

**TOWN & COUNTRY PLANNING ACT 1990**

**SECTION 78**

**APPEAL BY SUNLEY ESTATES LTD**

Land East of Broad Road, Hambrook, Chichester

Planning Application Number: 14/02138/OUT

Planning Inspectorate Reference: APP/L3815/W/15/3004052

**APPENDICES TO THE PROOF OF EVIDENCE OF MARK HEWETT**

**HOUSING LAND SUPPLY**

August 2015

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## Appendix MH01

# APPENDIX MH01 - Summary of Five Year Housing Land Supply position in Chichester District

## Period 1st April 2015 to 31st March 2020

		Using Adopted Core Strategy (July 2015) Requirement (435 dpa)		Using Core Strategy Inspector's view of OAN 505 DPA	
		CDC	IL	CDC	IL
20% BUFFER	5yr HLS Requirement including appropriate shortfall	2,620	2,620	3,180	3,180
	Buffer Percentage	20%	20%	20%	20%
	Buffer	524	524	636	636
	<b>Requirement including Buffer</b>	<b>3,144</b>	<b>3,144</b>	<b>3,816</b>	<b>3,816</b>
	<b>Assessment of Supply</b>	<b>3,312</b>	<b>2,549</b>	<b>3,312</b>	<b>2,549</b>
	Surplus (Shortfall)	168	-595	-504	-1,267
	Surplus (Shortfall) Percentage of Requirement (including buffer)	5.34%	-18.91%	-13.21%	-33.19%
	<b>Years Supply out of five</b>	<b>5.27</b>	<b>4.05</b>	<b>4.34</b>	<b>3.34</b>
	Supply as a %age of Requirement (including buffer and shortfall)	<b>105%</b>	<b>81%</b>	<b>87%</b>	<b>67%</b>

CDC Position

IL Position

## Appendix MH02

APPENDIX MH02 - Comparison of Five Year Housing Land Supply Trajectories Chichester District 2015-2020																				
	LPA No.	Site address	Parish	DCS Sub area	Total Units (Gross)	Planning ref	CDCSUPPLY						INTELLIGENT LAND SUPPLY (Net)						DIFF	
							2015 to 2016	2016 to 2017	2017 to 2018	2018 to 2019	2019 to 2020	2015 to 2020	2015 to 2016	2016 to 2017	2017 to 2018	2018 to 2019	2019 to 2020	2015 to 2020		
Table A: Sites with outstanding or part implemented planning permission for 6 or more dwellings at 1 April 2014	1	Opal House Chichester Marina Birdham	Birdham	Other area	10	13/03105/P3JPA	10						10	10					10	
	2	Field North West Of The Saltings Crooked Lane	Birdham	Other area	15	13/01391/FUL			15			15							0	-15
	3	Land at Tawny Nurseries, Bell Lane	Birdham	Other area	30	12/04147/OUT - 2199668	10	20				30		10	20			30		
	4	Bartholomews Ltd, Bognor Road	Chichester	Other area	111	15/01731/REM				25	26	51				25	26	51		
	5	Portfield Football Club, Church Road	Chichester	Other area	80	14/02382/EXT			40	40		80			40	40		80		
	6	Graylingwell	Chichester	Other area	750	14/01018/OUT	87	37	70	75	75	344	52	52	52	52	52	260	-84	
	7	Rousillon Barracks	Chichester	Other area	252	10/03490/FUL	66	33	20	7		126	66	33	20	7		126		
	8	Land at Kingsmead Avenue	Chichester	Other area	43	10/05597/OUT						0						0		
	9	The Regnum Club, 45a South Street	Chichester	Other area	9	12/00107/LBC & 13/00066/FUL	9					9	9					9		
	10	The Heritage, Winden Avenue	Chichester	Other area	92	10/02034/FUL	36					36	36					36		
	11	The Woolstaplers Car Park	Chichester	Other area	26	13/00288/FUL						0						0		
	12	5-6 Southgate	Chichester	Other area	9	13/01976/P3JPA	9					9	9					9		
	13	Sussex House, 12 Crane St	Chichester	Other area	7	13/03632/P3JPA	7					7	7					7		
	14	Marshalls Mono, Broad Road	Hambrook	Other area	86	09/04314/OUT & REM						0						0		
	15	Land North of The Willows Hambrook Hill	Chidham & Westham	Other area	11	13/01093/OUT	6					6	11					11		
	16	Stockbridge Garage, 1 Birdham Road	Donnington	Other area	10	07/04732/FUL						0						0		
	17	Land At Southfields Close	Stockbridge	Other area	112	14/00955/FUL	25					25	25					25		
	18	Former Depot Site, Piggery Hall Lane	East Wittering	East Wittering	17	12/03749/FUL						0						0		
	19	Land North East of Beech Avenue. Bracklesham	East Wittering	East Wittering	50	12/02461/FUL	40					40	40					40		
	20	Salthill Road	Fishbourne	Other area	20	09/02431/OUT	20					20	20					20		
	21	Land East Of Follis Gardens, Clay lane	Fishbourne	Other area	25	13/02278/OUT	25					25	13	12				25		
	22	Foxbridge Drive	Hunston	Other area	18	12/02692/FUL						0						0		
	23	Hunters Rest, Lavant Road	Lavant	Other area	24	11/03912/OUT & 13/00036/REM	23					23	23					23		
	24	Palmer Place, Lagness Road	Runcton	Other area	15	12/04780/FUL						0						0		
	25	Shopwyke	Chichester	Other area	500	11/05283/OUT	0	40	78	108	113	339				30	45	75	-264	
	26	Land north of Gribble Lane	Oving	Other area	11	13/02674/FUL						0						0		
	27	The Seal Hotel, 6 Hillfield Road	Selsey		18	SY/89/00208/FUL						0						0		
	28	Park Farm	Selsey	Selsey	50							0						0		
	29	31 Southbourne Avenue	Southbourne									0						0		
	30	Land East of Manor Way	Southbourne	Southbourne	10	13/02966/FUL						0						0		
	31	Prinsted Court, Longlands Road	Southbourne	Southbourne	20	12/03205/FUL	-8					-8	-8					-8		
	32	Land west of Garsons Road	Southbourne	Southbourne	70	12/04701/OUT - 2198103		30	40			70		30	40			70		
	33	Former Tangmere Airfield Hanger Area	Tangmere	Other area	160	08/01390/OUT & 13/00045/EXT	30	40	40	40	10	160	30	40	40	40	10	160		
	34	Former RAF Tangmere Barrack Block 116	Tangmere	Other area	11	11/04058/FUL & 13/00045/EXT	11					11	11					11		
	35	Land on the east side of Meadow Way	Tangmere	Other area	59	12/01739/OUT - 2193587		20	39			59		20	39			59		
	36	Maudlin Nursery, Hanging Basket Centre, Stane Street	Westhampnett	Other area	100	12/02360/OUT		19	40	40		99		19	40	40		99		
Table A: Total Deliverable dwellings (net) at 1st April 2014 - Chichester Local Plan							406	239	382	335	224	1,586	354	216	291	234	133	1,228		

Table B: Sites of 6 or more dwellings added to housing land supply since April 2014	37	Rowan Nursery Bell Lane Birdham	Birdham	Other area	27	13/00284/FUL	16	9				25	16	9				25	
	38	The Woolstaplers Car Park	Chichester	Other area	16	13/00288/FUL		16				16	16					16	
	39	The Chambers, 28 Chapel Street	Chichester	Other area	6	14/00842/P3JPA	6					6	6					6	
	40	Land North 20 Otway Road	Chichester	Other area	17	13/03113/FUL	17					17	17					17	
	41	The Tannery, Westgate	Chichester	Other area	15	14/00506/P3JPA	15					15	15					15	
	42	The Chequers, 203 Oving Road	Chichester	Other area	8	13/04181/FUL	8					8	8					8	
	43	Graylingwell (inc Kingsmead Avenue)	Chichester		391	CC/14/01018/OUT	-3	-3	-2	-2	-2	-12	-3	-3	-2	-2	-2	-12	
	44	Flat Farm, Broad Road	Hambrook	Other area	9	13/01610/OUT		8				8		8				8	
	45	Land west of Broad Road	Hambrook	Other area	28	12/04778/FUL - 2205287	28					28	28					28	
	46	Wakefords Fields, Broad Road	Hambrook	Other area	30	13/03376/OUT - 2216805		15	15			30		15	15			30	
	47	Chidham Garage & Service Station Main Road Chidham	Chichester	Other area	9	14/01354/FUL		9				9		9				9	
	48	Land At Southfields Close	Stockbridge	Other area	4	14/00955/FUL	4					4	4					4	
	49	Land north of Kirdford Growers	Kirdford	Other area	min 45	Plan Policy KSS1	5	10	10	10	10	45	5	10	10	10	10	45	
	50	Land at Townfield	Kirdford		6 to 10	Plan Policy KSS5						0						0	
	51	Land at Cornwood and/or School Court	Kirdford		min 9	Plan Policy KSS2a						0						0	
	52	Land South of Loxwood Surgery Farm Close	Loxwood	Other area	17	13/02025/FUL	17					17	17					17	
	53	Land south of Stoney Lodge, School Lane	North Mundham	Other area	25	13/01036/OUT - 2203195	10	15				25	10	15				25	
	54	Land north west of Park Road, off Drift Road	Selsey	Selsey	110	15/00490		40	40	30		110		40	40	30		110	
	55	Home Farm Hostel Chichester Road Selsey PO20 9DX	Selsey	Selsey	9	14/01758/FUL	8					8	8					8	
	56	5-9 High Street	Selsey	Selsey	10	14/02930/FUL		9				9		9				9	
	57	Park Farm	Selsey	Selsey	139	SY/14/02186/OUTEIA			20	40	40	100			20	40	40	100	
	58	Land north of Main Rd and west of Inland Rd	Southbourne	Southbourne	157	14/02800/OUT		40	40	40	37	157		40	40	40	37	157	
	59	Land East Of 181 Main Road	Southbourne	Southbourne	20	14/02326/FUL		20				20		20				20	
	60	Chaucer Drive	West Wittering	Other area	50	13/03286/FUL	40	5				45	40	5				45	
	61	Maudlin Nursery, Hanging Basket Centre, Stane Street	Westhampnett	Other area	25	12/02358/OUT						0						0	
	62	S/O Meadowbank, Petworth Road	Wisborough Green	Other area	25	14/00748/OUT		10	15			25		10	15			25	
	63	Greenways Nursery Kirdford Road Wisborough Green	Wisborough Green	Other area	10	13/00744/FUL - 2209917	8					8	8					8	
Table B: Total Deliverable dwellings (net) 2015 - 2020 - Chichester Local Plan area							179	203	138	118	85	723	195	187	138	118	85	723	

Table C: Other Sites- 6 or more within Settlement Boundary (SHLAA)	64	Land South of Graylingwell Drive	Chichester	Other area	min 130	15/00743/OUT		0	30	50	50	130				9	52	60	-70
	65	Warrendell, off Plainwood Close	Chichester			SHLAA Site						0						0	
	66	The Tannery, Westgate	Chichester	Other area		14/00506/P3JPA		13				13		13				13	
	67	Windmill Bungalow, Queens Avenue	Chichester	Other area		No planning application.		16				16		16				16	
Table C: Total Deliverable dwellings (net) 2015 - 2020 - Chichester Local Plan area							0	29	30	50	50	159	0	29	0	9	52	89	

Table D: Sites Allocated in Chichester Local Plan 2014-2029 and draft Neighbourhood Plans that have completed Submission (Regulation 16)	68	West of Chichester SDL	Chichester	Other area	1,600	Chichester LP Policy 15		0	25	75	75	175					90	90	-85
	69	Westhampnett/ North East Chichester SDL	Westhampnett & Chichester	Other area	500	Chichester LP Policy 17		0	40	65	65	170					45	45	-125
	70	Tangmere SDL	Tangmere	Other area	1,000	Chichester LP Policy 18		0	0	50	75	125						0	-125
	71	Land East of Mosse Gardens (Phase 2)	Fishbourne	Other area	25	Policy SD1			25			25			25			25	
	72	Land at Roman Palace	Fishbourne		15							0						0	
	73	Land at Nursery Site (west of B2133 Guildford Road)	Loxwood	Other area	min 43	Policy 5		0	0	20	23	43		0	0	20	23	43	
	74	Land North of Alfrey Close (remaining land)	Southbourne		min 125							0						0	
	75	Land at Nutbourne West	Southbourne	Southbourne	50	Policy 2 (IV)			17	17	16	50			17	17	16	50	
	76	Tangmere Academy	Tangmere									0						0	
	77	The Yews, City Fields Way	Tangmere									0						0	
	78	Land to the West of Malcolm Road	Tangmere									0						0	
	79	Clark's Yard, Billinghamurst Way	Wisborough Green		min 11				11			11			11			11	
	80	Winterfold, Durbans Road	Wisborough Green									0						0	
Table D: Total Deliverable dwellings (net) 2015 - 2020 - Chichester Local Plan area							0	0	107	238	254	599	0	0	42	48	174	264	

Large Sites (6+ Dwellings): Total Deliverable dwellings (net)	585	471	657	741
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## Appendix MH03

## APPENDIX MH03 - Calculation of 5 year Housing Land Supply requirement

Chichester District

### Using Local Plan adopted requirement of 435dpa

For the period 2015 to 2020	Local Plan Requirement 2014 - 2029	Annual Requirement	Requirement 2012 - 2015	Completions 2012 - 2015	Shortfall (surplus) 2012 - 2015	5 Year Requirement	Annual Requirement
	a	b	c	d	e	h	i
Shortfall spread over 5 years		=a/15	=bx3		=c-d	=(bx5)+e	=h/5
	6,525	435	1,305	860	445	2,620	524

### Using Local Plan Inspector's View of OAHN requirement of 505dpa

For the period 2015 to 2020	Local Plan Requirement 2014 - 2029	Annual Requirement	Requirement 2012 - 2015	Completions 2012 - 2015	Shortfall (surplus) 2012 - 2015	5 Year Requirement	Annual Requirement
	a	b	c	d	e	h	i
Shortfall spread over 5 years		=a/15	=bx3		=c-d	=(bx5)+e	=h/5
	7,575	505	1,515	860	655	3,180	636



## Appendix MH04

## Appeal Decision

Inquiry held on 8-10 April and 2 May 2014; unaccompanied site visit made on 7 April 2014 and accompanied site visit made on 2 May 2014

**by Pete Drew BSc (Hons), Dip TP (Dist) MRTPI**

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

**Decision date: 25 June 2014**

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**Appeal Ref: APP/W0530/A/13/2207961**

**Land to the west of Cody Road, Waterbeach, Cambridge CB25 9LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 [hereinafter "the Act"] against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Manor Oak Homes against South Cambridgeshire District Council.
  - The application, Ref S/0645/13/FL, is dated 22 March 2013.
  - The development proposed is erection of 60 dwellings (Class C3), including affordable housing, access, car parking and associated works, open space, landscaping and a children's play area.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 60 dwellings (Class C3), including affordable housing, access, car parking and associated works, open space, landscaping and a children's play area on land to the west of Cody Road, Waterbeach, Cambridge CB25 9LS in accordance with the terms of the application, Ref S/0645/13/FL, dated 22 March 2013, subject to the conditions set out in the attached *Schedule of Conditions*.

