



Appeal Decision

Hearing held on 9 May, 2017

Site visit made on 9 May, 2017

by Graham Chamberlain, BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th June, 2017

Appeal Ref: APP/W0530/W/16/3162178

**Hallmark Hotel, Land south of Huntingdon Road, Bar Hill, Cambridgeshire
CB23 8EU**

- 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 Hallmark Hotels (Bar Hill) Limited against the decision of South Cambridgeshire District Council.
 - The application Ref: S/0851/16/FL dated 23 March, 2016 was refused by notice dated 3 August, 2016.
 - The development proposed is 40 residential dwellings across two sites comprising: 6, two storey houses and 27 apartments in 3 and 4 storey blocks, 47 car parking spaces and associated landscaping including the retention of part of the bund and provision of a play area on part of the hotel car park and other surplus space (Site 1); and 7, two storey houses served by 14 car parking spaces and associated landscaping on part of hotel staff car park and underutilised part of golf course (Site 2); New pedestrian access off Crafts Way and children's play area along with associated landscaping on land between Sites 1 and 2.
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Decision

1. The appeal is allowed and planning permission is granted for 40 residential dwellings across two sites comprising: 6, two storey houses and 27 apartments in 3 and 4 storey blocks, 47 car parking spaces and associated landscaping including the retention of part of the bund and provision of play area on part of the hotel car park and other surplus space (Site 1); and 7, two storey houses served by 14 car parking spaces and associated landscaping on part of hotel staff car park and underutilised part of golf course (Site 2); New pedestrian access off Crafts Way and children's play area along with associated landscaping on land between Sites 1 and 2 at Hallmark Hotel, Land south of Huntingdon Road, Bar Hill, Cambridgeshire, CB23 8EU in accordance with the terms of the application Ref: S/0851/16/FL dated 23 March, 2016 subject to the conditions in the attached schedule.

Application for Costs

2. An application for costs was made by Hallmark Hotels (Bar Hill) Limited against South Cambridgeshire District Council. This application will be the subject of a separate Decision.

Preliminary Matters

3. At the hearing it was confirmed by the Council and the appellant that they had been unable to agree a Statement of Common Ground. As a consequence, I have not had regard to the drafts submitted. The appellant had originally submitted
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evidence marked as 'private and confidential' but this was subsequently placed in the public domain before the hearing opened so that I could consider it. The Council confirmed that there had been no requests to see the information before it was placed in the public domain and that it had subsequently written to interested parties to draw their attention to it. In light of this, no party has been prejudiced by the information not being available from the beginning of the appeal process.

4. It was clarified by the Council that the late evidence it had submitted¹ was to be considered in respect of the appellant's proposition that the scheme could not provide any affordable housing. It was not submitted to address the Council's assertion that the proposal could provide more than 20% affordable housing, as this part of the Council's case relates solely to the build costs of the development.
5. The Council were afforded an opportunity to comment upon the draft planning obligations presented at the hearing. It was agreed that the Council's comments and the appellant's final planning obligations could be provided after the hearing closed. Likewise, it was agreed the appellant could submit a clean copy of the letter setting out the appellant's application for an award of costs post hearing.
6. Following the hearing, both the Council and appellant were afforded an opportunity to provide written submissions on any implications for the appeal arising from a recent judgement by the Supreme Court². I have taken the representations received into account.

Main Issues

7. The main issues in this appeal are:
 - Whether the proposal would make adequate provision for affordable housing; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Whether the proposal would make adequate provision for affordable housing

8. Policy HG/3 of the DCP³ seeks 40% or more of the dwellings for which planning permission may be given to be affordable housing. Nevertheless, the third limb of the policy states that the proportion and type of affordable housing will be the subject of negotiation with applicants, with account taken of any particular costs associated with the development, other viability considerations, whether there are other planning objectives which need to be given priority and the need to ensure balanced and sustainable communities.
9. In light of the above, the appellant is advancing the appeal scheme with no affordable housing but with a fall-back position that would be the equivalent of 20% affordable housing⁴. This is because the appellant is of the view that the build costs, some of which are considered to be abnormal due to the topography of the site, would be higher than usual and thus the Gross Development Value (GDV) could not cover the costs of the development, including a reasonable profit for the

¹ Viability Report dated 25 April, 2017 and prepared by Mr Ousby, Housing Development Officer

² Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) - Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) 10 May 2017

³ South Cambridgeshire District Council Local Development Framework Development Control Policies Development Plan Document 2007

⁴ Comprising 6 shared ownership homes and a contribution of £185,500.71

developer and affordable housing. Alternatively, the Council are of the view that the build costs would be unnecessarily high due to the specification of the design and thus a level of affordable housing in excess of 20% could be secured. The Council were unable to provide a figure at the hearing as to the percentage of affordable housing it considers could be viably delivered.

