
Summary Proof of Evidence of Andrew Fisher Appeal by Castlefield International Limited Against the Refusal of Reserved Matters by South Cambridgeshire District Council at Land at Teversham Road, Fulbourn

Appeal reference: APP/W0530/22/3291523

April 2022

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South Cambridgeshire District Council at
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PREFACE

1. My name is Andrew Fisher. I am a chartered Town Planner employed by Barton Willmore, now Stantec, in Cambridge.
2. I hold a BA (Honours) Degree in Town Planning and a Post Graduate Diploma in Town Planning Studies. I also hold full membership of the Royal Town Planning Institute and am an Academician of the Academy of Urbanism. I have 25 years overall experience in Town and County Planning matters, gained in both the public and private sectors.

Declaration

3. I have addressed all of the issues pertaining to this Inquiry, to which I am professionally qualified. I confirm that the planning assessments and judgements expressed in this proof are my own and represent my professional opinion of the planning matters under consideration.
4. The following is an overview of my case and without prejudice to my main Proof of Evidence.

1.0 INTRODUCTION

1.1 This appeal (the Appeal) relates to the land at Teversham Road, Fulbourn (the Appeal Site) within the administrative boundary of South Cambridgeshire District Council (SCDC). Castlefield International Limited (the Appellant) has appealed against the decision of SCDC to refuse the Reserved Matters Application (reference S/3290/19/RM) dated 20 October 2021 (the RMA) for the following development:

'Approval of matters reserved for appearance, landscaping, layout and scale following outline planning permission S/0202/17/OL for the development of 110 dwellings with areas of landscaping and public open space and associated infrastructure works – the outline was screened and confirmed not to be EIA development.'

1.2 The Appeal Site comprises 6.85 hectares of undeveloped land, bisected by a narrow chalk stream. The site is surrounded on three sides by a mix of residential and light industrial units, whilst the northern boundary is the Cambridge to Ipswich railway.

1.3 The Appeal Site is located outside of the designated village development framework, but does not lie within the Green Belt. The entire Appeal Site and proposed points of access lie within Flood Zone 1.

1.4 The RMA provides details of those outstanding matters, with the principle of development and details of access secured via the outline planning permission (reference S/0202/17/OL) (the Outline Planning Permission). A number of amendments and submissions of additional information were submitted to SCDC through the determination period, and these are summarised within Appendix 1 and 2 of the Statement of Common Ground (SocG).

1.5 The RMA was reported to the SCDC Planning Committee on 13 October 2021 with a recommendation of approval subject to conditions (see report in CDA9). However, Members voted to refuse the application for the reasons provided.

1.6 Submitted alongside the RMA was a discharge of condition application (reference S/3209/19/DC), which was formally approved on 4 October 2021 (CDB1). This formally discharged conditions 7 (Arboricultural Method Statement and Tree Protection Plan), 12 and 14 (Landscape and Biodiversity Management Plan), and 19 (Noise Mitigation Scheme).

- 1.7 In addition, the first section of condition 20 (Noise Mitigation) was formally discharged through a discharge of condition application (reference S/0202/17/CONDA), dated 20 September 2021 (CDB5).

Statement of Common Ground

- 1.8 A separate SoCG has been agreed with both SCDC and the Rule 6 Party.
- 1.9 Both SCDC and the Rule 6 Party will no longer provide evidence in relation to reason for refusal 3. Whilst SCDC has confirmed they will not provide evidence in relation to reasons for refusal 4 and 5, the Rule 6 Party will continue to pursue these matters.
- 1.10 Third-party comments that are not considered common ground between parties are also considered.

Scope of Evidence

- 1.11 The main issues are as follows:
- the effect of the proposal on the character and appearance of the area having regard to the Outline Planning Permission and the Fulbourn Village Design Guide SPD 2020;
 - drainage and the risk of flooding;
 - the distribution and integration of affordable housing across the site; and
 - the living conditions of the occupiers of 17 residential units, to be located adjacent to the Breckenwood Industrial Estate.

