

Town & Country Planning Act 1990 Appeals under
Section 78

Appeal on behalf of Castlefield International Ltd

Land East of Teversham Road, Fulbourn

Summary Design Proof of Evidence of James Carr RIBA
ARB

April 2022

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Land East of Teversham Road, Fulbourn

Summary Design Proof of Evidence

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1.0 INTRODUCTION

My name is James Carr. I am the owner of the design and planning consultancy Mapridge Design Studios Ltd.

I hold a BSc (Hons) degree in Architecture and Dip Ach (Dist.). I am a member of ARB and the RIBA. I have more than 35 years' experience in practice as an architect. I have worked in local authority, in housing associations and in private practice

2.0 Scope of evidence

- 2.1 My evidence provides an independent review of the design of the proposed development on the Appeal site and addresses the Reasons for Refusal. In particular I consider the proposals relationship with the adjacent Poor Well and the adjacent buildings on Cow Lane.
- 2.2 My evidence should be read in conjunction with that of the Appellants other witnesses and in particular, the Landscape and Visual evidence by Ms. Lisa Toyne
- 2.3 In preparing this evidence I draw on my expertise as an architect and urban designer, my observations of the site and its surroundings, and make reference to current government and local design guidance.
- 2.4 In my evidence, I address reasons 1, 4 and 5 in the RMA Refusal:

Declaration

- 2.5 I have visited the Appeal site and its surroundings and have examined the relevant plans and documents for the purpose of this Inquiry. I have had no involvement in the preparation of the RMA that forms this Appeal.
- 2.6 My proof of evidence deals wholly with topics that fall within my area of expertise.
- 2.7 The evidence which I have prepared and provide for this appeal (reference APP/W0530/W/22/3291523) is true and has been prepared and is given in accordance with the guidance of the Royal Institute of British Architects and I confirm that the opinions expressed are my true professional opinions.

3.0 APPEAL SITE AND SURROUNDING AREA

In Section 3, I review the appeal site and in particular the boundaries and buildings adjacent to the Appeal site.

- 3.1 The appeal site is a generally flat, overgrown area of land to the north of Fulbourn Village with a narrow and heavily overgrown water course running north south through the site dividing the site in two.
- 3.2 The northern boundary to the Appeal site, east of the central water course, is formed by a railway line on top of an embankment which is between 2.15m and 1.75m above the level of the existing site. This embankment obstructs any views to open countryside beyond.
- 3.3 To the west of the central water course is an area of tall and dense planting and then a single story light industrial unit. There is existing and dense planting along boundary either side of the extension on the rear of the main industrial building. The rear extension to the industrial building is some 4m to the eave with a pitched roof to a central and higher ridge.
- 3.4 To the west of the industrial unit there is further mature and dense planting along the boundary to the fenced rear gardens of two houses which face onto Teversham Road and then by Teversham Road itself.
- 3.5 The southern boundary of the site to the west of Poor Well is formed by mature planting and by a length of the existing water course.
- 3.6 In the centre along the southern boundary of the Appeal site is mound which separates the appeal site from an area of lower lying marshy land known as Poor Well. There are a number of mature willows on Poor Well and the southern boundary of Poor Well is formed by Cow Lane.
- 3.7 The trees along the boundary mound to the Appeal site appear to be between 20m and 30m in height and even in winter with their ivy growth on the trunks severely limit views from Poor Well to the Appeal Site. Where there are existing views though, those views are limited to the Appeal site because of the railway embankment along the northern boundary of the site.
- 3.8 To the east of Poor Well, the boundary to the Appeal Site is formed by the rear gardens and fencing of 48 to 60 Cow Lane and 3 Cox's Drove. There are existing hedges to the rear of several houses and smaller individual mature trees to several others.
- 3.9 The eastern boundary to the Appeal Site is formed in part by Cox's Drove and then Barnsbury Farm north of Cox's Drove. Between Barnsbury Farm and the northern boundary there is dense and mature planting to and beyond the boundary to the Appeal site.

3.10 In summary, the Appeal site has well defined boundaries to all sides and general and public visibility of the Appeal Site is limited. Visibility on to the Appeal site is possible in specific locations from Teversham Road, from which the main access to the site is proposed; from Cox's Drove where the secondary access is proposed and from Cow Lane including partial visibility across Poor Well, over the boundary mound and through the mature trees on that boundary.

4.0 Design Policies Context

- 4.1 In this section I identify the current Design policy guidance and the history of the design of the RMA.
- 4.2 The relevant Design Policies are set out in the Statement of Common Ground and Mr Fisher sets out the relevant planning policies and identifies the weight that should be given to each in relation to the RMA in his PoE.