10. The abnormal costs of the development are listed in the Naismiths Budget Cost Plan as £668,340. An un-costed list is also provided in Appendix 39 of the Appellant's statement. Upon further interrogation of these lists at the hearing it transpired that there is agreement between the Council and appellant that a number of these costs would be necessary to make the development acceptable, such as triple glazing and surface water attenuation. Following a discussion, the Council also conceded that underground parking would be necessary as the bund needs to be retained because living accommodation at a lower level would have an unacceptably poor outlook. As such, in the terms of Policy HG/3, these costs are necessary to meet other planning objectives. Thus a 40% affordable housing level could not reasonably be achieved due to the specific costs of the appeal scheme. This is in spite of 28 other green field schemes in the district being able to provide 40% affordable housing⁵.
11. However, the Council have queried the build costs, particularly those on the eastern part of the site, relating to the enhanced hard landscaping specification, the architectural enhancements and the landscaping, including a public art strategy. The appellant was unable to extrapolate the costs for these particular items or advise to what extent these would be more expensive than the 'norm'. It was however clarified that the public art would cost around £70,000 and that there were a number of other 'extra over' costs. For example, the clay paviour finish would cost £92,350 more than a conventional 'black top' tarmac finish. This was however, due in part to the requirements of the drainage strategy, which the Council considers to be necessary.
12. The appellant was unable to clarify at the hearing whether they had explored cheaper alternatives for the extra-over costs. As such, it may be possible to make some marginal savings but it would be undesirable for the architecture or hard landscaping to be 'watered down' given the development plan's aim to secure good design.
13. The public art strategy includes a number of feature trees and these are necessary as a means of softening the proposal as part of the overall landscaping scheme. Nevertheless, other aspects of the public art strategy, such as laser cut panels, a water feature and leaf sculpture are unnecessary, especially so as the policy underpinning public art only seeks to 'encourage' its provision⁶ and these features would have limited wider public benefits due to the intended siting. The Council requested many of the design components, including the public art, at a pre application stage but there is nothing to suggest it requested these in the full knowledge that they would result in viability pressures on the delivery of affordable housing.
14. As such, the build costs are likely to be slightly higher than necessary and it is therefore conceivable that the design specification could be reduced without the overall design quality of the proposal being unduly compromised. In this respect,

⁵ See Appendix 6 of the Council's Statement of Case

⁶ Policy SF6 of the DCP

it is difficult to justify the entire public art strategy given the compelling local need for affordable housing.

15. The Council have been unable to identify a financial figure for those build costs it considers to be unnecessary and therefore it is difficult to ascertain whether any savings would be significant. Nevertheless, if the public art was not provided a saving in the region of £70,000⁷ could be used to provide affordable housing elsewhere. Such a sum could provide a one bedroom flat or support a rural exception site. However, the effect of removing the costs associated with the public art could be to reduce the overall deficit of the scheme but not turn the deficit into a surplus. In other words, removing the public art (and any other costs referred to by the Council) could have the effect of increasing the developer's profit levels to something nearer to the desired benchmark. In this respect it is necessary to consider the appellant's anticipated profit levels.
16. The appellant suggests that the benchmark profit level should be set at 20% of GDV and that this is an industry norm to be able to secure finance. Whilst 20% is often cited as a benchmark profit level it is not a figure 'set in stone'. The anticipated profit level can be higher or lower than this depending on a number of factors including 'risk' - a developer would seek a higher return for a risky scheme. The appellant's suggested that the development would be risky due to factors such as 'Brexit' and that a full land investigation had not been undertaken. Substantive evidence was not provided at the hearing that Brexit is having any material effect on the construction industry and the risk from further land investigation is offset by a financial contingency. As such, there is nothing before me to suggest the development would be of a relatively high risk.
17. Benchmark profit levels can vary from 15% to 28%⁸ depending on the circumstances of the development. In this instance the profit level of the appeal scheme without affordable housing would be around 17% and about 15% with. The Appellant was previously working to a profit level of approximately 16.5% without affordable housing but this has increased slightly following a reduction in the value of the planning obligations. As such, profit levels are not going to be in the region of 20% even if affordable housing is not provided.
18. Importantly, the appellant has previously confirmed that the scheme would be deliverable with a 15% profit. Furthermore, the appellant has not provided substantive evidence to suggest they could not achieve development finance at this profit level. A 15% profit level is low and could result in the scheme being border line unviable. However, it is possible to make some savings in respect of the build costs for the reasons given above and consequently this could have a positive effect on the developer's profit.
19. The output of a viability appraisal is sensitive to the inputs. In this respect Mr Ousby's analysis demonstrates that with minor adjustments the output can be significantly different. In his analysis the appellant could achieve a 20% profit with 16 affordable homes. In light of the appellant's rebuttal of My Ousby's evidence at the hearing, this appears optimistic. However, Mr Ousby highlighted a number of points of relevance that suggest finance costs could be reduced. For example, whilst the proposal would likely need significant up front build costs, I am unconvinced the external works payment period should be two months as it has not been demonstrated that these costs would all be expended in this period.

