



Appeal Decision

Site visit made on 25 August 2020

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2021

Appeal Ref: APP/W0530/W/20/3253436

Land to east of Cody Road and north of Bannold Road, Waterbeach, Cambridgeshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Barry Jordan (Matthew Homes Ltd) against the decision of South Cambridgeshire District Council.
 - The application Ref S/4744/18/FL, dated 4 December 2018, was refused by notice dated 23 March 2020.
 - The development proposed is residential development for 21 dwellings including affordable houses with associated access, landscaping, open space, garages and one self-build/custom build plot.
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Decision

1. The appeal is allowed and planning permission is granted for residential development for 21 dwellings including affordable houses with associated access, landscaping, open space, garages and one self-build/custom build plot at land to east of Cody Road and north of Bannold Road, Waterbeach, Cambridgeshire in accordance with the terms of the application, Ref S/4744/18/FL, dated 4 December 2018, subject to the conditions in the attached Schedule.

Procedural Matter

2. The appellant confirms that the description of development was amended by the Council to include all aspects of the proposal. I have used this description, taken from the appeal form, in the banner heading above. I have also taken the site address from the appeal form as no address was given on the application form.

Application for costs

3. An application for costs was made by Matthew Homes Ltd against South Cambridgeshire District Council. This application is the subject of a separate Decision.

Main Issue

4. The main issue is whether or not the appeal site is an appropriate location for the proposal, having regard to national and local policy for the delivery of housing, and the character and appearance of the area.

Reasons

5. Policy S/7 of the South Cambridgeshire Local Plan 2018 (Local Plan) sets out the spatial strategy for the district, and directs housing development towards development frameworks, which are generally the built-up areas of settlements. The countryside is described as all those parts of the plan area that are outside of development frameworks and outside of site-specific allocations. There is no dispute between the main parties that the appeal site lies outside the nearby development framework of Waterbeach, thus for the purposes of planning policy it lies in the countryside.
6. The settlement of Waterbeach has grown organically over time. Despite the position of the appeal site within the countryside, it sits amidst an area of modern housing which is in contrast with the open countryside which lies beyond existing housing generally to the north and east, and the vernacular buildings associated with the village core which are located further to the south. The prevailing character of the area has been substantially altered over recent years mainly due to several large housing developments¹ located immediately to the east and west. I understand that decisions to approve housing on these sites were made partly on the basis of the Council's inadequate housing land supply position at that time. However, it is evident that the character of the area has changed as a consequence of the cumulative impact of those previous decisions, regardless of the basis upon which those decisions were taken.
7. The appeal site itself comprises relatively uneven grass land with sparse vegetation cover, and it was partially fenced off on my site visit with no marked paths or other features which would suggest regular use as recreational open space. Overall, it has no demonstrable qualities. Furthermore, the development would occupy a gap in between a large area of housing that exists close to Bannold Road and just outside the Waterbeach development framework boundary. As a result, the appeal site now has more affinity with the suburban form that surrounds it. Therefore, in principle, housing on this site would be in keeping with the area's prevailing character and would not encroach into rural and open countryside.
8. In respect of the surrounding developments, the recently built housing scheme immediately to the west would form a component part of the appeal scheme. Existing and proposed roads would be connected, and the Public Open Space (POS) would be shared between the developments. Taken together with the existing housing, the proposed layout would consist of perimeter blocks and shared spaces where the distinction between public and private spaces would be clear, creating a coherent identity.
9. Despite the Council's concerns relating to the 'half rendered' dwellings proposed, they would be similar to several prominent examples which are present in the existing scheme, close to the boundary with the appeal site. Furthermore, the fenestration pattern, materials, style and general proportions of the proposed dwellings would reflect existing housing in the area and be of high quality so as to strengthen the local character. The main street would

¹ Several planning permissions for residential development in the area including, but not limited to, land immediately to west of appeal site (planning application references – S/1907/14/OL and S/2491/16/RM) – 36 dwellings, and land immediately to east of appeal site (planning references S/1359/13/OL and S/2458/16/RM) – 90 dwellings.

comprise a linear arrangement of modern, well designed dwellings with attractive facades which would overlook a verdant area of POS, resulting in a street scene with aesthetic appeal. This would compensate for less conspicuous areas within the site where the elevational treatment of dwellings would be inferior, including the side elevation proposed at plot No 4.

