



Appeal Decisions

Hearing held on 10 November 2009

Site visit made on 10 November 2009

by **L Rodgers** BEng CEng MICE MBA

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

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Decision date:
9 December 2009

Appeal A Ref: APP/W0530/A/09/2108314

Land between A14 eastbound on-slip road and Cambridge Road, Milton, Cambridge, Cambridgeshire. Easting 5471373 Northing 2621547

- 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 Turnstone Estates Limited against the decision of South Cambridgeshire District Council.
- The application Ref S/1792/08/F, dated 10 October 2008, was refused by notice dated 12 January 2009.
- The development proposed is erection of 120 bed hotel and restaurant, together with associated parking and infrastructure.

Appeal B Ref: APP/Q0505/A/09/2108317

Land between A14 eastbound on-slip road and Cambridge Road, Milton, Cambridge, Cambridgeshire. Easting 5471373 Northing 2621547

- 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 Turnstone Estates Limited against the decision of Cambridge City Council.
- The application Ref 08/1420/FUL, dated 10 October 2008, was refused by notice dated 12 January 2009.
- The development proposed is erection of 120 bed hotel and restaurant, together with associated parking and infrastructure.

Decision

1. I dismiss both Appeal A and Appeal B.

Procedural matters

2. The appeal site lies largely within the area controlled by South Cambridgeshire District Council. There is, however, a small part of the site that falls within the administrative area of Cambridge City Council. Both Councils refused the application. Noting that there were some differences in the reasons for refusal I have considered whether to treat each appeal independently and issue separate decisions.
 3. However, the same application was put to each Council and the Appellant has submitted a common statement. More importantly, the part of the development falling within the City Council area is largely comprised of the restaurant and a small area of the car park and I do not consider these facilities to be separable from the rest of the hotel. In my opinion it would make little sense to look independently at each part of the development. I have therefore determined to deal with the development as a single entity and
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issue a single decision letter. References within the letter to 'the Council' refer to South Cambridgeshire District Council unless otherwise specifically identified.

4. At the hearing the Appellant submitted copies (certified as true copies of the originals) of a s106 agreement in relation to the appeal site. Each copy was signed by one of the parties to the obligation. These documents form a material consideration which I shall take into account in my determination.

Main issues

5. All parts of the appeal site lie within the Cambridge Green Belt and the proposed development would result in a new building. *Planning Policy Guidance: Green Belts* (PPG2) says at paragraph 3.4 that the construction of new buildings inside a Green Belt is inappropriate unless it is for one of a number of defined purposes. The hotel would not be for any of these purposes and the main parties agree that the proposal should be regarded as inappropriate development. I see no reason to take a different view.
6. Given it is accepted that the proposal would constitute inappropriate development I consider that the main issues are;
 - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
 - its effect on the character and appearance of the area;
 - its effect on highway safety and traffic flows;
 - its effect on the living conditions of future hotel guests with respect to traffic noise from the A14;
 - whether, having regard to Circular 05/2005, the developer contributions sought by each Council are necessary and directly related in scale and kind to the proposed development; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Background

7. The appeal site lies at the eastern end of a larger parcel of land known locally as the 'Teardrop' site. This sits to the northeast of junction 33 of the A14 and has its southern boundary formed by the A14 slip road and its northern boundary by Cambridge Road. There is a pedestrian/cycle bridge to the east of the site (the Jane Coston bridge) that gives access over the A14 from Milton into Cambridge. A small industrial estate lies further to the east beyond the bridge and there is a Tesco store on the northern side of Cambridge Road. There are several business and science parks immediately to the south of the A14 which are at the edge of the built limits to Cambridge.
8. The appeal site is outside of the built limits to Milton and it is accepted by the Appellant that it is, in planning terms, in the countryside. According to the

Council the land has been part of the Green Belt since at least 1965. With the exception of the industrial estate to the east of the bridge, the Green Belt encircles Milton.

9. Previous planning applications submitted around 1981/82 for the erection of warehouse units and industrial units on the Teardrop site were refused. Subsequent appeals (APP/5142/A/81/12352 and APP/5142/A/82/01344) against these refusals were also dismissed.
10. The Teardrop site has previously been used for activities connected with the improvement of the A14, such as the provision of welfare facilities and plant/equipment storage. A Certificate of Lawful Development was granted in respect of these activities. However, excepting the application now subject to this appeal, there have been no other planning applications on the site. The site is largely open field which is currently used for grazing.

