absence of levels details at reserved matters application submission stage rendered the reserved matters application invalid. I am satisfied that a valid reserved matters application was made taking into account the wording of condition 28 of the outline planning permission.

20. For the above reasons, I find that a valid reserved matters application was submitted in time and that it was appropriate and acceptable to amend plans at reserved matters determination stage. I find that the amendments to the reserved matters application, including the scheme that led to the submission of the final set of plans considered by the Planning Committee, and the reserved matters details that are before me now, are all in harmony and accordance with the outline planning permission.

Additional information – surface water drainage and flood management

21. As part of the appeal, the appellant submitted additional information relating to surface water drainage and flood management. This comprises a report prepared by HR Wallingford dated 1 April 2022 and Cannon Consulting Engineers dated 4 April 2022. Such information includes drawing B411-PL-SK-351 relating to amended flood and finish floor levels and drawing B411-PL-SK-350 relating to an indicative surface water management strategy.
22. At the inquiry, I asked the appellant to confirm what levels I was being asked to consider for the purposes of determining the appeal, particularly as levels were submitted as part of the reserved matters application in respect of drawing B411-PL-SK-320 Rev P09. The appellant confirmed that they wanted me to consider drawing B411-PL-SK-351. In respect of reserved matters details, the changes made in respect of levels are not overall significant relative to drawing B411-PL-SK-320 P09 and considered by the Council's Planning Committee. These amended levels were the subject of public consultation as part of this appeal, and, furthermore, such details were considered by the respective witnesses in proofs and oral evidence.
23. Given the above and having regard to the *Bernard Wheatcroft Ltd v SSE* judgment, I am satisfied that no interested party would be prejudiced by me accepting the latest levels information for the purposes of determining this reserved matters appeal. I have therefore determined the appeal on such a basis. In addition, the appellant confirmed at the inquiry that the levels for the proposed streets within the site had not changed and that these remained as shown in drawings TRF-CBA-1-GF-M2-L-1010 P6 (Hard Landscaping Strategy Sheet 1) and TRF-CBA-1-GF-M2-L-1011 P6 (Hard Landscaping Strategy Sheet 2).
24. While surface water drainage is a matter to be considered separately by means of a future application to discharge condition 8 of the outline planning permission, additional indicative information was nonetheless submitted by the appellant to specifically address the Council's reason for refusal relating to a perceived lack of information to demonstrate that the reserved matters scheme could provide a satisfactory scheme of surface water drainage, as well as to demonstrate that the proposal would not result in an increased

flooding risk relative to what had been considered at outline planning permission stage. As outlined earlier, and in the interests of fairness, I requested the Council to undertake public consultation in respect of this additional information and I have taken the representations received into account as part of the determination of this appeal.

25. In summary, the aforementioned indicative surface water drainage information, which is essentially a matter reserved for consideration as part of a discharge of condition application under condition 8 of the outline planning permission, has evolved drainage strategy and flood management matters to a position that includes storage basins (without infiltration), the use of underground '*high sub base replacement crates*' and the use of some on-site gardens for flooding purposes. I deal with these matters later on in the decision.

Planning Policy

26. The Fulbourn Village Design Guide SPD was adopted in January 2020 (FVDG SPD). This post-dates the approval of outline planning permission. The consideration of this guidance is of relevance from the point of view of the consideration of the reserved matters that are the subject of this appeal, but it is important to emphasise that the principle of residential development has already been approved as part of the outline planning permission, including the imposition of conditions.
27. The FVDG SPD is a material consideration to which I afford significant weight. However, it has to be considered in the context that there is an outline planning permission for up to 110 dwellings on the site, with identified residential development parcels shown on an approved parameters plan. The parameters plan, associated conditions, access details and principle of up to 110 dwellings on the site form the basis of the outline planning permission. This appeal can only consider matters relevant to appearance, landscaping, layout and scale, and within the scope and parameters of the outline planning permission.
28. The Fulbourn Neighbourhood Plan (FNP) was submitted for examination on 24 January 2022. This post-dates the Council's refusal of the reserved matters application. There is common ground between the main parties that at this stage it has only moderate weight as a material planning consideration. I do not disagree with this position and have taken its policies into account in so far that they are relevant to the consideration of appearance, landscaping, layout and scale.

Main Issues

29. The Council confirmed in its appeal statement that it would not defend reasons for refusal 3 (biodiversity), 4 (affordable housing distribution) and 5 (living conditions of the occupiers of 17 affordable residential units, to be located adjacent to Breckenwood Industrial Estate, in respect of noise, disturbance and design).
30. At the inquiry, the Council also confirmed that it was no longer defending the first paragraph of reason for refusal No 1 relating to the scale and siting of apartment blocks A and B '*within a key view north through the site across Poor Well and along the chalk stream towards the open countryside beyond*'.

In addition, the Council confirmed that it no longer wished to defend part of the second paragraph of reason for refusal No 1 from the point of view of the inclusion of the words '*and within views from the surrounding areas*'.

31. At the inquiry, SFF&FF confirmed that it was no longer pursuing reason for refusal No 4, i.e. the distribution and integration of affordable homes with private market housing on the site.
32. Some of the above are matters that continue to be of concern in respect of other interested parties and I deal with them in the other matters part of this decision. Given the Council's changed position in respect of reasons for refusal 1, 3, 4 and 5, the main issues are the effect of the development on (i) the character and appearance of the area having particular regard to the both the approved outline planning permission and the FVDG SPD and (ii) surface water drainage and flood risk.

Reasons

Character and appearance

33. The principle of erecting up to 110 dwellings on the appeal site has already been approved as part of the outline planning permission. In making this decision, the Council also approved a parameters plan (drawing No M06 Rev E) which identifies three land parcels where '*residential development*' may be situated. The parameters plan also outlines areas of retained and proposed vegetation, proposed open space and pedestrian/cycle access.
34. Access details have already been approved at outline planning permission stage and this permits day to day vehicular access from Teversham Road only. Only pedestrian, cyclist and emergency service access has been approved from Cox's Drive and submitted drawing No A-P10-010 P4 (Site Layout) shows this arrangement in accordance with the Cox's Drive Emergency Vehicle Access Plan (B411/008 Rev 1) approved at outline planning permission stage.
35. The approved parameters plan refers to '*residential development, up to 2.5 storey*', '*eaves height above grade – up to 6m*' and '*ridge height above grade – up to 10.5m*'. However, condition 28 on the outline planning permission states '*notwithstanding the particulars shown on the parameters plan, the number of storeys and the height and eaves and ridge above AOD of any built development hereby approved shall be determined through Reserved Matters applications*'. Condition 28 therefore makes it explicitly clear that the height of dwellings has not been fixed in respect of the outline planning permission and the reference to specific storeys and ridge/eaves heights in the parameters plan is of no consequence in terms of the determination of this reserved matters application. I shall therefore consider scale on its individual planning merits, albeit in the context of the other parameters and details approved as part of the outline planning permission.
36. The site is located on the north-western edge of Fulbourn, outside the development framework boundary that runs along the southern, western and eastern boundaries of the site. It comprises two fields where there is a degree of enclosure from built development on three sides, and the railway and embankment on the fourth, with further enclosure provided by boundary and surrounding vegetation. I note the appellant's recent evidence that the

site has become slightly more enclosed since 2016 in terms of the extent and height of vegetation within and surrounding the site.

37. I was able to see as part of my site visit that while most of the properties in Cow Lane and Cox's Drove are well proportioned and set within spacious plots, most of them are not of any significant architectural merit. The exception is Telford House, which is imposing, of Victorian architecture and appearance, and higher than other buildings surrounding the site. Some of the dwellings in The Pines are also quite tall and these sit on the boundary with the appeal site. The appeal site includes mature vegetation and trees on its boundaries, although the boundary with Cox's Drive is more open and without a significant amount of existing landscaping. The latter is, however, proposed to be addressed by means of a wide planting buffer.
38. A small part of the site falls within the Fulbourn Conservation Area (CA). This includes that containing the Pumping House Garden and pond which is identified as a Local Green Space under policy NH/12 of the South Cambridgeshire Local Plan 2018. Parts of the southern boundary of the site adjoin the CA boundary. Adjacent to the site lies the former Fulbourn Pumping Station which is listed on the Cambridgeshire Historic Environment Record as a building of importance. It is also noted as a building of importance in the Fulbourn Conservation Area Appraisal and a non-designated heritage asset alongside Gate Lodge and Bakers Arm Public House.
39. The FVDG SPD post-dates the Council's approval of outline planning permission for the erection of up to 110 dwellings on the site and positioned within three land parcels as detailed in the approved parameters plan. The FVDG SPD is a relevant material planning consideration, although the weight afforded to any conflict with it would have to be set within the context that outline planning permission has already been approved for up to 110 dwellings on the site and within parameter based land parcels. Given the outline planning permission, it is inevitable that there would likely be some impact on views from Cow Lane/Poor Well Water towards the countryside beyond, and some change to what some regard as an open and rural character to the appeal site.
40. Figures 46 of the FVDG SPD refers to '*wide open views and green space towards the countryside*' and that '*the penetration of the countryside within the village and the delicate wildlife area of the chalk stream require the establishment of a green natural corridor of sufficient width to retain the connection and protect the environment*'. The aforementioned view is also referenced in figure 17 of the FVDG SPD. In addition, the FVDG SPD states that '*it will be essential that the site is integrated into the patterns of streets and lanes of the village, at least for pedestrians and cyclists, rather than remaining an isolated housing estate*'.
41. Poor Well Water, which abuts the southern boundary of the application site and falls within the CA, is identified as a Protected Village Amenity Area under policy NH/11 of the LP. This policy states that '*development will not be permitted within or adjacent to these areas if it would have an adverse impact on the character, amenity, tranquillity or function of the village*'. Taking into account the approved parameters of the outline planning permission, apartment blocks A and B would be positioned well back from

the proposed central open space and would therefore continue to afford some open views/gaps towards the countryside from Poor Well Water. The views may not be as wide as they are now, but nevertheless the position of the apartment blocks would enable the provision of a green natural corridor of sufficient open width and Poor Well Water would maintain its relative tranquillity.