### Procedural matters

2. I have been appointed to deal with 2 appeals on nearby, but not contiguous, sites and held 2 Inquiries on consecutive dates to consider the respective appeals. The second appeal was made by Persimmon Homes East Midlands against the decision of South Cambridgeshire District Council to refuse an application to grant outline planning permission for residential development of up to 90 dwellings on land north of Bannold Road, Waterbeach. The appeal [Ref: APP/W0530/A/13/2209166] was heard at an Inquiry held between 13 and 15 May 2014. The decision in respect of that appeal is being issued on the same date as the decision in this appeal as the issues are very similar.
3. Two Planning Obligations dated 10 April 2014 have been submitted in this appeal. The first [Document 14] is between all relevant interests in the land and Cambridgeshire County Council, the headline summary of which is that:
  - i) £127,680 is offered as a contribution towards early years education facilities;
  - ii) £4,366.92 is offered as a contribution towards libraries and lifelong learning;
  - iii) £146,160 is offered as a contribution towards primary education facilities;
  - iv) £6,000 is offered as a contribution towards real time passenger information to the south bound bus stop on Cody Road;
  - v) £11,400 is offered as a contribution towards strategic waste infrastructure facilities;

- vi) £1,899.80 is offered as a contribution towards the cost incurred in the negotiation, preparation and execution of the deed; and,
  - vii) specified off site highway works are offered, comprising upgrading of the south bound bus stop or the north bound bus stop in the event that such an upgrade to the former has already been executed.
4. The second [Document 15] is between all relevant interests in the land and South Cambridgeshire District Council, the headline summary of which is that:
- i) £30,366.88 is offered as a contribution towards the provision of and improvements to indoor community facilities;
  - ii) £66,887.35 is offered as a contribution towards off-site sports facilities;
  - iii) £20,000 is offered as a contribution towards the future maintenance of the on site public open space which will be provided on the appeal site;
  - iv) £94,764.92 is offered as a contribution towards off-site public open space;
  - v) £69.50 per house and £150 per flat is offered as a contribution towards the provision of household waste receptacles;
  - vi) £4,250 is offered as a contribution towards the cost incurred in the negotiation, preparation, execution and monitoring of the deed; and,
  - vii) 24 of the dwellings provided shall be affordable housing units, which comprises 17 affordable rented units and 7 shared ownership units.
5. At the Inquiry I questioned, by reference to Part I of the appeal form, whether all parties with an interest in the appeal site were signatories to the Planning Obligations. I was advised that the other party on whom notice was served at that stage has no interest in the appeal site and was served notice because of their interest in the land over which the proposed drainage outfall would run. The Council is satisfied that all parties with an interest in the appeal site are signatories and whilst I have not seen title I intend to proceed on this basis. I shall return to consider whether the contributions meet the legal tests below.
6. During the conditions session at the Inquiry the Appellant expressed concern about a suggested condition put forward by the Council [Document 18], as a result of which it offered a further Unilateral Undertaking. This was submitted by the Appellant in the timetable agreed at the Inquiry and the Council has confirmed that it has no issues with the manner in which it is drafted. The Unilateral Undertaking [Document 21], dated 15 May 2014, offers the sum of £2,500 as a contribution towards off-site works to complete the footpath links between the appeal site and the existing Cam Locks development to the west.
7. Paragraphs 1.5 and 1.8 of the agreed Statement of Common Ground sets out the basis upon which the Council were minded to refuse the application, based on reports to the Council's Planning Committee in October 2013 and March 2014. This rationale informs my approach to the main issues.

### **Main Issues**

8. In the light of all that I have heard I consider that there are 4 main issues in this appeal. The first is whether relevant policies for the supply of housing are out-of-date. The second is the effect of the proposed development on the character and appearance of the area. The third is whether it is justifiable to dismiss the appeal on the grounds of prematurity having regard to advice in the Planning Practice Guidance ["the Guidance"]. The fourth is whether, having regard to the Development Plan [DP] and the presumption in favour of sustainable development in the National Planning Policy Framework ["the Framework"], this is a suitable and sustainable location for this scale of

residential development. I acknowledge that this represents a revision from those circulated at the Inquiry, but the substantive issues have not changed.

### **Planning policy**

9. The DP includes the Core Strategy DPD [CS] and the Development Control Policies DPD [DCP], which were adopted in January 2007 and July 2007 respectively. Relevant DP Policies include CS Policies ST/2 and ST/5 and DCP Policies DP/3 and DP/7. The Framework has the presumption in favour of sustainable development at its heart and this has three dimensions: economic, social and environmental. Paragraph 11 confirms that applications, and by inference appeals, should be determined in accordance with the DP unless material considerations indicate otherwise. However the Framework is one such material consideration. I examine the Framework in greater detail below.
10. The examination into the South Cambridgeshire Local Plan 2011-2031 [LP], started with its submission to The Planning Inspectorate on 28 March 2014. In accordance with paragraph 216 of the Framework, account can be taken of emerging policies. However the weight to be attached to such policies will depend on: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
11. It is common ground that all relevant policies and proposals, including S/4 and SS/5 which are relied upon in the putative reasons for refusal, are the subject of outstanding objections. Whilst some of those objections have been lodged by those who seek to progress this and other development schemes in the vicinity of Waterbeach this does not alter my view that there are significant unresolved objections outstanding. It remains in prospect that the Inspector appointed to undertake the examination might find that the emerging LP is unsound or recommend main modifications as a result of those objections or otherwise. On the limited information before me the unresolved objections appear to be significant because they go the principle of the policies at issue.
12. In relation to Policy S/4 the extent to which the emerging policy is consistent with the Framework<sup>1</sup> remains at issue between the parties and I shall examine this as part of my consideration of the third main issue, below. Although the strategy of planning for large scale development through the identification of a new settlement might represent the best way of achieving sustainable development, paragraph 52 of the Framework says this should be achieved with community support. However there are 431 objections, presumably all still unresolved, in relation to Policy SS/5, including what the Council has characterised to be "*a local campaign opposed to the new town*"<sup>2</sup>. For these reasons, applying paragraph 216 of the Framework but particularly having regard to the significance of the unresolved objections, I attach limited weight to the relevant policies and proposals of the emerging LP.
13. The Council advised in closing that the examination hearings are not likely to start before mid October 2014. Although I do not have the full picture, based on the limited information before me it would appear that the examination

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<sup>1</sup> Including paragraphs 52, 80 and 82.

<sup>2</sup> Source of quote: page 327 of the bundle appended to Mr Hyde's proof [page 73, Appendix 25].

could be quite lengthy. The Local Development Scheme [LDS, Document 6] says that the examination will be undertaken during "Summer/Autumn 2014" but if the hearings do not commence until October there is likely to be some slippage in this timetable. The LDS anticipates adoption of the LP during "Spring 2015" but, given the need to consult on any modifications that are recommended, this would appear to be optimistic in the circumstances.

## **Reasons**

### **(i) Housing supply**

14. The Framework says: "*To boost significantly the supply of housing, local planning authorities should: ...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5 % (moved forward from later in the plan period) to ensure choice and competition in the market for land*"<sup>3</sup> [*my emphasis*]. I assess the Council's housing supply in this context.

### **The relevant housing requirement**

15. The Guidance says<sup>4</sup>: "*Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. ...Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested*".
16. Applying this advice I consider that the "starting point" is the CS, which I accept to be the most up-to-date, extant and tested housing requirement for South Cambridgeshire. Figure 4.7 of the Annual Monitoring Report [AMR] indicates the annual requirement that would be necessary during the remainder of the plan period, taking account of past and forecast completions. The main parties agree that when considered against the CS the Council cannot demonstrate a 5-year housing land supply. Although the figures differ, reflecting different assumptions, and do not include the "City Deal" which I examine below, it is clear that the magnitude of the shortfall, even on the Council's most optimistic figure<sup>5</sup>, must lead to a finding that it cannot show a 5-year supply of deliverable housing sites on this basis.
17. However, even if I take the position as at April 2013, which is a question I shall return to, it is evident that the CS plan period would be a maximum of 3-years. The Council also points out that the projections and forecasts supporting the CS were not for the current housing market area, do not specifically consider the development needs of the District and were prepared in a different economic climate. I accept that the Guidance contains an important caveat and that in this case significant new evidence, in the form of the Cambridge sub-regional Strategic Housing Market Assessment [SHMA], which I turn to below, has been prepared. In all of these circumstances I attach only moderate weight to the housing land supply calculation based on the CS.

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<sup>3</sup> Source of quote: paragraph 47, principally the second bullet-point.

<sup>4</sup> Source of quote: paragraph reference 3-030-20140306.

<sup>5</sup> 2.6 years supply using the 'Liverpool' method with a 5 % buffer [DR40].

18. My colleague in the Toft appeal [Ref APP/W0530/A/13/2192228] gave reasons for finding that the housing land supply in the emerging Local Plan, based on the SHMA, "...contains a more up to date and thus more reliable assessment of housing need in the District..." than that contained in the CS; I agree. Although I recognise that the SHMA figure of 19,000 homes for the period 2011-2031 is the subject of objections and has yet to be tested through the examination process, I attach greater weight to it than I do to the CS figure of 20,000 homes for the period 1999-2016. The CS figure derives from the Structure Plan which was, in turn, based on the now revoked RPG6. It is not therefore an up-to-date, objectively assessed figure for housing need. Ultimately my view is reinforced by Mr Hyde's concession in cross-examination that if one requirement had to be used in this case, it should be that based on the SHMA.
19. As the Council submitted in closing the different requirements arising from the CS and the SHMA might lead to different 5-year housing land supply outcomes and that might place the decision maker in an invidious position as to whether a 5-year supply exists. I shall therefore proceed on the basis of an annualised requirement of 950 dwellings pa or 4,750 dwellings over a given 5-year period.

### **Base date**

20. The issue between the parties is whether the 5-year supply requirement should use a base date of 1 April 2013 or 1 April 2014. As a general rule I accept the Council's submission that a more recent base date is to be preferred but only where I can be confident that it captures information on actual progress over the previous year<sup>6</sup>. In this case I am concerned that I only have a partial data set rather than a full set of the figures for the full year, April 2013-March 2014. Amongst other things the "*March AMR update*" [Document 13] says the figure for housing completions records "...predicted completions to 31/3/2014. These predicted completions are based on the housing trajectory in the plan where there is no better information and otherwise on what developers have told us are their actual completions and planned completions to 31/3/2014. This information was gathered between October 2013 and January 2014 for major sites and others down to sites of 9 homes" [*my emphasis*]. In other words it is only for part of the accounting year and otherwise based on a prediction.
21. In cross-examination Mr Hyde referred to other ways in which the data set was incomplete by reference to Figure 4.7 of the February 2014 AMR. In particular the table records planning permissions granted for windfall sites between 1 April and 31 December 2013 rather than for the full year. These commitments have the effect of increasing the supply side but the flip side is that no account has been taken of any planning permissions that lapsed after 31 March 2013.
22. The base date of 1 April 2013 ensures the housing land supply requirement figure is based on known completions because the actual level of historic completions is published in the 2012-13 AMR. This is the most up-to-date figure of known completions and anything else is conjecture. Moreover the Appellant refers to Mr Roberts's Appendix DR44 to show the principle that the further ahead the projection, the less accurate it becomes. The Council's approach is therefore less robust since it projects further into the future. For these reasons I find the Appellant's approach is the most robust and reliable.
23. I appreciate that this approach does not then relate to the full 5-year period looking forward [2014-2019] but it plainly does relate to a 5-year period. I am

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<sup>6</sup> Or where, as in the concurrent appeal with which I am dealing, it is common ground that 2014 should be used.

unclear why the Council's approach would fail to comply with Regulation 34(3) of the Town and Country Planning (Local Planning)(England) Regulations 2012. I acknowledge the claim that the housing trajectories have been fairly reliable indicators of completions in the past, but I note from paragraph 4.11 of the AMR that there has been considerable variation over the 5-year period from 2008-2012. I have no reason to doubt that it mirrors the approach taken by Cambridge City Council but that does not validate the approach or make it right. It does not lead me to find that this is a sound evidence base on which to assess supply because it remains an estimate rather than an actual figure.

24. Although I acknowledge that this leads to an inconsistency with the approach that I have taken in the Bannold Road appeal, my decisions must be led by the evidence that has been presented in each case. For this reason there is a clear basis on which to distinguish the respective appeals.

### ***Shortfall recovery: Liverpool v Sedgfield***

25. In *Bloor Homes* [Document 1] it was held that the judgment as to whether to use the Liverpool or Sedgfield method was properly a matter for an Inspector to make and a Court would not interfere, subject to soundness of reasoning. The judgment expressly took account of paragraph 47 of the Framework, previously recited, and even though the judgment was handed down post-issue of the Guidance there was no reason for the Court to take it into account. The Council distil 4 factors from *Bloor Homes* to be: (i) the need to boost the supply of housing; (ii) the severity of the shortfall; (iii) the pattern and pace of housing provision planned for the Borough; and (iv) whether the Council was "*averse to boosting the supply of housing*"<sup>7</sup>. I comment on these below.
26. Dealing initially with the need to boost the supply of housing, my colleague in the Three Pots appeal [Ref APP/K2420/A/13/2202261] had both of the appeals<sup>8</sup> from Hinckley & Bosworth, which are relied upon by the Council, placed before him. I therefore regard it to be significant that he found the Sedgfield approach to be the "*most appropriate*" [DL13]. His observation that: "*...the Sedgfield approach has been generally considered by Inspectors to be the correct approach, as any accumulated backlog would be dealt with in the next 5 years*" [DL12], accords with my own. I consider that the Sedgfield approach aligns more closely with the Government's objective as expressed in paragraph 47 of the Framework: "*To boost significantly the supply of housing*". This view is consistent with that expressed in the joint Local Government Association and Planning Advisory Service publication "*Ten key principles for owning your housing number – finding your objectively assessed needs*"<sup>9</sup>.
27. I deal with the question of the buffer below but the Council acknowledges that there has been a shortfall in the initial years of the emerging LP period, from 2011, when assessed against the annual target set out in that plan. Whether that should be characterised as "*small*", as the Council submits, is somewhat subjective. Mr Hyde made the point under cross-examination that the deficit of 642<sup>10</sup> that has built up over the first 2-years of the emerging LP is significant in such a short period of time and represents the best part of a year's shortfall.

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<sup>7</sup> Source of quote: paragraph 112 of the judgment.

<sup>8</sup> Ref APP/K2420/A/12/2188915 and APP/K2420/A/12/2181080, at DR41, which were both subject of challenge, the latter of which gave rise to the *Bloor Homes* judgment and has therefore been quashed.

<sup>9</sup> See page 175 of the bundle appended to Mr Hyde's proof [Appendix 14].

<sup>10</sup> Calculated as 279 + 363 [See DR31 for derivation].

28. Although Mr Hyde conceded that there has not been a “*forward planning failure*” in the District, fewer houses have been built than planned for. This basic problem colours my approach to the strategic approach, which has meant that Cambridge City has been the focus of urban extensions on its periphery. Although there is evidence of joint working, exemplified by the identical date of submission of the respective Local Plans for examination, there is no joint DP; each District still needs to meet its own housing requirement. In this context there is force in the closing submission that the Council is doing nothing more than its statutory obligation as opposed to doing its best to boost the supply of housing. The pattern and pace of housing provision is unlikely to change in the short term because the spatial strategy evident in the CS is carried forward into the emerging LP. The Council does not appear to have proactively sought to boost the supply of housing, e.g. by bringing other allocated sites forward.
29. The Guidance says: “*Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible*”<sup>11</sup>. The cross-reference [“*Related policy*”] is to paragraph 47 of the Framework, which is not in the “*Plan Making*” section of the Framework [paragraphs 150-185]. On this basis I reject the contention that this aspect of the Guidance is exclusively concerned with plan making. As Mr Roberts conceded in cross-examination, it can also be relevant to applications and/or appeals.
30. The DCLG publication “*Land Supply Assessment Checks*” [2009] predates the Framework and the Guidance. For this reason although it does not recommend either approach as best practice this does not alter my view that the Sedgefield approach is to be preferred. The Council also contends that the Sedgefield approach is not appropriate for a District of 108 villages and no towns, but this is not a good reason not to boost the supply of housing. As the Appellant points out, it might present greater opportunities to address the outstanding need. For all of these reasons the Sedgefield approach is to be preferred.

