



Appeal Decision

Inquiry held on 12 - 15 July 2022

Site visit made on 14 July 2022

by R Norman BA(Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2022

Appeal Ref: APP/W0530/W/22/3296300

Station Road, Great Shelford, Cambridgeshire CB22 5LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Churchill Retirement Living Ltd against South Cambridgeshire District Council.
 - The application Ref 21/05276/FUL, is dated 1 December 2021.
 - The development proposed is: Demolition of existing buildings and redevelopment to form 39 retirement living apartments for older persons including communal facilities, access, associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing buildings and redevelopment to form 39 retirement living apartments for older persons including communal facilities, access, associated parking and landscaping at Station Road, Great Shelford, Cambridgeshire CB22 5LT in accordance with the terms of the application, Ref 21/05276/FUL, dated 1 December 2021, subject to the conditions in the attached Schedule.

Preliminary Matters

2. The Council's putative reasons for refusal included affordable housing and vacant building credit, highway safety and water pollution. However, these matters were resolved prior to the Inquiry¹.
3. A signed Section 106 Agreement dated 22 July 2022² has been submitted. I will return to this matter below.

Main Issues

4. The main issues are:
 - Whether the development would be of high-quality design and its effect on the character and appearance of the area;
 - The effect of the development on the living conditions of nearby residents; and
 - Whether the development would provide acceptable contributions towards infrastructure.

¹ Appendices KPC2, KPC3, KPC4

² Section 106 Agreement Shoosmiths Ref. M-0101 1932 dated 22 July 2022

Reasons

Design, character and appearance

5. The appeal site comprises a former commercial yard which is now vacant. It has a number of commercial/office buildings set around the perimeter of the site with a large parking area centrally. There is a vehicular access point off Station Road towards the south western corner of the site. The existing buildings are varied in scale and design. One of the frontage buildings has a steeply pitched roof.
6. The proposed development would comprise a single building. It would be set back slightly from the front boundary of the site which would allow improvements to the existing footpath and would be located centrally within the site. Vehicular and pedestrian access would be to the north, leading to an area of parking. The front part of the building would consist of two and a half storeys with rooms in the roof space, the central section would be three storeys with a shallow roof, and the rearmost part of the building would be three storeys. Materials would include the use of brick, render and cladding, to be controlled by conditions, and there would be communal and private areas of outdoor space.
7. The National Planning Policy Framework (2021) (the Framework) and the National Design Guide (2019) place great importance on achieving high-quality design in new developments. Similarly, Policy HQ/1 of the South Cambridgeshire Local Plan (2018)³ (Local Plan) and the Council's District Design Guide (2010)⁴ (Design Guide) reflect this emphasis on high quality design. The Council have raised a number of concerns relating to the overall design of the proposal which I will take in turn.
8. The proposed development would introduce a single building which would occupy a large portion of the site. The current buildings are mainly low level along the site frontage and the siting of the existing buildings around the site's perimeter and the large open area of hardstanding and parking within the site currently give it a degree of openness. The proposed building would fundamentally alter the character and appearance of the site as a result of its scale, siting and site coverage.
9. Nevertheless, in considering the context of the surrounding area, the appeal site is somewhat of an anomaly with its commercial appearance and relatively low density. The surrounding developments in the immediate area are generally residential properties of two storeys or above. There are dwellings opposite which are set back from Station Road and directly to the north is a newer development of terraced properties, the former Railway Tavern. To the South of the site will be a care home which is currently under construction.
10. Consequently, the surrounding area is relatively well built up with some landscaping and vegetation present. The appearance of the proposed front elevation would replicate the overall character of the adjacent terraced properties to the North and the siting of the building would be set back from the footpath to align more with the positioning of these dwellings.

³ CDB1

⁴ South Cambridgeshire District Design Guide SPD (March 2010) Paragraph 6.68 (CDB2)