⁷ Although it is unclear whether this figure included the feature trees, which could be a landscaping cost.

⁸ See *Financial Viability Appraisal in Planning Decisions: Theory and Practice* (RICS 2015)

Whilst 17 months could be too great a period something in between would be more appropriate. Moreover, the appellant's contingency is slightly higher than benchmarks and I consider it is reasonable to factor in some sales before the 12 month period, including the sale of any affordable housing. As such, the finance costs appear higher than necessary.

20. Taking these points together, the anticipated build costs appear higher than they need to be due to the high specification of the design, a profit level of 15% is border line but a reduction in build costs could offset this as could subtle alterations to the viability model, which could result in a more positive position in respect of finance costs. As such, the viability position is unlikely to be as bad as suggested by the appellant.
21. In this context, it is important to refer to the Carter Jonas report, which concluded that 15% profit could be achieved with the equivalent of 20% affordable housing. This finding was based on the appellant's build costs, which are slightly higher than necessary. As such, it is likely that 20% affordable housing could be achieved and a slightly higher profit level. Even if a higher profit level cannot be achieved, the appellant have previously accepted a 15% level as a minimum. Moreover, the appellant's previously offered to provide 20% equivalent affordable housing as it was this that was presented to the Council's planning committee. Whilst it was suggested this was just to 'get the scheme through committee', it is unlikely the appellant's would have offered to provide something that would be wholly unviable to deliver.
22. Given the disagreements between the Council and appellant the independent report from Carter Jonas, which the appellant's confirmed should be given 'maximum weight', a conclusion shared by the Council's Planning Officers, is a material consideration of added importance. As such, I am not satisfied the appellant's have demonstrated that the scheme cannot provide any affordable housing.
23. Nevertheless, the Council have not accepted the recommendations of Carter Jonas. Instead, the Council suggest that the level of affordable housing should be beyond a 20% equivalent. However, such a proposition is not supported by substantive evidence. Vague assertions have been made that the reduction in build costs could increase the affordable housing level beyond 20%. Whilst this may be so, it is likely this would be at the expense of a reasonable profit level.
24. The Council have not suggested what the level of affordable housing should be or costed the savings it considers can be made. Carter Jonas suggested that a 40% affordable housing provision would only provide a 6% profit for the developer. This is clearly unviable. The Council have provided no substantive evidence to counter the findings of Carter Jonas, which followed a robust interrogation of the viability information and led to a considered and balanced conclusion. Thus, profit levels would be between 6% and 15% with between 40% and 20% affordable housing and no significant savings in the build costs. Such a profit level would be too low.
25. Carter Jonas did not fully assess the build costs and these would be slightly higher than necessary due to the high specification of the design. Consequently, some savings could be made. However, it is highly unlikely that the savings would be so great as to provide affordable housing beyond a 20% threshold and deliver a minimum 15% developer return. In any event, it would be reasonable for any

marginal savings in the build costs to go to the developer's return⁹ to ensure the scheme is delivered. As such, the evidence presented by the Council does not enable me to depart with any confidence from the recommendations of Carter Jonas. As such, the Council have failed to demonstrate that a level of affordable housing in excess of a 20% equivalent would be viable and thus reasonable.