10. Overall, the proposal would contribute towards the mix of building types and styles in the area, creating an attractive and distinctive place. The layout, form and appearance of the proposal would represent an intelligible and seamless continuation of earlier phases of housing, creating a coherent pattern of development overall.
11. In respect of the affordable housing units, they would be positioned in a cluster facing the road. Whilst they would not directly face the POS, they would be sufficiently close to it and would also form an integral part of the street scene. I am satisfied that future occupiers of the affordable dwellings would be able to access local services, facilities and recreational space in much the same way as other occupiers within the development. The Council raises no objection regarding the tenure split, and it is notable that no objections were raised by the Council's affordable housing officer. Whilst the parking spaces associated with the affordable housing would be positioned on the opposite side of the street, a combination of fencing associated with an existing property, proposed landscaping, and the relatively discreet position of the parking away from the more open parts of the site, means that they would be unobtrusive in the street.
12. The Council have also drawn my attention to Policy S/9 of the Local Plan which identifies Waterbeach as a Minor Rural Centre², where development of a maximum of 30 dwellings will normally be permitted. Be that as it may, the site lies outside the Waterbeach development framework boundary, thus this Policy does not apply directly to the appeal site. In any event, the Council's officer report clarifies that the site is in an accessible location where a good range of services and facilities are within close proximity.
13. In this regard, the layout as proposed would promote walking and cycling. It includes two points of access linking to the adjacent development along with a network of shared surfaces and footpath links. A safe pedestrian through route would link the scheme with the housing on either side, and to Bannold Road to the south. I concur with the appellant that a further pedestrian link in between proposed plot Nos 12 and 13 would not only be unnecessary, but it would be poorly overlooked and potentially unsafe. Therefore, even if I was to accept the Council's assertion that a footpath between those two properties would facilitate a more direct access to the local school for occupiers of all housing nearby, other safe and accessible pedestrian routes would be provided as part of the proposal. Overall, the proposal would provide an integrated network of routes and connections for all non-car modes both to the recent housing developments nearby, and to Bannold Road to the south.
14. In respect of the proposed POS, this would be split into two distinctive parts. The northern portion would expand the swathe of POS approved as part of the residential scheme immediately to the west, reinforcing the intrinsic links between the two sites. The southern portion would be much smaller, and

² Waterbeach is defined as a 'Minor Rural Service Centre' in the Local Plan, and the Council's officer report highlights that the site is accessible in relation to local service and facilities.

would include an attenuation pond. The Council do not contest the appellant's assertion that, even if the attenuation basin area of POS was discounted from the total area of POS proposed, the development would still provide an area of POS in excess of planning policy requirements. Therefore, even though the southern area of POS would not be directly overlooked, it is not a significant safety concern given that the larger area to the north would likely be more widely used due to its size.

15. Notwithstanding this, the smaller southern portion of POS would remain largely dry for most of the year, on the basis that it would be designed to attenuate excess surface water during storm events, thus dispelling concerns raised by the Council regarding its value as usable recreation space. The same would apply to the surface water attenuation feature within the wider area of POS approved as part of the earlier phase. Therefore, the provision of drainage features within the areas of POS would result in multi-functional spaces without diminishing their recreational or visual value.
16. The footprint of the proposed garages would be limited making the storage of cars and bicycles impractical. However, I am satisfied that suitable facilities to store bicycles could be provided in the form of communal stores or individual sheds. Indeed, where plots within the proposed scheme do not have garages, rear garden sheds have been included. Therefore, this aspect could be conditioned.
17. In conclusion, the proposal would involve a form of housing development in the countryside which is deemed by the Local Plan to be inappropriate, in conflict with Policy S/7 of the Local Plan. However, the countryside should not be protected for its own sake, rather paragraph 170 of the National Planning Policy Framework (the Framework) states that recognition should be given to the intrinsic character and beauty of the countryside. In this regard, mainly as a result of recent developments nearby, the appeal site's rural context has been diminished such that it displays an eminently suburban character. Consequently, the weight I attribute to the conflict with Policy S/7 is limited in this case in light of the minimal contribution the appeal site makes to the open, rural, and verdant characteristics one would normally associate with the countryside.
18. The proposal would be a design of high quality which would not harm the character and appearance of the area. It would comply with Policy HQ/1 of the Local Plan which, in summary, requires that development encourages ease of movement and is accessible for all, preserves the character of the area and is compatible in terms of its mass, form, siting, proportions, and materials. This Policy also requires that development delivers public spaces that integrate with their surroundings. The development would comply with the South Cambridgeshire District Design Guide Supplementary Planning Document 2010 (SPD) which requires, amongst other things, that the building form, materials and details are informed by the surroundings.
19. In respect of several of the Council's concerns, reference has been made to the emerging Waterbeach Neighbourhood Plan 2020 to 2031 (NP). However, the emerging NP is a pre-submission document that has not been submitted for examination and is therefore not at an advanced stage. It does not form part of the Development Plan and therefore, the emerging NP carries limited weight in the determination of this appeal.