11. The Station Road elevation would be two and a half storeys in height which would be similar to the adjacent terraced development. Whilst this elevation would be more visually dominant than the existing buildings on the site frontage, the front elevation has been designed to minimise the overall bulk through the dormers being set slightly back, a lower eaves line than the adjacent properties, the setting back of parts of the elevation to provide distinct bays and the use of contrasting materials. Overall, these design features would appropriately reduce the visual bulk of the front elevation and it would sit comfortably within the street scene when viewed in the context of the neighbouring buildings. Whilst the height of the front elevation would exceed the existing buildings, I do not find that this would be out of character or visually harmful and would not result in an undue sense of enclosure when viewed along Station Road.
12. Furthermore, I find that the front elevation would represent an improvement on the existing site frontage. The current frontage building is set on the back edge of the footpath and forms a blank façade which is devoid of any openings or architectural features, other than a series of rooflights in the northern part. Although there would be a loss of visual openness through the increased height, overall I find that the design of the front elevation would improve the character and appearance of the area and introduce a feature which is more representative of its surroundings.
13. From Station Road there would be angled views into the site of the remainder of the building, particularly along the proposed vehicular access. Whilst the building is large and would occupy much of the centre of the site and appear much more prominent than the existing buildings, I find that care has been taken to ensure that the development is not excessive nor overbearing visually. The slight angle within the central part of the building would break up the long central stretch and the design includes recesses and some balconies which, with the careful use of contrasting materials, would add visual interest and break up the elevations. Although the rear section would be higher than the frontage part of the building, given the distance that this would be from the public realm and although partly visible, would be sufficiently screened by the rest of the building so as not to appear unduly dominant, prominent or harmful to the character of the area. In addition, the parts of the building towards the rear of the appeal site would, in some areas, likely be seen in the context of the adjacent care home.
14. I note that the permitted care home on the adjacent site will be set back into its site with frontage landscaping and would not be as close to the road as the proposed building⁵. As such the proposed building would be sited forward of the adjacent care home. Nevertheless, having regard to its overall scale and the height comparisons⁶ I find that, in the context of the care home, the proposed building would not appear unduly prominent or out of character in this regard. The presence of the approved care home, despite its siting, would introduce a relatively large building into the street scene, which will be more prominent than the existing dwellings, and will impact on the overall character of the surroundings.
15. The proposed apartments would equate to a much higher density than most of the surrounding area. Policy H/8 of the Local Plan states that housing

⁵ Appendix EM3 – Perspective view of Care Home from Station Road, Great Shelford

⁶ Appellant Brochure Section 12 – Height Comparisons

developments will achieve an average net density of 30 dwelling per hectare in Rural Centres. It also states that the net density on a site may vary from the above where justified by the character of the locality, the scale of the development, or other local circumstances. Accordingly, the density of the proposed development is far in excess of the 30dph referred to within the Policy. However, it is not unusual that schemes such as this, for apartment blocks, rather than dwelling houses, have higher densities.

16. I have been provided with comparisons of the density of other developments⁷ including the care home on the adjacent site. A number of these have higher densities than the proposed development, however the Council advise that some of these are care home developments rather than for retirement apartments. Nevertheless, they do give a general indication that densities for developments similar to the appeal proposal will be higher due to the nature of their end use. I also note the Appellant's references to Great Shelford being a town however, for the above reasons, despite Great Shelford being a village and classed as a Rural Centre, I find that the density is acceptable for the above reasons.
17. The proposal would include communal garden areas. These would comprise a small, landscaped area to the north adjacent to the main entrance, an area to the rear and a larger amenity area to the South of the proposed building. The majority of the outdoor amenity space is proposed to the south to make best use of the site and ensure that the garden is not overshadowed by the building. The northern area would be overshadowed however I consider it to be sensible to provide a shaded area of garden for those residents who do not wish to be in full sun.
18. There would be individual gardens located adjacent to the front of the proposed building to serve Apartments 8 to 11. These would be partly visible from Station Road behind a line of planting. The Design Guide recommends that private gardens should be placed away from public areas within the development, incorporate a private sitting out area positioned close to internal living accommodation and be of a size and shape to allow effective use, for growing plants or vegetables and for general amenity, amongst other things⁸. It also highlights recommended sizes for different types of accommodation⁹.
19. The Appellant and Council dispute the total amount of outdoor space provided with the Council holding the view that some areas included within the Appellant's calculations cannot be counted as private amenity or communal garden¹⁰. I find that although the areas identified would not be wholly private or would form small areas, they still provide useable space. In any event, their exclusion would not result in a significant reduction in the amount of space provided, with the main amenity areas remaining the area to the north adjacent to the lounge and the larger landscaped area to the south of the building. The Council have also pointed out that there would be limited connectivity between the garden areas with some pinch points identified. I consider that a link between these areas would be beneficial for residents

⁷ Appellant Brochure Section 11 – Amenity Area Considerations – page 79

⁸ Paragraph 6.72

⁹ Paragraph 6.75

¹⁰ Appendix EM4 showing pink, blue and red areas (left over space, parking area buffer and area adjacent to public realm).

wanting to sit in different areas or join others to socialise, however this could be achieved through the landscaping conditions.