26. In summary, the appellant's have not justified that affordable housing cannot be provided and the Council have likewise failed to demonstrate that a level of affordable housing beyond 20% would be reasonable. From the evidence before me, the recommendations of Carter Jonas appear reasonable i.e. a level equivalent to 20% affordable housing. I acknowledge that this would result in a profit level below 20% of GDV (15% of GDV) but this can be justified given the low level of profit the scheme would make without affordable housing and because the appellant has stated that 15% would be the minimum profit level they could work with. Moreover, it is not inconceivable that some savings can be made in the build costs in light of the Council's position on public art and perhaps in respect of finance costs. Such changes could have the effect of increasing profit levels so that they are nearer the 17-20% return on GDV benchmarks suggested by the appellant at the hearing.
27. The appellant has provided two planning obligations. The first does not propose affordable housing. This would not adhere to Policy HG/3 for the reasons given in the preceding paragraphs as it would be viable to provide more affordable housing. The second planning obligation would secure the provision of the equivalent of 20% affordable housing. This is a requirement that flows from the proposal and the development plan and is thus necessary. Moreover, it is reasonable in scale because it takes into account what would be viable. As such, the planning obligation is one I can take into account when applying Regulation 122 of the Community Infrastructure Levy Regulations 2010 (CIL Regulations).
28. Consequently, with the equivalent provision of 20% affordable housing, secured through a planning obligation, I conclude the proposal would provide an adequate level of affordable housing. This is because a 20% level would adhere to Policy HG/3 of the DCP in this instance, which permits a level of affordable housing that would be below 40% of the dwellings granted subject to scheme viability and other planning objectives. Policy HG/3 is consistent with Paragraph 50 of the national Planning Policy Framework (the 'Framework') and can be afforded significant weight.
29. The Council referred to Policy DP/2 of the DCP in its first reason for refusal but as a design policy the relevance of this is unclear and this was not satisfactorily clarified at the hearing. As a consequence, the level of affordable housing proposed would not be in conflict with Policy DP/2 of the DCP.

The effect on the character and appearance of the area

30. The appeal site encompasses the Hallmark Hotel complex, which is located on the north eastern side of Bar Hill in-between the A14 and Crafts Way, which is a distributor road that loops around the periphery of the village. The appeal site incorporates a number of mature and semi mature trees as part of a landscaped bund. This space is verdant in character but has the appearance of planned structural landscaping rather than open countryside with a more natural and rural

⁹ Up to 20% developer profit. The review mechanism in the planning obligation would ensure any additional profit was not excessive with a contribution to go towards affordable housing if additional profits occur.

character. The hotel is partially visible beyond the bund which lessens the sense that the site is an open and rural area. Nevertheless, the landscaped bund contributes to the visual amenity of Crafts Way at the entrance to the settlement.

31. The Council's Design Guide¹⁰ does not identify purpose built flats over multiple floors as a common feature of the district's villages. Such a form of development is often more appropriate in suburban and urban areas. Nevertheless, Bar Hill is a more modern village with construction understood to have commenced in the 1960s following the Radburn principles of separating cars and pedestrians, providing a walkable neighbourhood and extensive landscaping. In the context of Bar Hill, this has resulted in a predominance of cul-de-sacs. This urban grain results in the village having a suburban character unlike the more semi-rural and traditional character of the historic villages in the district. The presence of the A14, with the high levels of traffic and the engineered junctions, reinforces a sense that Bar Hill is of a suburban rather than a rural character. As a consequence, and on balance, the concept of a flatted scheme would not be harmfully out of character.
32. Buildings in Bar Hill rarely exceed two storeys in height. In this respect, blocks of flats over three and four storeys would jar with the scale of nearby development. However, this impact would be tempered by the retention of the bund, albeit truncated, which would obscure views of much of the lower storeys of the proposed flats. This has been demonstrated through visualisations, the accuracy of which I have no reason to question. Whilst this would not be the case in all views of the proposed buildings, the bund, alongside the retention and provision of landscaping and green roofs, would soften the visual impact of the flats to an acceptable extent. As a consequence, the bulk, scale and massing of the proposed buildings would not harm the character and appearance of the area.
33. Moreover, the scheme would replicate a cul-de-sac layout, which underpins much of the form of the village. When applying contemporary urban design guidance, cul-de-sacs may not always be the preferred form of development as they can often result in a disjointed townscape amongst other draw backs. Nevertheless, it cannot be reasonably stated that such a form of development would be inappropriate at Bar Hill in this instance, as it would directly respond to the character and appearance of the area.
34. The flats would be a landmark feature at the entrance to the village but it is unclear whether the village needs a landmark feature in this location. The Council's Urban Design Officer states that a landmark is needed but does not explain why. It is not apparent that a landmark feature was intended as part of the original plan of the village or that the village lacks legibility without notable buildings at the appeal site. It is also unclear how the buildings would act as a gateway as they would be set back from the road. As such, this is not a matter weighing in favour of the proposal. Nor, however, is it a matter weighing against the proposal as the Council have not demonstrated that the visual envelope of the proposal would be disproportionate in localised views, including views from the northern side of the A14.
35. The development would encroach into the soft landscaped village edge provided by the appeal site along the northern side of Crafts Way. It would also partially remove the bund. This would erode the contribution the openness of the site and