Effect on the Green Belt

11. PPG2 makes it clear that inappropriate development is, by definition, harmful to the Green Belt and that substantial weight will attach to that harm. PPG2 also says that the most important attribute of Green Belts is their openness. The proposed hotel would be a large 'L' shaped structure and would occupy an appreciable proportion of both the length and width of the appeal site. It would also occupy an appreciable proportion of the width of the Green Belt which at this point is coincident with the site. Consequently, I am in no doubt that the development would have a very marked effect on the openness of the Green Belt, a matter adding very significant weight to the harm by reason of inappropriateness.
12. Paragraph 1.5 of PPG2 identifies five purposes of including land within the Green Belt. The appeal site is part of a narrow strip of land that separates the built form of Milton from the built development that lies within Cambridge. It is described by the Council as a 'fragile' piece of land. In considering the two earlier appeals, APP/5142/A/81/12352 and APP/5142/A/82/01344, the Secretary of State agreed with the Inspector's finding that the site is important in maintaining a green wedge between Milton and Cambridge.
13. The Appellant accepted at the hearing that the Inspectors' draft report (August 2009) into their examination of the South Cambridgeshire Site Specific Policies Development Plan Document (DPD) should be accorded significant weight. Given its late stage in the overall process, I agree. In considering a number of specific sites the Inspectors noted that the land "at Milton, north of the A14, is narrow but fulfils the Green Belt purpose of separating Milton from the built-up area of Cambridge" and should remain within the Green Belt.
14. Notwithstanding the small industrial development already in place to the east of the appeal site I agree with the previous Inspectors that the site performs an important function in preventing the coalescence of Milton and Cambridge. In this respect the site performs a particularly valuable role when driving into Milton from the A14/A10 interchange as it provides a clear visual separation of the two built-up areas.
15. Although the appeal site is only part of the larger Teardrop site it is my view that construction of the hotel would seriously undermine the current

segregation of Milton and Cambridge. Whilst I acknowledge that each application must be considered on its own merits, construction of the hotel may also make it more difficult for the Council to resist future applications on the remainder of the site.

16. One of the five purposes of including land within the Green Belt land is to check the unrestricted sprawl of large built-up areas. I find that this purpose would be severely compromised by the proposed development and I consider that this adds considerable weight to the harm by reason of inappropriateness. The views of the previous Inspectors reinforce the level of weight I have attributed to this matter.

Character and appearance

17. The appeal site is currently an open field with some peripheral trees and, as noted above, is designated as countryside. To my mind it provides a contrast between the built form of Milton to the north and Cambridge to the south and gives a semi-rural feel to the approach to Milton. This helps to identify Milton as a separate entity to Cambridge and encourages its village feel.
18. Following a number of amendments to the original proposal I understand that there are no objections from the Council to the proposed design itself. Indeed, the Council's Urban Design Team (UDT) appreciated the creation of an ordered 'gateway' to the village considering that it represented good urban design principles. A significant proportion of the existing trees would be retained and it is intended to enhance the landscaping. I note that the UDT acknowledged in its consultation response that the proposal plans to bring about a significant environmental improvement to the area.
19. I agree that the proposed hotel's design and layout are, in isolation, acceptable and not of themselves harmful. Nevertheless, whilst I do not consider the existing landscape to be particularly attractive, the proposed development would dilute its effectiveness in providing visual relief to the surrounding urban built form. I note that whilst the comments of the UDT are generally supportive, they refer to good 'urban' design.
20. The Appellant's Visual Impact Assessment considers that most receptors (who, it is noted, would in any event be largely transient) would already perceive the landscape setting as being urban. However, whilst I accept that the encompassing development and isolated, small scale, nature of the site mean that it does not have all the attributes normally associated with an area of countryside, it nevertheless fulfils a role in defining the character of Milton. To my mind, the proposed development would lead to a further urbanisation of the area which would have a detrimental effect on the ambience and character of the village.
21. Notwithstanding the unusual nature of the appeal site, it is defined in policy terms as countryside. Development in the countryside is subject to Policy DP/7 of the adopted South Cambridgeshire District Council Development Control Policies Development Plan Document (2007) which says that outside urban and village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will (be) permitted. The proposed development does not fall into any of these categories and would therefore be contrary to policy DP/7.