20. Whilst the amount of private and communal amenity space does not meet the specific requirements of the Design Guide and relevant policies, I have had regard to the likely age of the occupiers of the development and the type of accommodation being proposed. I accept that people are most likely to move into these apartments when they require some assistance to maintain a level of independence. It is reasonable to consider that the type and age of occupier will mean that they may not all require a level or type of outdoor space that you would expect for a family home. I note that the Design Guide does not make a distinction between these types of homes. I therefore consider the amount of space proposed, whilst on the smaller side, would not be unduly harmful to the living conditions of future occupiers.
21. The proposed development would provide balconies to 8 apartments. Balconies have not been proposed to the rear apartments due to the proximity of the railway line or to the northern side of the building to minimise overlooking to the neighbouring properties. The Design Guide recommends that upper floor apartments should have access to a private balcony plus the use of a communal garden. Of the upper floor apartments, 20 do not have access to a balcony which falls short of the recommendations in the Design Guide.
22. The balconies would all provide a reasonable amount of space for the apartments that have access to them and could accommodate a small table and chairs despite the doors opening outwards. The Appellant advises that they all exceed the sizes recommended in the Design Guide. As such, I find that the balconies represent an area of useable private outdoor space for the occupiers of those 8 apartments. However, the remaining upper floor apartments would only have access to the communal outdoor areas and the residents' lounge, and this would not meet the recommendations of the Design Guide. As such, the proposed development would provide a substandard number of balconies, and this counts against the scheme.
23. The majority of the proposed car parking would be towards the rear of the appeal site. It would be in proximity to the proposed Apartment 1 on the ground floor. Five of the proposed spaces would be close to the kitchen for Apartment 1 and would be separated by a narrow strip of landscaping. Eight spaces would be to the rear boundary of the site to the rear of Apartment 1. Whilst this would give rise to some vehicle movements nearby to the apartment, I consider the level and speed of vehicles in this area will be very low and the side elevation of Apartment 1 has no windows. There is sufficient separation between the rear spaces and the rear garden and elevation of the apartment. I therefore find that the living conditions of the future occupiers of this apartment would not be harmed as a result of the parking arrangements. I have had regard to the size of the proposed parking spaces and the comments from the Highway Authority¹¹, however I do not consider that this would lead to an increase in vehicle manoeuvring that would be excessive or detrimental to the occupiers of this apartment.

¹¹ Appendix KPC3

24. I note the Council's reference to the Thatcher's Needle¹² and Royston appeals¹³. Whilst these appeals highlighted that an acceptable level of amenity space needs to be provided notwithstanding the age of the residents, for the above reasons I find in this particular case that a suitable level of outdoor space would be provided.
25. The appeal site is located outside, but adjacent to, the Great Shelford Conservation Area, which is located to the south and west, incorporating properties on Tunwells Lane and Reed House and part of the care home site. The proposed development would be partially visible from within the Conservation Area, however the proposed frontage would be seen against the backdrop of the terraced properties to the north and in the context of the dwellings opposite. I find the removal of the featureless frontage buildings and the setting back of the proposed building allowing for some frontage landscaping would serve to improve the visual character of the site and the immediate street scene and therefore the character or appearance of the Conservation Area would be preserved as a result of the development.
26. Taking all of the above collectively, I find that the proposed development would not be harmful to the character and appearance of the area when viewed against the built form of the surrounding area. Whilst there would be a loss of openness from the existing site, the development would neither appear at odds with its surroundings, nor look incongruous, nor overly dominant in the street scene. Whilst some improvements to the connectivity between the outdoor areas could be made, this can be dealt with via the landscaping condition. I have found however, that there would be an undersupply of balconies which would impact to a degree on the future occupiers, a number of whom would be reliant on the communal areas only. As such, although I find that the development would not be unduly harmful to the character and appearance of the surrounding area and constitutes high-quality design overall, it would conflict with Policy HQ/1 of the Local Plan insofar as it requires development to provide suitable private space and the Design Guide. It would however comply with Policy HQ/1 in relation to its aims to secure high quality design. The development would comply with Policy S/7 which requires development within the development frameworks to be of a scale, density and character appropriate to the location, amongst other things. The development would also comply with the general aims of Policy H/8, as despite the density exceeding that specified within the Policy, it nevertheless seeks to ensure that an appropriate density is achieved. The development would also comply overall with the aims of the Framework to achieve high-quality, well-designed places.

Living Conditions

27. The appeal site is located adjacent to residential dwellings to the north, with further dwellings on the opposite side of Station Road. To the south is a construction site for the care home and to the rear is the railway line. The Council have confirmed that there are no concerns in relation to the impact of the development on the future occupiers of the care home, nor the occupiers of the properties opposite.
28. There is an existing dwelling located adjacent to the northern side boundary of the appeal site, No. 4 Station Road. This forms part of the terraced

¹² APP/L2630/W/21/3279754 – Land to the Rear of Thatcher's Needle, Park Road, Diss

¹³ Appendix EM5 – APP/X1925/W/18/3213068 – 11-17 Mill Road, Royston, Hertfordshire SG8 7AE

development, however it is set back from the rest of the terraced properties. In the side elevation of No 4, visible from the appeal site are two windows at first and second floor which would face the proposed building.