2.0 RELEVANT PLANNING POLICY CONTEXT

The Development Plan

- 2.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission and appeals to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Whilst the Appeal relates to a Reserved Matters Application, the principle within Section 38 (6) remains. For the purposes of this Appeal, the Development Plan consists of the South Cambridgeshire Local Plan 2018 (CDE1). The policies within the plan have significant weight.
- 2.2 The policies principally relevant to the determination of this Appeal are set out in the reasons for refusal.
- 2.3 The Outline Planning Permission was approved on 26 October 2017, when the now adopted Local Plan was an emerging document.

Material Considerations

- 2.4 Alongside the Local Plan are a number of Supplementary Planning Documents. Pursuant to this appeal, these are listed in the SoCG and are set out below:
- District Design Guide SPD 2010
 - Affordable Housing SPD 2010
 - Landscape and New Development SPD 2010
 - Sustainable Design and Construction SPD 2010
 - Cambridgeshire Flood and Water SPD 2016
 - Fulbourn Village Design Guide SPD 2020
- 2.5 In addition, further material considerations are the Fulbourn and Fulbourn Hospital Conservation Area Appraisal and Management Plan 2021 and the Greater Cambridge Housing Strategy 2019-2023 (CDE6).
- 2.6 The relative weight to be attributed to these is set out in my main proof.

Neighbourhood Planning

- 2.7 The Fulbourn Neighbourhood Plan has been submitted to SCDC for examination (CDE7). The Appellant has made comments in relation to the submitted document through the

Regulation 16 consultation dated 17 January 2022 identifying conflicts with the approved Outline Planning Permission.

National Planning Policy

- 2.8 The National Planning Policy Framework (NPPF) was published in July 2021. It provides a presumption in favour of sustainable development. Paragraph 11 of the NPPF notes that for decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.
- 2.9 Paragraph 130 of the NPPF is referenced directly within reason for refusal 1. This paragraph provides six criteria to be met to ensure appropriate development.
- 2.10 Paragraph 167 of the NPPF refers to a planning application rather than a RM application. The evidence of Richard Totman demonstrates that a water management strategy can be delivered without increasing flood risk to properties outside of the site boundary. The detail of the drainage arrangements for the site will be approved by SCDC under condition 8 (See below).

The Outline Permission

- 2.11 The Outline Planning Permission establishes the principle and framework for the development of the Appeal Site for residential purposes, with the capacity identified as up to 110 dwellings. The Outline Planning Permission includes planning conditions, including those to be discharged ahead of development at the site.
- 2.12 The RMA relates to those outstanding matters, which in this case relates to appearance, layout, scale and landscaping. The Rule 6 Party has questioned the validity of the RMA, and this is subject to a separate Written Submission.

3.0 THE REASONS FOR REFUSAL AND THIRD-PARTY SUBMISSIONS

3.1 The principal issues for consideration in this Appeal are as set out within refusal reasons 1, 2, 4 and 5 of the Decision Notice and summarised at para 1.11 of this proof. I address the substance of each of these reasons below:

Reason for Refusal 1 (RR1)

3.2 RR1 asserts that the location of apartment block A and B, located to each side of the chalk stream and to the centre of the site, would result in significant harm to the character and appearance of the area, exacerbated by the associated increase in height of the raised parcels.

Character and Appearance

3.3 The Outline Planning Permission (CDC1) secures the principle of residential development on the Appeal Site. Condition 4 lists, amongst others, plan M06 Rev E – Parameters Plan (CDC3) as an approved plan. Condition 6 of the Outline Planning Permission confirms that the ‘detailed plans and particulars’ of the future Reserved Matters Application should be in general accordance with the illustrative layout plan M03 Rev C (CDC4). These two plans provide clear guidance as to where built form is considered acceptable on the site.

3.4 The RMA being considered at this Appeal is in full accordance with the Parameters Plan, pursuant to the wording of condition 28 of the Outline Planning Permission. This condition requires that the number of storeys and the height of the eaves and ridge are determined at the reserved matters stage.