22. However, the site is close to other development and transport routes and much of the harm usually associated with isolated development in the countryside is not evident in this case. In my view, no more than moderate weight should attach to this harm.

Highway safety and traffic flows

23. Cambridge Road links junction 33 of the A14 (the A14/A10 interchange) to Milton. It leads off the interchange roundabout at the western end of the Teardrop site and runs past the site to a mini roundabout giving access to the Tesco store. The proposed access would be off Cambridge Road at the western end of the appeal site. A small central island would be created on Cambridge Road which would allow access/egress to and from the site only in a westbound direction (ie towards the interchange roundabout).
24. I understand that the interchange roundabout can be extremely busy at peak times. Both the Highways Agency and the local highway authority initially raised concerns over the adequacy of the Transport Assessment submitted with the application, particularly in addressing the extent to which the development would cause additional traffic queuing on the slip road off the westbound A14. The concern was that traffic may queue back onto the main carriageway of the A14 to the detriment of highway safety. However, following discussions between the Appellant and the concerned parties and subject to the conditions submitted at Document 6, the Highways Agency and the local highway authority confirmed that they no longer wished to object to the proposal. In terms of highway safety I see no reason to take a different stance.
25. It was, however, pointed out on behalf of local residents that getting out of Milton onto the interchange is already difficult with considerable queues up to the interchange, particularly in the mornings. Concerns were raised that adding further hotel traffic would significantly worsen the situation. Whilst I have some sympathy with the resident's position, I understand that changes to the signal controls at the interchange have eased the situation shown in the photographic evidence dating from 2000. I also note that the highway authority has not raised any material objections in this respect.
26. Whilst I accept that vehicles accessing/leaving the hotel are likely to make the existing traffic flows worse, and thereby impact on the living conditions of local residents, I do not consider that the volume of vehicles would be such as to lead to significant harm. In my view this matter adds little weight to the harm previously identified.

Living conditions of future hotel guests

27. The Council considered that the noise assessment submitted with the application was inadequate to allow a proper evaluation of the noise of traffic using the A14 on the living conditions of future guests. However, following further discussions with the Council's Environmental Health Officer the Council stated at the hearing that, subject to the imposition of an appropriate condition, the Council no longer wished to object to the development on noise grounds.
28. I saw on my visit that there is a recently constructed budget hotel (The Premier Travel Inn), a short distance to the east of the appeal site. This is also located

alongside the A14. Although local residents stated that traffic noise was a regular source of complaints at this hotel, it seems to me that it should nonetheless be possible to create an acceptable noise climate by the use of an appropriate design and materials. I agree with the Council that this matter could be dealt with by condition and I have not considered it further at this stage. I consider it adds very little weight to the total harm.

Developer contributions

29. At the hearing the Appellant submitted four copies of an agreement under s106 of the Town and Country Planning Act 1990, each copy being signed by one of the parties to the agreement. The intention of the agreement is to secure a contribution of £359,100 towards the Northern Corridor Area Transport Plan (NCATP). This plan was adopted by the Council as Supplementary Planning Guidance in 2003 and aims to identify the transport infrastructure and service provision needed to facilitate the development of local plan allocations in the particular area. It also seeks to identify a fair and robust means of calculating contributions towards provision of that infrastructure.
30. The Appellant has accepted the principle of the contribution and the appropriate sum has been agreed in line with the NCATP. Based on the evidence before me I find no conflict in this respect with Circular 05/2005 and I accept that the Appellant's actions indicate a clear intention to make the appropriate contributions.
31. I acknowledge that it is sometimes difficult to get all parties to sign a single document and multiple obligations such as those now before me are sometimes used in matters such as conveyancing. However, it is my understanding that, as the obligation is a public law document, there should be only one document signed by all the relevant parties. In these circumstances the submitted copies of the obligation can attract little weight and I am not convinced that they would adequately address the need for a contribution. This adds considerable weight to the overall harm.
32. Cambridge City Council also refused the application on the basis that it failed to make an appropriate contribution to public art in accordance with policies in its development plan. However, the City Council accepted at the hearing that the amount of built form within the City Council's administrative area fell short of the trigger point at which such contributions fall due and I consider that it would be unreasonable in these circumstances to pursue a contribution to public art. Although the Appellant offered no obligation in this respect I find that this matter adds nothing to the harm I have previously identified.