29. The first-floor side window serves the dining area of the open plan first floor of the property. The upper floor window potentially serves either a bedroom or a bathroom however it was not confirmed which. Both windows appeared to be clear glazed with blinds visible. To the rear, at first floor level, is the rear garden/terrace area and in addition, the approved plans for this dwelling included a rooftop terrace, however it was unclear whether this had been installed as there were no railings or signs of structures on the roof.
30. The Design Guide details the recommended separation distances of 25 metres for two storey properties and 30 metres for three storey between rear or side building faces containing habitable rooms. The Design Guide does offer some flexibility in these distances under certain scenarios. The Council have confirmed that they have not sought to apply these distances rigidly, however the proposed development would have distances of around 17 metres between the closest apartments at the first floor and the open plan room at No 4 and the closest apartments at second floor and the possible bedroom or bathroom to No 4. The proposed apartments would have a combination of windows and full-length glazed doors facing No 4 and providing direct and oblique views.
31. I accept that the distances between the windows fall a number of metres short from the requirements in the Design Guide and that a number of them serve habitable rooms. However, I have had regard to the likely use of the rooms and the potential age of the occupiers. In addition, I consider that the glazed doors to the rear of No 4 provide the main outlook from the open plan living area and therefore a satisfactory outlook would be maintained. There may be potential for a degree of overlooking, however the windows in No 4 are slim and do not provide large areas of visibility within the property and therefore I consider that there would not be a harmful loss of privacy from these flats.
32. Furthermore, it has been demonstrated by the Appellant¹⁴ that if the separation distances in the Design Guide were adhered to, it would make it very difficult to develop the site at all. The site comprises previously developed land and is within an existing built-up context therefore I find that the separation distances are reasonable in this instance.
33. I note the other examples of developments where the separation distances are below those specified in the Design Guide, however these are set within different contexts and have different relationships with their surroundings. I therefore do not consider these to be wholly comparable however in any case I have found the separation distances in this instance to be acceptable.
34. Consequently, whilst the proposed building would sit several metres within the defined separation distances for both two and three storey properties, I have taken into consideration the type of development proposed, the particular rooms which are affected and the other windows into the habitable rooms at No 4. Accordingly, for the above reasons I find that there would not be unacceptable harm to the living conditions of the neighbouring occupiers at No. 4 Station Road. The proposal would therefore comply with Policy HQ/1(n) of the Local Plan which requires the protection of the amenity of occupiers from

¹⁴ Section 7 of Appellant's Brochure – Pages 56 - 57

development that is overlooking, overbearing or results in a loss of daylight, amongst other things. It would meet the requirements of Policy S/7(1)(a) which requires development to be of a scale, density and character appropriate to the location, amongst other things. It would also comply with paragraph 130(f) of the Framework which highlights the need for places to provide a high standard of amenity for existing and future users, amongst other things.

Legal Agreement

35. A signed Section 106 Agreement dated 22 July 2022¹⁵ has been submitted. This makes provision for affordable housing, green infrastructure, indoor community space and swimming contribution. These contributions have been agreed between the parties as being necessary, directly related to the development and fairly and reasonably related in scale and kind to the development. The Council have provided justification for these and, based on the information before me, I am satisfied that these particular contributions meet the relevant tests¹⁶.
36. In addition to the above contributions the Council have also requested contributions towards allotments and orchards, burial space and indoor and outdoor sports. However, the Appellant considers that these do not meet the tests. Although they are included in the signed legal agreement, paragraphs 4.1 and 4.2 of this document include a 'blue pencil clause' to ensure that any contributions contained in the legal agreement which I do not consider necessary will not take effect. In calculating the requirements, the Council have taken an agreed population of 52 arising from the proposed development.
37. Taking each contribution in turn, the Council consider an allotment and orchard contribution should be provided. The justification for this provided by the Council is that all of the allotments are currently full and of the 4 identified in the Recreation and Open Space Study (July 2013) only 3 are accessible to residents of Great Shelford. It is noted that there is currently no allotment capacity or availability for occupiers of the proposed development.
38. I have had regard to the level of outdoor space provided within the development for the residents and accept the aspirations of the Parish Council to provide additional allotment space and orchard. I also consider that some residents may wish to use such facilities. However, I consider that any resident wishing to have an allotment could go on a waiting list and given the nature of the proposed development and its occupiers, whilst accessible allotments are anticipated, I am not persuaded that a contribution is necessary, and it therefore does not meet the tests.
39. Turning to the contribution towards burial space, the Council have outlined the percentage of burials that can be expected and identified that Great Shelford cemetery has capacity for around another 10 years. They have justified the cost of the provision of additional burial land and the cost per plot. Based on the scale of the proposed development and the number of likely occupiers, I find that the Council have justified the contribution requested. The proposed development is likely to increase the demand on the existing cemetery which is nearing its capacity. As such, I find this contribution to be Community

¹⁵ Shoosmiths Ref. M-0101 1932 between South Cambridgeshire District Council and FH Great Shelford Limited and Churchill Retirement Living Limited

¹⁶ National Planning Policy Framework 2021 Paragraphs 55 and 57

Infrastructure Levy (CIL) compliant, fairly and reasonably related in scale and kind and necessary in this instance. The Council have drawn my attention to a previous appeal decision¹⁷ and in this case I concur with the findings of that Inspector.