Other Matters

20. Interested parties have raised a number of concerns, including the impact on the living conditions of the occupiers of neighbouring properties in relation to privacy and overshadowing. I note that the Council did not share these concerns. Proposed dwellings would be sufficiently distanced from existing dwellings on Star Drive to meet the requirements of the SPD in terms of outlook and protecting the privacy of occupants. Whilst one of the proposed dwellings (plot 4) would fall slightly short of the SPD external spacing requirements, it would face the gable end of an existing dwelling and would not unacceptably affect the privacy of existing occupiers.
21. There is no evidence before me to corroborate third party claims that the appeal site is inhabited by a significant amount of wildlife. On the contrary, the submitted Preliminary Ecological Appraisal identifies the site as being of limited ecological value. Whilst some trees and a small section of hedgerow would be removed, a range of mitigation measures are identified in the appraisal, including additional hedgerow planting alongside species rich grassland to be included in the POS. Bird, bat, and hedgehog boxes and a biodiversity management plan are also proposed, and these elements could be conditioned to ensure appropriate mitigation and biodiversity enhancement.
22. The sustainable urban drainage system would ensure that surface water was discharged as high up the drainage hierarchy as practicable³. No objections were raised by technical drainage and flood risk consultees in response to the planning application, subject to the imposition of a condition, and I have no reason to question their overall findings. In respect of highways, the Council are satisfied that the car trips generated by the proposal, in combination with other developments nearby, would not lead to critical capacity issues at local junctions. Moreover, no objections are raised on highway safety grounds, and sufficient off-street parking would be provided throughout.
23. None of the trees on site are protected, and the proposal seeks to retain several trees close to the eastern boundary of the site. A number of poor-quality specimens would be removed where the site meets Bannold Road. The Council's tree officer raises no objections, and I am also satisfied that the loss of trees would be adequately mitigated by additional planting to be provided as part of a landscaping scheme to be secured by condition.

Planning Obligation and Conditions

24. A signed bilateral S106 planning obligation has been provided and includes several obligations relating to the provision of 8 affordable housing units on-site, contributions towards an early years classroom at Waterbeach Primary School, adult lifelong learning equipment at Waterbeach library, the village hall, the local recycling facility, and Waterbeach bowls pavilion. A contribution towards off-site children's play space would be provided. The planning obligation would also include the provision and management of POS and sustainable urban drainage within the appeal site. Finally, the obligation includes a single self-build plot⁴ to be provided within the site and a mechanism

³ Planning Practice Guidance Paragraph: 080 Reference ID: 7-080-20150323

⁴ As defined by the Self-build and Custom Housebuilding Act 2015 (as amended)

to ensure that this allocation is prioritised in favour of those on the Council's self-build register.