***Has there been a persistent under-supply of housing in the District?***

31. The Framework says: “*Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land*”<sup>12</sup>. The Guidance says: “*The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.... The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle*”<sup>13</sup>.
32. The Council’s best case is set out in the table in Mr Roberts’s Appendix DR31. It shows that during the 14-year period 1999-2013 there was only a surplus in 4-years, namely 2003-4, 2005-6, 2006-7 and 2007-8. During the last 5-years of this period, namely from 2008-9 to 2012-13, annual housing delivery was significantly, i.e. not less than 505 units, below the DP target. Even in those years that the table shows as being in surplus, if the DP target is derived from the CS a surplus is only achieved in one year, namely 2007-8. Figure 4.7 of

<sup>11</sup> Source of quote: paragraph reference 3-035-20140306.

<sup>12</sup> Source of quote: paragraph 47, second bullet-point.

<sup>13</sup> Source of quote: paragraph reference 3-035-20140306.



- the AMR cites the annualised requirement of the CS to be 1,176 per annum over the same period from 1999 to 2013 and confirms the historic completions over the period from 1999 to 2013. I acknowledge that the CS was only adopted in 2007 but the AMR confirms that the base date of the CS was 1999.
33. In the circumstances I am far from convinced that it would be appropriate to attach weight to the annual targets for the period 1999 to 2007, shown in DR31, which are said to derive from earlier Local Plans. The published AMR is given as one source for the table at DR31 and as it appears to be the primary evidence base for housing completions and targets I attach it greater weight. The Council has a duty to publish the AMR under Regulation 34 of the Town and Country Planning (Local Planning)(England) Regulations 2012, which it has interpreted in this way, i.e. against the CS base date. On this basis I attach significant weight to this published source. The CS itself says that an AMR has to be produced and that a key aspect of monitoring will be the number of houses<sup>14</sup>. Amongst other things my attention has been drawn to CS Policies ST/10 and ST/11, which aim to achieve a "*continuous high level of dwelling production throughout the Plan period*" and bring forward sites for development where monitoring suggests that policies and allocations are not being met, respectively. These adopted policies therefore provide no basis for reverting to lower targets in superseded plans in order to avoid delivery, quite the reverse.
  34. The Appellant offers another approach that would achieve a similar result. It is said that at the point where the CS was adopted, January 2007, the target should have been the overall housing provision (20,000) less completions at the point of adoption (6,131) annualised over the remainder of the plan period. The Appellant submits that even applying the Liverpool method that this would have resulted in an annual target over the remainder of the plan period, to 2016, of 1,541 per annum. Regardless of which approach is adopted I reject the Council's claim that the table at DR31 is the '*best available evidence*'.
  35. I acknowledge DR31 collates housing completions with other data, including the capacity of sites with planning permission; I accept that there appears to be no obvious correlation between this and the number of completions. There is some relationship between GDP growth and completions although I would not agree that it is '*obvious*'. For example the table shows that the biggest increase in GDP was in 2000-2001, at 4.4 %, but that year there was still a deficit, even against the 1993 Local Plan target, which would have been much greater if assessed against the CS target. The largest deficit is recorded in the table to be in 2012-2013, at -589 but, in contrast to the period 2008-2010, the table shows that was the third year in a row in which there was growth in GDP. In any event, applying the quoted advice from the Guidance, a long-term view of the situation, since 1999, takes account of such fluctuations in the economy.
  36. On any reasonable analysis, taking account of economic factors, I therefore conclude that there has been a *record of persistent under delivery of housing* in the District of South Cambridgeshire. The Council's own published AMR shows that the historic completions only exceeded the CS target in 1 year out of 14 and on any analysis that is persistent. Even if I had been persuaded that the Council had exceeded the DP target in 4-years I would still regard that to be a *record of persistent under delivery*.

<sup>14</sup> Paragraphs 4.4 and 4.9 of the CS, respectively on pages 245 and 247 of the bundle appended to Mr Hyde's proof [Appendix 18].

37. This conclusion is consistent with the approach of my colleague in the Three Pots appeal and the position recorded in paragraphs 48 and 49 of *Cotswold DC v SSCLG and others* [2013] EWHC 3719 (Admin). In both cases under-delivery in 50 % or more of the years in the periods considered were found to comprise persistent under delivery; Lewis J. did not interfere with that finding.

### **Reliance on City Deal**

38. The Framework defines deliverable as: *"To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable"*<sup>15</sup>.
39. During the course of the Inquiry I was provided with further evidence of the Greater Cambridge City Deal [Documents 7.1-7.4], including a joint letter to the Chief Secretary to the Treasury welcoming the offer. That letter confirms that under the deal 1,000 additional units on rural exception sites would be delivered by 2031. However I am not persuaded that it would be reasonable to assume that 150 of those homes would be deliverable in the current 5-year supply period. On the limited information before the Inquiry it is far from clear whether any suitable sites have been identified, still less whether they would be *available now*, in order to be considered to be deliverable. Amongst other things the draft Minute records that the County Council and University, as major landowners, *"may"* find some exception sites. There is no basis for categorising these sites as windfall sites<sup>16</sup>. This novel arrangement for this area cannot, by definition, provide: *"compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply"*, as required by paragraph 48 of the Framework.
40. The draft Minute underlines that there remains considerable uncertainty about the scheme, particularly at this early stage. Matters to be resolved include joint governance, which might take approximately one year and appears to require primary legislation. The letter to the Treasury underlines the lack of certainty, including with regard to financing provisions, e.g. *"...if we receive the full £500m"* [*my emphasis*]. This goes back to the question of deliverability in terms of viability, which might depend on the availability of public subsidy. For these reasons I agree with the Appellant that there is a lack of certainty about the principle and timing of the City Deal and, as a consequence, there is no sound basis to take it into account in the current 5-year housing land supply.

### **Reliance on Cambridge City Council**

41. The Council has prepared a number of calculations based on various assumptions, including joint figures taking account of the housing supply situation in Cambridge City Council's administrative area. The District surrounds the City and the adopted strategy, CS Policy ST/2, has sought to allocate housing on the edge of Cambridge as the first preference. Both Councils submitted their respective Local Plans on the same date for joint examination by one Inspector and although this is evidence of joint working it is, by definition, not a joint DP. Pending revised governance arrangements arising from the City Deal, the fact is that the 2 Councils comprise separate Local Planning Authorities. Paragraph 47 of the Framework is directed to each

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<sup>15</sup> Source of quote: footnote 11 of the Framework.

<sup>16</sup> The Glossary to the Framework defines these as: *"Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available"* [*my emphasis*].

Local Planning Authority, e.g. *"their housing requirements"*. Since it is clear that each Local Planning Authority must demonstrate its own 5-year housing land supply, to adopt a different approach here would be without precedent. It is telling that the Council has been unable to identify a single decision of an Inspector or the Secretary of State which adopts the joint approach which it has advanced at this Inquiry. In my view this speaks volumes.

### ***Housing land supply calculations***

42. For the above reasons I consider that the Appellant's calculation in Table 3 of Mr Hyde's proof is to be preferred. On the supply side this excludes the figures given in the February 2014 AMR for planning permissions granted between 1 April and 31 December 2013 but as it is a calculation at the end of March 2013 that is justified. I conclude that the Council has 3.51 years supply of housing. It is material to note that on the Council's own figures, adopting the Sedgefield methodology, but based on the position at 31 March 2014, including predicted completions to that date, it cannot show a 5-year housing land supply. With a 20 % buffer the Council calculates 3.9 years supply. Even using the Liverpool method, with a 20 % buffer, the Council calculates 4.4 years supply. I have given reasons why I do not accept the assumptions that underpin these figures but they tend to reinforce my conclusion in this matter.

### ***Relevant policies for the supply of housing***

43. The Framework says: *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites"*<sup>17</sup>. The Appellant identified 3 policies to be relevant policies for the supply of housing, namely CS Policies ST/2 and ST/5, and DCP Policy DP/7. In response to my question as to whether the Council agreed it provided a note [Document 10] that identified those policies. However it contains a caveat that: *"It should be noted that to the extent that they address matters not directly relevant to the supply of housing, those elements of policy can properly attract weight"*.
44. Dealing with CS Policies ST/2 and ST/5 there appears to be no dispute that these exclusively comprise policies for the supply of housing. To the extent that it might be said that CS Policy ST/5 includes a relevant requirement for larger scale development to deliver financial contributions that does not appear to be in dispute in this appeal and is a matter I turn to in due course. However in closing it was said that DCP Policy DP/7 (2) lists criteria that are broadly consistent with the Framework. I accept that but it does not alter my view that DCP Policy DP/7 is, primarily, a policy for the supply of housing. Whilst worded positively rather than negatively DCP Policy DP/7 (1) appears to be similar to Policy EV2, which was at issue in *South Northamptonshire Council v SSCLG and Barwood Land* [2014] EWHC 573 (Admin)<sup>18</sup>. Ouseley J. held *"Such policies are the obvious counterparts to policies designed to provide for an appropriate distribution and location of development"* and that *"...the policy clearly falls within the scope of the phrase [in paragraph 49 of the Framework]"*<sup>19</sup>. My view is reinforced by the fact that this site is outside of the development framework and hence the criteria in DCP Policy DP/7 (2) do not apply to the appeal site.

<sup>17</sup> Source of quote: paragraph 49.

<sup>18</sup> See summary of EV2 at paragraph 38 of the judgment on page 479 of the bundle appended to Mr Hyde's proof [Appendix 31].

<sup>19</sup> Source of quotes: paragraphs 47 and 48 of the judgment, respectively, on page 481 of the bundle appended to Mr Hyde's proof [Appendix 31].

45. On the first issue I conclude that relevant policies for the supply of housing, namely CS Policies ST/2 and ST/5, and DCP Policy DP/7, are out of date.

**(ii) Character and appearance**

46. The Statement of Common Ground records that the main parties agree the following points. The appeal site is enclosed by built development on 3 sides. The recently completed residential development at Cam Locks is situated to the west and the party boundary is formed by a mixture of mature trees and hedging. The residential properties at Nos 31-45 Bannold Road are located to the south and a timber close boarded fence augmented by trees and vegetation is present along the party boundary. To the north lies Waterbeach Barracks, which has now been relinquished by the Ministry of Defence [MoD]; the former married quarter housing is currently being refurbished for the open market and the first phase has been released. The party boundary is formed by a concrete post and wire fence and a number of mature trees. The appeal site is contained on its eastern boundary by Cody Road with agricultural land to the east.
47. DCP Policy DP/7 (1) only permits development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside. In cross-examination Mr Hyde, on behalf of the Appellant, conceded that the proposal is for development outside of the village framework of a type not permitted under the policy, which is an inevitable concession, but it needs to be seen in the context of my finding that it is not up-to-date.
48. In pursuit of its claim that the proposed development would result in a loss of a visually important open buffer which presently separates Waterbeach from the Barracks, the Council point to the comments of 2 previous Inspectors. In an appeal decision [Ref T/APP/W0530/A/86/044894/P4], dated 12 August 1986, the Inspector dismissed a scheme for 5 dwellings on a site to the north-east of the junction of Bannold Road and Cody Road. The Inspector found *"Waterbeach is a varied and characterful village which has succeeded in absorbing a large number of new houses without losing its compact and attractive appearance. It is separated from Waterbeach Barracks by a strip of arable land only some 200 m wide and the barracks itself is as extensive as a large village. It seems to me highly desirable that a wedge of open land should be retained between the 2 settlements to prevent their coalescence. Bannold Road, with its grass verges, mature trees and generally rural appearance forms a natural northern boundary to the village providing open views of farmland with the barracks beyond... If the appeal site were...to be built on this would further reduce the visual impact of the green wedge... Cody Road forms a distinct boundary to development on the northern side of Bannold Road and I consider it appropriate that the village envelope should exclude all the land to the east of this road"*<sup>20</sup>. The 2004 Local Plan Inspector found that the current appeal site *"...is a green field arable site immediately to the [east of what is now Cam Locks]. The land is open to Cody Road and much more visible from the east. In my view there is far less case for developing this site and I do not support the objector's request that it be allocated for residential development"*<sup>21</sup>.
49. I accept that both Inspectors had to form judgments about the importance of the undeveloped area between the village and the Barracks and that their conclusions about that underlie both decisions. The appeal decision was made some 28 years ago and there have been 2 material changes since that time.

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<sup>20</sup> Source of quote: paragraph 10.

<sup>21</sup> Source of quote: page 1122 of the SHLAA Site Assessment Proforma [KPC9].

The first is the development of what is now Cam Locks. That built form is visible from Cody Road, particularly over the winter period, but even during the accompanied visit, when the mature hedgerow was in full leaf, the houses were still evident. However I acknowledge that the second Inspector did anticipate this change and take it into account when making the comments that he did.

50. The second arguably more significant change is that the Barracks, or at least that part of the Barracks served off Cody Road<sup>22</sup>, have been relinquished by the MoD and are being refurbished as market housing. In terms of their character and appearance I consider that the refurbished houses are indistinguishable from the "*varied and characterful*" remainder of the village. I consider that the refurbished houses<sup>23</sup> belie their origins. The Appellant draws comparison to, amongst others, Waddelow Road. However Park Crescent, to the south of Bannold Road, has a far more institutionalised feel, including a gate beside the entrance, and yet those houses are wholly within the settlement boundary.
51. In these circumstances I reject the claim that all of the findings made in 1986 remain pertinent today. In particular, the idea of the former Barracks and the village being "*2 settlements*" no longer applies. Mrs Pell-Coggins agreed in cross-examination that the sole reason why the former Barracks was outside of the settlement boundary was because of its military use, but that rationale for considering it separate has fallen away. The refurbished dwellings served off Cody Road are wholly dependent on Waterbeach for access and the residents are likely to use many of the services and facilities in the village, including the shops, school and GP surgery. Physically<sup>24</sup> and functionally this part of the former Barracks is now part of the village and, on the balance of probability, present and future occupiers of refurbished houses would regard themselves to be residents of the village of Waterbeach. I find no basis for concluding that this part of the former Barracks has a separate and distinct identity.
52. When viewed in this way the "*highly desirable*" separation that underpinned the Inspector's rationale in 1986 is now much less important. Indeed there is an argument that better integration would achieve the "*strong, vibrant and healthy*" community that the Framework alludes to. Otherwise the separation evident on the ground might represent a metaphor for something more. The first Inspector refers to Cody Road as forming a distinct boundary, making a distinction between the land to the west and east of the road. Although the second Inspector saw "*less case*" for developing the appeal site that comment needs to be seen in the context of the housing need at that time<sup>25</sup> and policies which then prevailed, including the emphasis on previously-developed land.
53. It is in this context that I turn to consider the site's visual importance. Views from Cody Road, such as that at issue between the main parties, are of low visual sensitivity because of the transient nature of any receptor. The Council disagrees because it says existing houses in the former Barracks have an outlook in this direction. That might be correct but that is not the specific view at issue<sup>26</sup>. Nevertheless I consider that the magnitude of change on Cody Road

<sup>22</sup> Noting that access remains restricted to some areas of the barracks, including the officer's mess, there might be a distinction to be drawn in other cases and hence the qualification. The area served off Cody Road includes Capper Road, Kirby Road, Fletcher Avenue and Abbey Place.