¹⁰ South Cambridgeshire District Design Guide Supplementary Planning Document 2010

the landscaped bund currently makes to the street scene. However, additional planting would be provided to partially soften the loss. Furthermore, although the development would be visible, it would be of a high standard of architecture and would be seen in the context of the hotel complex and the A14. As such, it would not be viewed as an intrusion of built form into an area where there is none currently. Consequently, the development's presence on the outside of Crafts Way would not appear as a discordant intrusion of development into the countryside or a pocket of development unrelated to the village. Therefore, whilst the proposal would not enhance the character and appearance of the area it would preserve it.

36. The appeal scheme has followed a robust design process that is advocated in the Framework¹¹. This included three design reviews and engagement with the local community. In response to this process the scheme has evolved and improved. The proposal has the support of the local design panel and the Planning Officer's at the Council, including the Urban Design Officer. The design of the scheme also has support from some local residents. Given the design process underpinning the scheme, this body of support is afforded significant weight as a matter in favour of the proposal.
37. In reaching this view it is important to note that at least 26 letters of objection were lodged, including Bar Hill Parish Council, many of which raised concerns with the design of the proposal. Nevertheless, for the reasons given in the preceding paragraphs the proposal would not harm the character and appearance of the area and this is a view shared by a consensus of independent built environment professionals. As such, the objections are not a determinative factor against the appeal scheme.
38. The Council have suggested that the proposal would be at odds with the District Design Guide but at the hearing the Council were unable to direct me to any specific section of the document that would support its proposition. As such, in the absence of evidence to the contrary, I find no conflict with the District Design Guide. I therefore conclude that the proposal would integrate with, and thus preserve, the character and appearance of the area. The proposal would therefore adhere to Policy DP/2 of the DCP, which requires developments to preserve or enhance the character of an area, respond to the local context and respect local distinctiveness. Policy DP/2 is consistent with Paragraphs 17 and 58 of the Framework, which place great importance on good design, and can thus be afforded significant weight.

Other Matters

39. The appeal scheme would be separated from the main body of the village by Crafts Way. As such, future residents and their visitors would need to cross this road, which is the subject of a 40mph speed limit. Nevertheless, the proposal incorporates a pedestrian crossing that would link the appeal site with the pavement and bus stop on the southern side of Crafts Way. Substantive evidence has not been presented that such a crossing would be dangerous and in this respect the Highway Authority have not raised objections. Consequently, the appeal scheme would have adequate pedestrian links with the village. Likewise the appellant's Transport Statement, which has been reviewed by the Highway Authority, demonstrates that the residual transport impacts would not be severe and that sufficient parking and a safe access can be achieved.

¹¹ See Paragraphs 62 and 66

40. The Council, supported by Cambridgeshire County Council, have demonstrated that there is a need to mitigate the impacts of the proposal on local infrastructure including primary and secondary school education, libraries, off site formal sport, onsite open space and children's play, off site community space and household waste. Substantive evidence has not been provided that mitigation is necessary in respect of any other local infrastructure such as healthcare. The appellant has agreed to the contributions sought by the Council and have provided a planning obligation to that end.
41. The requirements flow from the development plan and are supported by robust evidence. As such, they are necessary. The obligations would also be proportionate in scale to what is proposed and directly related to the impacts of the development. The obligations would therefore be consistent with regulation 122 of the CIL Regulations¹² and I can therefore take them into account. Moreover, there is no evidence before me to suggest the obligations would amount to pooled contributions that would fall foul of Regulation 123 of the CIL Regulations.
42. The appellant's have submitted air quality and noise reports which have been considered by the Council's specialist officers. Their findings are that with appropriately worded planning conditions the proposal would not result in harmful impacts to existing and future residents. I have no reasons to question these findings and therefore afford them considerable weight. Likewise, substantive evidence has not been provided that would lead me to question the findings of the flood risk assessment and drainage report, which have also been considered by experts, including the Environment Agency, and found to be sound with adequate mitigation proposed.
43. Given the intervening distance and the orientation of the proposed dwellings relative to existing houses, the appeal scheme would not injure the living conditions of nearby residents. Substantive evidence has not been provided that demonstrates the proposal would harm the Green Belt or that the excavation works would result in structural instability. The children's play area can be designed to ensure children would not run into the road. Concerns have been raised that the appeal scheme would set an undesirable precedent. However, it has not been demonstrated that the specific circumstances of this appeal, and the appeal site, will be presented elsewhere and thus no generalised precedent would be set by this decision. In any event, I have considered the appeal scheme on its own merits.
44. Taken together the other matters raised do not alter my conclusions on the main issue and are not factors that weigh against the appeal scheme.