25. The Council have included robust justification relating to the above requirements such that I am satisfied that the planning obligation would mitigate the impact of the development in relation to the different forms of local infrastructure. Furthermore, the affordable housing mix would satisfy the Council's requirements, and the total number of affordable units and the self-build plot would meet Local Plan requirements. The bilateral nature of the planning obligation is a clear indication that the Council are satisfied with the obligations and consider them necessary to make the development acceptable in planning terms, in order to comply with Local Plan policies. Moreover, no substantive evidence has been provided questioning the necessity or viability of these obligations.
26. The Council have suggested a number of planning conditions which I have considered against the relevant guidance contained within the Planning Practice Guidance (the PPG). I have amended some of them for clarity and in order to meet the PPG, and to avoid repetition.
27. I have applied the standard '3 year' time limit condition, and the 'approved plans' and 'materials' conditions, in the interests of certainty and character and appearance. Conditions relating to water consumption, carbon dioxide emissions, a Travel Plan, and a plan for electric charging points are required by the Local Plan and in order to ensure a sustainable form of development. I have imposed a landscaping condition and incorporated within it a requirement to provide details of boundary treatments. Biodiversity mitigation and enhancement measures are required by condition in accordance with the Local Plan.
28. I have amalgamated several conditions proposed by the Council into a single condition requiring the submission of a Construction Management Plan. This is required prior to the commencement of development as mitigation measures are needed to protect occupiers of nearby properties from noise and other environmental effects before works commence on site. In order to protect the local environment, I have also attached a planning condition relating to land contamination.
29. I have imposed a condition stipulating the need to provide a footway link between the site and Bannold Road before the development is occupied, in order to ensure suitable pedestrian access is provided. A drainage condition is required so that full sustainable drainage details can be agreed with the Council, with an additional condition requiring that run-off is contained so it does not flood the highway. I understand that surface water discharge into a nearby watercourse would require consent from the Internal Drainage Board, thus off-site infrastructure concerns could be addressed as part of this process and no condition is necessary in this regard.
30. As the adoption of the roads is uncertain at this stage, I have imposed a condition requiring details of ongoing management and maintenance of streetlights and roads to be submitted, in the interests of highway safety. A condition is required in order that parking spaces are provided prior to occupation, in the interests of highway safety. Details of lighting are also required in the interests of highway safety and to ensure no unacceptable effects on protected species.

31. The Local Plan stipulates a requirement for suitable broadband infrastructure to be provided and that one of the dwellings is built to appropriate accessible and adaptable standards, and this is reflected in conditions I have imposed.

Planning Balance and Conclusion

32. I am satisfied that there would be a clear contextual and visual synergy between the appeal proposal and the urbanised surroundings such that the development would not encroach into open countryside. The proposal would be a design of high quality which would not harm the character and appearance of the area. Moreover, the housing scheme would be in an accessible location, close to services and facilities. Consequently, I afford conflict with Policy S/7 limited weight as the character and beauty of the countryside would not be harmed, and the design and appearance of the development would be compliant with Policy HQ/1 of the Local Plan.
33. Therefore, whilst I acknowledge that the proposal would not fully accord with the spatial strategy for the area, even taking into account the Council's robust housing land supply position, the proposal would make a meaningful housing contribution, in line with the Government's objective of significantly boosting the supply of homes⁵. There would be modest social benefits through the provision of affordable housing and a self-build plot, along with economic benefits deriving from the construction and occupation of the development.
34. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan, unless material considerations indicate otherwise. I am satisfied that the foregoing benefits constitute material considerations sufficient to outweigh the limited conflict with Policy S/7 of the Local Plan.
35. Therefore, for the reasons given above, the appeal is allowed.

Matthew Woodward

INSPECTOR

⁵ Paragraph 59 of the Framework

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 be carried out in accordance with the following approved plans: Location Plan MATT170419 LP.01 Rev B; Coloured Site Layout MATT170419 SL.01 Rev D; House Type 2B4P.e - Red Brick Elevations HT.2B4P.e Rev B; House Type 2B4P.p - Floor Plans HT.2B4P.p Rev B; House Type 3B5P.e - Red Brick Elevations HT.3B5P.e Rev A; House Type 3B5P.p - Floor Plans HT.3B5P.p Rev A; House Type 766.e - Red Brick Elevations HT.766.e Rev A; House Type 766.p - Floor Plans HT.766.p Rev A; House Type 955.e - Red Brick Elevations HT.955.e Rev A; House Type 955.p - Floor Plans HT.955.p Rev A; House Type 1102.pe - Red Brick Plans & Elevations HT.1102.pe Rev A; House Type 1557.e - Red Brick Elevations HT.1557.e Rev A; House Type 1557.p - Floor Plans HT.1557.p Rev A; Plots 14-15 Red Brick Floor Plans P14-15.p Rev A; Plots 14-15 Red Brick Elevations P14-15.e Rev A Plots 20-21 Floor Plans P20-21.p Rev B; Plots 20-21 Elevations P20-21.e Rev B; Shed 1 - Bed House SHED.01.pe Rev A; Shed 2 - Bed House SHED.02.pe Rev A; Garage Single - Floor Plans & Elevations GAR.01 Rev B; Garage Double - Floor Plans & Elevations GAR.02 Rev B; MAT21456 Preliminary Ecology Assessment Revision C; FRA and Drainage Strategy (August 2018) and FRA and Drainage Addendum (June 2019).
- 3) No development shall take place above slab level until details of all external facing materials 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.
- 4) No development shall take place above slab level until details of a plot to be built in accordance with the accessible and adaptable dwellings M4(2) standard in accordance with *Building Regulations 2010 Access to and Use of Buildings*, 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.
- 5) No development shall take place above slab level until a scheme of hard and soft landscaping has been submitted to, and approved in writing by, the local planning authority. The landscape scheme shall include details of trees to be retained including measures to protect them throughout the construction period; planting plans, specification (including cultivation and other operations associated with plant and grass establishment); schedules of plants which shall include species, planting sizes and proposed numbers/ densities where appropriate; the design, type, position and scale of boundary treatments; hard surfacing materials; and an implementation programme for all hard and soft landscaping works. The approved hard and soft landscaping shall be carried out in accordance with the approved details and implementation programme, with the soft landscaping scheme to be carried out in the first planting and seeding seasons following the first occupation of the development or as specified. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved.