<sup>23</sup> At the time of my inspection the refurbishment was in progress along Capper Road and Kirby Road; the condition of the houses along Fletcher Avenue gave an indication of what those houses were like before the refurbishment.

<sup>24</sup> By virtue of the road link and pedestrian footway via Cody Road if nothing else.

<sup>25</sup> DR31 records that the 2004 Local Plan annual target was 753 dwellings per annum, which is the lowest for the period for which data is provided.

<sup>26</sup> Photograph 2 in Appendix 2 to the evidence of Mr Pearce.

would be high adverse, which is defined as causing a significant deterioration, because whereas there is now an open field with built development around its periphery there would be a brick wall and a view dominated by houses<sup>27</sup>. However it is relevant that Cody Road is not a through route but effectively a cul-de-sac that serves the dwellings on Capper Road, Kirby Road, Fletcher Avenue and Abbey Place. There is no public right of way through the Barracks. This is material because, as Mr Pearce says, the sensitivity of visual receptors depends on the expectation and occupation or activity of the receptors.

54. Although the Council also took issue with views from Bannold Road<sup>28</sup>, my site inspection revealed that views of the appeal site from these vantage-points would be less significant and so I have no reason to dispute the assessment. In particular at the time of my accompanied site inspection views of the appeal site from location 5 were largely obscured by, albeit deciduous, vegetation.
55. Cody Road is the key public vantage-point in which the appeal site might be said to provide a setting for the village and/or the former Barracks, as referred to in the putative reason for refusal, but this role is limited because the site is surrounded on 3-sides by built forms. The existing development establishes a clear relationship between those areas rather than a barrier, which is the sense in which the Council appear to use the word buffer. So whilst the appeal site is open, as in undeveloped, I question whether it fulfils the role of a buffer. Even if this might be wrong it is not a *visually important* open buffer as it is not sufficiently visible in the wider context but mainly seen from a no-through road [*my emphasis*]. The visual impact assessment demonstrates the limited extent of public views of the appeal site, aside from those in close proximity to the boundaries. The view towards the site from Cody Road is limited and enclosed. The view from the public open space looking east provides only glimpsed views of the appeal site and, during the summer, the hedgerow is an effective screen.
56. In broad landscape terms, distinct from the policy based approach evident from the CS, I accept that the site is visually contained within the envelope of the village. This view is consistent with Boyer Planning's description of it, for largely unrelated reasons, as: "...an enclave of undeveloped land within the framework of the existing village"<sup>29</sup>. A passer-by, walking along the pavement on Cody Road, would at present see a field enclosed by built development on 3-sides and would not perceive separate settlements. Development of the site, in visual terms, will only result in the presence of built form coming closer to Cody Road. The Village Capacity Study, from 1998, identified the appeal site as a part of area No. 2, with "*Exposed edge, with rear garden and intermittent hedgerows*". This description would still be relevant if the appeal site was to be developed and so there would be no unacceptable impact on character.
57. In these circumstances the proposition that coalescence between the village and former Barracks would be undesirable is not justified. As I have noted, in terms of linking the communities it would be advantageous. In physical and landscape terms there is a clear and inevitable relationship between them. Development up to Cody Road would merely continue the pattern of coalescence that has taken place to the west of the appeal site over the years and so this would maintain, rather than harm, this characteristic of the village.

<sup>27</sup> The front and/or side wall of Plot 60 would dominate this view with a view along the front of the other dwellings proposed along Cody Road on the left hand side of this vista, which would only have modest front gardens.

<sup>28</sup> Photographs 5 and 6 in Appendix 2 to the evidence of Mr Pearce.

<sup>29</sup> Source of quote: page 378 of the bundle appended to Mr Hyde's proof [page 19, Appendix 27].

58. In my view the Council's revision of this reason for refusal was recognition that it would be unable to substantiate the alleged non-compliance with DCP Policy DP/3 (2) (m). It must now be common ground that the development would not have an unacceptable adverse impact on the countryside and landscape character. Neither do I consider it would contravene DCP Policy DP/3 (2) (l) because the proposed development would not have an unacceptable adverse impact on village character. It would have no material impact on the historic core of the village and, as is evident from the 1986 appeal decision, the village is characterised by the variety of housing that has been developed throughout the post war era including, most recently, at Cam Locks. To the extent that there might be public views out from land within the village framework, e.g. looking north along Cody Road<sup>30</sup>, it is common ground that the impact would be low adverse, defined as a minor deterioration in the view, which is less than the policy test. Even when viewed from further along Cody Road the Council has not shown that the proposed development would have an *unacceptable adverse impact on village character*, which is a high policy test.
59. In view of this finding I attach limited weight under this heading to the findings of the Council's Strategic Housing Land Availability Assessment [SHLAA] 2012. The "*Site Assessment Conclusion*" that the site had development potential went on to set out a caveat that: "*This does not include a judgment on whether the site is suitable for residential development in planning policy terms, which will be for the separate plan making process*"<sup>31</sup>. It is clear that the Council's view was expressed in the putative reason, as modified, rather than the SHLAA.
60. On the second main issue I conclude that the proposed development would not harm the character and appearance of the area. By virtue of the fact that the scheme is proposed outside of the village development framework there would be a conflict with DCP Policy DP/7 (1) but for the reasons outlined above I find no conflict with DCP Policy DP/3 (2) and, in particular, criterion (l).

### **(iii) Prematurity**

61. The Guidance says: "...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.... Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process"<sup>32</sup>.

<sup>30</sup> Photograph 4 in Appendix 2 to the evidence of Mr Pearce.

<sup>31</sup> Source of quote: page 1128 of the SHLAA Site Assessment Proforma [KPC9].

<sup>32</sup> Source of quote: paragraph reference 21b-014-20140306.

62. The first point to make is that the fact that the appeal is being pursued in the context of an emerging LP cannot itself render the proposal to be premature. The point is evident from my colleague's decision in Malpas, Cheshire [Appeal Ref APP/A0665/A/13/2193956], when he said: "*...the pursuance of residential schemes in the face of emerging but unadopted development plan documents cannot, in itself, render the proposal premature*"<sup>33</sup>; I agree.
63. Mr Roberts, for the Council, agreed in cross-examination that criterion a), above, is not met. The development proposed is not so substantial, and its cumulative effect would not be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of development that are central to the emerging LP. Neither in my view is b) met. The appeal was lodged in October 2013, around 5 months before the emerging LP was submitted for examination, and had this Guidance [*seldom be justified*] been extant at that time it is open to question as to whether this putative reason would have been advanced. I have already expressed doubts about the timetable for its adoption in the LDS and given the quantum and nature of the objections I cannot characterise the emerging LP to be at an advanced stage. It might be subject to significant changes, in the form of main modifications, before adoption, assuming it is found to be sound.
64. In these circumstances the Council focussed on the words "*but not exclusively*". There is an argument that this is a reference to the application of "*both*" a) and b) but even if this is right this would not assist the Council here because I have given reasons why both a) and b) would not be met. The inference appears to be that some other circumstances should be applied, what was referred to as the exceptional case, but it is not clear what that might be. It would not be appropriate to impose what would amount to a moratorium on development pending consideration of, in particular, LP Policy S/4. The Inspector makes this clear in the Malpas decision when he responds to the suggestion by saying it would: "*...not reflect Government advice in the Framework, and such a course of action would result in housing supply falling further and further behind*"<sup>34</sup>. Although a copy of the advice that was extant when the appeal was lodged was submitted<sup>35</sup>, which was current when the decision in Malpas was made, this does not assist; paragraph 17 referred to refusing planning permission on the grounds of prematurity where there is a phasing policy but that does not apply. In light of the Guidance I find that no circumstances exist in this appeal that justify a deemed refusal of planning permission on the basis of prematurity.
65. Nevertheless the Appellant has made extensive submissions under this heading following what the Council has called "*forensic archaeology conducted in cross examination*"<sup>36</sup>. There is a balance to be struck between taking account of these material considerations and avoiding overstepping the mark by treading into territory that is properly within the remit of the examination Inspector. I make the following observations without prejudice to the LP examination.

***Would there be prejudice to the outcome of the plan-making process?***

66. The Council advanced a putative refusal reason on the grounds of prematurity. On this basis the Council needs to indicate clearly how a grant of planning permission would prejudice the outcome of the plan-making process. Mr Roberts, for the Council, was clear that in his view the new town proposal

<sup>33</sup> Source of quote: paragraph 111 [page 288 of the bundle appended to Mr Hyde's proof [page 17, Appendix 23].

<sup>34</sup> Source of quote: paragraph 109 [page 288 of the bundle appended to Mr Hyde's proof [page 17, Appendix 23].

<sup>35</sup> Document 11.

<sup>36</sup> Source of quote: paragraph 27, Document 19.



would ultimately be included in the LP that would be adopted. Implicit to this view is that the outcome of the plan-making process would not, in this respect, be prejudiced. In substance the delivery of Policy SS/5 in relation to the area shown on Inset Map H would not be prejudiced by allowing this appeal.

67. Policy SS/5 (6) says an Area Action Plan [AAP] will be prepared for the area shown on the Policies Map. The Key and annotation on Inset Map H confirm that the area concerned excludes that part of the former Barracks accessed via Cody Road, i.e. Capper Road, Kirby Road, Fletcher Avenue and Abbey Place. This area is also proposed, on Inset No 104 [Map 2 of 2], to be outside of the settlement boundary for Waterbeach. As I have already noted the sole access to this part of the former Barracks is via Cody Road; I have given reasons why it is physically and functionally part of the village. There appears to be nothing in the emerging LP that would lead me to find that status would change. On this basis it is difficult to see how the proposed Green Belt extension could be said to separate the village from the new town. The only contiguous boundary between the proposed Green Belt and the new town would be along the northern boundary of the appeal site. However there appears to be no plan to close Cody Road at this point and so this "*direct road access*", as per Policy SS/5 (3), would be inconsistent with achieving clear separation at this point.
68. The Council has not considered the proposed Green Belt extension against the purposes of the Green Belt set out in paragraph 80 of the Framework. It was submitted for the Appellant that this was a "*serious error*" and it is surprising, especially when others had already questioned whether the proposed extension complied with these purposes<sup>37</sup>. The objective appears to be separation but the second bullet-point, which is perhaps the most relevant to this aim, relates to "*neighbouring towns merging into one another*". The Council maintained at the Inquiry that the District comprises 108 villages with no towns and it follows that Waterbeach is, as it stands, a village. As such the proposed Green Belt extension would not appear to meet this or any other purpose in paragraph 80.
69. In the absence of having tested the proposed Green Belt extension against the purposes in paragraph 80 of the Framework, the Council instead relies on the "*established purposes of the Cambridge Green Belt*"; the only relevant one is to: "*Prevent communities in the environs of Cambridge from merging into one another*"<sup>38</sup>. However I have already given reasons why that part of the former Barracks served by Cody Road should be seen, physically and functionally, to be part of the village of Waterbeach, rather than being a separate community. On this basis it is difficult to see how Policy S/4 is consistent with this purpose.
70. In a similar vein paragraph 52 of the Framework invites Councils to "*consider whether it is appropriate to establish Green Belt around or adjoining any such new development*". However the proposed extension to the Green Belt would principally lie between that part of the former Barracks served by Cody Road and the village rather than being around the new town. As I have noted the only point at which the proposed Green Belt would directly adjoin the new town would be along the northern boundary of the appeal site and it is only to this very limited extent that it could be said to adjoin the new development. On this basis it is difficult to see how Policy S/4 is consistent with this advice either.

<sup>37</sup> RLW/DIO representation on the consultation Local Plan, dated 11/10/2013, paragraph 4.29 [page 378 of the bundle appended to Mr Hyde's proof [page 19, Appendix 27].

<sup>38</sup> Source of quotes: paragraph 2.29 of the Proposed Submission South Cambridgeshire Local Plan.

71. Paragraph 82 of the Framework requires “*exceptional circumstances*” to be shown in order to justify the establishment of new Green Belts. I acknowledge that one example given is a new settlement, but Councils still need to satisfy the criteria set out. The Audit Trail<sup>39</sup> reveals these criteria were considered<sup>40</sup> and reasons given why the criteria were met. Dealing with each in turn:

- i) the Appellant submits that normal planning and development management policies would be adequate, but I accept that they might not be if, at any point, there was an absence of a 5-year supply of housing. The reference to paragraph 86 of the Framework, whether a village should be ‘*washed over*’ by Green Belt, is different and does not assist in circumstances where the land is open and undeveloped. However this is not, in itself, a demonstration of the necessity for the extension to the Green Belt [see point iv) below]. As Mr Hyde observed the logical consequence of that argument is that one would expand the Green Belt to include all sites at risk of release;
- ii) the change in circumstance that led officers to propose the designation was the new town. Although extensive representations were made with regard to the evolution of the policy, this is the key point that I take from those submissions;
- iii) it is not unreasonable for the Council to argue that the designation would have no adverse consequences for sustainable development as other sites might come forward in the absence of a 5-year supply;
- iv) there was no Green Belt study or assessment and, crucially, I have already had cause to criticise the Council in its application of Green Belt purposes, which goes to the necessity for the Green Belt in this location. Although Mr Roberts’s proof refers to openness I consider this does not go to necessity for Green Belt in this geographical location. This argument, and the absence of implication for adjoining local plans, was not expressly addressed in the Audit Trail; and,
- v) based on my earlier rationale I disagree that the designation would ensure separation between the village and new town, which is the key reason given in Mr Roberts’s proof, which was reinforced in closing.

To this extent it is difficult to see how Policy S/4 is consistent with the fourth and fifth bullet-points of paragraph 82.

72. My view that the Council has not demonstrated the necessity for the Green Belt extension in this location is reinforced by the prospect that it might be possible to achieve the objective in Policy SS/5 (3), to maintain the identity of Waterbeach as a village close to but separate from the new town, in another way, via the AAP, which better aligns separation with no direct access. Policy SS/5 (1) is clear that whilst the new town of 8,000-9,000 dwellings is proposed: “*The final number of dwellings will be determined in the Area Action Plan*”. In this regard it is material that the promoters of the new town have sought to argue that the capacity of the Major Development Site, as defined in the emerging LP, should be increased to 10,000 dwellings, based on a density of 40 dwellings per hectare<sup>41</sup>. This appears to be based on a Development Framework Plan that makes allowance for almost 150 hectares of open space<sup>42</sup>.

<sup>39</sup> Page A48, Draft Final Sustainability Appraisal (March 2014) at Appendix DR 18 to Mr Roberts’s proof.

<sup>40</sup> I acknowledge the Appellant’s submission that this was done retrospectively, after the Members decision was made in June 2013, but that does not alter the designation or the terms of the submission LP.

<sup>41</sup> RLW/DIO representation on the consultation Local Plan, dated 11/10/2013, paragraphs 4.34 and 4.14, respectively [pages 378 and 376 of the bundle appended to Mr Hyde’s proof [pages 19 and 17, Appendix 27].

<sup>42</sup> I do however acknowledge that this area appears to extend beyond the Major Development Site on Inset H, see page 388 of the bundle appended to Mr Hyde’s proof [Appendix 27].