Other considerations

33. The Appellant has put forward a number of other considerations. The site's function and contribution to the purposes of including land within the Green Belt are addressed above, as is the matter of the development's effect on the visual setting of Milton. I deal with the remaining considerations below.

Need for hotel accommodation

34. The Appellant has provided a quantitative and qualitative assessment of the Cambridge hotel market. This found that there are a number of factors driving

a need for more budget hotel rooms to serve the Cambridge market, particularly in the northeast, including the strength of demand and the high room rates of other budget operators.

35. The assessment also refers to the frustration of local business users in seeking reasonably priced hotel accommodation although, as the Council points out, the Appellant's survey seeking the views of local companies in respect of a budget hotel on the appeal site attracted few replies. I note however that the responses received were largely in favour of a budget hotel.
36. The Appellant also considers that a new budget hotel would help in satisfying the demands of lower spending visitors to Cambridge encouraging them to prolong their stays and providing a range of economic benefits to the area.
37. Despite the poor survey response, the Council accepted at the hearing that there is an ongoing need for budget hotel accommodation in Cambridge. The Appellant took account of the recently constructed Premier Travel Inn in the needs assessment and I see no reason to take a different stance to the Council. To my mind the need for hotel accommodation should carry significant weight in favour of the proposal.

Sustainability and suitability of the site

38. In terms of transport, the site is around 3km from the city centre of Cambridge and the Jane Coston bridge gives good pedestrian and cycle access across the A14. The site is also close to local bus transport. To take advantage of these transport links the Appellant intends to implement a Travel Plan designed to encourage both staff and guests to travel by the most sustainable form of transport. The Appellant also considers that locating the hotel on the outskirts of Cambridge may, to some extent, divert existing trips bound for other hotel facilities in the centre of the city, particularly given the site's location adjacent to the A14 interchange.
39. I note that the Cambridge business and science parks are close to the site, as is Milton Country Park. There are also plans for the development of further facilities in the area, such as the Cambridge Sporting Lakes, and it is likely that the Cambridge Northern Fringe East site will be developed, possibly along with a National Rail station.
40. The Appellant has carried out an assessment of alternative budget hotel sites and has concluded that the Teardrop site is the most suitable. Although this assessment did not look at the historic core or rural centres, considering that these were not appropriate to the type of hotel proposed, it did look at sites on, or close to, major radial routes. Whilst the Appellant does not claim that the site is the only available site for a general needs hotel development, it is suggested that the possible sites are extremely limited in terms of meeting the specific needs identified for a budget hotel. I heard no evidence to the contrary.
41. The Council pointed out that any development site should be sustainable and whilst there are good transport links to the appeal site, this merely indicates an absence of harm. To a certain extent I agree. However, notwithstanding the uncertainty over some of the potential developments identified by the

Appellant, I find that the appeal site has a number of specific locational advantages that support the type of development proposed.

42. The Council accepted that there are no explicit site allocations for budget hotels and I consider that this, coupled with the specific suitability of the appeal site, should attract considerable weight in favour of the development.

Other appeal decisions

43. The Appellant has drawn my attention to a number of previous appeal decisions which are considered to involve similar issues to the current appeal and to lend weight to the Appellant's case.
44. In the first, T/APP/H1840/A/98/291431/P4, the Inspector considered that "the development history of your client's hotel, and the shortage of good quality hotel/conference facilities in Droitwich-Worcester amount to very special circumstances which comfortably outweigh the harm to the Green Belt". However, in this case the application involved alterations and extensions to an existing hotel, part of which would be below ground level. In contrast to my earlier findings, the Inspector found that the degree of harm to the Green Belt would be insignificant.
45. The second decision, APP/N1920/A/03/1116184, involved a site that, although countryside by definition, was an isolated piece of land surrounded by transport infrastructure. In that respect there are some similarities to the current appeal site. However, in APP/N1920/A/03/1116184 the land was only partially in the Green Belt and the only harm identified by the Inspector was that by reason of inappropriateness. The Inspector also noted that the site "does not carry the perception of being an important green wedge or other open area between or amongst built development". A similar conclusion had also been reached at an earlier stage by the Inspector for the St Albans Local Plan. In the current appeal a number of previous Inspectors and the Secretary of State have accepted the importance of the land in green belt terms and I have found that there are additional, weighty, harms in addition to inappropriateness. In my view the circumstances of APP/N1920/A/03/1116184 are materially different to the appeal now before me.
46. The third decision, APP/N1920/A/06/2015527, involved a later appeal on the same site as APP/N1920/A/03/1116184. The Inspector found that the "appeal proposal would not be materially more harmful to the character and appearance of the area than the scheme for which the Council has already granted planning permission". Again I find the circumstances to be materially different to the current appeal.
47. The fourth decision, APP/W1525/A/00/1050488, did not involve development in the Green Belt and for this reason alone is dissimilar to the appeal before me.
48. Taking account of all the matters above it is my view that the other decisions brought to my notice all involved materially different considerations to the current appeal and consequently they add little weight in favour of the development.