42. In considering the above further, my site visit revealed that views of the site from Cow Lane/Poor Well Water were screened by the position and scattering of a number of mature trees and vegetation within Poor Well Water, and, furthermore, that the northern boundary of the site with the railway beyond also included mature vegetation. The absence of built development on the appeal site was apparent when looking through trees at Poor Well Water, but it could not reasonably be said that there was a very clear, unobstructed and open connection with the countryside to the north of the site from this area. I accept that glimpses of trees in the countryside to the north could be seen from this area, but I am not persuaded by the Council's or SFF&FF's evidence that the ability to see 'sky' reasonably equates to a view towards open countryside.
43. My observations above essentially chime with those reached by another Inspector who considered an outline application for up to 110 dwellings on the site in November 2016². He commented that *'I acknowledge that a little more may be seen of the appeal site from Cow Lane during winter months, when the tree foliage would be thinner, although I consider that these views could still only be described as glimpsed. Whilst such views do give the impression of an open, undeveloped area to the north of Cow Lane the extent of these views is very limited and, for the reasons set out above, I am not persuaded that the appeal site contributes anything particularly meaningful to the rural character of the village in views from these aforementioned roads'*.
44. I appreciate that from Poor Well Water and the site itself it may be possible to see some trees associated with the countryside on the other side of the railway track, but I do not find that views across the site give the impression of a significant degree of connectivity with the countryside to the north of the appeal site. In fact, I am persuaded by the appellant's expert witness who commented at the inquiry that the site has instead a closer visual relationship with the existing settlement edge than it does with the countryside to the north.
45. There are some open views of the site from Cox's Drove, although this is a cul-de-sac and so there are relatively few passers-by. Furthermore, additional planting would be provided along the boundary of the site with Cox's Drove. Glimpses of the site from outside areas does not extend to the northern countryside, including public right of way PRO W95/15, given the position and height of the railway embankment and intervening vegetation. Furthermore, views of the appeal site from Cow Lane are appreciated in the context that there are existing and surrounding dwellings, some of which immediately front this road.
46. The proposed development predominantly provides a two storey, pitched roofed residential development throughout the site, with single storey

² Appeal Ref: APP/W0530/W/15/3139730

garages for several plots, responding acceptably to the general scale and form of existing residential development in the immediate area and the wider village. Based on the elevation plans, the ridge heights of such properties range from approximately 8.4 metres to 9.4 metres and a ridge height of about 9.6 metres for blocks C, C1, D and D1 adjacent to the industrial estate which is also acceptable. I reach these views also taking into account the proposed finished floor levels and hence the fact that residential buildings would sit on raised land levels.

47. The two central apartment blocks, A and B, would respectively have their highest ridge heights of about 12.26 m and 12.27/12.28 m above the existing site ground level. The finished floor level (FFL) for apartment block A would be 10.65 m AOD and for apartment block B the FFLs would be 10.48 m and 10.49 m AOD. This would be an increase in 1.02 m and 1.03/1.04 m above the existing ground level respectively.
48. In respect of the layout and scale of apartment blocks A and B, I am satisfied that the proposal would maintain a sufficiently open vista from Poor Well Water and down the central part of the appeal site. I appreciate that plots 86, 87, 88 and 89 would to some extent narrow this open gap, but nevertheless these properties would be positioned within an approved land parcel where the principle of residential development has been approved. Furthermore, given the position and resultant height of these proposed dwellings, coupled with tree planting proposed for Meadow Park/the LEAP and existing trees and vegetation at Poor Well Water, none of the aforementioned buildings would be seen as being unacceptably conspicuous or prominent when standing in Cow Lane/Poor Well Water.
49. At the inquiry, the Council's expert witness indicated that the primary concern relating to the position and scale of apartment buildings A & B was when viewed from the proposed areas of open space within the site including 'Meadow Park' and 'Linear Park'. Parts of the apartment buildings would be taller than other buildings when seen from these areas, but not to such an extent that it would unacceptably diminish how these public open spaces were appreciated by residents and the wider public.
50. Views across the site, particularly west to east along Linear Park and Meadow Park, would not be compromised as a consequence of the height of apartment blocks A and B. Only parts of these buildings would be slightly higher than other properties on the site and existing mature/tall trees would be seen in the background thereby softening impacts. Overall, the apartment buildings would not appear as out of place additions from these internal viewpoints given the height, position and scale of other surrounding buildings on the site. I therefore find that the proposal would maintain acceptable open views across the site and would not cause harm to the way that the public open spaces were appreciated by those within the site.
51. While apartment buildings A & B would be positioned around areas of open space, I am not persuaded that the FVDG SPD is referring to internal arrangements when it mentions avoiding '*prominent frontages*'. In any event, the apartment buildings would not appear as unacceptably prominent or dominant additions when viewed from areas within the site and, in any event, and as detailed below, I find that they are not 3 storey in height and so there would be no conflict with Design Guide 10.10 of the FVDG SPD.

52. The apartments would be close to proposed open spaces, but this would be beneficial from the point of view of increased surveillance of these public areas. I consider that this is an entirely appropriate design response for this part of the site and am content that appropriate care has been exercised in respect of the position, scale and design of these buildings.
53. I heard evidence at the inquiry that apartment buildings A and B may be deemed to be 'gateway' buildings and hence more care would be needed from a design point of view. I do not judge these buildings in this way given where they would be located. Indeed, and as Mr Carr put it in his oral evidence, *'they don't gate anything'*. In reaching this view, I also note that it is not proposed to access the appeal site from Poor Well Water. The apartment buildings would not be gateway buildings at the entrance to the site and hence there would be no conflict with Design Guidance 10.6 of the FVDG SPD.
54. The SFF&FF raise concern about the provision of vehicular and pedestrian bridges over chalk stream. As non-emergency vehicular access is restricted from Cox's Drove, as per the access details approved at outline planning permission stage, it was inevitable that at least a vehicular bridge would be needed over the chalk stream. While the pedestrian bridges would seek to urbanise this part of the site, this harm would be very limited in the context of the screening effect of existing trees at Poor Well Water and such harm would be off-set as a result of the pedestrian connectivity benefits enabling residents and the public to cycle/walk from Cox's Drive across the site and to Teversham Road and vice versa. Furthermore, there is no compelling evidence before me that these structures would in themselves result in any adverse harm being caused to wildlife in this area.
55. Taking into account the position and orientation of apartment blocks A and B, and indeed all other development, I do not consider that the proposal would cause harm to the character, amenity, tranquillity or function of the village and hence there would be no conflict with policy NH/11 of the LP.
56. Apartment blocks A and B would be the tallest buildings on the site. It is a moot point as to whether parts of these buildings would be two and half or three storeys in height, although in my judgment they would be a maximum of 2.5 storeys in height as the internal third floor would be within the roof. Apartment blocks A and B would be positioned well into the site and separated by new and proposed landscaped zones. While apartment block A would be closest to the CA boundary, the highest part of this building would be in the centre of the site and adjacent to 'Meadow Park'.
57. I do not find conflict with Design Guidance 10.10 in terms of the height of apartment blocks A and B, but even if one were to disagree with this position the apartment buildings would be positioned well back from site boundaries and would provide a stepped down ridge arrangement. They would be positioned such that their gable ends would face southwards towards the CA, thereby minimising the visual mass of these buildings and framing open landscaped vistas through the central part of the site, including Chalk Stream and Meadow Park. In other words, these buildings would be sited away from site boundaries and would be suitably articulated to avoid bulkiness.

58. The layout and scale of the apartment buildings would suitably maintain a green and open continuation of Poor Well Water towards the open countryside boundary to the north of the site. Through the resultant gap, it would still be possible to see glimpses of the mature trees within the fields to the north of the site. I acknowledge that this is identified as an important view, as expressed in the FVDG SPD and also in respect of Policy FUL/01 of the draft Fulbourn Neighbourhood Local Plan, but in the context of the outline planning permission for the site, coupled with my site visit observations, I am satisfied that the proposal would suitably respect and retain the setting and special character of Fulbourn as an individual village set in a rural landscape. Furthermore, I am satisfied that identified *'important views'* would be protected.
59. It was evident as part of my site visit, that tall trees and the green aspect of Cow Lane in particular was a positive and distinctive characteristic of the locality. Design Guidance 10.12 of the FVDG SPD states that in respect of new buildings *'the height should be lower than the crown of surrounding mature trees to retain the setting of a village among trees'*. I read the word *'surrounding'* as meaning trees on the perimeter of the site and not within it. The appellant's updated evidence regarding the height of existing trees demonstrates that the proposed development, including blocks A and B, would accord with this requirement. Even accounting for raised platforms, I am persuaded by the appellant's evidence that there would not be any material conflict with Design Guidance 10.12.
60. In addition to the above, I am persuaded by the appellant's evidence at the inquiry that proposed tree planting surrounding apartment blocks A and B would, when they had reached maturity, grow almost as high as these residential buildings. In respect of all other buildings on the site, I am satisfied that many trees on the site would be likely to exceed ridge heights in time. When considered a whole, I am therefore satisfied that the development would be seen as a connected extension to the village and *'among trees'* and that, in time, all buildings would be surrounded by trees of a sufficient height.
61. On my site visit, I could see that some existing vegetation had been removed on the northern boundary of the site adjacent to Network Rail land. I am satisfied that the removal of such vegetation is not significant and that it does not undermine the overall landscape strategy for the site. Even with this vegetation removed, I find that a suitable soft and undeveloped edge to the appeal site would prevail and that the appeal scheme would appropriately assimilate with the undeveloped area of countryside on the other side of the railway track.
62. The development would incorporate several house types, and distinct *'character areas'*, which would have suitable variations in respect of position, materials, finish and fenestration in order to avoid repetition in design terms across the site as a whole. In this respect, the proposal would accord with Design Guidance 10.13 of the FVDG SPD.
63. I acknowledge that coloured render is proposed for some buildings, including apartment blocks A & B, but that would not in itself be harmful in the context of the immediate environment. It is of note that the Council's expert witness commented at the inquiry that there was no objection to the use of

render in itself, as that was a material used in the village, but nevertheless had some concern relating to how the different colours of render might be appreciated on the buildings. The expert witness, however, agreed that a condition would suitably address this level of detail. I do not disagree with that view.