73. The Appellant submits that in the absence of studies which will inform the AAP it is impossible for the Council to argue that provision of a buffer to the north of the former Barracks cannot be accommodated except by harming the quality of future development; I agree. Policy SS/5 (6d) says that the AAP will consider the relationship and interaction with the village. Paragraph 3.37 of the supporting text says of the Major Development Site: *"This does not mean the whole of the area will be developed. Large parts of it will remain undeveloped and green after the settlement is complete to provide open spaces within the new town and a substantial green setting for the new town...and Waterbeach village"*. Although the disposition of open space might need to be revised from that illustrated on the promoter's *Development Framework Plan*, I agree with the Appellant's submission that there would appear to be plenty of scope to provide a green, open buffer within the land allocated for the new town. So, whilst I respect the Council's objective to maintain the identity for the village, which reflects concerns raised by the local community, I am not persuaded that this outcome could not be achieved without the proposed Green Belt extension. To the contrary, it might be better to align separation with no road access.
74. For these reasons the Council has not clearly shown how a grant of planning permission would prejudice the outcome of the plan-making process. First it is clear that the proposal for the new town, Policy SS/5 read with Inset Map H, would, in substance, be unaffected by a grant of planning permission. Second I have given reasons why the objective underpinning the proposed Green Belt extension could be accommodated in another way, without causing prejudice to the outcome of the plan-making process. It might be a matter that could be properly and reasonably delegated to the AAP, which the LDS says the Council is not scheduled to commence work on until *"Winter 2017/18"*<sup>43</sup>. A grant of permission would not prejudice the outcome of that plan-making process.
75. The Appellant submits that no weight should be given to draft LP Policies S/4 and SS/5 in relation to the proposed designation of land at Cody Road as Green Belt. However these policies are material to my decision and although I have expressed concerns about the degree to which the former is consistent with the Framework, this tends to reinforce my earlier view that it would be appropriate to attach limited weight to these emerging policies. To apply no weight might suggest they are not material but they are; the fact is the Council maintains that the appeal site should be designated as an extension to the Green Belt. However this rather minor concession does not alter my overall findings. On the third main issue I conclude that dismissal of the appeal on the grounds of prematurity would not be justified, having regard to advice in the Guidance.

***(iv) Is it a sustainable location for this scale of residential development?***

***The Development Plan approach to sustainability***

76. Paragraph 2.7 of the CS says: *"The Strategy is one of concentrating development on Cambridge through a number of urban extensions to the city and at the new town of Northstowe... The strategy also allows for limited development to meet local needs in Rural Centres and other villages"*. CS Policy ST/2 sets out this *"order of preference"* with *"...development in Rural Centres and other villages"* [*my emphasis*] being the last preference. Although I acknowledge that no distinction is made in CS Policy ST/2 between types of rural centres I consider that this does not assist the Appellant. CS Policy ST/5 includes Waterbeach but it is clear that the policy only permits residential

<sup>43</sup> Source of quote: Document 6, page 3.

- development within the village frameworks of Minor Rural Centres, as defined on the Proposals Map. The appeal site is outside the village framework as so defined and hence I regard the debate between the parties as to whether the policy reference to an indicative maximum scheme size of 30 dwellings can be interpreted to permit 60 to be academic. The proposed development would not be policy compliant because the appeal site is not within the village framework.
77. A number of material considerations have been advanced. I acknowledge that the SHLAA concluded that the site had development potential. The summary of the SHLAA Assessment<sup>44</sup> found the appeal site had sustainable development potential and, using a traffic light system, classified it green, defined as a *"More sustainable site with development potential (few constraints or adverse impacts)"*. This included recognition that the appeal site could be accessed by sustainable transport modes such as walking, cycling and public transport.
  78. That this is so is borne out by the Council's own Services and Facilities Study<sup>45</sup>. It records that there is an hourly bus service between Cambridge and Ely from Monday to Saturday, inclusive, with a half-hourly service at peak times and a timetabled journey time of less than 25 minutes from the village to Cambridge. The train service from the village to and from Cambridge runs from 0700 to 2300 hours and appears to be hourly with a more frequent service to Ely at all times and to Cambridge in the morning peak. Journey times are short with a timetabled journey time to Cambridge of as little as 6 minutes. There is also an off-road cycle route parallel to the river which, by reason of the topography, provides a realistic alternative mode of travel. In addition cycling or walking are realistic ways of gaining access to the bus and rail network, as well as local services and facilities, including employment.
  79. In terms of services and facilities, the village has a primary school and a GP, both of which are conveniently located close to the appeal site. There is no secondary school, although the Inquiry was advised that there is a bus service for students to gain access to Cottenham College. The village has a basic level of retail facilities, including a post office, bakery, butcher, newsagent, village store, pharmacy and hairdresser. Apart from the numerous public houses there appears to be a fairly limited range of other services and facilities, such as one garage, but there is significant employment both within and near to the village.
  80. Questions of frequency aside, the fact that Waterbeach has a train service at all gives it a considerable advantage, in terms of choice of sustainable modes of transport, over many other villages in the District. I consider that this might not be adequately reflected in the Village Classification Report<sup>46</sup>, which ranks Waterbeach as joint second from bottom in the list of settlements on the basis of a scoring system set out in the report. However I am not in a position to undertake a revised form of comparative analysis, which is properly a matter for the Inspector undertaking the LP examination. So whilst Mrs Pell-Coggins conceded in cross-examination that the Village Classification Report was *"rather harsh"* and I have sympathy with the Appellant's claim that it *"short-changes"* the village, particularly by reason of its good public transport links, it is unclear where that point goes. In comparative terms, even if Waterbeach was given a score for its public transport accessibility, it would still be a relatively poorly performing settlement when judged against the, albeit not entirely satisfactory, criteria set out in the Village Classification Report.

<sup>44</sup> Appendix 4 to Mr Hyde's evidence.

<sup>45</sup> Appendix 14 to Mrs Pell-Coggins's evidence.

<sup>46</sup> Appendix 13 to Mrs Pell-Coggins's evidence.

81. For these reasons I find a conflict with CS Policies ST/2 and ST/5 and the locational strategy which underpins them. In reaching this finding I appreciate that: i) paragraph 2.20 of the supporting text refers to the 30 dwellings as being a *"guideline"*; ii) the 2004 Local Plan designated the village as a Rural Growth Settlement with no numerical constraints on development; and, iii) criterion 3 of CS Policy ST/5 is met, but this does not alter this finding.

***The approach of the Framework to sustainability***

82. Turning to the Framework, paragraph 29 says the transport system needs to be balanced in favour of sustainable transport modes *"...giving people a real choice about how they travel"*. In this context I attach significant weight to the view of the Highway Authority that: *"This development can be considered in a sustainable location with reasonable pedestrian/cycle and public transport links"*<sup>47</sup>. I have no doubt that in reaching this view the Highway Authority took account of the factors previously identified, including transport accessibility and the location of services and facilities. Moreover Mrs Pell-Coggins accepted in cross-examination that the appeal site is a sustainable location; I agree because prospective households would not be wholly dependent on the private car in order to meet their day to day needs. The Framework also says that in preparing Local Plans, Local Planning Authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. In this context, the fact that the Council has identified the village as a location for a large new town is not immaterial.
83. Although prospective occupiers would inevitably depend, to some extent, on the private car, it is worth noting that this is also likely to be the case, albeit to varying degrees, in all of the District's villages. My colleague in the Toft appeal found: *"Toft, in combination with Comberton, is capable of meeting a number of the day to day needs of its residents..."*<sup>48</sup>. This was a factor in his finding that the proposal would be a sustainable development, yet I note the CS says Toft is only suitable for infill; in other words that village is lower down the spatial hierarchy in the CS. In the context of the failure of the adopted strategy to deliver an adequate supply of housing, I consider the appeal site represents a sustainable development option. It is not the most sustainable option in terms of the locational strategy in the CS but it is a sustainable option that is deliverable and would help to meet the shortage of housing in the area.
84. The Framework explicitly recognises that development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as is development in urban areas. However this is not reason in itself to focus all new development around Cambridge, because the *"sustainability"* of putting development in a particular location is about much more than just accessibility. In that real sense the CS is out-of-date with the approach in the Framework.
85. As I have already noted, paragraph 7 of the Framework says that there are three dimensions to sustainable development. In terms of the economic dimension, the Government has made clear its view that house building plays an important role in promoting economic growth. The proposed development would have give rise to a number of economic benefits. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term future occupiers of the proposed new houses would provide more

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<sup>47</sup> Source of quote: Transportation comments from the Highway Authority dated 28<sup>th</sup> August 2013.

<sup>48</sup> Source of quote: paragraph 24 of the Toft decision.

custom for the existing shops and services in the village thereby contributing to the local economy. The provision of housing in Waterbeach would help to meet the needs of businesses, e.g. on the nearby Cambridge Research Park, to house their employees, whilst also providing a realistic travel option by train to Cambridge to help support its important, wider economic role. The scheme would therefore contribute towards building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type was available in the right place at the right time to support growth.

86. Turning to the social dimension of sustainable development, the Framework places importance on widening the choice of high quality homes and ensuring that sufficient housing (including affordable housing) is provided to meet the needs of present and future generations. For the reasons identified in my consideration of the first issue, the proposal would be of clear benefit in these terms given the current shortfall in the District's housing supply. The proposed development would give rise to a high quality built environment. Accessible services that would meet many day-to-day needs of prospective occupiers exist in the village or can be accessed by sustainable modes of transport.
87. Finally in relation to the environmental role of sustainable development I have given reasons why the proposed development would not harm the character and appearance of the area. Paragraph 8 states that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. I conclude, notwithstanding my finding when tested against the locational strategy in the CS, that the proposal would comprise sustainable development.

### ***Application of the presumption in favour of sustainable development***

88. The Framework says that for decision taking the presumption in favour of sustainable development means that: *"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*<sup>49</sup>. Footnote 9 to the Framework gives examples of the latter to be policies relating to land designated as Green Belt and locations at risk of flooding. The appeal site is not designated as Green Belt and although local residents have expressed concerns about flooding, the Statement of Common Ground records that all technical issues have been resolved between the main parties. Paragraph 6.1 (ii) thereof records that the Council's Drainage Manager has accepted the approach outlined within the revised Flood Risk Assessment and any other issues regarding surface water drainage have also been resolved. There is no technical evidence before the Inquiry, distinct from assertion, which would lead me to a contrary view. Although Councillor Hockney pointed out at the Inquiry [Document 17] that the Drainage Board raised concerns about the original application it is clear that those concerns have been overcome by the revised drainage scheme, which is now agreed.
89. In applying the presumption in favour of sustainable development it is necessary to undertake a balancing exercise that is skewed in favour of granting permission. I have identified the adverse impacts of the proposed development to include the fact that the development would take place outside the settlement boundary, but given that DCP Policy DP/7 is a policy for the

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<sup>49</sup> Source of quote: paragraph 14 of the Framework.

supply of housing this is not, in and of itself, a reason to refuse permission. Similarly my finding that the proposed development would conflict with the locational strategy in the CS was made having regard to the spatial strategy set out in CS Policies ST/2 and ST/5, which are also policies for the supply of housing that are not up-to-date. Noting again the view of the Highway Authority and the concession by Mrs Pell-Coggins, prospective households would not be wholly dependent on the private car in order to meet their day to day needs due, amongst other things, to realistic public transport options and local employment opportunities. The contributions that have been offered towards upgrading a bus stop and the provision of real time passenger information would further promote these options. I have also given reasons why I attach limited weight to the emerging LP at this time, even though I acknowledge that it seeks to designate the appeal site as Green Belt.

90. On balance I find that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, which include the prospect of early implementation in order to meet the urgent housing need in the area. Although most of the other financial contributions constitute mitigation for, rather than a benefit of, the proposed development, the 40 % affordable housing that is offered is a material consideration in favour of the proposed development to which I attach significant weight. The design, including layout and landscaping, is acceptable and the contribution offered towards new footpath linkages with the recent housing at Cam Locks would facilitate legible pedestrian routes to neighbours. On the fourth main issue, taking account of the broader perspective of sustainable development that is evident from the Framework but not reflected in the DP, I conclude that this is a suitable and sustainable location for this scale of residential development.

## **Other Matters**

### ***(i) Consideration of the Planning Obligations and Unilateral Undertaking***

91. The Council provided a "*Planning Obligations Justification Statement*" ahead of the Inquiry, the contents of which were not challenged. Appended to the statement is a bundle of policy extracts and background documents that set out the basis for the quantum of contributions sought. Moreover both of the main planning obligations are, somewhat unusually in my experience at appeal, delivered as agreements rather than unilateral undertakings, which underlines that the respective Councils are content with the level of contributions offered.
92. If I were in any doubt as to the necessity for the specific sums sought, the basis for the respective contributions is set out in the Justification Statement. In the circumstances I am satisfied that provision of the Planning Obligations are compliant with paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy [CIL] Regulations 2010. Amongst other things DCP Policy HG/3, read with the Affordable Housing Supplementary Planning Document [SPD], which was adopted in March 2010, provides a clear basis for the level and mix of affordable housing. Although the statement refers to "36" I shall assume this is a typo, perhaps a reference to the concurrent appeal<sup>50</sup>. With this one anomaly there is a clear basis and audit trail for the sums sought.
93. The statement details the rationale for a sum of £3,000 for monitoring but not the costs, £1,250, incurred in the negotiation, preparation and execution of the deed. I note that a similar figure, £1,899.80, is offered as a contribution

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<sup>50</sup> See paragraph 2.7 of the statement for the land to the west of Cody Road; 40 % of 60 is 24, which is what would be delivered by the second planning obligation in this case.

towards the cost incurred in the negotiation, preparation and execution of the first planning obligation. Although the basis for these sums is not set out in the Justification Statement the basis for them is self-evident and, as such, I have no reason to interfere in the quantum that is agreed between the parties.

94. The Justification Statement says the developer should pay for the installation of two sections of footpath to create links to the Cam Locks development to the west of the appeal site, as shown on the submitted site plan. The submitted Unilateral Undertaking would appear to achieve this goal. The Council has not raised an issue with regard to the quantum of the contribution offered. Whilst the Justification Statement does not identify a figure I consider that £2,500 is a reasonable contribution towards the works necessary to achieve this objective, which is compliant with paragraph 204 of the Framework and Regulation 122 of the CIL Regulations 2010.

## **(ii) Other material considerations**

95. I appreciate that allowing this appeal might make it more difficult for the Council to resist other applications for residential development on adjoining land that have recently been put forward, including S/2092/13/OL [Document 8]. However, noting the weight that I have attached to the variable housing supply situation, that is properly a matter for the relevant decision maker.
96. Concerns have been expressed that the upstairs rooms of house Nos 12-17 would face “*directly*” towards existing properties in Bannold Road, which would result in a loss of privacy<sup>51</sup>. However, as I was able to observe during my site inspection, the relationship would not be untypical of many residential areas. The properties along this part of Bannold Road enjoy quite long rear gardens and the resulting separation distance between existing and proposed dwellings would be adequate to maintain good living conditions. My view in this matter is reinforced by the Council’s stance in this matter<sup>52</sup>.
97. There has been a suggestion that the Officer’s Mess of RAF Waterbeach, which lies to the north of the appeal site, “...*may soon become a Listed Building*”<sup>53</sup>. However it is not so designated at the present point in time and in any event no claim is made that the proposed development would not, at a minimum, preserve the setting of the building. This factor does not weigh against the proposal. None of these material considerations nor any other matters raised in the written representations alter the overall conclusion to which I am drawn.
98. In the light of my finding that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, and my similar conclusion in the Bannold Road appeal, I have also considered whether the combined impact of allowing both appeals would result in any change in the balance of benefits and adverse impacts. The effect of permitting both appeals would be to increase the weight on the “*adverse impact*” side of the balance, principally due to the identified conflict with the spatial strategy set out in the DP. However because CS Policies ST/2 and ST/5 are policies for the supply of housing that are not up-to-date it remains the case that, in applying the presumption in paragraph 14 of the Framework, the cumulative impacts of allowing both of these appeals would not significantly and demonstrably

<sup>51</sup> Source of quote: Document 9.