Conditions

45. I have had regard to the advice in the planning practice guide and the list of conditions suggested by the Council and discussed at the hearing. In the interests of preserving the character and appearance of the area it is necessary for the proposal to be implemented in accordance with the approved drawings, for materials (including details of the green roofs) and details of bin storage to be approved, for the hard and soft landscaping scheme to be implemented and retained and for tree protection measures to be employed.

¹² The Community Infrastructure Levy Regulations 2010

46. To protect the living conditions of future occupants it is necessary to secure further investigation into the risk of land contamination, details of external lighting, the submission of a construction management plan (including details of any piling, which are also required to protect ground water) and for further noise impact assessments to be prepared as well as the implementation of the recommendations in the noise assessment submitted. Moreover, for similar reason it is necessary for some windows to be obscured and for boundary treatment to be erected to ensure adequate privacy.
47. In the absence of an explanation as to how fire hydrants would otherwise be secured, it is necessary for them to be provided as part of the proposal. In respect of air quality, it is necessary for the proposal to be implemented in accordance with the recommendations of the air quality assessment rather than the provision of a vehicle charging point, which is a requirement predicated on emerging policy, which is currently of limited weight.
48. To support the need to move towards a low carbon and resilient economy it is necessary to secure 10% of the energy needs of the development from renewable sources, the submission of a travel plan to promote more sustainable patterns of travel and for cycle storage to be provided. To prevent an unacceptable risk of surface water flooding it is necessary to secure the implementation of the flood risk assessment and drainage strategy.
49. In the interests of highway safety it is necessary to secure the provision of appropriate visibility splays, adequate parking, a pedestrian crossing and design details for the access road serving Site 2. To support biodiversity, it is necessary to secure the mitigation measures outlined in the proposal.
50. The disposal of foul water is a matter that would be address through the building regulations so a condition in this respect would be unnecessary. Likewise, those aspects of the public art strategy that do not comprise tree planting and landscaping are not necessary to make the development acceptable and therefore a condition requiring its provision would be unreasonable.

Planning Balance and Conclusion

51. Policy DP/7 of the DCP seeks to direct development to land within defined urban and village frameworks unless the development needs a countryside location. The Council are currently unable to demonstrate a five year housing land supply and therefore Policy DP/7 is not up to date. In such circumstances Paragraph 14 of the Framework directs that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted. The Council have not suggested that the latter applies so the 'tilted balance' in Paragraph 14 is engaged.
52. The appeal site is located in the countryside being outside of the Bar Hill Village Framework. The appeal scheme is thus in conflict with Policy DP/7. An application should be determined in accordance with the development plan unless material considerations indicate otherwise. However, the Council are currently unable to demonstrate a five year supply of housing land. The supply is only 3.7 years, which is a significant shortfall. As the Council's housing strategy, which includes settlement policies setting out village frameworks, are failing to provide an adequate supply of housing the conflict with them is afforded limited weight. As

such, the conflict with Policy DP/7 is a matter of limited weight against the appeal scheme in this instance.