64. At the inquiry, there was some discussion about the storage, collection and management of refuse on the site in so far that it relates to matters of layout. This is a matter that could be suitably controlled by condition, noting that the evidence is that the Highway Authority would unlikely adopt the roads. There is nothing before me to suggest that it would not be possible to have in place private arrangements for the collection of refuse from the site. Furthermore, I am confident that it would be possible to have in place arrangements so that bins were collected/emptied on the site and without them being stored or collected from Teversham Road. I do not find that the latter option would be an acceptable solution having regard to the character and appearance of Teversham Road as a main thoroughfare into the village.
65. The use of a variety of materials on this relatively enclosed site would add visual interest without looking materially out of place in the context of its immediate surroundings. Subject to carefully controlling materials by planning condition, I am satisfied that in appearance terms the proposal would suitably accord with the requirements of the FVDG SPD. Furthermore, and notwithstanding comments made by SFF&FF, I am satisfied that there would be sufficient articulation to the elevations of each of the residential buildings when seen within each of the streets.
66. Significant landscaping is proposed for the site which would integrate well with the proposed built and engineered form and would suitably accord with the approved outline planning permission parameters plan. The landscaping scheme would include *'soft edges at the interface with the countryside'* thereby according with design guidance 10.1 of the FVDG SPD. Furthermore, and given the identified constraints of the site, I am content that the landscaping proposals overall would have the effect of enhancing biodiversity thereby according with Design Guidance 10.20 of the FVDG SPD. I would also add that the proposal includes the opening up of the Chalk Stream which would have positive impacts.
67. The main road through the site would meander with short cul-de-sac/road off-shoots, some without pavements, suitably reflecting a degree of layout informality in accordance with the FVDG SPD. This informality would also be reflected in terms of the position, materials used, and articulation to the elevations proposed for the various buildings on the site. I am satisfied that when the development was seen across the site as a whole there would not be design repetition. To this extent, the proposal would accord with Design Guidance 10.13 of the FVDG SPD.
68. The FVDG SPD post-dates the outline planning permission, but, in any event, I do not find that the proposal would conflict, to any significant degree, with this guidance taking into account the parameters that have already been approved at outline planning permission stage. In this context, the reserved matters details ensure that the development proposal would suitably integrate with the existing village both from a visual and connectivity point of view.

69. In addition to the above, I would add that there would be very limited changes to landscape character in the context of an outline planning permission for up to 110 dwellings on the site. I do not disagree with the conclusions reached in the appellant's Landscape Visual Impact Assessment, including updates to it. The change to landscape character would essentially be appreciated from the appeal site itself and the very immediate locality. The proposal would not conflict with the Fulbourn Fen Edge Chalklands LCA which is described as '*settled*'. Given trees and vegetation to be retained, coupled with new planting, the development as a whole would be seen as being amongst trees thereby assimilating well with the visual context of the existing village. I do not therefore find that the proposal would result in any material harm being caused to the landscape character of the area.
70. Notwithstanding my findings above, there may be some scope to provide a number of additional trees within streets to the western part of the site, noting that trees would be provided within open space areas alongside roads within the eastern part of the site. It was agreed at the inquiry that this could be secured by means of the imposition of a planning condition, thereby suitably addressing the requirement of paragraph 131 of the Framework. In the interests of seeking to potentially further improve the overall design of the scheme, I consider that this would be a necessary condition.
71. While final details of land modelling still need to be provided (e.g. the raised platforms), I have no reason to doubt the appellant's confirmation that based on the position of platforms shown on the untitled drawing on page 9 of the 4 April 2022 Cannon Consulting Engineers Flood Modelling Surface Water Management Update, there need not be any tension with the proposed landscaping proposals, including the protection and retention of trees/vegetation shown on submitted plans.
72. It is noted that there may be some minor tension with the soft landscaping proposals close to the pumping station, but I am persuaded that this could be addressed as part of the submission of final land modelling/raised platform details. This level of detail could be controlled by means of the imposition of a condition: I have no reason to doubt the appellant's oral evidence that the final grading of the site could be done in a manner so that it appropriately assimilated with the 'fixed' and submitted landscaping details while also providing a suitable surface water drainage scheme and without causing a flood risk.
73. In respect of raised development platforms, the appellant clarified at the inquiry that final/detailed contour levels were not before me. Instead, I have finished floor levels (FFL) in respect of all the proposed buildings apart from plots 90 and plot 17 which the appellant confirmed had been missed on the basis that they were the same as the adjacent buildings. It was confirmed that the FFL for plot 90 would be in the region of 10.17 AOD and for plot 17 10.35 AOD. I am content that the aforementioned omissions have not prejudiced any interested party, from a reserved matters consideration point of view, given the small difference in the range of levels between those properties where FFLs have been shown. A condition could reasonably be imposed in respect of the FFLs for plots 17 and 90 in the interests of precision and enforcement.

74. While final levels/contours for the platforms are not provided at this stage, I am mindful of the undisputed comments made by the appellant about the requirements stipulated in the Buildings Regulations about FFLs being 150mm higher than surrounding land. In other words, I have enough confidence from a character, appearance and design point of view that the platforms would not therefore be higher than the proposed FFLs. Indeed, the appellant confirmed that this would be the case at the inquiry following my questioning.
75. Based on the aforementioned heights for the raised platforms, I am therefore satisfied that the raised platforms, as indeed envisaged as part of the consideration of the outline planning permission (i.e. as referenced on page 1 of the Flood Risk & Surface Management Update report January 2017 and the associated 2014 Flood Risk Assessment referring to raising land parcels and roadways at paragraphs 2.9-2.12), would not in themselves look materially out of place, or cause any significant harm to the character and appearance of the area.
76. Nonetheless, and in the interests of precision and enforceability, I find that a condition would be necessary relating to the approval of other levels across the site. This would include the raised development platforms and driveways serving the residential units. I consider that such details should also be accompanied by cross sections running through the whole of the site (east to west and north to south) which would also need to reflect the road/spot levels and FFLs that have been submitted as part of this reserved matters appeal. Condition 8 of the outline planning permission, which is also a pre-commencement condition, may also require the submission of surface water drainage levels.
77. On the basis of the aforementioned pre-commencement conditions, all levels information would be brought together at once and considered by the local planning authority and relevant consultees. Development would not be able to commence until such details had been first approved by the local planning authority.
78. The appellant's latest indicative surface water drainage and flood risk strategy (i.e. April 2022 as considered below) seeks to use eight proposed gardens for flooding purposes (i.e. plots 57, 58, 65, 66, 67, 68, 75 and 76). These gardens would be lower than the FFLs for the dwellings as detailed on drawing B411-PL-SK-351. While such gardens would be lower than the associated dwellings, I do not find that this would cause any material harm from a design or layout point of view. Furthermore, as these gardens would be at existing ground level, there would be no conflict with the landscaping plans which show the retention of existing vegetation in part of the Cow Lane basin.
79. As the gardens would be used for the purposes of a flooding event, I find that it would be necessary to include a condition, notwithstanding submitted details accompanying this reserved matters application, in respect of boundary treatment details for the rear gardens of the above eight plots. The appellant acknowledged at the inquiry that such boundary treatment would need a degree of permeability so that water could flow away in the event of a flood.

80. I am satisfied that it would be possible to have in place patios or equivalent at FFL associated with the eight gardens. In the context of the site's environmental constraints, I do not find that these gardens would be unacceptable or harmful from a functional or use point of view.
81. In conclusion, I find that the submitted layout, scale, appearance and landscaping details are acceptable. I therefore conclude that the proposal would not cause harm to the character and appearance of the area. Put succinctly, I find that the reserved matters scheme, as a whole, would constitute good design. Consequently, and subject to the imposition of conditions, the reserved matters details would suitably accord with the design, character and appearance requirements of policies HQ/1 and NH/11 of the South Cambridgeshire Local Plan 2018 (LP), the FVDG SPD and paragraphs 126, 130 and 134 of the National Planning Policy Framework (the Framework).

Surface water drainage and flood risk

82. The evidence is that the appeal site is located in flood zone 1 (low risk) with large areas of the site identified as being at risk from surface water flooding. The Council's refusal notice alleges that insufficient information has been submitted to demonstrate that the reserved matters proposal can provide a satisfactory scheme of surface water drainage and prevent the increased risk of flooding.
83. Flood risk management is not a matter reserved for subsequent approval. Flood risk, whether to the proposed development or elsewhere, goes to the principle of the development. The matter was expressly considered at outline planning permission stage. At outline planning permission stage, the local planning authority and lead local flood authority (LLFA) agreed that the proposal would not increase 'flood risk' elsewhere. I deal with the definition of flood risk later on, but it is not my view that this means any land covered by water. Land being covered by water is not, itself, an occurrence of 'flood risk'. At outline planning permission stage, the evidence before me is that information submitted by the appellant, and considered by the local planning authority and LLFA, did show an increased extent/depth of flood to the south of the site into gardens on Cow Lane.
84. Condition 8 of that planning permission requires that prior to the commencement of development a detailed surface water drainage scheme, based on the agreed Flood Risk Assessment CCE/B411/FRA-03 September 2014 by Canon Consulting Engineers (FRA), is submitted to the local planning authority for approval. The Cambridge Flood and Water SPD may indicate that for full and reserved matters applications applicants will also be expected to submit a detailed surface water drainage strategy, but in this case condition 8 provides an alternative mechanism to that. The matter is reserved by condition and paragraph 6.7.4 of the aforementioned SPD, while a material planning consideration, does not override or outweigh the control that exists in respect of condition 8 of the outline planning permission.
85. The appellant's evidence indicates that in terms of water on land (as distinct from buildings) belonging to properties on Cow Lane, the latest strategy demonstrates that it would be possible to provide an improved position to that considered and accepted as part of the outline planning permission. Based on the appellant's latest information, there would still be some water

on neighbouring garden land during a period of flood, but there is no indication that this would be a worse position than approved at outline planning permission stage.