<sup>52</sup> Paragraph 6.1 (iv) of the Statement of Common Ground records that there is no objection to the layout that has been submitted or the proposed design of any aspect of the development [my emphasis].

<sup>53</sup> Source of quote: Document 16.



outweigh the identified benefits. In reaching this view it is material that no case was advanced for the Council on this “combined” basis.

### **Overall conclusion**

99. I conclude that, as policies for the supply of housing in the DP are out-of-date and the Council cannot demonstrate a 5-year supply of housing land, the appeal should be allowed and planning permission granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Taking account of the identified benefits of the appeal proposal, I conclude overall that planning permission should be granted because other material considerations clearly outweigh the identified conflict with out-of-date DP Policies.

### **Conditions**

100. In advance of the Inquiry the Council put forward a list of 22 conditions, all of which are acceptable to the Appellant insofar as they relate to the development that I propose to grant planning permission. However I shall briefly test the suggested conditions against the advice in the Framework and the Guidance, having regard to the list of model conditions in Circular 11/95.
101. The first is the standard commencement condition, which is a requirement of the Act. The second identifies the approved plans, which is necessary in the interests of proper planning and for the avoidance of doubt. The third, requiring details of external materials to be agreed, is necessary to ensure a satisfactory appearance. The fourth, removal of permitted development rights, is necessary in order to avoid any possible adverse impact on neighbours’ living conditions. The fifth requires specified windows, which are on side elevations that look out over rear gardens of adjacent dwellings, to be fitted with fixed obscure glazing in the interests of neighbours’ living conditions. The sixth requires approval of details of the proposed garden sheds, together with their completion and retention, but as the rationale for the condition goes to cycle parking I shall add a clause to require the garden sheds to be available for this purpose.
102. The seventh, eighth and ninth conditions require details of boundary treatment, hard and soft landscaping, and implementation of the latter respectively, which are necessary in the interests of the finished appearance of the development. The tenth requires details of those trees that are proposed to be retained, which is necessary to achieve biodiversity and by reason of visual amenity but I shall revise that suggested to make reference to the current British Standard. The eleventh, bird nest boxes, is necessary to enhance biodiversity but I shall add a retention clause to ensure that they are not immediately removed.
103. The twelfth, archaeology, is necessary in order to comply with DP policy but I shall revise the suggested condition in the interests of precision. The thirteenth relates to land contamination, which is necessary in the interests of neighbours’ living conditions together with those of prospective residents, but I shall add a clause to require remediation, if necessary, to make it enforceable. The next requires implementation of the surface water drainage scheme that has been agreed with the relevant drainage bodies in order to prevent flooding. The next requires approval of a scheme of pollution control of the water environment, which is appropriate to reduce the risk of such pollution from oil etc.

104. The sixteenth and seventeenth require provision of the required visibility splays at the road junctions and driveways, respectively, which are necessary in the interests of highway safety. The eighteenth requires agreement of a traffic management plan during construction phase, which is also necessary in the interests of highway safety. The nineteenth requires the parking and turning areas to be laid out and thereafter retained for those purposes. The twentieth requires a travel plan to be submitted and approved, and whilst a revised plan is before the Inquiry it is for the Council to consider whether further details are required to discharge the condition. The final two suggested conditions agreed between the main parties require details of lighting and fire hydrants to be approved, which are necessary in the interests of minimising light pollution and ensuring an adequate water supply is available in emergencies, respectively.
105. At the Inquiry a further suggested condition was put forward by the Council [Document 18], which sought to deliver footpath links to the adjacent Cam Locks site in order to integrate the respective developments. Although such links are shown on the submitted site plan, amongst others, it must be right that the Appellant is only able to deliver those parts of the footpaths that are on land within the Appellant's control. In the circumstances I shall impose a condition to achieve this as distinct from the more wide ranging condition put forward by the Council at the Inquiry. This appears to be broadly in line with paragraph 2.36 of the "*Planning Obligations Justification Statement*", having regard to the terms of the Unilateral Undertaking that I have examined above.

*Pete Drew*

INSPECTOR

### ***Schedule of conditions***

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 7777 002 B, 7777 001 X, 7777 017 B, 7777 018 A, 7777 019 B, 7777 020 A, 7777 021 B, 7777 022 A, 7777 023 B, 7777 024 A, 7777 025 A, 7777 026 B, 7777 027 B, 7777 028 A, 7777 029 B, 7777 030 A, 7777 031 B, 7777 032 B, 7777 033 A, 7777 034 A, 7777 035 B, 7777 037 C, 7777 038, 7777 039, 5084 F E TPP 08, 5084/LM03 Rev J, 5084/PP04 Rev I, 5084/PP05 Rev I, 5084/PP06 Rev I, TA03 Rev C, TA04 Rev C and TA09 Rev B.
3. No development shall take place until details 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order with or without modification), no development within Class A of Part 1 to Schedule 2 shall take place on Plots 1 to 26 and 39 to 60 unless expressly authorised by the Local Planning Authority following a grant of express planning permission.
5. Apart from any top hung vent, the proposed windows in the specified elevations of the dwellings hereby permitted shall be fixed shut and permanently glazed with obscure glass. The specified elevations of the dwellings concerned are: Plot 8 (first floor bathroom window in north elevation); Plot 12 (first floor bathroom window in east elevation); Plot 49 (first floor bathroom window in east elevation); Plot 53 (first floor bathroom window in south elevation); and Plot 57 (first floor bathroom window in south elevation).
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the designs and dimensions of the garden sheds on Plots 8 to 17, 39 to 44 and 50 to 53. The garden sheds shall be completed before any dwelling on each of these respective plots is occupied in accordance with the approved details and shall thereafter be retained and available for the parking of bicycles.
7. 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 shall be completed before that dwelling or any dwelling on any adjacent plot is occupied in accordance with the approved details and shall thereafter be retained.
8. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development. The details

shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

9. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of 5 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.
10. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the first date of occupation of any dwelling within the site:
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 "*Tree Work – Recommendations*" (or any equivalent standard replacing BS 3998: 2010).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
11. No development shall take place until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority. The bird nest boxes shall be erected in accordance with the approved scheme before any dwelling is occupied and shall thereafter be retained.
12. No development shall take place until a programme of archaeological work has been undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
13. No development shall commence until:
  - i) The appeal site has been subject to a detailed desk study and site walkover in relation to contamination, to be submitted to and approved in writing by the Local Planning Authority.
  - ii) Following approval of i) above, a detailed scheme for the investigation and recording of contamination and remediation objectives (which

have been determined through risk assessment) must be submitted to and approved in writing by the Local Planning Authority.

- iii) 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.
- iv) The works specified in the Remediation method statement have been completed and a verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- v) If during remediation works any contamination is identified that has not been considered in the Remediation method statement then remediation proposals, together with a timetable, should be agreed in writing by the Local Planning Authority and the remediation as approved shall be undertaken within the timeframe as agreed.

14. The site shall be drained via a new surface water sewer to the Internal Drainage Board watercourse at Bannold Drove as set out in option 3 of section 5.3.11.1 of Flood risk Assessment reference R-FRA-Q6343PP-01C Revision D dated November 2013. Prior to the commencement of any development the details of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
15. No development shall take place until a scheme for the provision and implementation of pollution control of the water environment, which shall include foul drainage, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
16. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway prior to occupation of any dwelling. The minimum dimensions of the required splay lines shall be 2.4 m, measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 43 m in both directions, measured along the channel line of the public highway from the centre line of the proposed access road. The visibility splays shall be maintained clear from obstruction over a height of 600 mm and thereafter retained.
17. Visibility splays shall be provided on both sides of the driveway and/or parking space to each dwelling that exits directly on to the public highway prior to occupation of any dwelling. The minimum dimensions of the required splay lines shall be 2.0 m on each side of the driveway/parking space x 2.0 m along the highway boundary within the curtilage of the dwelling. The visibility splays shall be maintained clear from obstruction over a height of 600 mm and thereafter retained.
18. No construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with

the Highway Authority. The principle areas of concern that should be addressed are:

- i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).
- ii) Contractor parking, which should be within the curtilage of the site and not on street.
- iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).
- iv) Control of dust, mud and debris, which should not be deposited upon the public highway.

19. The dwellings hereby permitted shall not be occupied until parking and turning space has been laid out within the site in accordance with the layout shown on drawing No 7777 001 X. The parking and turning areas shall thereafter be retained for their authorised use.
20. The dwellings hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.
21. No development shall take place until a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting and security lighting, has been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment of the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare) and shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) '*Guidance Notes for the Reduction of Obtrusive Light*'. The approved lighting scheme shall be installed in accordance with the approved details before any dwelling is occupied, and thereafter maintained and retained in that condition.
22. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by Cambridgeshire Fire and Rescue Services has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied.
23. No development shall begin until details of a scheme for the provision of public footpaths up to the western boundary of the appeal site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation of the works, which shall be carried out in accordance with the approved details.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Melissa Murphy of Counsel	Instructed by Head of Legal Services, South Cambridgeshire District Council.
She called:	
Karen Pell-Coggins MA MRTPI	Senior Planning Officer, South Cambridgeshire District Council.
David Roberts BA, MRTPI	Principal Planning Policy Officer, South Cambridgeshire District Council.

### FOR THE APPELLANT:

Craig Howell-Williams QC	Instructed by Januarys Consultant Surveyors, Cambridge.
He called:	
Mark Hyde BA (Hons), BTP, MRTPI, AIEMA	Planning Director, Januarys Consultant Surveyors, Cambridge.
Scott Pearce BA (Hons), Pg Dip, MA ArborA, MLI	Director, First Environment Consultants Limited, Oxfordshire.

### INTERESTED PERSONS:

Oliver Merrington	Local resident.
Councillor Peter Johnson	Local Councillor.

## DOCUMENTS

- 1 Transcript of *Bloor Homes East Midlands Ltd v SSCLG and Hinckley and Bosworth Borough Council* dated 19 March 2014, [2014] EWHC 754 (Admin).
- 2 List of appearances for the Council.
- 3 Opening statement on behalf of the Appellant.
- 4 Opening submissions on behalf of the Council.
- 5 Plan showing appeal site in the context of identified roads in the village.
- 6 South Cambridgeshire Local Development Scheme 2014.
- 7.1 (i) "Tweet Widget" regarding City Deal; (ii) Email dated 7 April 2014 setting out status of City Deal; (iii) Recommendations to Scrutiny and Overview Committee, dated 3 April 2014; and (iv) letter dated 4 April 2014 to Rt Hon Danny Alexander MP regarding Greater Cambridge City Deal.
- 7.4
- 8 Plan and decision notice [S/2092/13/OL] in respect of land to the east of Cody Road and north of Bannold Road.
- 9 Annotated plan submitted by Mr Merrington to the Inquiry.
- 10 Statement from the Council identifying policies for the supply of housing.
- 11 "The Planning System: General Principles" [ODPM, 2005], now cancelled.
- 12 The Town and Country Planning (Local Planning)(England) Regulations 2012.
- 13 March AMR update, submitted by the Council at the Inquiry.
- 14 Planning Obligation [County Council] dated 10 April 2014.
- 15 Planning Obligation [District Council] dated 10 April 2014.
- 16 Statement of Mr Merrington, which was submitted at the Inquiry.
- 17 Letter from Councillor Hockney, dated 1 May 2014, submitted at the Inquiry.
- 18 Additional condition suggested by the Council at the Inquiry.
- 19 Closing submissions on behalf of the Council.
- 20 Closing submissions on behalf of the Appellant.
- 21 Unilateral Undertaking, dated 15 May 2014, submitted by the Appellant.

## Appendix MH05



## Appeal Decision

Inquiry held on 13-15 May 2014

Site visit made on 15 May 2014

**by Pete Drew BSc (Hons), Dip TP (Dist) MRTPI**

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

**Decision date: 25 June 2014**

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**Appeal Ref: APP/W0530/A/13/2209166**

**Land north of Bannold Road, Waterbeach, Cambridgeshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 [hereinafter "the Act"] against a refusal to grant outline planning permission.
  - The appeal is made by Persimmon Homes East Midlands against the decision of South Cambridgeshire District Council.
  - The application Ref S/1359/13/OL, dated 21 June 2013, was refused by notice dated 15 October 2013.
  - The development proposed is residential development of up to 90 dwellings.
- 

### Decision

1. The appeal is allowed and outline planning permission is granted for residential development of up to 90 dwellings on land north of Bannold Road, Waterbeach, Cambridgeshire in accordance with the terms of the application, Ref S/1359/13/OL, dated 21 June 2013, subject to the conditions set out in the attached *Schedule of Conditions*.

### Procedural matters

2. I have been appointed to deal with 2 appeals on nearby, but not contiguous, sites and held 2 Inquiries on consecutive dates to consider the respective appeals. The second appeal was made by Manor Oak Homes against the failure of South Cambridgeshire District Council to determine an application for the erection of 60 dwellings with ancillary works on land to the west of Cody Road, Waterbeach. The appeal [Ref: APP/W0530/A/13/2207961] was heard at an Inquiry that closed on 2 May 2014. The decision in respect of that appeal is being issued on the same date as this decision as the issues are very similar.
3. The application was made in outline with all matters reserved other than means of access. At my invitation the Appellant confirmed at the Inquiry that the "*Concept masterplan*" [drawing No 267/174/001] should be marked and treated as being "*For illustrative purposes only*". I shall proceed on this basis and again invite the Council to mark its copy of the drawing in this manner.
4. The application was refused for 5 reasons but the Statement of Common Ground records that the fourth, archaeology, and fifth, transport assessment, are no longer supported by the Council through the appeal as refusal reasons. I propose to deal with this appeal on this basis.
5. A section 106 Agreement [hereinafter 'the Agreement'], dated 13 May 2014, has been submitted [Document 7] and the Appellant has helpfully provided a summary [Document 14]. The main components of the Agreement are that:
  - i) a contribution is offered towards early years and primary education facilities based on the size of dwellings and tenure, which would be in accordance with the County Council's standard formula;

- ii) specified off site highway works would be delivered, including (i) the provision of a footpath along Bannold Road from east of Cody Road to the site frontage; and (ii) a bus shelter and raised kerbs on Cody Road;
  - iii) £6,000 is offered as a contribution towards the provision of real time passenger information to a bus stop on Cody Road with a further £4,000 for the maintenance of the bus shelter;
  - iv) £17,100 is offered as a contribution towards strategic waste;
  - v) an area of on-site public open space would be laid out and provided within the development based on a calculation arising from the number of dwellings multiplied by the relevant area of open space per dwelling by type, which is the Council's standard formula;
  - vi) £10.17 for each square metre in area of the on-site public open space is offered as a contribution towards future maintenance costs, which would be paid to the Parish Council or a management company;
  - vii) £67.09 for each square metre in area that the on-site public open space may fall short of the product of the number of dwellings multiplied by the relevant area per open space type per dwelling by type is offered as a contribution towards off site public open space;
  - viii) a contribution is offered towards play space, including its future maintenance, based on a calculation arising from the number of dwellings multiplied by the relevant amount per dwelling by type, which would be in accordance with the Council's standard formula;
  - ix) a contribution is offered towards community facility space based on a calculation arising from the number of dwellings multiplied by the relevant amount per dwelling by type, which would be in accordance with the Council's standard formula;
  - x) a contribution is offered towards off-site sports facilities, including its future maintenance, based on a calculation arising from the number of dwellings multiplied by the relevant amount per dwelling by type, which would be in accordance with the Council's standard formula;
  - xi) £28.92 per head of population generated from the development is offered as a contribution towards libraries and lifelong learning, which is in accordance with the County Council's standard formula;
  - xii) £69.50 per house and £150 per flat is offered as a contribution towards the provision of household waste receptacles;
  - xiii) reasonable legal costs associated with the Councils' negotiation, preparation and execution of the deed;
  - xiv) £4,500 is offered as a contribution towards the costs incurred in monitoring the deed; and,
  - xv) 40 % of the dwellings provided would be affordable housing units based on a 70/30 split between affordable rented and shared ownership, respectively.
6. All figures are index linked. The Council confirmed to the Inquiry that it is satisfied that all parties with an interest in the land are signatories to the Agreement. I consider whether the contributions meet the legal tests below.