5.0 DESIGN APPRAISAL

- 5.1 In this section I give a design appraisal of the proposals on the Appeal site.
- 5.2 The design approach for the proposals is set out in detail in the DAS submitted with the RMA in Sept 2019 and in the DAS Addendum, submitted with the revision to the application in February 2020.
- 5.3 In summary, these documents set down that the Outline consent defined the area for residential development on platforms raised above the existing ground level of the site indicated on dwg BW dwg: 22430 MO6 Rev E and that 110 units was an acceptable number of units.
- 5.4 Condition 6 of the Outline Consent, S/0202/17/OL confirms that the details of the RMA should be in 'general accordance' with the illustrative layout.
- 5.5 Condition 28 of the Outline consent confirms that the number of storeys, heights of eaves and ridges shall be determined through an RMA.
- 5.6 It is clear that a well-designed, sensitive, and contextual residential development should be the aim with the RMA and that these height parameters should only be considered guidelines to that important goal.
- 5.7 The western half of the site maintains and enhances the existing boundary planting around a single development area which extends to the main vehicular access to the site from Teversham Road. The currently overgrown historic gardens to the Pumping House which are in the Conservation area are restored, landscaped, and enhanced to create a new public garden.
- 5.8 The eastern side of the site is divided into two, east/west development areas separated by a linear park/open space. The boundaries are maintained and enhanced. There is a pedestrian and emergency vehicle access from Cox's Drove on the eastern boundary.
- 5.9 Three distinct character areas have been created, the Village Lanes, Meadow Park and Village Streets. These are set out and explained in the DAS submitted in September 2019 and the subsequent Addendum DAS in February 2020. The creation of different character areas ensures that the overall development maintains a relatable scale and identity.
- 5.10 Where there was the potential of overlooking or privacy issues to properties beyond the Appeal site boundaries, the proposed houses were repositioned.
- 5.11 The submitted plan shows the significant enhancement of the central water course and the newly created Meadow Park along its banks. The landscaping design adds the linear park between the two eastern development areas linking it to the central Meadow Park and through to the second linear park along the boundary with Telford House and The Pines to the newly created public gardens of the historic Pumping House Pond.

- 5.12 Crucial to the design is the location of two of the blocks of flats, Block A and B that face and look out and over the central Meadow Park. This careful placement of these two blocks allows for providing natural surveillance and security to these open public areas.
- 5.13 In order to resolve the potential of flooding, the levels of the development areas on the approved parameters plan have been adjusted by varying amounts. These levels are indicated on Cannon dwg B411-PL-SK-320 Rev P09 which was submitted to the SCDC during the application period.

Materials

- 5.14 The different character areas are designed with a variety of high quality materials to help reinforce their individual identity with no differentiation between the different tenures within the development.

Amenity provision areas

- 5.15 The proposed development benefits from a centrally located play area, a LEAP, on the eastern side of Meadow Park and three informal play areas elsewhere. The central play area is arranged on a number of accessible levels which are raised above the potential flood levels so that they can be used at all times.

Flood Impact.

- 5.16 The Outline consent on the Appeal site considered and approved a water management strategy.
- 5.17 I note that any proposed development in the RMA has to accommodate the potential of occasional flooding and the run-off from the proposed development.
- 5.18 A flood management strategy has been designed by Cannon for the Appeal Site.
- 5.19 The flood management strategy proposes all the potential flood water on the Appeal site is retained on the Appeal site and does not go on any land outside the boundaries of the Appeal site. In order to achieve this, it is proposed that designated flood areas are created and that will include eight gardens adjacent to the southern boundary to the east of Poor Well.
- 5.20 All the residential units in the RMA are located above the design flood level of 1 in 100 years plus 40% climate, including the communal play area in the central Meadow Park, so that the residential units and this amenity space will always be accessible to and available for all the residents in the event of a such a flood event.
- 5.21 All the proposed access roads in the RMA are above the flood level to ensure emergency access to all residential units in times of potential flooding.
- 5.22 As stated in para 5.18 above, Mr Totman of Cannon addresses the water management strategy in his PoE.

6.0 Local Design Guidance.

6.1 As I set down in Chapter 4 the local design guidance is set down in several SCDC's documents. In particular The Fulbourn Village Design Guide, (FVDG) is given significant weight in the planning officer's report to committee on the RMA and the given RfRs. I therefore review the proposed design in relation to the FVDG.

6.2.0 Chapter 4: Character Areas

6.2.1 This chapter in the FBDG highlights the importance of the existing mature trees around Poor Well and the containment they provide to the character area.