Additional factors

49. The Appellant considers that there are a number of further factors in favour of the development. These include the use of sustainable technologies in its construction, the value of the hotel in providing acoustic shielding of the A14 from Milton, the screening of views from the entrance to Milton through to the A14 and the Innovation Park, an enhanced perception of Cambridge for travellers on the A14 and an enhanced amenity and ecological value deriving from the new planting.
50. I accept that some of these, such as the acoustic screening, may bring peripheral and specific benefits in favour of the development, whereas others, such as the use of sustainable technologies, should feature in any development. Even when taken collectively I do not consider these factors to be material and in my view they carry little weight in favour of the hotel.

Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations

51. The proposal constitutes inappropriate development which is by definition harmful to the Green Belt. Substantial weight must be attached to that harm. I have found that there would also be very significant harm to the openness of the Green Belt and considerable harm to its purpose of checking the unrestricted sprawl of large built-up areas. The lack of an acceptable s106 obligation also adds considerable harm and there would be some, albeit moderate, harm to the character of the area.
52. For the appeal to succeed the other considerations must clearly outweigh the totality of the harm arising. In my view significant weight should be attached to the need for hotel accommodation. The lack of allocated sites for budget hotels and the sustainability and suitability of the appeal site should attract considerable weight in favour of the development. However, I have found nothing else to add material weight in favour of the development and despite the weight I have attached to these other considerations, it is my view that they would not clearly outweigh the totality of the harm. Consequently, the very special circumstances necessary to justify the development do not exist.
53. Even had I deemed the submitted s106 obligations acceptable, and I note that no objections have been raised in this respect by either Council, it is still my view that the other considerations would fail to clearly outweigh the totality of the harm.

Conclusion

54. Having had regard to all other matters before me I find nothing to alter my overall conclusion that, for the reasons above, both appeals should be dismissed.

Lloyd Rodgers

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr J Bainton BA (Hons), Dip TP, MSc, MRTPI	Januarys, Consultant Surveyors
Mr C Brown BA (Hons), MRTPI	Januarys, Consultant Surveyors
Mr C Gent M Eng, C Eng, MIHT, MICE	Capita Symonds
Mr R Morrish BSc, Dip LD, MA, CMLI	Richard Morrish Associates
Mr W Mooney MRICS	Jeffersons for Travelodge

FOR THE LOCAL PLANNING AUTHORITIES:

Mr J Koch Dip TP, MRTPI	Appeals Manager, South Cambridgeshire District Council
Mr P Carter MRTPI	Development Control Manager, Cambridge City Council

INTERESTED PERSONS:

Mr L Talbot BA, Bsc	Highways Agency
Mr D Rhoden	Highways Agency
Cllr H Smith	Representative of Milton on South Cambridgeshire District Council
Mr R Chapman, Chairman, Milton Parish Council	Speaking as Chairman of the Parish Council on its behalf
Mrs J Coston	Parish Councillor

DOCUMENTS

- 1 Bundle of e-mails from local residents. Submitted by Mr Koch.
- 2 Letter from Highways Agency. Submitted by Mr Koch.
- 3 Letter from Cambridgeshire County Council. Submitted by Mr Koch.
- 4 s106 agreements (4 No.). Submitted by Mr Bainton.
- 5 Bundle of documents inc. 'Guide to Milton 2009', 'Milton 2000' etc. Submitted by Mrs Coston.
- 6 Suggested highways conditions. Submitted by Mr Talbot.
- 7 Design consultation statement from South Cambridgeshire District Council Urban Design Team. Submitted by Mr Bainton.