86. I acknowledge the continued concerns raised by other interested parties about the potential for flood risk. However, this is not a reserved matter and has already been considered, in principle, as part of the outline planning permission. Condition 8 provides sufficient control in terms of ensuring that a final surface water drainage scheme, including long term maintenance arrangements, are approved prior to commencement of development.
87. I note comments made by SFF&FF and the Council about a lack of detail in respect of what would happen in the event that surface water drainage facilities were to fail. However, this is a matter that would need to be considered and assessed by the LLFA and the local planning authority as part of an application to discharge condition 8 of the outline planning permission. The local planning authority will only allow development to commence if final technical details suitably demonstrate that the proposed development would not lead to harm from a surface water drainage point of view. Any such details would also have to ensure full compliance with approved reserved matters details.
88. In respect of this reserved matters application, I am only permitted to consider details relating to appearance, landscaping, layout and scale. For the avoidance of doubt, a finding that these reserved matters details are acceptable would not override the separate requirement for a surface water drainage scheme to be separately approved as part of condition 8 of the outline planning permission, and prior to commencement of development on the site. The same also applies in respect of foul drainage in so far that condition 9 imposes a requirement for details to be approved by the local planning authority prior to commencement of development. It is of note that Anglian Water raise no objection to the reserved matters application.
89. Notwithstanding the above, I am nonetheless cognisant of the fact that a number of interested parties desire to see a degree of certainty in respect of the provision of an acceptable surface water drainage scheme. In this case, a compelling case has not been made that, in principle, a satisfactory surface water drainage scheme could not be submitted for the site and that the development would not be capable of being made safe for its lifetime without increasing flood 'risk' elsewhere. This is indeed a conclusion that has already been reached by the LLFA who has raised no objection to the reserved matters application.
90. There is common ground between the parties that based on the appellant's April 2022 indicative flood modelling and surface management update, in times of flood parts of the neighbouring garden land (e.g. 60 Cow Lane) on the southern boundary of the site would be covered by water. However, the evidence is that this is an improved position relative to what was considered at outline planning permission stage and the extent and depth of flood water would not, in my judgment, be significant. While flood management is not a reserved matter detail, this betterment position is clearly a positive outcome of the appeal process. In addition, I would add that the evidence in the form of the EA Surface Water Flood Map, and the appellant's own flood modelling,

indicates that in the modelled storm events the gardens of Cow Lane are already liable to flood.

91. The Planning Practice Guidance states that *'for the purposes of applying the National Planning Policy Framework, flood risk is a combination of the probability and the potential consequences of flooding from all sources – including from rivers and the sea, directly from rainfall on the ground surface and rising groundwater, overwhelmed sewers and drainage systems, and from reservoirs, canals and lakes and other artificial sources'*.
92. I acknowledge that gardens would be covered by the identified depth and extent of water during a period of flood, but this would be a temporary inconvenience. I do not find that the extent and depth of such water would amount to a 'flood risk' and, furthermore, and in this case, I do not consider that the gardens are sensitive receptors. In this respect, I do not agree with SFF&FF that the reserved matters application form is incorrect from the point of view of saying that the proposal would not increase 'flood risk' elsewhere. Furthermore, there is no objective or clear evidence before me to indicate that neighbouring dwellings would be at risk of flooding.
93. SFF&FF have raised concern about post-traumatic stress disorder potential should properties be flooded. However, condition 8 of the outline planning permission provides a mechanism by which development cannot commence until any surface water drainage issues have been acceptably eradicated. In addition, there is no evidence before me to indicate that neighbouring dwellings would be covered by water in a flood. Furthermore, while the evidence is that parts of some neighbouring gardens may be covered by water during a flood, I do not find that this would amount to a flood risk.
94. In addition to the above, I would add that the evidence before me indicates that the reserved matters scheme, as amended as part of this appeal, would not lead to a worse position in terms of the depth and extent of water off-site when compared to the outline planning permission. Indeed, the evidence is that the position would be an improved one based on the appellant's latest modelling information. The evidence is that the appellant's modelling has been based on reducing the extent of the south-eastern development platform which avoids the predicted increase in off-site floodwater depths associated with outline scheme.
95. Overall, there is no reasonable evidence before me that there would be any tension with the latest indicative surface water and flood risk modelling conclusions of the appellant and the submitted landscaping details. I am persuaded by the appellant that there would be some flexibility in terms of the position and extent of platforms and that there need not be tension between levels to be fixed as part of the landscaping drawings. Should any conflict arise between the reserved matters landscaping details and a subsequent application to discharge condition 8 of the outline planning permission, I would add that the approved landscaping plans would take precedence over a surface water drainage scheme.
96. I acknowledge the concerns raised by interested parties, including SFF&FF, that full input modelling data was not disclosed by the appellant in respect of the April 2022 indicative flood modelling and surface management update. I accept the appellant's point that some of the data could have been obtained publicly, and hence that is why it was not provided, but nevertheless the

absence of some data has made it difficult for members of the public to fully understand the appellant's latest modelling and findings.

97. Nevertheless, I am content, at least in principle, that the appellant has suitably demonstrated that the reserved matters scheme could be delivered while also providing a satisfactory scheme of surface water drainage. I am also satisfied that the proposal would not result in a flood risk to neighbouring land or properties.
98. In reaching the above findings, I am satisfied with the answers provided by the appellant's witnesses at the inquiry in respect of catchment permeability, including the prevailing soil type within the catchment (i.e. predominantly HOST class 1 based on the Flood Estimation Handbook and appropriate adjustments made), and the use of 15 metre road widths to provide a greater allowance for impermeable areas. In addition, it would appear that the correct standard percentage run off has been used in the modelling. Nevertheless, some of these matters, so far as they are relevant to surface water drainage, will need to be fully checked and verified by the LLFA as part of the consideration of an application to discharge condition 8 of the outline planning permission.
99. I would also add that in approving planning permission for up to 110 dwellings on the site, including specifying land parcels for the erection of dwellings, it is reasonable to conclude that the Council/LLFA were satisfied that an acceptable surface water drainage scheme was possible in principle. In addition, it is of note that in considering the reserved matters scheme considered by the Planning Committee, the LLFA raised '*no objection to the reserved matters application*'.
100. The lack of objection from the LLFA at reserved matters stage, did not equate to signing off condition 8 of the outline planning permission. Nonetheless, there is nothing from the LLFA at this time to indicate that the reserved matters details are incapable of delivering a satisfactory scheme of surface water drainage or indeed that the proposal would lead to a flood risk off site. I do appreciate, however, that the appellant's strategy for surface water drainage and flood management has changed since the Council's refusal of reserved matters consent. However, this has not resulted in any changes to matters of layout, appearance, or landscaping. The changes to FFLs are not material and have been the subject of public consultation and were discussed at length at the inquiry.
101. Along with members of the public, the LLFA was consulted in respect of the appellant's additional flood risk and surface water drainage information submitted as part of this appeal. The LLFA commissioned a consultancy to undertake the review of the modelling document and to peer review the results.
102. While the conclusion reached by the consultancy is that '*there is low confidence in the flood risk mapping outputs provided and would expect further work is required to support the conclusions that are made in the flood risk report*', there is no suggestion from the LLFA that it would not be possible, in principle, to have in place the specific proposed reserved matters details, while also ensuring that adequate surface water drainage measures were in place. I would also add that no party at the inquiry was able to

demonstrate that it would not be possible at all to deliver an acceptable surface water drainage scheme based on the reserved matters details.

103. At the inquiry, the appellant commented that there was continued dialogue with the LLFA and that they were confident that it would be possible to discharge condition 8 of the outline planning permission based on the reserved matters details. They reached this view even accounting for the LLFA's alleged changed requirement for a '*lower water discharge rate*'.
104. I acknowledge the comment made by SFF&FF that a detailed assessment of flood risk and drainage should normally be carried out prior to fixing the layout and design of a scheme. In this case, however, the acceptability of the site in flood risk terms was settled at outline planning permission stage. The appeal proposal would provide more water storage on site when compared to earlier proposals for the site. The outline planning permission was approved with condition 8 imposed to give a suitable and final control to the local planning authority from a surface water drainage point of view.
105. At the inquiry, I heard very detailed arguments about run-off rates, micro-drainage calculations, the size of crates and outfall heights. These are all matters to be considered under condition 8 of the outline planning permission. This is why my note to the main parties, and prior to the inquiry commencing, explained that I did not need to hear very detailed evidence about matters relevant to the discharge of such a condition. If a satisfactory surface water drainage scheme cannot be achieved, then the development will not be able to proceed.
106. In its rebuttal proof of evidence relating to flood risk, the appellant has responded to the detailed comments made by the LLFA to the additional information submitted as part of the appeal. The LLFA has not responded to the rebuttal and they did not appear at the inquiry. I note, however, the comment made by the LLFA in its consultation response dated 14 April 2022 that '*it has been discussed with the LPA that this is a reserved matters application and details of the design are reserved under condition 8 of planning permission S/0202/17/OL. The reserved matters application is to confirm appearance, landscaping, layout and scale, as opposed to the detailed design of the surface water network*'. I concur with this view.
107. While condition 8 of the outline planning permission reserves the detailed consideration of surface water drainage and management, policy CC/9 of the LP imposes requirements in respect of floor levels. To this extent, the policy has implications in terms of the consideration of scale and, in turn, whether the policy requirements of condition 8 can be met as part of the consideration of a future discharge of condition application.
108. Policy CC9 of the LP states that '*in order to minimise flood risk, development will only be permitted where (b) floor levels are 300mm above the 1 in 100 year flood level plus an allowance for climate change where appropriate and where appropriate and practical also 300mm above adjacent highway levels*'. In respect of this matter, I am persuaded by the appellant's evidence that the requirements of Policy CC9 of LP have been met.
109. Furthermore, the evidence is that the appellant is and has given appropriate consideration to sources of pollution, and to appropriate sustainable drainage systems measures to protect water quality from

polluted surface water run-off, thereby according with the requirements of policy CC/7 of the LP. There is no evidence before me that the use of below surface crates would not be capable of meeting water quality requirements and, furthermore, I have no reason to doubt the appellant's oral evidence that such an arrangement would meet CIRIA SuDS requirements.

110. On the basis of the evidence that is before me, and in the context of the constraints of the site which has planning permission for up to 110 dwellings, I also find that the appellant has explored suitable opportunities to integrate sustainable drainage with the development, including suitable access by members of the public, and the inclusion of planting and biodiversity. I am therefore satisfied that the proposal would fully accord with the requirements of policy CC/8 of the LP.
111. I therefore conclude that the reserved matters details can be approved in so far that there is no persuasive evidence before me that they would, in turn, automatically lead to certain conflict with the flood risk and drainage requirements of policies CC/7, CC/8 and CC/9 of the LP. Reference has been made by some parties to paragraph 167 of the Framework, although this specifically relates to '*planning applications*' and not to reserved matters applications. Nevertheless, the available evidence before me does not indicate that the proposal would result in a flood risk elsewhere. Furthermore, and, in this regard, the evidence is that this amended proposal would result in an overall improvement relative to the outline planning permission.
112. As condition 8 of the outline planning permission requires surface water drainage and management details to be submitted to and approved by the local planning authority prior to the commencement of development, the indicative drawings and technical details relating to surface water drainage as part of this reserved matters application, and appeal, are excluded from approved plans condition. The only exception to this relates to drawing B411-PL-SK-351 as it directly relates to the consideration and approval of matters of scale.