### **Main Issues**

7. In the light of all that I have heard I consider that there are 4 main issues in this appeal. The first is whether relevant policies for the supply of housing are out-of-date. The second is the effect of the proposed development on the character and appearance of the area. The third is whether it is justifiable to dismiss the appeal on the grounds of prematurity having regard to advice in

the Planning Practice Guidance ["the Guidance"]. The fourth is whether, having regard to the Development Plan [DP] and the presumption in favour of sustainable development in the National Planning Policy Framework ["the Framework"], this is a suitable and sustainable location for this scale of residential development. I acknowledge that this represents a revision from those circulated at the Inquiry, but the substantive issues have not changed.

### **Planning policy**

8. The DP includes the Core Strategy DPD [CS] and the Development Control Policies DPD [DCP], which were adopted in January 2007 and July 2007 respectively. Relevant DP Policies include CS Policies ST/2 and ST/5 and DCP Policies DP/3 and DP/7. The Framework has the presumption in favour of sustainable development at its heart and this has three dimensions: economic, social and environmental. Paragraph 11 confirms that applications, and by inference appeals, should be determined in accordance with the DP unless material considerations indicate otherwise. However the Framework is one such material consideration. I examine the Framework in greater detail below.
9. The examination into the South Cambridgeshire Local Plan 2011-2031 [LP], started with its submission to The Planning Inspectorate on 28 March 2014. In accordance with paragraph 216 of the Framework, account can be taken of emerging policies. However the weight to be attached to such policies will depend on: the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
10. It is common ground that the relevant policies and proposals, specifically S/4 and SS/5 which are relied upon in the reason for refusal, are the subject of outstanding objections. Whilst some of those objections have been lodged by those who seek to progress this and other development schemes in the vicinity of Waterbeach this does not alter my view that there are significant unresolved objections outstanding. It remains in prospect that the Inspector appointed to undertake the examination might find that the emerging LP is unsound or recommend main modifications as a result of those objections or otherwise. On the limited information before me the unresolved objections appear to be significant because they go to the principle of the policies and proposals at issue.
11. In relation to Policy S/4 the extent to which the emerging policy complies with the Framework<sup>1</sup> remains at issue between the parties and I shall examine this as part of my consideration of the third main issue, below. Although the strategy of planning for large scale development through the identification of a new settlement might represent the best way of achieving sustainable development, paragraph 52 of the Framework says this should be achieved with community support. However the Council acknowledged in closing that there are a greater number of unresolved objections in relation to Policy SS/5. This includes a petition which refers to the new town as "*a flawed proposal*". For these reasons, applying paragraph 216 of the Framework and particularly having regard to the significance of the unresolved objections, I attach limited weight to these relevant policies and proposals of the emerging LP.

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<sup>1</sup> Specifically, in this case, paragraphs 80 and 82.

12. The Council advised the Inquiry that the examination hearings are not likely to start before mid October 2014. Although I do not have the full picture, based on the limited information before me it would appear that the examination could be quite lengthy, by reason of the number of objections if nothing else. Taken together this has the potential to delay the date of adoption of the LP.

**Reasons: (i) Housing supply**

13. The Framework says: *"To boost significantly the supply of housing, local planning authorities should: ...identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5 % (moved forward from later in the plan period) to ensure choice and competition in the market for land"*<sup>2</sup> [*my emphasis*]. I assess the Council's housing supply in this context.

**The relevant housing requirement**

14. The Guidance says<sup>3</sup>: *"Housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. ...Where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested"*.
15. Applying this advice I consider that the "starting point" is the CS, which I accept to be the most up-to-date, extant and tested housing requirement for South Cambridgeshire. Figure 4.7 of the Annual Monitoring Report [AMR, Document 5.2] indicates the annual requirement that would be necessary during the remainder of the plan period, taking account of past and forecast completions. The main parties agree that when considered against the CS the Council cannot demonstrate a 5-year housing land supply. Although the figures differ, reflecting different assumptions, and do not include the "City Deal" which I return to below, it is clear that the magnitude of the shortfall, even on the Council's most optimistic figure<sup>4</sup>, must lead to a finding that it cannot show a 5-year supply of deliverable housing sites on this basis.
16. The Council points out that the projections and forecasts supporting the CS were not for the current housing market area, do not specifically consider the development needs of the District and were prepared in a different economic climate. The CS plan period only runs to 2016. I accept that the Guidance contains an important caveat and that in this case significant new evidence, in the form of the Cambridge sub-regional Strategic Housing Market Assessment [SHMA] has been prepared. In these circumstances I attach only moderate weight to the housing land supply calculation based on the CS.
17. My colleague in the Toft appeal [Ref APP/W0530/A/13/2192228] gave reasons for finding that the housing land supply in the emerging Local Plan, based on the SHMA, *"...contains a more up to date and thus more reliable assessment of housing need in the District..."* than that contained in the CS; I agree. Although I recognise that the SHMA figure of 19,000 homes for the period 2011-2031 is

<sup>2</sup> Source of quote: paragraph 47, principally the second bullet-point.

<sup>3</sup> Source of quote: paragraph reference 3-030-20140306.

<sup>4</sup> 2.6 years supply using the 'Liverpool' method with a 5 % buffer [DR40].

the subject of objections and has yet to be tested through the examination process, I attach greater weight to it than I do to the CS figure of 20,000 homes for the period 1999-2016. The CS figure derives from the Structure Plan which was, in turn, based on the now revoked RPG6. This view is reinforced by my colleague's report on the examination into Fenland District Council's Core Strategy, which is dated 9 April 2014. It found that the growth projections for that District, which are derived from the Cambridge sub-region SHMA, "...are appropriate and based on robust evidence"<sup>5</sup>. My view is further corroborated by Mr Bagshaw's concession during cross-examination that if one requirement had to be used in this case, it should be that based on the SHMA. I therefore intend to proceed on the basis of an annualised requirement of 950 dwellings per annum or 4,750 dwellings over a given 5-year period.

### **Base date**

18. The main parties agree that it is appropriate to use a base date of 1 April 2014, which gives a full 5-year period looking forward. The Council acknowledges that the data set for the year to 31 March 2014 is based on predictions but Mr Bagshaw, for the Appellant, did not regard this to be problematic. He said under cross-examination that the figures and assumptions are assumed to be correct and that adopting this approach meant there was a level playing field.
19. The Council refers me to paragraph 4.11 of the AMR [DR39] and claims that the accuracy of the process is remarkably close to the actual completions. However I note that in 2010-2011 the prediction, 759 dwellings, was over 100 more than the actual delivery<sup>6</sup>, which I regard to be a significant and material difference given that the prediction was made at the end of the third quarter [December]. Nevertheless, given the consensus between the main parties and the fact that no calculations using any other base date were put in evidence to this Inquiry, I shall deal with this appeal on this basis. Although I acknowledge that this leads to an inconsistency with the approach that I have taken in the Cody Road appeal, my decisions must be led by the evidence presented. For this reason there is a clear basis on which to distinguish the respective appeals.

### **Shortfall recovery: Liverpool v Sedgfield**

20. *Bloor Homes East Midlands Ltd v SSCLG and Hinckley and Bosworth Borough Council*, [2014] EWHC 754 (Admin), held that the judgment as to whether to use the Liverpool or Sedgfield method was properly a matter for an Inspector to make and a Court would not interfere, subject to soundness of reasoning. The judgment expressly took account of paragraph 47 of the Framework, previously recited, and even though the judgment was handed down post-issue of the Guidance there was no reason for the Court to take it into account. The Council distil 4 factors from *Bloor Homes* to be: (i) the need to boost the supply of housing; (ii) the severity of the shortfall; (iii) the pattern and pace of housing provision planned for the Borough; and (iv) whether the Council was "averse to boosting the supply of housing"<sup>7</sup>. Mr Bagshaw, for the Appellant, agreed this proposition in cross-examination. I comment on these below.
21. Dealing initially with the need to boost the supply of housing, my colleague in the Three Pots appeal [Document 5.1] had both of the appeals<sup>8</sup> from Hinckley

<sup>5</sup> Source of quote: paragraph 40 of the report [DR50].

<sup>6</sup> Paragraph 4.11 of the AMR says it was 100 dwellings more than actual delivery, but Figure 4.7 records that the number of completions in 2010-2011 was 656, which is over 100 less than the prediction of 759 dwellings.

<sup>7</sup> Source of quote: paragraph 112 of the judgment.

<sup>8</sup> Ref APP/K2420/A/12/2188915 and APP/K2420/A/12/2181080, at DR41, which were both subject of challenge, the latter of which gave rise to the *Bloor Homes* judgment and has therefore been quashed.

& Bosworth, which are relied upon by the Council, placed before him. I regard it to be significant that he found the Sedgefield approach to be the “*most appropriate*” [DL13]. His observation that: “*...the Sedgefield approach has been generally considered by Inspectors to be the correct approach, as any accumulated backlog would be dealt with in the next 5 years*” [DL12], accords with my own. I consider that the Sedgefield approach aligns more closely with the Government’s objective, as expressed in paragraph 47 of the Framework: “*To boost significantly the supply of housing...*”. As the Appellant submits, it is material that the Council has been unable to point to a single instance, since the Framework was published, in which the Secretary of State has adopted the Liverpool as opposed to the Sedgefield method of calculation.

22. I deal with the question of the buffer in the next section but the Council acknowledges that there has been a shortfall in the initial years of the emerging LP period, from 2011, when assessed against the annual target set out in that plan. In cross-examination of Mr Bagshaw on this point it was said that the shortfall of 1,705 since the base date of the emerging LP was not severe<sup>9</sup>. His reply, that this represents almost 2-years supply on the basis of the emerging LP target, might indicate, and reasonably be characterised to be, a severe shortfall, even over that very short time horizon. Whether that is persistent, as the Appellant submits, is a matter I turn to in due course.
23. There might not have been, as the Council characterised it, a “*forward planning failure*” in the District, indeed Mr Bagshaw, for the Appellant, commended the Council’s efforts in plan making as being “*very effective*” over the years. However fewer houses have been built than planned for which, in this context, might support the Appellant’s contention that it is the strategy that has failed because of its over-reliance on the delivery of large strategic sites. The pattern and pace of housing provision is unlikely to change in the short term because the spatial strategy evident in the CS is carried forward into the emerging LP. As the Appellant inferred in closing a shortfall of 1,027 dwellings within the last 3 years<sup>10</sup> does not appear to have been a cause of concern for the Council or to have resulted in remedial action. Although I appreciate that the Council has a limited range of options to address under-supply and that it is not a developer, the Council does not appear to have proactively sought to boost the supply of housing in the District, e.g. by bringing other allocated sites forward.
24. The Guidance says: “*Local planning authorities should aim to deal with any undersupply within the first 5 years of the plan period where possible*”<sup>11</sup>. The cross-reference [“*Related policy*”] is to paragraph 47 of the Framework, which is not in the “*Plan Making*” section of the Framework [paragraphs 150-185]. On this basis it is clear that this aspect of the Guidance is concerned not with plan making, although it might be relevant to that too, but decision taking.
25. The DCLG publication “*Land Supply Assessment Checks*” [2009] predates the Framework and the Guidance. For this reason although it does not recommend either approach as best practice this does not alter my view that the Sedgefield approach is to be preferred. The Council also contends that the Sedgefield approach is not appropriate for a District of 108 villages and no towns, but this material consideration is not a good reason not to boost the supply of housing. For all of these reasons the Sedgefield approach is to be preferred.

<sup>9</sup> Calculated against 1176 Core Strategy target on the basis of deficits of 505 + 589 [in 2011-2013, see DR31 for derivation] + 611 [for 2013-14, i.e. 1176 less 565 projected completions, as per Figure 4.7 of the AMR].

<sup>10</sup> Annual target of 950 over the first 3 years of the emerging LP [950 x 3 = 2850] less 1823 delivered = 1027.

<sup>11</sup> Source of quote: paragraph reference 3-035-20140306.

### ***Has there been a persistent under-supply of housing in the District?***

26. The Framework says: *"Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land"*<sup>12</sup>. The Guidance says: *"The approach to identifying a record of persistent under delivery of housing involves questions of judgment for the decision maker in order to determine whether or not a particular degree of under delivery of housing triggers the requirement to bring forward an additional supply of housing.... The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle"*<sup>13</sup>.
27. The Council's best case is set out in the table in Mr Roberts's Appendix DR31. It shows that during the 14-year period 1999-2013 there was only a surplus in 4-years, namely 2003-4, 2005-6, 2006-7 and 2007-8. During the last 5-years of this period, namely from 2008-9 to 2012-13, annual housing delivery was significantly, i.e. not less than 505 units, below the DP target. Even in those years that the table shows as being in surplus, if the DP target is derived from the CS a surplus is only achieved in one year, namely 2007-8. Figure 4.7 of the AMR cites the annualised requirement of the CS to be 1,176 per annum over the same period from 1999 to 2013 and confirms the historic completions over the period from 1999 to 2013. I acknowledge that the CS was only adopted in 2007 but the AMR confirms that the base date of the CS was 1999.
28. In the circumstances I am far from convinced that it would be appropriate to attach weight to the annual targets for the period 1999 to 2007, shown in DR31, which are said to derive from earlier Local Plans. The published AMR is given as one source for the table at DR31 and as it appears to be the primary evidence base for housing completions and targets I attach it greater weight. The Council has a duty to publish the AMR, which it has interpreted in this way, i.e. against the CS base date. On this basis I attach significant weight to this published source, which is to be preferred. For these reasons I reject the Council's claim in closing that the table at DR31 is the '*best available evidence*'.
29. I acknowledge DR31 collates housing completions with other data, including the capacity of sites with planning permission; I accept that there appears to be no obvious correlation between this and the number of completions. Mr Bagshaw, for the Appellant, agreed that there was a correlation between GDP growth and completions, particularly from 2008. However I would not agree that it is '*obvious*'. For example the table shows that the biggest increase in GDP was in 2000-2001, at 4.4 %, but that year there was still a deficit, even against the 1993 Local Plan target, which would have been much greater if assessed against the CS target. The largest deficit is recorded in the table to be in 2012-2013, at -589 but, in contrast to the period 2008-2010, the table shows that was the third year in a row in which there was growth in GDP. In any event, applying the quoted advice from the Guidance, a long-term view of the situation, since 1999, takes account of such fluctuations in the economy.
30. The Inquiry also considered the house price data, set out in DR31 but said to derive from DCLG's median house prices by District. Although the peak was in 2007-2008, with an average of £247,000, it is fair to say that median house

<sup>12</sup> Source of quote: paragraph 47, second bullet-point.

<sup>13</sup> Source of quote: paragraph reference 3-035-20140306.

prices had almost recovered by 2009-2010 when the median price was £232,000 and rose again the next year to £233,000. Aside from the peak in 2007-2008 these are the highest median prices for the period for which data is presented. This supports the Appellant's contention that in this District there was a healthy demand for housing after the initial recession in 2008-2009.