- 6) No development above slab level shall commence until a scheme of biodiversity enhancement, which shall include details such as permanent bat roosting feature(s) and or nesting opportunities for birds, has been submitted to and agreed in writing with the Local Planning Authority. The approved details thereafter shall be implemented, retained and maintained for their designed purpose in accordance with the approved scheme. The scheme shall include, but not limited to, the following details:
 - a) Description, design or specification of the type of feature(s) or measure(s) to be undertaken
 - b) Materials and construction to ensure long lifespan of the feature/measure
 - c) A drawing(s) showing the location and where appropriate the elevation of the features or measures to be installed or undertaken.
 - d) When the features or measures will be installed and made available.
- 7) No part of the development shall be occupied until the footway linking the site (near plot 19) to Bannold Road shown on drawing No. MATT170419 SL.01 Rev D has been provided in full and is available for use.
- 8) No part of the development shall be occupied until the car parking spaces shown on drawing No. MATT170419 SL.01 Rev D have been provided in full and are available for use for the plot numbers specified. The car parking areas shall thereafter be kept available for the parking of cars at all times.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) the management of vehicles carrying abnormal loads;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) measures to control the emission of dust and dirt during construction;
 - vi) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vii) noise and vibration attenuation from construction and a scheme to ensure compliance;
 - viii) delivery, demolition and construction working hours; and,
 - ix) if piling is to take place, details of mitigation measures to protect local residents from noise and vibration.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 10) No part of the development shall be occupied until details of the lighting of the streets and public spaces 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.

- 11) No part of the development shall be occupied until arrangements for the future maintenance and management of the roads, footways and lighting within 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.
- 12) The development shall be constructed to ensure that surface water does not drain onto the public highway from individual plots.
- 13) No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to maximise sustainable travel and shall include measurable outputs and provide monitoring and enforcement arrangements. The development shall be carried out in accordance with the approved details.
- 14) No development shall take place above slab level until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the local planning authority. The scheme shall be based upon the principles within the approved Flood Risk Assessment and Drainage Strategy Addendum and shall also include:
 - a) 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.
 - b) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers.
 - c) Full details of the proposed attenuation and flow control measures.
 - d) 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.
 - e) Full details of the maintenance/adoption of the surface water drainage system; and,
 - f) A timetable for implementation.The development shall be carried out in accordance with the approved details and timetable.
- 15) No development shall take place above slab level until a scheme to ensure that dwellings achieve a water efficiency standard of 110 litres or less per person per day (unless otherwise agreed in writing with the local planning authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds) shall be submitted to, and approved in writing by, the local planning authority. The development hereby permitted shall be carried out in accordance with the approved details.
- 16) No development shall take place above slab level until an Energy Delivery Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall show how the dwellings will reduce

- carbon emissions by at least 10% over and above the baseline for the anticipated carbon emissions for each dwelling.
- 17) No part of the development shall be occupied until a Broadband Strategy has been submitted to and approved in writing by the Local Planning Authority. The Strategy shall include measures to ensure that dwellings are able to receive high speed broadband services. The development shall be carried out in accordance with the approved details.
 - 18) No part of the development shall be occupied until details of the cycle storage facilities for each of the dwellings hereby approved 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 each cycle storage facility shall be constructed in full prior to the occupation of each corresponding dwelling.
 - 19) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
 - 20) No part of the development shall be occupied until an Electric Charging Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of the infrastructure to be provided at individual dwellings. The development shall be carried out in accordance with the approved details and provided prior to the occupation of each corresponding dwelling.

End of Schedule