Other Matters

Biodiversity

113. The Council's third reason for refusal, which it no longer defends, states that the reserved matters proposal has failed to '*provide a measurable net gain in biodiversity*'. However, the consideration of biodiversity is not, by definition, a reserved matter. This is a matter that needed to be considered at outline planning permission stage and, if necessary, addressed by means of the inclusion of a planning condition(s). The evidence is that biodiversity was considered at outline planning application stage and indeed specific conditions have already been imposed such as conditions 12 and 14. These have now been formally discharged by the Council. It is of note that the proposal does include restoration works to the chalk stream, enhancement to the Pumphouse Garden and the provision of bat and bird boxes exceeding Council requirements. The Council's Ecology Officer raises no objection to the proposal from an ecological or biodiversity point of view.
114. While some interested parties have indicated that they would like to see biodiversity net gain as part of the consideration of this reserved matters

application, it is not possible to revisit this matter as part of this appeal given that such issues were fully considered as part of the consideration of the principle of residential development on the appeal site (i.e. up to 110 dwellings) and as no condition was imposed at outline planning permission stage referring to the achievement of biodiversity net gain. In addition to this, there is no evidence, given the outline planning permission considerations and discharged planning conditions, that the proposal would cause harm to any protected species or the nearby SSSI.

115. The provisions for mandatory biodiversity gain are set out in the Environment Act 2021, but part 6 (Nature & Biodiversity) has not commenced. It is understood that there will be a transition period of two years before it becomes a mandatory requirement, but this would not apply to proposals which already have the benefit of planning permission. These transitional arrangements are also referenced in the Greater Cambridge Shared Planning Biodiversity SPD 2022 (SPD).
116. For the above reasons, I conclude that it is not possible for me to determine this reserved matters application against the nature conservation requirements of policies HQ/1(m) and NH4 of the LP, paragraphs 174 and 180 of the Framework or the SPD. This is because biodiversity is not one of the identified reserved matters.
117. In addition to the above, it is of note that some third parties have questioned whether there are an adequate number of bird and bat boxes and suitable 'hedgehog highways' relative to the outline planning permission. The evidence is that the number and location of bird and bat boxes, and the location of hedgehog fencing, has been agreed within the approved landscape and biodiversity management plan through the discharge of condition 12 of the outline planning permission. It will therefore be necessary for the development to accord with the details approved in respect of condition 12.

Affordable housing distribution

118. The Council's fourth reason for refusal, which is not being defended, asserts that the proposal fails to adequately distribute affordable properties throughout the site and integrate those units appropriately with market housing. Reference is made by some interested parties, to a failure to 'pepper-pot' affordable housing throughout the development.
119. Affordable housing is not a reserved matter. It was specifically considered at outline planning permission stage. Provision has been made for the delivery of 30% affordable homes in a completed section 106 agreement dated 25 October 2017. This is despite the normal policy requirement of 40% as stipulated in policy H/10 (a) of the LP and it is understood that a reduced affordable housing offer was agreed by the Council following the consideration of viability information at outline planning application stage.
120. Policy H10 of the LP also states that affordable housing should be provided in '*small groups or clusters distributed through the site*'. This is defined in the section 106 agreement as '*no more than 20 affordable housing units may be clustered together and no such clusters are to adjoin or neighbour each other*'.

121. In addition to the above, condition 5 of the outline planning permission states that *'notwithstanding the submitted indicative layout, details of the mix of housing (including both market and affordable housing) shall be submitted with any reserved matter application for housing'*. This condition is written in the context of the clear and agreed definitions and interpretations in the section 106 agreement as detailed above. There is no dispute between the Council and the appellant about the acceptability of the mix of affordable and private market housing on the site and I do not disagree with that position.
122. The proposal includes 33 affordable units in the form of 8x1-bed flats, 16x2-bed flats, 4x2-bed flats and 5x3-bed flats, 16 of which would be for shared ownership and 17 for affordable rent. There is common ground that in respect of tenure and bedroom numbers, the proposal accords with the affordable housing requirements of the section 106 agreement. Furthermore, the reserved matters application proposes three separate clusters of affordable housing, the largest of which is 17 units, thereby according with definition of clustering as outlined in the completed section 106 agreement.
123. While some interested parties have expressed a desire to see more clustering and *'pepper-potting'* of affordable housing alongside private market dwellings, including an increase in the number of affordable dwellings as distinct from affordable flats, this is nevertheless a matter that was considered and settled at outline planning permission stage and as part of the accompanying and agreed section 106 agreement. It is of note that the Council's Affordable Housing Officer raises no objection to the clustering or distribution of affordable homes on the site and the integration with private market housing. Given the section 106 agreement requirements, I do not disagree with this view.
124. Given the outline planning permission, including its accompanying section 106 agreement, I conclude that the proposal would be acceptable in affordable housing terms. This is despite the technical conflict with parts of Policy H/10 of the LP in respect of the percentage of affordable units on the site as this is a matter that was settled at outline planning permission stage.
125. I acknowledge that some would prefer to see affordable housing spread more widely across the whole of the site. Nevertheless, there are plans submitted as part of this reserved matters application which seek to position affordable homes in accordance with the restrictions imposed by the section 106 agreement and as per the requirement of condition 5 of the outline planning permission.
126. I am satisfied that in the context of the completed section 106 agreement it would be possible to ensure an adequate mix of housing and a suitable distribution of affordable housing across the site. While the Greater Cambridgeshire Housing Strategy 2019-2023 refers, at Annex 10, to clusters of up to 15 units, the section 106 agreement specifies up to 20 units. In respect of this appeal, I afford limited weight to the requirements of the GCHS, as a strict application of the requirements of this strategy would immediately lead to a situation where there was a tension and conflict with the completed section 106 agreement that sits alongside the outline planning permission.

127. In the context of the completed section 106 agreement, I conclude that the submitted details demonstrate that the proposal would comply with the requirements of policy H/10 of the LP. That said, I acknowledged that the submission of an affordable housing scheme is a matter reserved for approval as part of the completed section 106 agreement.

Affordable housing – living conditions and design

128. The outline planning permission did not specifically preclude the erection of dwellings to the south of the Breckenwood Industrial Estate which is located on the north west boundary of the appeal site. The outline planning permission did impose a restriction on dwellings (including gardens) within a 50 metre zone, as outlined in condition 20, unless and until a detailed noise mitigation strategy and/or detailed insulation scheme to address the off-site operational noise of Breckenwood Industrial Estate had been submitted to and approved in writing by the Local Planning Authority, and thereafter approved details implemented prior to first occupation of any dwelling.
129. The detailed approval requirements of condition 20 have been met in so far that the condition has been part discharged. In addition, condition 19 requires that a noise mitigation/insulation scheme is submitted at reserved matters stage to protect occupants of dwellings both internally and externally from rail noise to the north and noise from the Breckenwood Industrial Estate the north west.
130. On my site visit, and when positioned on the appeal site, I was able to hear some low level noise from an industrial unit on Breckenwood Industrial Estate. Condition 19 requires the development to accord with the internal and external noise levels in British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings'.
131. There is no objective evidence before me to indicate that it would not be possible for the proposal to accord with the aforementioned noise levels or, in this regard, that the proposal would be unacceptable from the point of view of the living conditions of future occupiers of residential units close to Breckenwood Industrial Estate. Given that condition 19 has been part discharged, I find that there is no justification for withholding planning permission, in layout terms, in respect of the residential units and outside amenity spaces falling within the 50 metre zone close to Breckenwood Industrial Estate.
132. The reserved matters application includes a Noise Mitigation Strategy prepared by Cass Allen which was also submitted in respect of the discharge and part discharge of conditions 19 and 20 of the outline planning permission. The findings take into account a noise survey which was carried out at the site from 3 to 7 July 2019 to assess existing noise levels in the area. According to the strategy there are about 34 train movements per day with no passenger train movements at night and typically 0 to 2 freight trains per night.
133. Based on the noise survey data and the recommendations in the strategy, which include the use of mechanical ventilation with heat recovery (i.e. system 4 from Building Regulations Part F) for Blocks C, C1, D, D1 which would be affordable residential units, and mechanical extract ventilation (i.e. system 3 from Buildings Regulations Part F) for all other units, I am satisfied

that the occupiers of residential units would not be subjected to harmful levels of noise or disturbance. The evidence is that all outside amenity areas would be acceptable from a noise point of view

134. The Council's Environmental Health Officer has appraised the strategy as part of the discharge and part discharge of conditions 19 and 20 of the outline planning permission. I have no reason to disagree with the conclusions reached by the Council's Environmental Health officer in respect of the layout of all proposed residential units on the site in respect of potential noise and disturbance from rail activity or from activity at Breckenwood Industrial Estate.
135. I acknowledge that the residential units that directly face towards the industrial estate are proposed to be affordable. However, they are integrated or surrounded by private market dwellings and the clustering is in accordance with the requirements of the completed section 106 agreement which has been agreed by both the Council and the appellant at outline planning permission stage. I do not agree with some of the interested parties who contend that the affordable apartments would not integrate well with the rest of the site. There is a very close physical relationship with private market dwellings and, in this regard, I am satisfied that in respect of the layout and location of affordable units, the proposal would overall represent good design.
136. For the above reasons, I conclude that the proposal would be acceptable in respect of the location and distribution of residential tenure on the site, including the 17 affordable units adjacent to Breckenwood Industrial Estate, and given the discharge and part discharge of conditions 19 and 20 of the outline planning permission, would not lead to harm to future residents in respect of noise or disturbance. In these respects, the proposal would be acceptable in overall design terms and would accord with the design requirements of policy HQ1 of the LP.

Heritage

137. The effect of the development on designated and non-designated heritage assets was considered as part of the outline planning permission with some limited harm being identified in respect of the character and appearance of the Fulbourn Conservation Area (CA) through the loss of the current rural appearance of the area. The matter was also considered as part of 2016 appeal decision³ with the Inspector commenting that due to the physical proximity between the site and the CA, the site '*should be considered as serving as some part of the setting of the CA*'. The existing site is open and green and hence provides a soft and undeveloped edge to the setting of the CA. In this regard, the site makes some positive contribution to the significance of the CA as a whole.
138. In the context of the above, it is of note that the local equipped area of play would be positioned away from the site boundary and in the centre of the site. A sub-station and pumping station would be situated on the southern border of the site, adjacent to the CA, but would be positioned to the north of the dwellings at The Pines which contribute on a neutral level to the significance of the CA and are not recorded as positive buildings in the

³ APP/A0530/W/15/3139730

Fulbourn Conservation Area Appraisal 2008. Existing and dense vegetation on the boundary of the site would screen the proposed sub-station and pumping station from the CA. However, a condition is necessary to ensure a satisfactory appearance to this development. It is of note that the dwellings would be confined to the residential land parcels as outlined in the approved parameter based plan and there would be no built development in the small parts of the site that fall within the CA.