53. I have found no conflict with Policy DP/2 of the DCP as the design of the proposal would preserve the character and appearance of the area, but it would not enhance it. As such, the absence of harm to the character and appearance of the area is a neutral matter in the balance as are the financial contributions that will be secured through the planning obligation as they only serve to offset the impacts of the proposal. Nevertheless, by adhering to Policy HG/3, the proposal is providing a reasonable level of affordable housing. This is a benefit of the scheme in light of the acute need for affordable housing in the district. However, as only the equivalent of 20% affordable housing is proposed this is a benefit of moderate weight.
54. The appeal scheme would result in some notable economic benefits to the construction industry, including jobs. Given the size of the appeal scheme, some of the jobs could endure for a reasonable period. They would however, be temporary and therefore this is a benefit of moderate weight. Even though a large settlement is planned at Northstowe, the proposal would make a notable contribution to the Council's inadequate five year housing land supply by providing forty dwellings that could be delivered in the short term.
55. A development of the size proposed also has the potential to support the vitality of the rural community as the homes would be located close to local facilities and this could benefit the local economy from a circulation of funds associated with future occupants. However, there is no evidence before me that key local services are failing due to a lack of patronage or that the contribution would be significant in the context of the settlement of Bar Hill as a whole. Consequently, this is a benefit of moderate weight.
56. Taken together, the adverse impact of the proposal is of limited weight and the benefits are of moderate weight. Consequently, the appeal scheme would not have adverse impacts that would significantly and demonstrably outweigh its benefits when assessed against the policies in the Framework taken as a whole. I therefore conclude that the proposal would be sustainable development for which the Framework carries a presumption in favour.

Overall Conclusion

57. In conclusion, the appeal scheme would result in a conflict with the housing strategy in the development plan but as a material consideration this adverse impact would not significantly and demonstrably outweigh the benefits of the proposal in this instance. The proposal is thus sustainable development for which the Framework carries a presumption in favour. Accordingly, for this reason and the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mark Kingston	Topland
Antony Ianaccone	Topland
Saira Kabir Sheikh QC	Francis Taylor Building Chambers
Alun Evans	RPS CgMs
Matthew Roe	RPS CgMs
Beth Hawkins	RPS CgMs
Chloe Evans	RPS CgMs
Kenny Brown	Townscape Solution

FOR THE LOCAL PLANNING AUTHORITY

Sarah Ballantyne-Way	Planning Consultant
David Ousby	Housing Development Officer
James Fisher	s106 Officer

INTERESTED PARTIES

Colin Fitzsimons	Cambridgeshire County Council
Cllr B Waters	South Cambridgeshire District Council
Cllr Lynda Harford	Cambridgeshire County Council

DOCUMENTS

1. Table in response to Mr Ousby's evidence prepared by Mr Evans
2. Letter setting out the appellant's application for an award of costs by Matthew Roe dated 9 May 2017 (this was verbally altered at the hearing).

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed on Chassy & Last Drawing List REV.A dated 22/7/16 and any other plans approved pursuant to a condition of this planning permission.
3. No development above ground level shall take place until details (including samples) of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No demolition, site clearance or building operations shall commence until tree protection in accordance with approved tree survey prepared by Broad Oak Tree Consultants Limited dated 22nd February, 2016 has been erected at the site.

Such tree protection shall include weldmesh secured to standard scaffold poles driven into the ground to a height not less than 2.3 metres shall have been erected around trees to be retained on site at a distance previously approved in writing by the Local Planning Authority following BS 5837.

Such fencing shall be maintained to the satisfaction of the Local Planning Authority during the course of development operations. Any tree(s) removed without consent or dying or being severely damaged or becoming seriously diseased during the period of development operations shall be replaced in the next planting season with tree(s) of such size and species as shall have been previously agreed in writing with the Local Planning Authority.

5. All hard and soft landscape works shall be carried out in accordance with the approved details (Landscape Statement TM233 R02D dated February 2016 and Landscape General Arrangement Plan dated 16.12.16 prepared by Turkington Martin). 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, unless the Local Planning Authority gives its written consent to any variation.
6. No development hereby approved by this permission shall be commenced 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. In the event contamination is identified, 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.

- c. The works specified in the remediation method statement have been completed, and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
 - d. If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this contamination should be agreed in writing by the Local Planning Authority.
7. The development hereby approved shall be implemented and thereafter operated and occupied in accordance with the recommendations set out in the noise assessment prepared by KR Associates reference KR04803.

Additionally, no development above ground level shall commence until a further noise impact assessment and mitigation measures relating to the noise generated by traffic and the operation of the hotel use on the site and traffic on the highways adjacent to the boundaries of the site has been submitted to and approved in writing by the Local Planning Authority. The assessment shall detail the methodology used to reach the conclusions made and shall detail the specification of any necessary mitigation measures. The approved mitigation measures shall be implemented in full prior to the occupation of any of the dwellings hereby approved. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