6.2.2 The appeal site is to the north of existing houses along Cow Lane and to the north of Poor Well. The proposals for the Appeal Site retain the existing mature trees along the southern boundary including those to the boundary with Poor Well itself and help maintain and enhance that containment to the character area.

6.2.3 The existing chalk stream which flows along the southern boundary and then flows north through the centre of the Appeal Site is cleared, enhanced, and becomes the central focus of the newly formed Meadow Park.

6.2.4 In summary the proposals carefully respect and enhance the features and character of Poor Well. The proposals retain the existing trees and planting along the boundary and with the creation of the new Meadow Park with its restored chalk stream and with the restored Pumping House Gardens, create new additional open spaces that echo the fenland and water management heritage.

6.3.0 Chapter 5: A close relationship with the countryside.

6.3.1 The existing trees on the Appeal Site particularly on the southern boundary around Poor Well are being retained and the landscaping enhanced. As can be seen from Ms. Toyne's evidence on the visual impact of the proposed development, the building sit behind these trees and below their crown hence retaining the visual dominance of the trees.

6.3.2 As has been noted elsewhere, the northern boundary of the site is formed by the existing railway and embankment. This embankment along with the existing trees on the boundary with Poor Well mean that there are no views out to the countryside beyond the railway embankment. This can be seen in the panoramic views in the submitted DAS and in the photographs in figure 14 on page 14 and 15.

6.3.3 The aspiration to integrate the Appeal Site into the village and to provide short term views is demonstrated by the creation of the Meadow Park in the centre of the site, with development set back to its edges. This park created around the restored and enhanced existing chalk stream ensures that visually and physically the proposed development opens out from Poor Well and Cow Lane to maintain a sensitive visual relationship with the village.

- 6.3.4 The Outline proposals on the Appeal Site envisaged a pedestrian access onto the site through and from Poor Well to the proposed central open space. This was removed during, and in reaction to, the public consultation on the initial design and in consultation with the Parish Council. The access to the Meadow Park is now only via the restored Pumping House Gardens at the junction of Cow Lane and Hinton Road and then from Teversham Road and Cox's Drove.
- 6.3.5 The proposals on the Appeal Site do provide shorter internal views through the development through the character areas through and along the central linear park to the east and the linear park along the southern boundary to the west back to the central Meadow Park.

In summary, the proposals on the Appeal site acknowledge the aspirations for a close relationship with the countryside and as there cannot be views beyond the Appeal site to the north because of the existing planting and the embankment along that boundary and because there are limited views onto the Appeal site from Poor Well and Cow Lane to the south because of the existing and retained mature boundary planting, seek to provide carefully landscaped views within and through the RMA proposals with naturally surveillance.

6.4.0 Chapter 6: A legacy of majestic trees

- 6.4.1 I note that the existing trees on the boundaries and within the Appeal Site are being retained and the landscape design seeks to maintain and enhance that legacy of tall trees, hedgerows, field ditches and enhanced streams to create a rich biodiversity.

6.5.0 Chapter 7: Attractive and safe village street

- 6.5.1 I note that the DAS submitted with the RMA, sets out how the proposed design incorporates and achieves this design guidance.
- 6.5.2 The key roads through the development are kept to the minimum statutory width with landscaping to one side echoing the character of roads in the village and aspirations of the FVDG.
- 6.5.3 Tall trees are retained and maintained around the boundary of the development along with the retention and enhancement of the hedgerow and the creation of new landscaped areas in the central Meadow Park and the two linear parks. Pedestrian and cyclist movement has been prioritised with shared surfaces and segregated footways provided. Roads have been designed to allow a maximum speed limit of 20mph using changes in road surface and tighter road alignment particularly on bends so allowing for only limited use of intrusive visual signage.

6.6.0 Chapter 10: Integrating larger developments within the village

- 6.6.1 The existing boundary planting between the proposed properties on the Appeal site and existing properties in the village is maintained and enhanced to maintain privacy rather than thickened so as to ensure the proposals are not isolated from the existing village.