139. The taller buildings would be positioned away from the site boundaries and with gables facing towards the CA, thereby minimising the overall mass and bulk of these buildings when viewed from the CA. In addition, there is a green buffer proposed for the southern and eastern boundaries. While the appeal site would include new housing, it would continue to retain an acceptable green and landscaped appearance and hence would represent an appropriate visual transition between the otherwise more built up part of the CA and the undeveloped land to the north. There would be glimpses of parts of the development when seen from localised parts of the CA, but even this development would be screened, to some extent, by vegetation or the position of existing buildings.
140. In respect of the reserved matters details, and for the reasons outlined above, I therefore find that only limited harm would be caused to the setting of the CA. In the context of the outline planning permission, including its approved parameters, and taking into account paragraph 202 of the Framework, I find that the overall harm that would be caused to the setting of the CA from the reserved matters proposals would be less than substantial. Significant improvements would be made to the pumphouse garden, a designated non-heritage asset, including improved public access and tree management. This would positively restore lost significance and deliver a benefit to the CA.
141. In this case, I therefore find that the less than substantial harm to the setting of the CA would be outweighed by the public benefits associated with works to the pumphouse garden. In respect of the non-designated heritage assets, I conclude that there would be no loss to their significance. Furthermore, the development would be seen as being amongst trees thereby retaining a sylvan character to the locality.
142. As part of my site visit observations, I was able to view nearby listed buildings including Brooks House and 28 Cow Lane. These buildings are physically and functionally separate from the appeal site by some distance and with intervening buildings and landscaping. I find that the appeal proposals would preserve the settings of the listed buildings.
143. Furthermore, and in the context of the outline planning permission for the site, the proposal would retain glimpses of open views towards the countryside to the north. For these reasons, I do not find any material conflict with the Fulbourn Conservation Area Appraisal 2021 or the conservation requirements of the Framework.

Land-use principle

144. A number of third parties object to the proposal in principle commenting that they do not consider that the site should be developed for housing. However, the grant of outline permission constitutes a commitment by the

local planning authority to the principle of providing up to 110 dwellings on three land parcels, thereby disentitling any decision maker to refuse approval of reserved matters on grounds going to the principle of development.

On-going management and maintenance

145. The evidence is that the maintenance for the LEAP, public open space, and general open space would be secured through the completed section 106 agreement dated 25 October 2017, and via either private individuals and/or a management company.
146. The Highway Authority has indicated that they would not adopt the proposed roads. On this basis, the appellant has confirmed that the roads would be private and would be maintained and managed by a management company. This is a matter which could be controlled by means of the imposition of condition in similar way to condition 8 of the outline planning permission for surface water drainage.
147. Condition 09 of the outline planning permission requires the submission of a foul drainage 'scheme' prior to commencement of development. I consider that the provision of 'scheme' would also include a requirement for the submission of details of ongoing maintenance and management of a foul drainage system.

Designated Local Green Space

148. The proposed layout of the development would not encroach into the Pump House Garden which is a designated Local Green Space. This area would be enhanced. The proposal would not conflict with policy NH/12 of the LP.

Use of Cox's Drive

149. Concerns have been raised by third parties that there is no assurance that Cox's Drive will only be used by pedestrians, cyclists and emergency vehicles. This is a matter that was considered at outline planning permission stage including approved plans that preclude non-emergency vehicular access from Cox's Drive.
150. The Council would have enforcement powers in the event of Cox's Drive being used in a manner that was not in accordance with approved access details. It is not open to me to consider access details as part of this reserved matters application appeal as such a matter was expressly considered as part of the determination of the outline planning application for the site.

Access to open space

151. I acknowledge that access to public open space for recreation would be restricted in some areas for surface water retention and bio-diversity reasons. However, and in the context of the approved outline planning permission for the site, I am satisfied that sufficient access to open space areas would be available for residents and the wider public. The use of signage, fencing and raised boardwalks would ensure suitable access to an adequate quantum and quality of open and green spaces without harm or

conflict being caused to matters of biodiversity or in respect of areas to be used for flood management purposes.

152. Given the above, I find that the proposed layout is acceptable. I do not agree with SFF&FF that the reserved matters proposal conflicts with the design and access statement submitted by the appellant which states that a network *'of linked opens spaces will provide extensive recreational opportunities for both new and existing residents'*.

Bicycle and car parking provision

153. Concerns have been raised by some third parties about car parking provision for the site. The evidence is that overall car parking provision would be adequate for the proposed development and all car parking spaces would measure a minimum of 2.5 metres by 5.0 metres. The three main parties also concur with this view in respect of the signed statement of common ground. While I note some concerns raised about space for cycle storage facilities, I am content that provision across the site would be acceptable.

Self-build dwellings

154. It is acknowledged that a number of interested parties have raised concern that there is no provision for self-build dwellings. No such provision was required as part of the outline planning permission. It is not possible to require such provision as part of the consideration of this reserved matters application appeal.

Fire Hydrants

155. As part of this appeal, the Fire Service requested details of fire hydrants. There is no evidence to indicate that it would not be possible to provide fire hydrants on the site or that this would cause harm from a layout or appearance point of view. This is a matter that would be controlled and approved as part of an application to discharge condition 15 of the outline planning permission.

The Gate Lodge

156. Concerns have been raised by the occupiers of The Gate Lodge in terms of reversing out of the drive, noise and disturbance, the security of the workshop, the proximity to an existing road junction, lack of footpaths on Teversham Road/Hilton Road and the effect of the proposal on privacy.
157. The evidence is that there is a legal right of access across the property and the existing path is to be retained albeit improved with a new surface. I acknowledge that the proposal would, in relative terms, be likely to result in an increase in non-vehicular comings and goings close to Gate Lodge. However, I do not find that the evidence indicates that more formal pedestrian access close to this property, from the Pumphouse Garden and directly into Teversham Road/Hinton Road, would lead to a material loss of privacy, noise or disturbance, or that there would be any significant harm to the security of the workshop. I am satisfied that there would be enough room available for vehicles to manoeuvre associated with Gate Lodge and without any significant conflict arising with pedestrians/non-vehicular traffic.

158. I therefore find that the proposal would not cause any material harm to the living conditions of the occupiers of Gate Lodge and, in this regard, the proposal would not be in contravention of Article 8 of the European Convention on Human Rights Act.
159. I acknowledge that there is a lack of existing footpaths on Teversham Road/Hilton Road. However, access details approved as part of the outline planning permission (i.e. drawing B411/SK/09 Rev 2) includes a new footpath, including pedestrian crossing areas, on Teversham Road and close to the access to Gate Lodge. In layout terms, the route via Gate Lodge would be acceptable and would seek to better integrate the site with the rest of the village from a safe pedestrian connectivity point of view.

Living conditions – proposed and surrounding dwellings

160. Representations have been made objecting to access through the Pumping House gardens. This is an area that would be visually improved as part of the reserved matters landscaping details. Public access through this area and onto the main site would represent an attractive entrance and walkway to the main part of the appeal site. There is no reasonable evidence before me to indicate that public access would be inappropriate or harmful.
161. Concerns have been raised by a number of interested parties, including residents that occupy houses close to the boundary of the site (namely Cow Lane, The Pines and Teversham Road), on existing living conditions. I have taken into account the topographical surveys and flood and floor levels shown on B411-PL-SK-351. Even accounting for proposed FFLs, the degree of separation and orientation of the proposed residential units from existing buildings is such that they would not cause any material harm to the living conditions of the occupiers of existing neighbouring properties in respect of outlook, privacy and light. Indeed, I concur with the assessment contained within the officer's planning committee report about such matters.
162. The above finding is subject to the imposition of a condition, in the interests of the privacy of the occupiers of nearby residential units, requiring that first floor windows in the side elevation of plots 5, 57, 66, 67, 76 and 85 are fitted with obscure glazing and with an opening of no more than 45 degrees beyond the plane of the adjacent wall. There is also clear justification for the inclusion of a condition that removes permitted development rights relating to the insertion of additional openings within specified elevations for the dwellings proposed for plots 5, 57, 66, 67, 76, 77 and 85.
163. In respect of the impact of artificial lighting from the development on the occupiers of surrounding properties, condition 18 of the outline planning permission requires a scheme to be submitted to the local planning authority for approval prior to commencement of development. The local planning authority would be able to control the position and extent of artificial lighting as part of the determination of a discharge of condition application taking into account the proximity of neighbouring residential properties. However, there is nothing to suggest that it would not be possible to ensure that a suitable artificial lighting scheme was provided on the site without causing harm to the living conditions of residents on or off the site.

164. As regards the location of the pump house and sub-station, I have considered the separation distance from the nearest residential properties. I am satisfied that this aspect of the proposal would not give rise to any adverse consequences from a living conditions point of view in terms of outlook, light, noise or disturbance. This is subject to a condition requiring the approval of details of scale and appearance.
165. In respect of contaminated land risks, this was considered as part of the outline planning permission and condition 10 of such a permission also addresses this matter.
166. Comments are made that the some of the proposed residential units would have cramped internal conditions and that some of the affordable units would only have one toilet. The evidence is that the residential units would meet minimum space standards and, furthermore, there is no requirement to have more than one toilet for each residential unit.

Other matters raised by interested parties

167. Interested parties have commented that there is a lack of trees within the development. The proposed planting scheme includes a significant number of new trees and vegetation. Furthermore, the appellant agreed at the inquiry that they would be prepared to plant additional trees within streets if feasible. This is a matter that could be controlled by means of the imposition of a planning condition.
168. Concerns have been raised by interested parties about additional pressure on village services and facilities, and also traffic generation. These are matters that were considered as part of the outline planning permission: it is not therefore possible for me to address these matters again as part of this reserved matters appeal. It is suggested that existing traffic calming measures in the village are deteriorating. This is a matter that would separately need to be investigated and potentially addressed by the Highway Authority in accordance with its duty to keep roads in safe order. Access details were considered and approved at outline planning permission stage.
169. In respect of construction traffic and associated noise and disturbance from building and engineering works, condition 16 on the outline planning permission would have the effect of suitably controlling any adverse impacts. I would also add that construction activity would not be a permanent arrangement in the area.
170. I have taken into account comments made by the Designing Out Crime Officer and note the appellant's responses in appendix 3 of the proof of evidence of Mr A Fisher. Subject to a condition which controls the height of fencing in particular locations, I am satisfied that the proposed development would not give rise to unacceptable levels of crime or an increased risk of crime.