40. The Council have also requested a contribution towards outdoor sports. They advise that Great Shelford has a deficit of outdoor sport provision. The existing Great Shelford Recreation Ground and Pavilion currently provides outdoor walks, a bowling green, cricket pitch, tennis courts and a walking netball group amongst other things. I consider that these facilities would be attractive to the occupiers of the development who wish to stay active or socialise away from the development itself. In addition, I also received correspondence from the Chair of the Great Shelford Tennis Club who state that there are a number of members who are over 55 years of age, with some over 75. Taking into consideration the above I find that this contribution does meet the tests and therefore should take hold in the legal agreement.
41. The Council have indicated that the pavilion was built in 2014 and the contribution could be used to retrospectively fund this, however the Appellant has raised concerns over the contribution being used for something that has already taken place. The Council have provided two appeal decisions where it was deemed acceptable to use contributions in this way¹⁸, although I note these were for different contributions. Regardless of this, the Council have identified an alternative option that the contribution could be used for the resurfacing of the outdoor courts in Sawston Sports Centre, and so this would meet the tests.
42. Lastly, the Council have requested a contribution towards indoor sports which would facilitate improvements to Sawston Sports Centre including replacement flooring and carpets and general redecorating. I have had regard to the potential average age of the residents, as well as the age restrictive condition and the potential for younger spouses to occupy the development. I also note that the Sawston Sports Centre is located just under 2 miles from the appeal site and is accessible by a regular bus service. I therefore find that it is likely that a number of the occupiers of the development may wish to use the sports centre to remain active and its accessibility would encourage this. I therefore find this contribution to be necessary and sufficiently justified by the Council.
43. I have been provided with copies of emails from lodge managers from another Churchill Living Limited developments which highlights that only a small percentage of residents use the local fitness facilities¹⁹. Nevertheless, whilst this gives a general overview, I do not find that it is sufficient to suggest that the residents of this development would be the same and does not therefore justify lesser or no contributions towards such fitness facilities.
44. In conclusion, I find that the provisions for affordable housing, green infrastructure, indoor community space, swimming contribution, burial space, indoor sports and outdoor sports are necessary and meet the relevant tests. I have considered the submitted legal agreement and find it to be sound. I have concluded that the required contribution to allotments and orchards does not

¹⁷ APP/W0530/W/17/3187048 – Land north east of Rampton Road, Cottenham, Cambridgeshire CB24 8TJ

¹⁸ APP/W0530/A/11/2157430 – Land to the South of Brickhills, Willingham, Cambridgeshire CB24 5JH and APP/Q0505/A/13/2191482 – 50 and 60 Station Road, Cambridge CB1 2JH

¹⁹ ID3 – Emails from Lodge Managers at Haverhill, Huntingdon and Stevenage

meet the tests. As such, the clause in paragraph 4.2 of the submitted legal agreement takes effect in relation to this one contribution.

Benefits

45. A number of benefits arising from the proposed development have been identified and the Council agree that these are benefits. These comprise the provision of residential accommodation which in turn would release existing under occupied housing stock, meeting identified national and local housing needs, the redevelopment and reuse of previously developed land making efficient and effective use of a currently vacant site, development in a sustainable location, and economic, social and environmental benefits.
46. The proposal would provide 39 apartments for older people, secured by condition. There is an identified need for this type of housing.²⁰ I acknowledge that the Council are granting permissions that would go towards meeting this need and that Policy H/9 seeks to meet the need of older people. I also accept that meeting a need should be considered alongside the provision of high-quality and well-designed new homes. I have had regard to the other schemes which have been provided²¹ and note that some of these comprise C2 schemes. However, I give significant weight to the benefit of meeting a local and national need that this proposal would provide.
47. I have had regard to the emphasis on high quality design included within the Framework, however the Framework also refers to the effective and efficient use of land.²² The development would reuse previously developed land which is supported by the Framework and therefore I give this weight in the planning balance as an environmental benefit.
48. There would be economic benefits arising from the development. Provision of jobs during the construction period would, I accept, be temporary but nevertheless would constitute an economic benefit. The development itself would provide one direct job for the manager of the complex and there may be indirect jobs such as gardeners and food deliveries which would arise from the development. The future occupiers of the development would also be likely to use local facilities and services and would therefore contribute to the local economy in that regard. I have had regard to the Silver Saviours²³ and Healthier and Happier Reports²⁴ which give a general indication of the economic benefits. However, the general findings of these documents are not specifically related to this particular development. Nevertheless, collectively I give these economic benefits moderate weight.
49. Social benefits would also arise from the development in terms of savings for the NHS. I accept that this type of accommodation may ensure that residents do not need to visit their GP as often for minor issues which would provide a degree of benefit. However, considering the data within the Healthier and Happier Report and the types of accommodation and ages of residents that it generally refers to, I give this benefit only moderate weight.