- 6.6.2 I note there are no views through the site to the open countryside to the north. I have also highlighted that a central Meadow Park has been created in the centre of the proposed development along the existing and enhanced chalk stream to create a sense of visual openness and a visual integration across the proposed development from Poor Well and Cow Lane to the south. In particular, this central space allows views from the Appeal site to the south and back into the village between the existing development on either side of Poor Well along Cow Lane.
- 6.6.3 The street network on the Appeal site has been designed to be informal with a hierarchy of interconnected streets of different widths and surfaces so as to avoid grids.
- 6.6.4 Different character areas have been designed in the layout on the Appeal site so as to give variety and visual texture across the site and along the various roads and routes.
- 6.6.5 There are no gateway buildings. Two of the proposed buildings containing flats face the central Meadow Park are slightly taller than the other buildings in the RMA. They provide natural surveillance to this key amenity space.
- 6.6.6 The proposed frontages along the key roads are generally informally aligned with spaces between the houses with this variation enhance by using different designs and materials.
- 6.6.7 There is a clear and comprehensive network of pedestrian routes and cycleways as illustrated in Chapter 6 of the submitted DAS.
- 6.6.8 The sustainable drainage proposals are comprehensive and dealt with by Mr Totman in his PoE.
- 6.6.9 The height of all the development on the Appeal site is below the crown of the surrounding mature trees and in particular those along the boundary with Poor Well.
- 6.6.10 The proposed buildings on the Appeal site are designed to have a variety of elevations and use a variety of materials and textures.
- 6.6.11 A variety of parking is provided including integral garages, detached garages, attached garages, and courtyards and so minimise the impact of the parking provision.
- 6.7 I noted that the FVDG highlights “Additional Guidance” for the Appeal Site in Fig 46 on page 16.
- 6.8 One of the points of “Additional Guidance” is the aspiration for a viewing corridor from Cow Lane. As I have stated there are no long distance views north to the open countryside from Cow Lane.
- 6.9 The indicative viewing corridor is also obscured by the mound and trees along the boundary of the Appeal Site and Poor Well and then by the railway and embankment along the northern boundary of the Appeal Site.

- 6.10 The indicative viewing corridor also steps westward behind the properties in The Pines. This step is blocked by the properties in The Pines.
- 6.11 I also note that because there is no access to the Appeal Site from Poor Well, the proposed viewing corridor could only be viewed from Cow Lane and across Poor Well.
- 6.12 Despite the fact that this viewing corridor cannot be achieved, the aspiration for a corridor is acknowledged and one is created within the RMA proposals along the restored and enhanced chalk stream.

7.0 Affordable Housing Provision

- 7.1 I note that the provision and mix of affordable housing is set down in Schedule 3 of the S106 agreement signed with SCDC and attached to the Outline Consent in 2017.
- 7.2 This Agreement sets down that 20 affordable units may be clustered together and that no clusters should adjoin or neighbour each other.
- 7.3 The Agreement sets down that 8x1 bed and 8x2 bed affordable rented units and 12x2 bed and 5x3 bed shared ownership units. This is a total of 33 units.
- 7.4 33 affordable units are provided and identified within layout, BW 28815 A P10-010 P4 submitted for the RMA.
- 7.5 I note that in my experience, for appropriate management reasons, Housing Associations or Registered Social Landlords prefer to have their units in clusters and where they might be in blocks of flats located to ensure that access doors and staircases are easily managed and maintained without landlord confusion.

8.0 Response to the Reasons for Refusal.

Reason 1

8.1 As I have noted above in Section 5, the Parameters Plan approved with the Outline Approval in 2017 sets down that up to two and a half storey buildings are permitted and that the height of ridges and eaves are to be determined with the RMA.

8.2 As I have noted above in my assessment, there is a significant existing planting and a raised mound along the southern boundary of the Appeal site and Poor Well. In my view there is a limited view through to the Appeal site.

8.3 I have also highlighted that the northern boundary of the site is formed by a railway embankment and areas of mature tall planting and as a result there are no views beyond and to the north of the Appeal site because of this embankment.

8.4 As there are only limited views through to the Appeal site from Poor Well and Cow Lane in front of it and no views to the open countryside to the north, the proposals on the Appeal site cannot be:

‘Significantly erod(ing) the existing wide open view and green space, which provides a positive connection between the existing village and adjacent countryside’

8.5 As Ms Toyne’s evidence shows, the proposed development on the Appeal site and in particular Blocks A and B, cannot be seen above the crown of the existing trees on the southern boundary of the site with Poor Well. Therefore, in my view, there can be no *‘significant harm’* caused to either the character or the appearance of the area.

8.6 I note that the Appellants have clearly understood the general aspirations of the FVDG and have therefore created a new wide central open space, north south, through the Appeal site along the existing chalk stream.

8.7 To ensure that this new park has a level of natural surveillance, the two taller buildings in the development, Blocks A and B, have been located on either side of the Meadow Park. This in my opinion is a highly appropriate and sensitive design response.

8.8 I have noted above that the development on the Appeal site sits entirely within the permitted development areas set down on the plan approved with the Outline Consent.

8.9 I have noted that the new residential units were always to be raised above the existing ground levels of the Appeal site on development platforms.