8. No development above ground level shall commence until a scheme detailing how a minimum of 10% of the energy needs generated by the development shall be achieved through renewable energy sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the anticipated energy needs of the scheme, the specific renewable technologies to be incorporated, details of noise levels omitted (compared to background noise level) and how much of the overall energy needs these will meet and plans indicating the location of any external installations within the development. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
9. The development shall be carried out in compliance with the sustainable surface water drainage strategy and the mitigation measures detailed in the flood risk assessment prepared by Jomas Associates v1.1 dated March 2016 and shall be retained as such thereafter.
10. Prior to the first occupation of any part of the development hereby approved, a Travel Plan for occupants of the development has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.
11. No development shall take place until details of the following have been submitted to and approved in writing by the Local Planning Authority:
- A Site Waste Management Plan for the demolition and construction phase;
 - A written strategy for the minimisation of noise, vibration and dust generation during the course of the construction. The strategy shall identify all anticipated sources of noise, vibration and dust and shall detail specific mitigation measures to ensure that the impact of each of these sources is fully contained within the site.
 - Hours of construction and site deliveries

- Contractors' access arrangements for vehicles, plant and personnel;
- Details of the environmental credentials of the vehicles to be used in the construction process
- Contractors' site storage area(s) and compounds(s);
- Parking for contractors' vehicles and contractors' personnel vehicles;

Development shall not be carried out other than in accordance with the approved details.

12. No development shall take place 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 treatment to be erected. The boundary treatment for each dwelling shall be completed before any of the dwellings are occupied in accordance with the approved details and shall thereafter be retained.
13. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.
14. No development above ground level shall take place until the siting and design of the screened storage of refuse and a Waste Management Plan for the site have been submitted to and approved in writing by the Local Planning Authority. The screened refuse storage for each dwelling and the site Waste Management Plan shall be completed before any of the dwellings are occupied in accordance with the approved details and shall thereafter be retained.
15. No development above ground level shall commence until details of the type and location of covered and secure cycle parking 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.
16. Prior to the first occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the access to the development and shall be maintained free from any obstruction over a height of 600mm within an area of 2m x 2m measured from the access to the site towards the adopted highway boundary. The visibility splays shall be retained as such thereafter.
17. No development above ground level shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by the Cambridgeshire Fire and Rescue Service has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented.
18. The development shall be carried out in compliance with the approved details of biodiversity enhancements (including bat and bird boxes) as shown on; the approved plans listed on Chassy & Last Drawing List REV.A dated 22/7/16, detailed within the Landscape Statement TM233 R02D dated February 2016 and Landscape General Arrangement Plan dated 16.12.16 prepared by Turkington Martin; and the Ecology Assessment prepared by Arbtech dated 18th January, 2016. The approved biodiversity enhancements shall be implemented in full prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.

19. No development shall commence until a scaled plan of the access road to Site 2 within the development and connection with the access to the adopted highway. The access roads shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings hereby approved.
20. In the event of the foundations for any building or phase of the development requiring piling, prior to the commencement of development of that building or phase, the applicant shall provide the Local Planning Authority with details of the type of piling and mitigation measures to be taken to protect local residents from noise and or vibration. Potential noise and vibration levels at the nearest noise sensitive locations shall be predicted in accordance with the provisions of BS 5528, 2009 - Code of Practice for Noise and Vibration Control on Construction and Open Sites Parts 1 - Noise and 2 -Vibration (or as superseded). The development shall then be carried out in full accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
21. Prior to the first occupation of the development details of the species mix and the management and maintenance of the green roofs to be installed as part of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full in accordance with the approved details prior to the first occupation of any part of the development hereby approved and shall be maintained in accordance with the approved strategy thereafter.
22. The development hereby approved shall be implemented in accordance with the recommendations sets out in Table 14 of the Air Quality Assessment prepared by Gem Air Quality Ltd.
23. Apart from any top hung vent with a sill height at a minimum of 1.7 metres above the internal floor level of the respective room, the glazing of the proposed first floor windows in the side elevations of the properties at plots H1 to H13 of the development hereby permitted, shall be fitted and permanently glazed with obscure glass to meet, as a minimum, Pilkington level 3 in obscurity. The obscured glazing shall be installed in the affected windows prior to the first occupation of any part of the development and shall be retained as such thereafter.
24. The vehicular parking spaces shown on the approved drawings listed under Condition 2 of this permission shall be surfaced and provided before the first occupation of the dwelling they are intended to serve. The parking spaces, including garages, shall thereafter be retained for the ancillary parking of vehicles in connection with the occupation of the dwellings hereby approved.
25. The development shall not be occupied until a pedestrian crossing across Crafts Way has been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.