3.5 The RMA is, in my view, in general accordance with the illustrative layout as set out in condition 6.

3.6 The Council adopted the FVDG (CDE5) in January 2020. The Outline Planning Permission is dated 26 October 2017 and therefore pre-dates the FVDG by over two years. I concur with the evidence of James Carr, that the RMA is in accordance with the FVDG save for the reference to ‘Key long distance views’ northwards across the site from Poorwell Water which the Appellant argues are incorrectly identified as being of importance.

- 3.7 The Appellant does not accept the FVDG's identification of this as a key long-distance view. This was also the view of the Inspector when considering the original Outline Planning Application S/2274/14/OL.
- 3.8 The evidence of Lisa Toyne and James Carr confirms that the proposed development would not result in any serious harm to the character and appearance of the area and with the exception of the long distance views the FVDG is compiled with.
- 3.9 The Rule 6 Party is seeking to demonstrate that the impact upon character and appearance of the area would also cause harm to the setting of the Fulbourn Conservation Area. Heritage matters are not referred to in the reasons for refusal, and it is common ground with SCDC that no harm is identified to heritage assets that would warrant refusal of the RMA.
- 3.10 The Planning Committee Report on the Reserved Matters Application (CDA9) notes at para 290, that in heritage terms, the proposals would accord with policy HQ/1 and NH/14 of the Local Plan, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, NPPF Guidance, the Fulbourn Conservation Area Appraisal and Fulbourn Village Design Guide. Moreover, the Council's Historic Buildings Officer raises no objection to the proposal. I concur with this view.

Raising of Land Parcels

- 3.11 The approved Parameters Plan (reference M06 Rev E – CDC3) identifies that development will be a maximum of 2 and a half storeys in height, with limits provided to the ridge and eaves height of built form above grade.
- 3.12 Condition 28 of the Outline Planning Permission states that notwithstanding the information on the approved Parameters Plan, details of ridge and eaves heights, and the number of storeys will be determined through the reserved matters process, and accordingly the detail of the heights of the buildings is not settled by the Parameters Plan.
- 3.13 The RMA includes elevational plans drawn to scale, allowing for the identification of ridge and eaves heights. The tallest development on the Appeal Site is the two and a half storey sections of Apartment Blocks A and B, with a maximum height of 11.24m. The two storey elements of these blocks are lower. It is common ground with the Council that these are the blocks to which reasons for refusal 1 relate.

- 3.14 It was established through the Outline Planning Permission that land parcels were always anticipated to be increased in height. The height above ground has been confirmed via the additional information submitted on drainage and flood risk by Cannon Consulting Engineers and reflected in Richard Totman's evidence.
- 3.15 The evidence of Lisa Toyne and James Carr demonstrates that the additional height of the land parcels, as well as the height of the proposed dwellings as defined via the RMA is acceptable and would not result in any serious harm to the character and appearance of the area. I concur with this assessment.
- 3.16 The officers report on the RMA also notes at paragraphs 187 and 188 that the development is not considered to result in significant adverse harm to the character, amenity, tranquillity or function of the village and that the proposal accords with policy NH/11 of the Local Plan. I concur with this view.

Reason for Refusal 2 (RR2)

- 3.17 The Outline Planning Permission was supported by a Flood Risk and Surface Water Management Update by Cannon Consulting Engineers dated January 2017 (CDC12). The Outline Planning Permission confirmed that the principles that development parcels were to be raised above existing site levels'. Further modelling work has shown that land will be raised between 1.02m and 1.04m above current levels at apartment blocks A and B respectively.
- 3.18 Liaison has taken place with the Lead Local Flood Authority (LLFA) and SCDC's Sustainable Drainage Engineer throughout the consideration of the RMA. This culminated in the LLFA confirming in their letter dated 9 September 2021 (CDA9c) that they have no objection to the proposal.
- 3.19 Cannon Consulting Engineers has prepared and submitted to the Inspectorate on 4 April a further package of information to address matters of surface water drainage and risk of flooding. Details of this are set out in Richard Totman's evidence which demonstrates that a surface drainage and flood management solution is available and could be confirmed via the discharge of condition 8 of the Outline Planning Permission.
- 3.20 The identified solution is in line with the requirements of the NPPF, securing a sustainable low carbon approach to flood risk which will ensure that development is made safe for its lifetime without increasing flood risk elsewhere.