8.10 In Ms Toyne's evidence, she assesses the visual impact of the proposed development at these proposed levels and while the development is raised above the existing ground levels, her evidence along with the verified views show that this does not

'enhanc(e) the adverse prominence and dominance of the central apartment buildings within the site and within views from the surrounding area, creating a scale of development that is out of keeping with the character of the area.'

8.11 I also note that in the Officers Report to the planning committee for the RMA, they state that even if there was a view, the proposed development on the Appeal site is entirely within the parameters of the Outline Consent and its planning conditions and that in para 125 of their report:

'the introduction of built form of development into the existing undeveloped view is inevitable and that the layout has sought to retain key views along the chalk stream, framed by the proposed development'.

8.12 And that on balance in their para 133:

'Officers acknowledge that there is a degree of conflict with Figure 46 and guidance note 10.3 of the Village Design Guide by virtue of the introduction of a built form of development. However, the conflict must be weighed against the requirement for the layout of the site to follow the provisions of the outline consent secured in condition 4 and 6 of that permission. Therefore, the introduction of a built form of development into the existing undeveloped view is inevitable. Officers consider that the layout has sought to retain key views along the chalk stream, framed by the proposed development, as highlighted within the Village Design Guide'.

8.13 It remains my view that there is no viewing corridor as suggested on Fig 46 of the FVDG but the proposals on the Appeal sign acknowledge this aspiration in principle and have been designed as a sensitive and appropriate response to that aspiration. The proposals neither in height or scale result in significant harm to the character and appearance of the area but rather significantly enhance the existing site and provide a well-designed residential development addition to the village.

Reason 4

8.14 I have reviewed and assessed the affordable housing provision in the proposed development on the Appeal site.

8.15 The affordable housing to be provided within the development is set down in the S106 Legal agreement attached to the 2017 Outline consent. This requires 33 units in clusters of no more than 20 units.

8.16 I have noted the policies highlighted in the RfR and that both policies were adopted after the Outline Consent was granted.

- 8.17 I note that in the Officers report to committee in para 102 that:
- *'the Council's Affordable Housing Team has confirmed their support for the mix, tenure and layout.'*

And in para 104

- *The proposals would comply with the provisions of the outline consent and associated Section 106 Agreement in terms of affordable housing provision and clustering within the proposed layout.*
- 8.18 In my view the proposals in the development on the Appeal site fully comply with the provisions of the S106 Agreement attached to and the Outline Consent for the site granted in 2017.

Reason 5

- 8.19 I have reviewed the proposed location of the 17 affordable units in a single cluster in the north-western part of the Appeal site.
- 8.20 I note that having 17 units in a cluster is entirely in accordance with the S106 Agreement attached to the Outline Consent in 2017.
- 8.21 In my evidence above I highlight that the developer was aware of the potential for noise from the light industrial units to the north of the western part of the site and a noise mitigation study and strategy was undertaken and submitted. This study confirmed that development could be acceptable, and the proposed mitigation strategy was subject to formal consultation with the Council's Environmental Officer who raised no objection to the proposals.
- 8.22 In Para 275 of the Officers report to committee it states:
- *Officers were satisfied that, subject to the appropriate mitigation measures secured by conditions 19 and 20 of the outline consent, the future occupiers of the development would not be adversely impacted by the adjacent noise sources.*
- 8.23 In my view residential units can therefore be located in the north-western part of the site irrespective of whether those units may be affordable rented, shared ownership tenure or for sale.
- 8.24 In my view the proposals in the development on the Appeal site fully comply with Policies listed in the RfR.

9.0 SUMMARY AND CONCLUSION

- 9.1 I have set out the Reasons for Refusal in Section 2 and 8.
- 9.2 I have set out and reviewed the design proposals in Section 5
- 9.3 I have set out and reviewed the relevant design guidance and the planning policies and in particular the Fulbourn Village Design Guide in Section 6.
- 9.4 I have set my Response to Reasons for Refusal in Section 8
- 9.5 It is my view that the proposals address and fully and successfully meet the design aspirations set down in the **NPPF** and the local design guidance including the Fulbourn Village Design Guide.
- 9.6 I conclude that the proposed layout and detail design in the RM application on the Appeal site demonstrate a careful evaluation of the constraints on the site and provide a well-considered, sensitive, robust and a highly appropriate design solution in the context of the site and the policies of SCDC and the local design guidance, in particular the Fulbourn Village Design Guide and that there are no sound design reasons for the refusal of the Appeal scheme.

James Carr

Mapridge Design Studios Ltd.

26th April 2022