Planning Obligation

171. The appellant has submitted a signed unilateral undertaking (UU) dated 6 June 2022. The purpose of the UU is to ensure that any prospective or new owners of the eight dwellings where it is proposed to use gardens for the purposes flooding are aware of this matter from the outset and that they do

not provide items or development within such areas that would interfere with their ability to perform a flood water storage role.

172. The UU was discussed at the inquiry and there was some concern raised by both the Council and SFF&FF about its wording and enforceability. An alternative mechanism was explored and discussed with all three main parties in the form of suggested condition 19 below.
173. I am satisfied that condition 19 would give the local planning authority suitable control in terms of what development and/or items could be provided within the gardens by means of the submission and approval of a scheme by the local planning authority. I am content that prospective and new purchasers of these dwellings would be made aware of the details approved by this condition as part of any local search undertaken at conveyancing stage. I would add that the requirement to submit a 'scheme' for approval would give the local planning authority ultimate flexibility from the point of view of its scope and how tight/restrictive it needs to be.
174. I note that the Council is concerned about whether residents would comply with the approved scheme under condition 19. However, it is very unlikely that the scheme would prohibit all items in gardens such as for example a free standing barbecue. It would only be development or items on the land that would prevent the water storage function of the gardens in the event of a flood that would be prohibited. I see no reason why an approved 'scheme' under condition 19 would not be capable of being enforced by the local planning authority in the event of a breach. Furthermore, and given the importance of the gardens in performing a flood water storage function, I do not find that it would be likely that residents would ignore the requirements of an approved scheme. In other words, there is nothing before me to suggest that a breach would be likely.
175. While I acknowledge the appellant's desire to provide '*additional comfort*' in respect of the completed UU, I nonetheless do not find that it is necessary to sit alongside condition 19. Condition 19 is written in such a way that it would be a matter for the local planning authority to determine what a 'scheme' would need to include. As I have found that the UU is not necessary for the purposes of considering the acceptability of the reserved matters details, it therefore fails to accord with the tests as laid out in paragraph 57 of the Framework.
176. Conditions 17 and 19 would suitably control matters in respect of the layout of the eight gardens in so far as they relate to flood management. Hence, the UU is not needed to make unacceptable development acceptable. In addition, I would add that paragraph 55 of the Framework states that '*planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition*'.

Conditions

177. The conditions set out in the accompanying schedule are based on those suggested by the Council and include some additional conditions following discussions at the inquiry. The three main parties agree to the imposition of the vast majority of the suggested conditions, but there remains some dispute, particularly between the appellant, the Council and/or the SFF&FF, in respect of suggested conditions 14 (appearance details of the sub-station

and pumping station), 16 (site levels and cross sections) and 19 (scheme for gardens to be used for flood purposes).

178. Details of the location of the sub-station and pumping station have been provided with the reserved matters appeal. This development need not look out of place or be highly visible from within the site or indeed outside the site given the existence of mature and dense boundary vegetation (i.e. adjacent to The Pines) and the provision of new on-site planting in this area. In this case, I find that it is acceptable to reserve the final appearance details of this development by condition. I am satisfied that it would be possible to ensure an acceptable appearance to this development and without harm being caused to the character and appearance of the area/site or to the setting of the CA. I find that condition 14 is necessary.
179. In respect of condition 16, my reasoning above explains that I have enough information before me to reach an overall and acceptable finding in terms of the effect of the proposal from a landscaping, layout, scale and appearance point of view. In respect of the raised platforms, the evidence does indicate that this was contemplated, and indeed approved in principle, as part of the outline planning permission. The evidence also indicates that this was also the position that was understood by the Planning Committee when it considered and approved the outline planning application, namely in respect of paragraphs 67, 120 and 139 of the officer report. In addition, I would add that the outline planning permission has approved up to 110 dwellings with areas of landscaping, public open space and '*associated infrastructure works*'.
180. Furthermore, I do not find that the creation of level platforms on which the proposed buildings would be positioned would amount to landscaping. Landscaping is defined in the DMPO as '*the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which is situated*'. In my judgment, the creation of platforms on which to construct buildings is not landscaping because it is not concerned with the protection of amenity. Nonetheless, and in the interests of precision and enforceability relating to resultant levels across the whole of the site, I find that condition 16 is necessary.
181. On 31 May 2022, Mr Kingsley, acting for SFF&FF, emailed the main parties with two suggested conditions. A refuse storage, disposal and management condition is provided in the schedule of conditions appended to this appeal decision and so this addresses his first suggested condition.
182. Mr Kingsley has also asked that I impose a flood risk condition. However, such a condition would not be necessary and hence would not meet the tests for conditions as laid out in paragraph 56 of the Framework. This is because flood risk management is not a reserved matter. It is a matter that was considered at outline planning permission stage and goes to the principle of the development. In respect of the assessment of flood risk that took place at outline planning permission stage, it was agreed and accepted by LLFA and the local planning authority that the proposals would not increase flood risk elsewhere. On the evidence that is before me, I am satisfied that the appellant has now demonstrated that there would be a reduction in the amount of water within off-site gardens during a flood as a consequence of the modified flood management proposals.

183. Given my reasoning in this decision, I am satisfied that the appellant's latest suggested conditions (i.e. those submitted at the inquiry) are necessary and that they all meet the tests as outlined in paragraph 56 of the Framework. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance. For the avoidance of doubt, I have provided reasons for all the conditions after each condition in the schedule of conditions. I am satisfied that there is clear justification for imposing the pre-commencement type conditions. Such conditions have been expressly agreed by the appellant.

Conclusion

184. I find that a valid reserved matters application was submitted to the local planning authority and in time. The subsequent amendments made by the appellant to the proposals did not bring in other reserved matters in respect of which an application had not been made in time, and nor did the amendments alter the whole character of the application. In this regard, I find that the reserved matters application is also valid.

185. For the above reasons, and subject to the imposition of planning conditions, I conclude that the reserved matters details are acceptable in respect of layout, scale, landscaping and appearance. In these respects, and in the context of the outline planning permission for up to 110 dwellings on the site, I conclude that the appeal should be allowed.

D Hartley

INSPECTOR

Schedule of Conditions

1)The development hereby permitted shall be carried out in accordance with the following approved plans: Location & Layout Plans M02 rev C (Site Location Plan); 28815-P10-010-P4 (Site Layout); 28815-A-P10-001-P3 (Site Layout Floor Plan); 28815-A-P10-014-P2 (Site Layout Coloured Site Plan); 28815-A-P10-015-P2 (Site Layout Housing Mix); Floor Plans & Elevations 28815-P11-90-P3 (Apartment Block A Ground Floor Plan); 28815-P11-91-P3 (Apartment Block A First Floor Plan); 28815-P11-92-P3 (Apartment Block A Second Floor Plan); 28815-P13-90-P3 (Apartment Block A Elevations); 28815-P11-100-P3 (Apartment Block B Ground Floor Plan); 28815-P11-101-P3 (Apartment Block B First Floor Plan); 28815-P11-102-P3 (Apartment Block B Second Floor Plan); 28815-P13-100-P3 (Apartment Block B Elevations); 28815-P11-110-P1 (Apartment Block C Ground Floor Plan); 28815-P11-111-P1 (Apartment Block C First Floor Plan); 28815-P13-110-P1 (Apartment Block C Elevations); 28815-P11-112-P1 (Apartment Block C1 Ground Floor Plan); 28815-P11-113-P1 (Apartment Block C1 First Floor Plan); 28815-P13-111-P1 (Apartment Block C1 Elevations); 28815-P11-120-P1 (Apartment Block D Ground Floor Plan); 28815-P11-121-P1 (Apartment Block D First Floor Plan); 28815-P13-120-P1 (Apartment Block D Elevations); 28815-P11-122-P1 (Apartment Block D1 Ground Floor Plan); 28815-P11-123-P1 (Apartment Block D1 First Floor Plan); 28815-P13-121-P2 (Apartment Block D1 Elevations); 28815-P11-10-P2 (House Type A Floor Plans); 28815-P13-10-P2 (House Type A Elevations Village Lane); 28815-P13-12-P2 (House Type A Elevations Village Lane); 28815-P13-13-P2 (House Type A Elevations Village Lane); 28815-P13-14-P2 (House Type A Elevations Village Street); 28815-P13-15 (House Type A Elevations Village Street); 28815-P13-16 (House Type A Plot 60 Elevations Village Street); 28815-P11-20-P2 (House Type B Floor Plans); 28815-P13-20-P2 (House Type B Elevations Village Street); 28815-P11-30-P3 (House Type C Floor Plans); 28815-P11-31 (House Type C-A Floor Plans); 28815-P13-32-P3 (House Type C2 Detached Elevations Village Lane); 28815-P13-33-P3 (House Type C2 Detached Elevations Village Street); 28815-P13-34-P2 (House Type C Elevations Village Lane); 28815-P13-35 (House Type C M4(2) Detached Elevations Village Street); 28815-P13-36 (House Type C-A Semi Elevations Village Lane); 28815-P11-40-P3 (House Type D Floor Plans); 28815-P13-40-P3 (House Type D Elevations Village Street); 28815-P11-50-P3 (House Type E Floor Plans); 28815-P11-51 (House Type E-C Floor Plans); 28815-P13-50-P2 (House Type E Elevations Village Lane); 28815-P13-51-P2 (House Type E1 Elevations Village Street); 28815-P13-52-P3 (House Type E2 Elevations Village Street); 28815-P13-53 (House Type E-C Semi Elevations Village Lane); 28815-P11-60-P2 (House Type F Floor Plans Village Street); 28815-P11-62 (House Type F1 Floor Plans Village Lane); 28815-P13-60-P2 (House Type F Elevations Village Street); 28815-P13-61-P2 (House Type F1 Elevations Village Lane); 28815-P11-70-P2 (House Type G Floor Plans); 28815-P13-71-P2 (House Type G Elevations Village Lane); 28815-P13-73-P2 (House Type G Elevations Village Street); 28815-P11-81-P1 (House Type H1 Floor Plans); 28815-P11-82 (House Type H1 Floor Plans Plot 87); 28815-P13-81-P1 (House Type H1 Elevations Meadow Park); 28815-P13-82 (House Type H1 Elevations Plot 87); 28815-P11-140-P1 (House Type J Floor Plans); 28815-P13-140-P1 (House Type J Elevations Meadow Park); 28815-P13-141 (House Type J1 Elevations Village Lane); 28815-P13-142 (House Type J Elevations Village Street); 28815-P13-143 (House Type J Elevations Village Street); 28815-P11-130-P1 (Single Garages Plans and Elevations); 28815-A-P11-131-P1 (Double Garage Plans and Elevations); B411-PL-DR-016-PO5 (Pedestrian Splays 1-3); B411-PL-DR-017-PO4 (Pedestrian Splays 2-3); B411-PL-DR-018-PO4 (Pedestrian Splays 3-3); Ecology and Landscape Plans & Documents TRF-CBA-1-