- 3.21 The Planning Committee Report (CDA9) for the RMA is clear that SCDC and the LLFA are satisfied that the details of the drainage scheme can be formally agreed through the discharge of condition 8 such that the development can accord with Policies CC/7, CC/8 and CC/9 of the Local Plan.

Reason for Refusal 4 (RR4)

- 3.22 The affordable housing approach was agreed through the Outline Planning Permission. The Section 106 Agreement sets out the basis for the affordable provision onsite, with the detail to be agreed through the Affordable Housing Scheme mechanism.
- 3.23 The Outline Planning Permission was granted prior to the adoption of the current Local Plan, including policy H/10 which is directly referenced within RR4. The Outline Planning Permission also pre-dates the publication of the Greater Cambridge Housing Strategy.
- 3.24 The amendment package submitted on 2 March 2020 included a plan (reference 28815-P10-010-P4) showing an amended layout for the proposed affordable housing, with four of the units being incorporated into dwellings. This was supported by the Joint Housing Development Officer in her comments dated 21 May 2020. This support is further reflected in SCDC's decision to not provide evidence in relation to this reason for refusal.
- 3.25 The Planning Committee Report notes at paragraph 10, that SCDC's Affordable Housing team has confirmed their support for the mix, tenure and layout of the affordable housing being proposed.
- 3.26 The proposed approach to affordable housing as set out in the RMA is entirely in line with the requirements of the Outline Planning Permission and the Section 106 Agreement. The proposed layout distributes the affordable housing in small groups or clusters in general accordance with Local Plan Policy H/10 and the Greater Cambridge Housing Strategy 2019-2023. The affordable housing will be confirmed through the submission of the Affordable Housing Scheme in accordance with the requirements of the Section 106 Agreement.

Reason for Refusal 5 (RR5)

- 3.27 As referenced within RR4, the affordable housing provision is fully in accordance with the Outline Planning Permission and the requirements of the Section 106 Agreement.
- 3.28 The Parameters Plan approved as part of the Outline Planning Permission clearly shows that housing within this location was considered acceptable. The Illustrative Layout Plan

referenced within condition 6 of the Outline Planning Permission also shows development in this location. The RMA is in 'general accordance' with that layout as required by Condition 6.

- 3.29 RR5 references the constraints of the site. It is assumed it refers to the Breckenwood Industrial Estate to the north of the site. The Outline Planning Application considered the noise output from the Estate and agreed a 50m exclusion zone (CDC3) subject to conditions 19 and 20.
- 3.30 Conditions 19 (Noise Mitigation) and the first section of Condition 20 (Exclusion Zone) have been formally discharged by SCDC (through discharge of condition applications with reference S/3209/19/DC and S/0202/17/CONDA). The discharge of these conditions clearly demonstrates that any noise generated from the Industrial Estate would not preclude residential development.
- 3.31 The Appellant has clearly demonstrated the suitability for residential development in this area. The Urban Design and Affordable Housing Teams at SCDC have no objection to the design itself or the layout. I also concur with the evidence of James Carr regarding the design of these units and their integration as part of the overall layout.
- 3.32 The Planning Committee Report (CDA9) identifies at paras 275 – 277 that, subject to the mitigation required by conditions 19 and 20, future occupiers would not be adversely impacted by adjacent noise sources. SCDC's Environmental Health Officer raises no objection to the proposals.

Third Party Submissions & Responses to Additional Drainage Information Consultation

- 3.33 A number of third-party comments have been raised during the determination period of the Reserved Matters Application. Following the issue of additional drainage information on the 4th April 2022 by the Appellant, further stakeholder responses have been received. I have set out within my main proof responses to each of these matters raised. None of these matters are considered to preclude development on the site.