²⁰ The Older People's Housing, Care and Support Needs in Greater Cambridge 2017 – 2036 Report (2017) (CDB12)

²¹ Attachments 2, 3, 4 and 5 of Mrs Pell-Coggins Rebuttal

²² Paragraph 124

²³ Silver Saviours for the High Street Report February 2021 – Mr Shellum Appendix 5

²⁴ Healthier and Happier – September 2019 – M Shellum Appendix 6

50. The building itself would be constructed with energy and water efficiency standards however this would be required for all new development therefore I find this to be neutral.

Planning Balance

51. I have found a degree of conflict with Policy HQ/1 insofar as it relates to the provision of private amenity space comprising balconies of the proposed development only. I have found no unacceptable harm in relation to the impacts on neighbouring living conditions nor to the character and appearance of the area. It is a matter of agreement between the parties that the tilted balance is not engaged in this case therefore the Policies can be afforded full weight.
52. I conclude overall that, whilst there is a small degree of conflict with the development plan to which I give full weight, and a slight harm arising from the low level of provision of balconies, this would not be sufficient to make the development unacceptable. Therefore, when weighing in the benefits arising from the proposal, this small amount of harm would be fully outweighed in this instance.

Conditions

53. In addition to the standard time limit condition, I have imposed a condition listing the approved plans as this provides certainty. An updated list of suggested conditions was provided at the Inquiry and the views of both parties heard.
54. I have imposed conditions 3 and 4 to ensure that the development contributes to meeting a specific housing need. Conditions 5, 6, 7 and 8 are imposed to protect the character and appearance of the area, ensure privacy for future occupiers and highway safety. Conditions 9 and 10 are necessary to conserve and enhance the ecology of the area. I have imposed conditions 10, 11, 12 and 13 to prevent contamination and ensure safety during construction and to existing and future occupiers and other offsite receptors. Conditions 14, 15 and 16 are necessary to ensure adequate drainage, to ensure there is no increased risk of flooding and to protect against pollution.
55. Conditions 17, 18, 19, 20, 21, 22, 23, and 24 are necessary in the interests of maintaining highway safety. I have imposed a 1600hr time restriction on condition 18 as suggested by the Council to ensure that deliveries and movements are not carried out within the busy traffic periods. This has been sufficiently justified by the Highway Authority (Appendix KPC3).
56. Condition 24 for cycle parking spaces is also necessary to provide opportunities for other modes of transport. I have had regard to the likely ages of the occupiers of the proposed development, however in order to provide sufficient facilities for visitors in a District with high cycle use levels I consider 10 spaces is necessary as suggested by the Council rather than the 6 put forward by the Appellant.
57. Conditions 25 and 27 are necessary to ensure suitable living conditions for future and existing occupiers. I have imposed condition 26 to ensure that noise levels are satisfactory for future and neighbouring occupiers. I have considered the information already provided within the submitted Noise Impact Assessment and amended the condition accordingly.

58. Conditions 28, 29 and 30 are necessary to ensure that the proposed development reduces carbon dioxide emissions, to ensure the efficient use of water and to secure appropriate infrastructure for future residents as supported by Local Plan policies. Condition 31 is necessary to avoid unnecessary light pollution to the surrounding area and protect biodiversity.
59. I have not imposed a condition requiring a scheme for the provision and location of fire hydrants as I have not been provided with planning policy support for this and it is covered by other legislation. I have also not imposed the condition requiring a detailed servicing plan as there was insufficient reasoning to justify why this would be necessary.
60. Conditions 11, 14, 15, 17 and 25 are required to be pre-commencement as it is fundamental to have these details agreed prior to any work being carried out on site. The Appellant has provided written agreement to these.
61. The Council have also provided a list of informatives for the Appellant to be aware of.

Conclusion

62. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

R Norman

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall only be carried out in accordance with the following approved plans; Drawing Numbers: 400/40GS/PA00 (Location Plan); 400/40GS/PA31 (Site Plan); 400/40GS/PA02 (Ground Floor Plan); 400/40GS/PA03 (First Floor Plan); 400/40GS/PA04 (Second Floor Plan); 400/40GS/PA05 (Roof Plan); 400/40GS/PA06 (Elevations 3); 400/40GS/PA07 (Elevations 3) and 400/40GS/PA07 (Elevations 3).
- 3) The development hereby permitted shall only be occupied by persons aged at least 55 years. In addition, a spouse or relative of that person, or a widow or widower or surviving dependent relative of that person who has co-occupied a dwelling unit permitted to be constructed as part of the development with that person shall also be permitted to occupy the development.
- 4) The development hereby permitted shall only be used for provision of retirement living apartments falling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1988 (as amended).
- 5) No development shall take place above ground level, except for demolition, until details of all the materials for the external surfaces of the buildings to be used in the construction of the development have been submitted to and agreed in writing by the local planning authority. The details required to discharge the submission of the materials condition above should consist of a materials schedule, large-scale drawings and/or samples as appropriate to the scale and nature of the development.
- 6) No development above ground level, other than demolition, shall commence until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatments (including gaps for hedgehogs) to be erected. The boundary treatment shall be completed before the development is occupied in accordance with the approved details and retained as approved thereafter.
- 7) No development above ground level, other than demolition, shall commence until details of a hard and soft landscaping scheme have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a. Proposed finished levels or contours; car parking layouts, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures; proposed (these need to be coordinated with the landscaping plans prior to being installed) and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines indicating lines, manholes, supports); retained historic landscape features and proposals for restoration, where relevant;
 - b. Planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed

- numbers/densities where appropriate and an implementation programme;
- c. A landscape maintenance and management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.
- 8) All hard and soft landscape works shall be carried out and maintained in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the local planning authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place as soon as is reasonably practicable, unless the local planning authority gives its written consent to any variation.
- 9) All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal (Tetra Tech, November 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 10) Prior to the commencement of development above slab level, a specification and location plan for a scheme of biodiversity enhancements contained within the Ecological Appraisal (Tetra Tech, November 2021) shall be supplied to the local planning authority for its written approval. The approved scheme shall be fully implemented within an agreed timescale unless otherwise agreed in writing.
- 11) No development shall take place until:
- a. The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the local planning authority.
 - b. Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the local planning authority.
- 12) Prior to the first occupation of the dwellings hereby permitted, the works specified in any remediation method statement detailed in the above condition must be completed and a Verification Report submitted to and approved in writing by the local planning authority.
- 13) If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the local planning authority before any works proceed and shall be fully implemented prior to the first occupation of the dwellings hereby approved.
- 14) No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed design of the surface water drainage of the site has been submitted to and approved in writing by the local planning authority. Those elements of the surface water drainage system

not adopted by a statutory undertaker shall thereafter be maintained and managed in accordance with the approved management and maintenance plan.

The scheme shall be based upon the principles within the following agreed documents:

- Flood Risk and Drainage Technical Note, Awcock Ward Partnership, Re: Revision B, Dated 10 November 2022;
- Planning Comments Re: Drainage – Response, Awcock Ward Partnership, Ref: Revision A, Dated 26 January 2022;
- Preliminary Drainage Layout, Awcock Ward Partnership, Ref: 01-PDL-1001, Dated 23 May 2022;

And shall also include:

- a. Full calculations detailing the existing surface water run-off rates for the QBA, 3.3% Annual Exceedance Probability (AEP) (1 in 30) and 1% AEP (1 in 100) storm events;
 - b. Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance storage, flow control and disposal elements and including an allowance for urban creep, together with an assessment of system performance;
 - c. Detailed drawings of the entire proposed surface water drainage system, attenuation and flow control measures, including levels, gradients, dimensions and pipe reference numbers, designed to accord with the CIRIA C753 SuDS Manual (or any equivalent guidance that may supersede or replace it);
 - d. Full detail on SuDS proposals (including location, type, size, depths, side slopes and cross sections);
 - e. Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
 - f. Demonstration that the surface water drainage of the site is in accordance with DEFRA non statutory technical standards for sustainable drainage systems;
 - g. Full details of the maintenance/adoption of the surface water drainage system;
 - h. Permissions to connect to a receiving watercourse or sewer; and
 - i. Measures taken to prevent pollution of the receiving groundwater and/or surface water.
- 15) No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the local planning authority. The applicant may be required to provide collection, balancing and/or settlement systems for the flows. The approved measures and systems

shall be brought into operation before any works to create buildings or hard surfaces commence.

- 16) No development above ground level shall commence until a scheme for the provision and implementation of foul water drainage has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details prior to the occupation of any part of the development or in accordance with an implementation programme agreed in writing with the local planning authority.
- 17) Prior to the commencement of development, a Traffic Management Plan for the duration of the demolition and construction works shall be submitted to and approved in writing by the local planning authority. The Traffic Management Plan must relate solely to how the operation of the site will affect the adopted public highway. The principal areas of concern that should be addressed are:
 - a. Movement and control of muck away vehicles (all loading and unloading should be undertaken where possible off the adopted public highway);
 - b. Contractor parking, with all such parking to be within the curtilage of the site where possible;
 - c. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway where possible);
 - d. Control of dust, mud and debris, and the means to prevent mud or debris being deposited onto the adopted public highway.

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

- 18) All deliveries to the site and all muck away movements are to be carried out only during the following hours: 0930 hours and 1600 hours Monday to Friday.
- 19) Prior to the first occupation of the development hereby permitted, the motor vehicular access as shown on drawing number 400/40GS/PA31 shall be constructed and completed to the satisfaction of the local planning authority.
- 20) The development hereby permitted shall not be occupied or brought into use until visibility splays have been provided each side of the vehicular access in full accordance with the details indicated on Drawing Number 400/40GS/PA31. The splays shall thereafter be maintained free from any obstruction exceeding 0.6m above the level of the adjacent highway carriageway.
- 21) The proposed access shall be constructed so that its falls and levels are such that no private water from the site drains across or onto the adopted public highway (the use of permeable paving does not give the Highway Authority sufficient comfort that in future years water will not drain onto or across the adopted public highway and physical measures to prevent the same must be provided).