GF-M2-L-1000-P4 (Illustrative Landscape Masterplan); TRF-CBA-1-GF-M2-L-4010-P3 (Planting Key Plan); TRF-CBA-1-GF-M2-L-4011-P5 (Planting Schedule Site Wide); TRF-CBA-1-GF-M2-L-4000-P8 (Planting Strategy 1-2); TRF-CBA-1-GF-M2-L-4001-P8 (Planting Strategy 2-2); TRF-CBA-1-GF-M2-L-4012-P4 (Planting Plan Sheet 1-6); TRF-CBA-1-GF-M2-L-4013-P4 (Planting Plan Sheet 2-6) TRF-CBA-1-GF-M2-L-4014-P4 (Planting Plan Sheet 3-6); TRF-CBA-1-GF-M2-L-4015-P4 (Planting Plan Sheet 4-6) TRF-CBA-1-GF-M2-L-4016-P5 (Planting Plan Sheet 5-6) TRF-CBA-1-GF-M2-L-4017-P5 (Planting Plan Sheet 6-6); TRF-CBA-1-GF-M2-L-2001-P1 (Detail Plan Pump House Garden); TRF-CBA-1-GF-M2-L-8500-P3 (Soft Landscape Outline Details); TRF-CBA-1-GF-M2-L-1010-P6 (Hard Landscape Strategy 1-2); TRF-CBA-1-GF-M2-L-1011-P6 (Hard Landscape Strategy 2-2); TRF-CBA-1-GF-M2-L-2000-P4 (Detail Plan LEAP); TRF-CBA-1-GF-M2-L-8000-P3 (Hard Landscape Outline Details); TRF-CBA-1-GF-M2-L-8001-P2 (Hard Landscape Outline Details Boundary Treatments); TRF-CBA-1-GF-M2-L-8300-P2 (Play Feature); Landscape Management and Maintenance Plan (Rev A v2 September 2020); and B411-PL-SK-351 (Flood Levels Plan) dated 31.3.2022.

Reason: For the avoidance of doubt and in the interests of certainty.

2)Notwithstanding the approved plans, no development above slab level shall take place until details of the external materials of construction for the development 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.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.

3)Notwithstanding the approved plans, no development above slab level shall take place until details of the external appearance of the proposed cycle storage 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 and the approved cycle storage areas shall be retained.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.

4)No development above foundation level shall take place until the details and appearance of the vehicular/pedestrian bridges 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.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.

5)No development above foundation level shall take place until the details of the position and appearance of the electric meter boxes for the proposed dwellings 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.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted Local Plan 2018.

6) No development above foundation level shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been 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 a Private Management and Maintenance Company has been established.

Reason: To ensure satisfactory development of the site and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policy HQ/1 of the adopted Local Plan 2018

7) Notwithstanding the approved plans, no development above slab level shall take place until details of tree pit planting in respect of trees shown on the approved plans, and any trees approved pursuant to condition 12, 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.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.

8) No new hard landscaping shall take place in the former waterworks grounds until a detailed plan for the treatment of the original driveway, its surface, edges, junctions with other paths and terminations have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of an information board containing information about the waterworks. The development shall be carried out in accordance with the approved details and the driveway and information board shall thereafter be retained in accordance with the approved details.

Reason: To safeguard the significance and visual impact of the Conservation Area in accordance with Policy NH/14 of the adopted Local Plan 2018.

9) The two 2.0 x 2.0 metre visibility splays as shown on the drawing numbers B411-PL-DR-016-PO5, B411-PL-DR-017-PO4 and B411-PL-DR-018-PO4 shall be kept clear of all planting, fencing and walls exceeding 600mm high.

Reason: For the safe and effective operation of the highway in accordance with Policy HQ/1 of the adopted Local Plan 2018.

10) Plots 5, 57, 66, 67, 76 and 85, hereby permitted, shall not be occupied until the proposed first floor windows in the side elevation of the dwellings on Plots 5, 57, 66, 67, 76 and 85 have, apart from any top hung vent, been fitted with obscured glazing (meeting as a minimum Pilkington Standard level 3 or equivalent in obscurity) and shall be fixed shut or have restrictors to ensure that the windows cannot be opened more than 45 degrees beyond the plane of the adjacent wall. The glazing shall thereafter be retained in accordance with the approved details.

Reason: To prevent overlooking of the adjoining properties in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

11) No additional windows or openings to those shown on the approved plans shall be inserted at first floor level of the southern elevation of the dwellings on Plots 57, 66, 67, 76, 77 & 85, or at first floor level of the western elevation of the dwelling

on Plot 5, unless expressly agreed in writing by the Local Planning Authority.

Reason: To prevent overlooking of the adjoining properties in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

12)Notwithstanding the approved planting plans, no development shall commence until details of additional tree planting along the main access road in the western development parcel (or, alternatively, evidence that such additional planting is not feasible) is hereby submitted to and approved in writing by the Local Planning Authority. Additional tree planting shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.

13)Any trees planted in connection with the development that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the tree planting (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

Reason: To ensure the appearance of the development is satisfactory in accordance with Policy HQ/1 of the adopted South Cambridgeshire Local Plan 2018.

14)No development of the proposed sub-station or pumping station shall take place until details of the external appearance of the sub-station or pumping station respectively are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure appropriate detailing of these infrastructure features and their satisfactory appearance in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

15)Notwithstanding the approved hard landscaping plans, no development above slab level of Plots 33, 93, 94, 99 and 100 shall take place until details of the height of the proposed perimeter fencing to such Plots 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.

Reason: To ensure appropriate detailing and, specifically, address the requirement to 'design-out crime' in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

16)Prior to the commencement of development, details in relation to proposed site levels (supplemental to those already shown on the approved plans), including the heights of the raised platforms and driveways, and the gradient of each of the three development parcels, shall be submitted to and approved in writing by the Local Planning Authority. Details shall include cross-sections through the site north to south and east to west at locations agreed with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of precision and enforceability and to ensure appropriate

detailing in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

17) No development above foundation level for plots 57, 58, 65, 66, 67, 68, 75 and 76 shall take place until details of the brick walls to the southern garden boundaries of plots 57, 66, 67 and 76, and the garden fences between plots 57 and 58, 65 and 66, 67 and 68, and 75 and 76 to allow for the passage of flood water through such walls and between such fences are submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved plans and shall thereafter be maintained for the lifetime of the development to allow such passage of flood water.

Reason: To ensure an acceptable layout in so far as enabling an appropriate passage of flood water through the highlighted boundary treatment, ensuring appropriate flood risk management at the site in accordance with policy CC/9 of the South Cambridgeshire Local Plan 2018.

18) In addition to the details set out on the approved plan with reference B411-PL-SK-351, no development shall take place until a further plan indicating the finished floor levels for Plots 17 and 90 is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To clarify the finished floor levels for the two plots and ensure that the scale of development is appropriate and in accordance with Policy HQ/1 of the South Cambridgeshire Local Plan 2018.

19) No occupation of Plots 57, 58, 65, 66, 67, 68, 75 and 76 shall take place until a scheme detailing the measures necessary to ensure that the capacity of the garden areas of such Plots to assist in the storage of flood water is not compromised is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that in terms of the layout of the gardens, adequate space is provided and retained onsite to store flood water and so ensure appropriate flood risk management at the site in accordance with policy CC/9 of the South Cambridgeshire Local Plan 2018.

20) No development above foundation level of apartment blocks A, B, C and D shall take place until details of the doors to the balconies of these blocks to ensure that such doors open inwardly are submitted to and approved in writing by the Local Planning Authority. Development shall take place in accordance with these approved plans.

Reason: To ensure the provision of useable balcony space in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

21) No occupation of any dwelling within the development shall take place until a scheme for the management, storage and disposal of waste from the development (such a scheme to confirm the location of waste receptacle storage and associated collection points) is submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter maintained in

accordance with the approved details.

Reason: To ensure provision of appropriate facilities for waste management and collection which are appropriately integrated within the overall development in accordance with policy HQ/1 of the South Cambridgeshire Local Plan 2018.

---End of Conditions--

APPEARANCES

For the Local Planning Authority:

Mr Wayne Beglan, Counsel instructed by 3C Shared Services.

He called:

Kate Mackay, WSP

Steve Connell, GSP

Gary Young, Place 54 Architects

For the Appellant:

Richard Turney, Counsel instructed by Town Legal LLP.

He called:

Richard Totman, Cannon Consulting Engineers

Lisa Toyne, Barton Wilmore

James Carr, Map Ridge Design Studio

Andrew Fisher, Stantec (Planning)

Save Fulbourn's Fields and Fulbourn Forum:

Victoria Hutton, Counsel instructed by Nicholle Kingsley.

She called:

Alexander Bennett, Mewies Engineering Consultants Ltd

Doctor Elizabeth Soilleux, resident

David Cottey, resident

Interested Persons: None

Documents Submitted at the Inquiry

Inquiry Document 1 – extract from the Planning Practice Guidance relating to 'what is flood risk'; Inquiry Document 2 – modification from the Council to reason for refusal 1; Inquiry Document 3 – email from Mr Eliot Kingsley dated 31 May 2022 regarding suggested flood risk condition and refuse management condition; Inquiry Document 4 – appellant's list of suggested amended & additional conditions dated 1 June 2022; Inquiry Document 5 – closing written submissions from the appellant, Council and SFF&FF received on 1 June 2022, and Inquiry Document 6 – completed unilateral undertaking dated 6 June 2022.