Maintenance Approach

- 3.34 The Inspector has directly requested information regarding the future maintenance of features on site, and this is summarised below.

- 3.35 The maintenance for the LEAP, Public Open Space and General Open Space is secured through the Section 106 Agreement dated 25 October 2017, via the Management Company (CDC2).
- 3.36 The highway network will be afforded to Cambridgeshire County Council (CCC) for adoption. CCC has indicated it will not seek to adopt the road network, so as such this would become a private road to be managed by the Management Company.
- 3.37 The drainage system will be subject to a Unilateral Undertaking confirming the future maintenance and management of the system.
- 3.38 Condition 8 of the Outline Planning Permission requires details of the long-term ownership/management of the surface water drainage system and maintenance of the same. This will be in accordance with an Implementation Programme to be agreed in writing by SCDC.

4.0 THE PLANNING BALANCE

- 4.1 The Outline Planning Permission establishes the principle for the development of the Appeal Site for residential purposes, with the capacity identified as up to 110 dwellings, and, via conditions and the Section 106 Agreement, sets the framework within which reserved matters applications can be approved.
- 4.2 The Appeal relates to an RMA, which is wholly in accordance with the framework established by the Outline Planning Permission.
- 4.3 The Development Plan consists of the South Cambridgeshire Local Plan 2018. I have reviewed the Development Plan in relation to the Reasons for Refusal and, notwithstanding the fact that this was adopted after the Outline Planning Permission was granted, I conclude that the RMA is in accordance with the policies of the Development Plan.
- 4.4 The FVDG is an adopted SPD and as such, I give its content significant weight in principle. However, the content of the SPD document does not account for the approved Outline Planning Permission which pre-dates the SPD and also contains a misrepresentation of the identified 'key long distance' views as noted within Figure 46 and must be viewed in that context.
- 4.5 I have concluded that the development is in accordance with the content of the FVDG, except for the 'key long-distance views' shown on Figure 46 of that document. I concur with the technical evidence presented that the view highlighted does not exist on the ground.
- 4.6 I acknowledge the policy within the emerging Fulbourn Neighbourhood Plan, however given the unresolved conflicts with the Outline Planning Permission, the key views and its current status, I afford the emerging Neighbourhood Plan little weight.
- 4.7 It is clear from the technical evidence that the development would not result in any serious harm to the character and appearance of the area as to warrant dismissal of this appeal. I also conclude that the proposals would not impact negatively on the Fulbourn Conservation Area.

- 4.8 The revised modelling demonstrates that an acceptable drainage solution can be delivered, which would not increase flooding off-site and is in line with the requirements of national policy in the form of the NPPF.
- 4.9 The proposed approach to affordable housing as set out in the RMA is entirely in line with the requirements of the Outline Planning Permission Section 106 Agreement. SCDC's Affordable Housing Team has confirmed their support for the mix, tenure and layout of the affordable housing proposed. I concur with the evidence of James Carr that the layout of the affordable housing should not warrant the dismissal of this Appeal.
- 4.10 Finally, I have identified that the location of dwellings opposite the Breckenwood Industrial Estate is in accordance with the Outline Planning Permission and in general accordance with Local Plan Policies H/10, HQ/1 and the Greater Cambridge Housing Strategy 2019-2023. The discharge of Conditions 19 and 20 of the Outline Planning Permission clearly demonstrates that any noise generated from the industrial estate would not preclude residential development. I concur with the evidence of James Carr that the design and layout of the dwellings in the northwest of the site should not warrant dismissal of this Appeal.
- 4.11 None of the matters raised by the third parties, or in response to the consultation on the additional drainage material are considered to preclude development on the site, or warrant the dismissal of this Appeal.
- 4.12 Given that the RMA is fully in accordance with the parameters of the Outline Planning Permission and that the proposals accord with the policies of the Development Plan, I can see no material or technical considerations that would outweigh the primacy of these for the purposes of decision making.
- 4.13 The Inspector is therefore respectfully asked to allow this Appeal.