- 22) Prior to the first occupation of the development hereby permitted, the proposed access shall be constructed using a bound material to prevent debris spreading onto the adopted public highway.
- 23) Prior to the first occupation of the development hereby permitted the existing access to 2 Station Road shall be permanently and effectively closed and the footway shall be reinstated in accordance with a scheme to be agreed with the local planning authority within 28 days prior to the first use of the new access.
- 24) Prior to the first occupation of the development, details of the location and design of the cycle parking facilities to provide at least 10 spaces shall be submitted to and approved in writing by the local planning authority. The approved facility shall be provided before occupation and retained at all times (the amount of secure cycle parking and access to the facilities).
- 25) No development, including any site clearance/preparation works shall be carried out until a Construction Environmental Management Plan has been submitted to the local planning authority for approval in writing. Details shall provide the following, which shall be adhered to throughout the period of development:
 - a. Full details of any piling technique to be employed, if relevant;
 - b. Contact details for site manager, including how these details will be displayed on site.
- 26) No development above ground level shall commence until full details relating to the mitigation measures identified within the Noise Impact Assessment – Technical Report: R9243-2 Rev 0 have been submitted to and approved in writing by the local planning authority. The submitted details shall have regard to the recommendations in British Standard 8233:2014. The agreed scheme shall be implemented prior to the first occupation of the development and shall be retained as such.
- 27) No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800 - 1800 Monday to Friday, 0800 – 1300 Saturday and not at any time on Sundays or Bank or Public Holidays.
- 28) The approved renewable/low carbon energy technologies as set out in the Sustainability Statement (October 2021) shall be fully installed and operational prior to the occupation of the development and thereafter maintained in accordance with a maintenance programme, details of which shall have previously been submitted to and approved in writing by the local planning authority.

Where grid capacity issues subsequently arise, written evidence from the District Network Operator confirming the detail of grid capacity and a revised Energy Statement to take account of this shall be submitted to and approved in writing by the local planning authority. The revised

Energy Statement shall be implemented development and thereafter maintained in accordance with the approved details.

- 29) Water efficiency standards for the scheme shall be carried out in accordance with the water efficiency specification set out in the Sustainability Statement (October 2021), which sets out the measures to be implemented to ensure water use of no more than 110 litres/person/day. The development shall only be used or occupied in accordance with the agreed details, and any amendments to the specification shall first be submitted to and approved in writing by the local planning authority.
- 30) Prior to the first occupation of the development hereby permitted, infrastructure to enable the delivery of broadband services, to industry standards, shall be provided for the development.
- 31) No external lighting shall be provided or installed until an artificial lighting impact assessment ,and mitigation scheme if required, has been submitted to and approved in writing by the local planning authority. The assessment shall include the following:
 - a. The method of lighting (including luminaire type/profiles, mounting location/height, aiming angles/orientation, angle of glare, operational controls, horizontal/vertical Isolux contour light levels and calculated glare levels to receptors);
 - b. The extent/levels of illumination over the site and on adjacent land and predicted lighting levels at the nearest light sensitive receptors.

All artificial lighting must meet the Obtrusive Light Limitations for Exterior Lighting Installations contained within the Institute of Lighting Professionals Guidance Notices for the Reduction of Obtrusive Light – GN01/20 (or as superseded).

Where required, the mitigation scheme shall be carried out as approved and retained as such.

APPEARANCES

FOR THE APPELLANT:

Mr Sasha White KC Counsel, instructed by Churchill Retirement Living Ltd.

HE CALLED:

Mr Gideon Lemberg BArch RIBA ARB – Design Director, Eastern Design, Planning Issues Ltd

Mr Matthew Shellum BA(hons) DIPTP MRTPI – Planning Director and Head of Appeals, Planning Issues Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga Counsel, instructed by South Cambridgeshire District Council

HE CALLED:

Ms Elizabeth Moon Degree and Diploma in Architecture, Registered Architect – Independent Urban Design Consultant

Mrs Karen Pell-Coggins, BA(hons) MA, MRTPI – Senior Planning Officer, South Cambridgeshire District Council

In addition, Mr James Fisher, Section 106 Officer, South Cambridgeshire District Council attended but took part in the Section 106 session only.

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID1 Appellant's Opening Submissions
- ID2 Council's Opening Submissions
- ID3 Emails from LM Weavers, LM Moorhouse and LM Astonia dated 6 July 2022
- ID4 Updated Suggested Conditions List
- ID5 Council's Closing Submissions
- ID6 Appellant's Closing Submissions

DOCUMENTS SUBMITTED AFTER THE INQUIRY

Representation from Chair of Great Shelford Tennis Club
Appellants Agreement to Pre-Commencement Conditions signed by Mr Shellum