

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 14 January 2009  
**AUTHOR/S:** Corporate Manager – Planning & Sustainable Communities

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### **APPEALS AGAINST PLANNING DECISIONS AND ENFORCEMENT ACTION: SUMMARIES OF DECISIONS OF INTEREST – FOR INFORMATION**

#### **Purpose**

1. To highlight recent Appeal decisions of interest. These form part of the more extensive Appeals report, which is now only available on the Council's website and in the Weekly Bulletin.

#### **Summaries**

##### **Barratt Homes Limited – Erection of 182 dwellings – Land parcel L2 and land to rear of POS 5, Arbury Camp, Kings Hedges Road, Impington – Appeal dismissed.**

2. This appeal followed the Council's non-determination of a scheme for a mix of 1-, 2- and 3-bedroom dwellings as part of the ongoing development at Arbury Camp. The appeal was recovered for the Secretary of State's determination because it could significantly impact on the Government's objective of securing a better balance between housing demand and supply and the need to create high quality, sustainable, mixed and inclusive communities. The inquiry sat for five days. The inspector had recommended that the appeal be dismissed. The Secretary of State accepted most of her conclusions.
3. The main issues focussed on the need to create a high quality, sustainable, mixed and inclusive community.
4. The Arbury Park development was granted outline planning permission in accordance with a Development Framework Plan. This designated the appeal site for use as part commercial and part residential use. Nonetheless, the Secretary of State was satisfied that, as a matter of principle, the site could be developed solely for housing. This would not compromise planning policies aimed at securing sustainable development.
5. While the proposal would make efficient use of land in terms of density, the Secretary of State accepted there were several deficiencies in respect of its design. The scale and massing of part of the scheme next to the area of public open space would be overly dominant and incongruous. There were also concerns regarding the layout of car parking areas and that some of the flats would not provide satisfactory living conditions for future residents. The levels of car parking and open space were found to be satisfactory. There were, however, insufficient measures to provide renewable energy in accordance with adopted standards.
6. The Council had objected to the amount of affordable housing offered by the appellant. The appellant's default option was around 25%, which was below the

policy requirement. This also excluded the use of renewable energy technologies and thus reduced even further the ability of the scheme to generate its own energy. While there was a second offer to provide up to 40% affordable housing, this created uncertainty about the mix and its delivery. In the circumstances, the Secretary of State found there was insufficient evidence to justify a relaxation in development plan requirements

7. Other concerns regarding noise, air quality, traffic flows and biodiversity could all be satisfactorily addressed.
8. Overall, the Secretary of State concluded that the proposal would not accord with development plan policy and would fail to provide a high quality, sustainable, mixed and inclusive community. The appeal was therefore dismissed.

**Mr D Daish – Removal of condition that requires occupation of dwelling in conjunction with Hare & Hounds PH – 62 High Street, Harlton – Appeal allowed**

9. The new dwelling at 62 High Street was approved in May 2004 and is occupied. The reason given for the condition restricting its future occupation was to protect the amenity of the occupiers of neighbouring properties. However, the reason for refusal to carry out the development without the condition was to protect the residential amenity of future occupiers of the new dwelling. For clarity, the inspector addressed both matters.
10. The dwelling is situated between the public house and its pub garden. Removal of the condition would mean that residents would have no control over the pub's rear yard adjacent to the front door of the dwelling, or over the garden or car park to the rear and side of the dwelling. Nonetheless, the inspector found the dwelling is well screened. This affords complete privacy to its main windows and courtyard garden. The front door is also along a narrow screened passage and there was therefore unlikely to be any conflict between the use of the dwelling and the pub. The occupants of the dwelling could be inconvenienced through inconsiderate parking in the pub car park or from late night noise and disturbance. However, these risks were not significantly greater than for other nearby dwellings. Future occupants of the dwelling would be aware of the potential risks before they occupied the property. Whilst set back behind most of the buildings along the High Street, occupancy of the appeal dwellings is unlikely to harm the occupants of other properties.
11. There was, therefore, no need for the condition or to restrict occupancy of the dwelling.

**Northern affordable Homes Ltd – 19 affordable dwellings – Land at the Valley, Comberton – Appeal dismissed**

12. This application was refused by the Planning Committee due to the impact of the increased traffic generated on congestion in surrounding streets, resulting in harm to the amenities of local residents. The inspector also considered the impact on highway safety as a result of local objections. While the site lies in the Green Belt, it was accepted that it is not inappropriate development and there was no Green Belt issue.
13. The inspector based her conclusions on traffic impact following a mid-morning site visit and photographs provided by third parties. She had also been invited to make an evening visit. She found that The Valley suffers from parking congestion, largely caused by residents' cars and vans. Off-street parking is limited and parking occurs

in the turning heads and parking bays and partially on the footpaths. She observed there is often only enough room for one vehicle to pass at a time. She accepted that at weekends and evenings, there is likely to be a marked increase in parked vehicles. Garages appear to be quite small and are not used to park vehicles.

14. These factors were considered to contribute to increased accident risk and to reduce intervisibility between drivers and pedestrians. Pedestrians experience inconvenience with particular difficulties for partially sighted, older and disabled people, and those with prams and pushchairs. In these circumstances, pedestrians, including schoolchildren, are likely to walk along the carriageway.
15. To open up the head of the cul-de-sac to provide access for another 19 properties would result in a material increase in traffic both along The Valley and Harbour Avenue. This would only exacerbate the existing situation. The proposed road improvements and parking provision would not overcome this harm and traffic speeds may actually be increased as a result.
16. Thus while the need for more affordable housing was acknowledged, the balance lay in safeguarding existing living conditions and avoiding further risks to highway safety. The appeal was therefore dismissed.