31. On any reasonable analysis, taking account of economic factors, I conclude that there has been a *record of persistent under delivery of housing* in the District. The Council's own published AMR shows that the historic completions only exceeded the CS target in 1 year out of 14; on any analysis that is persistent. Even if I had been persuaded that the Council had exceeded the DP target in 4-years I would still regard that to be a *record of persistent under delivery*.
32. This conclusion is consistent with the approach of my colleague in the Three Pots appeal and the position recorded in paragraphs 47-50 of the judgment in *Cotswold DC v SSCLG and others* [2013] EWHC 3719 (Admin). Lewis J. in *Cotswold* held that the Inspector had been entitled, in principle, to have regard to a 5-year period for assessing if there had been a record of persistent under delivery but that an Inspector is also entitled to have regard to the period when the DP is in force. Adopting either approach here leads to the conclusion that there has been a record of persistent under-delivery of housing.

### **Reliance on City Deal**

33. The Framework defines deliverable as: "*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable*"<sup>14</sup>.
34. Both parties have provided calculations which take account of the Greater Cambridge City Deal. The letter from, amongst others, South Cambridgeshire District Council to the Chief Secretary to the Treasury confirms that under the deal 1,000 additional units on rural exception sites would be delivered by 2031. However I am not persuaded that it would be reasonable to assume that 150 of those homes would be deliverable in the current 5-year supply period. On the limited information before the Inquiry it is far from clear whether any suitable sites have been identified, still less whether they would be *available now*, in order to be considered to be deliverable. Amongst other things the draft Minute [DR26] records that the County Council and University, as major landowners, "*may*" find some exception sites. There is no basis for categorising these sites as windfall sites<sup>15</sup>. This novel arrangement for this area cannot, by definition, provide: "*compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply*", as required by paragraph 48 of the Framework.
35. The draft Minute underlines that there remains considerable uncertainty about the scheme, particularly at this early stage. Matters to be resolved include joint governance, which might take approximately one year and appears to require primary legislation. The letter to the Treasury underlines the lack of certainty, including with regard to financing provisions, e.g. "*...if we receive the full £500m*" [*my emphasis*]. This goes back to the question of deliverability in terms of viability, which might depend on the availability of public subsidy. For

<sup>14</sup> Source of quote: footnote 11 of the Framework.

<sup>15</sup> The Glossary to the Framework defines these as: "*Sites which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available*" [*my emphasis*].



these reasons I agree with the Appellant that there is a lack of certainty about the principle and timing of the City Deal and, as a consequence, there is no sound basis to take it into account in the current 5-year housing land supply.

### ***Reliance on Cambridge City Council***

36. The Council has prepared a number of calculations based on various assumptions, including joint figures taking account of the housing supply situation in Cambridge City Council's administrative area. The District surrounds the City and the adopted strategy, CS Policy ST/2, has sought to allocate housing on the edge of Cambridge as the first preference. Both Councils submitted their respective Local Plans on the same date for joint examination by one Inspector and although this is evidence of joint working it is, by definition, not a joint DP. Pending revised governance arrangements arising from the City Deal, the fact is that the 2 Councils comprise separate Local Planning Authorities. Paragraph 47 of the Framework is directed to each Local Planning Authority, e.g. "*their housing requirements*". Since it is clear that each Local Planning Authority must demonstrate its own 5-year housing land supply, to adopt a different approach here would be without precedent. It is telling that the Council has been unable to identify a single decision of an Inspector or the Secretary of State which adopts the joint approach which it has advanced at this Inquiry. In my view this speaks volumes. So whilst I acknowledge Mr Bagshaw's concession that the joint calculation is material, I consider that to take account of the housing supply situation in Cambridge City Council's administrative area would not be the correct approach.

### ***Housing land supply calculations***

37. The Appellant's calculation of 5-year land supply is contained in Mr Bagshaw's Appendix MB14a, but he reluctantly accepted in cross-examination that they had not been consistently calculated. They use 2 different methodologies to calculate the 5-year supply on the alternative Liverpool and Sedgefield bases. Mr Bagshaw conceded in cross-examination that in these circumstances he was happy to use the Council's calculations. Although I acknowledge that the difference is modest, in the circumstances I shall adopt Mr Roberts's approach. On this basis, using the Council's own figures, based on the position as at 31 March 2014, i.e. including predicted completions to that date, and adopting the Sedgefield methodology, it cannot show a 5-year housing land supply. On this basis I conclude that the Council has 3.9 years supply of housing.

### ***Alleged slippage from the Council's trajectory***

38. Given the above finding it is not necessary for me to examine this issue in any great detail. Put shortly it was the Appellant's contention that the delivery rate on 4 large sites in the Council's trajectory could not be relied upon. However this appears to have been a desk based "*mathematical exercise*", rather than one based on more up-to-date information from the promoters of those sites<sup>16</sup>. The sole basis for the calculations appears to have been the experience of the Appellant and, as a major house builder, this should not be under-estimated. However, in practice, the calculations were based on assumptions about how many developers would be on site at any one time and the level of completions irrespective of the site's size or market, or other variables.

39. Dealing initially with NW Cambridge, the AMR anticipates that 390 dwellings would be delivered in the period from 2014-2019. However in an email dated

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<sup>16</sup> Source of quote and basis of assertion: Document 4.1.

12 May 2014 the Deputy Project Director for the development says: “...the expected delivery of housing in South Cambridgeshire is 410-461 dwellings. Delivery of housing within the University’s first phase is expected to commence in early 2016, and conclude in 2019”<sup>17</sup>. In other words the site’s promoter indicates that the Council’s AMR is pessimistic and that up to 71 more dwellings can be expected to be completed by 2019. This was accepted by the Appellant.

40. In respect of East Cambridge, the AMR anticipates that 225 dwellings would be delivered in the period from 2014-2019. The Council advised the Inquiry that this was based on information provided by the landowner in January 2014. The landowner’s Property Director was sent the Appellant’s calculation by the Council but, in response, gave no indication that it was well founded. Amongst other things the Council’s trajectory assumes that the first completions would be in April 2017 whereas Mr Bagshaw says: “Our 1<sup>st</sup> Occupations projection is for January 2016”<sup>18</sup>. I understand that there is no material distinction between completions and occupations for this purpose. On this basis this might suggest that the Council’s trajectory is again pessimistic, at least in terms of start date.
41. In respect of Fulbourn & Ida Darwin Hospitals, the AMR anticipates that 250 dwellings would be delivered in the period from 2014-2019 but the Appellant suggests there would be slippage of 26 units, partly due to a later start date. However Mr Roberts’s unchallenged claim is that the Agent for that scheme is Mr Hyde, who acted for the Appellant in the Cody Road appeal. Mr Bagshaw, for the Appellant, accepted the logic that if there had been something to be gained from such an argument that he, Mr Hyde, would be likely to have made something of this in the first Inquiry. On a balance of probability the fact that no such claim was advanced tends to support the Council’s AMR trajectory.
42. In respect of Northstowe, the AMR anticipates that 881 dwellings would be delivered in the period from 2014-2019. In contrast the Appellant considered that there were grounds to show slippage of 341 units, which included a later start, with completions from August 2015<sup>19</sup>, and a delay occasioned by the upgrade to the A14. In closing there was a hint of criticism that the Council went to the length of agreeing a joint statement with other interested parties [Document 12] in order to counter this claim. Although I accept that it reveals the matter to be highly sensitive, not particularly surprising when it is by far the largest site in the District, I value the Council’s efforts in obtaining it.
43. The Council’s closing submission, that there is no good reason not to accept the joint statement, is in my view corroborated by Mr Bagshaw’s statement, under cross-examination, to the effect that Northstowe was the only one of these sites where the build-out rate was informed by an experienced developer, i.e. Gallagher Estates. I therefore attach significant weight to the joint statement. It shows that there will be some slippage from the delivery anticipated in the Council’s trajectory, but the magnitude is of the order of 86 units by 2019<sup>20</sup>. On the basis of the joint statement I am satisfied that the A14 improvements, whilst not scheduled to be open to traffic until 2019-20 [Document 11]<sup>21</sup>, are

<sup>17</sup> Source of quote: Document 4.3.

<sup>18</sup> Source of quote: Comment column in table “Trajectory Analysis – TARGET SITES” in Appendix 15 to his proof.

<sup>19</sup> There is in fact an internal inconsistency in MB15 because the first page says “June”, the second “August”.

<sup>20</sup> The AMR trajectory assumed completions of 64 in 2015/16, 230 in 2016/17, 254 in 2017/18 and 333 in 2018-19, comprising of 283 in Phase 1 and 50 in Phase 2. The revised trajectory [Document 4.2] is 10 in 2015/16, 216 in 2016/17, 264 in 2017/18 and 305 in 2018-19, comprising of 255 in Phase 1 and 50 in Phase 2. This gives a revised total in the next 5-years of 795, which is 86 less than 881.

<sup>21</sup> For completeness the joint statement says: “Works are intended to start towards the end of 2016 and be completed within 3 to 4 years”, which is not significantly different to what is said on the website.

not an impediment to this quantum of development. The joint statement is unambiguous in saying: "*As part of the planning permission, it was determined that 1,500 homes could be built without the A14 Improvement Scheme*"<sup>22</sup>. I have no reason to doubt this and so the fact that 50 homes are included in the trajectory from phase 2 is of no significance.

44. On balance I accept the Council's submission in closing that the upshot is that this exercise has demonstrated no meaningful change. The Deputy Project Director for NW Cambridge envisages up to 71 more dwellings can be expected to be completed on that site by 2019, whilst Gallagher Estates envisages that 86 fewer dwellings can be expected to be completed at Northstowe by 2019. If one assumes a net difference of -15 [71-86] then the 5-year supply is 5,370 and the 5-year supply with a 20 % buffer, applying Sedgefield, is 3.9 years<sup>23</sup>. The Council submits that it is little wonder that the previous Appellant thought the better of pursuing points on the trajectory; I agree. This exercise suggests the Council has a robust basis for the figures it has adopted in its trajectory.

### **Relevant policies for the supply of housing**

45. The Framework says: "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*"<sup>24</sup>. It is common ground in this Inquiry that there are 3 relevant policies for the supply of housing, namely CS Policies ST/2 and ST/5, and DCP Policy DP/7. I accept that DCP Policy DP/7 (2) lists criteria that are broadly consistent with the Framework, but that does not alter my view that DCP Policy DP/7 is, primarily, a policy for the supply of housing. My view is reinforced by the fact that this site is outside of the development framework and hence the criteria in DCP Policy DP/7 (2) do not apply to the appeal site. For these reasons, on the first main issue, I conclude that relevant policies for the supply of housing, namely CS Policies ST/2 and ST/5, and DCP Policy DP/7, are out of date.

### **(ii) Character & appearance**

46. The Statement of Common Ground records that the main parties agree the following. The 4 hectare site is an irregular shaped parcel of arable farmland to the north of Bannold Road and east of Cody Road, with agricultural land situated beyond both the eastern and western site boundaries. The boundaries of the site are formed by a mature hedge and trees to the east and a gappy hedge to the north with adjacent properties at Kirby Road, which is part of the former Barracks. Bannold Road runs along the southern boundary along which there are a number of residential properties backing onto the site at both the south-east and south-west corners, with a Dr's Surgery further to the west. There is no defined boundary along the western boundary of the appeal site.
47. DCP Policy DP/7 (1) only permits development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside. In cross-examination Mr Bagshaw, on behalf of the Appellant, conceded that the proposal is for development outside of the village framework of a type not permitted under the policy, which is an inevitable concession, but it needs to be seen in the context of my finding that it is not up-to-date.

<sup>22</sup> Source of quote: Document 12.

<sup>23</sup> 5,385 [derived from the AMR] less 15 [71-86] = 5,370/6,932 [see DR46] x 5 [years] = 3.87 years, which can still be rounded up to 3.9 years.

<sup>24</sup> Source of quote: paragraph 49 of the Framework.

48. In pursuit of its claim that the proposed development would result in a loss of a visually important open buffer which presently separates Waterbeach from the Barracks, the Council point to the comments of 2 previous Inspectors. In an appeal decision [Ref T/APP/W0530/A/86/044894/P4], dated 12 August 1986, the Inspector dismissed a scheme for 5 dwellings on a site to the north-east of the junction of Bannold Road and Cody Road, which did not include the appeal site. The Inspector found: *"Waterbeach is a varied and characterful village which has succeeded in absorbing a large number of new houses without losing its compact and attractive appearance. It is separated from Waterbeach Barracks by a strip of arable land only some 200 m wide and the barracks itself is as extensive as a large village. It seems to me highly desirable that a wedge of open land should be retained between the 2 settlements to prevent their coalescence. Bannold Road, with its grass verges, mature trees and generally rural appearance forms a natural northern boundary to the village providing open views of farmland with the barracks beyond. .... If the appeal site were...to be built on this would further reduce the visual impact of the green wedge... Cody Road forms a distinct boundary to development on the northern side of Bannold Road and I consider it appropriate that the village envelope should exclude all the land to the east of this road"*<sup>25</sup>. In 1993 a Local Plan Inspector found that land, including the current appeal site: *"...is for the most part open and although it is not in the Green Belt or in my opinion of great scenic value, it does contribute towards the rural character of the village. I do not consider that there is any urgent physical, social or other need for the two parts of the village to be linked by development..."*<sup>26</sup> [*my emphasis*].
49. I accept that both Inspectors had to form judgments about the importance of the undeveloped area between the village and the Barracks and that their conclusions about that underlie both decisions. The appeal decision was made some 28 years ago and there have been 2 relevant changes since that time. The first is the development of what is now Cam Locks. That built form is visible from Cody Road, particularly over the winter period, but even during the accompanied visit, when the mature hedgerow was in full leaf, the houses were still evident. However, whilst that might provide a broader context for this site, it is not seen in views to the east of Cody Road, across the appeal site. Views back the other way, e.g. photo view point L<sup>27</sup>, are not public vantage-points.
50. The second more significant change is that the Barracks, or at least that part of the Barracks served off Cody Road<sup>28</sup>, have been relinquished by the MoD and are being refurbished as market housing. In terms of their character and appearance I consider that the refurbished houses are indistinguishable from the *"varied and characterful"* remainder of the village. I consider that the refurbished houses<sup>29</sup> belie their origins. Park Crescent, to the south of Bannold Road, has a far more institutionalised feel, including a gate beside the road entrance, and yet those houses are wholly within the settlement boundary.
51. In these circumstances I reject the claim that all of the findings made in 1986 remain pertinent today. In particular, the idea of the Barracks and the village

<sup>25</sup> Source of quote: paragraph 10.

<sup>26</sup> Source of quote: Site Assessment Proforma at KPC10.

<sup>27</sup> Figure 9 in Appendix 1 to Mr Coles's proof of evidence.

<sup>28</sup> Noting that access remains restricted to some areas of the barracks, including the officer's mess, there might be a distinction to be drawn in other cases and hence the qualification. The area served off Cody Road includes Capper Road, Kirby Road, Fletcher Avenue and Abbey Place.

<sup>29</sup> At the time of my inspection the refurbishment was in progress along Capper Road and Kirby Road; the condition of the houses along Fletcher Avenue gave an indication of what those houses were like before the refurbishment.

being “2 settlements” no longer applies. The refurbished dwellings served off Cody Road are wholly dependent on Waterbeach for access and the residents are likely to use many of the services and facilities in the village, including the shops, school and Dr’s surgery. Physically<sup>30</sup> and functionally this part of the former Barracks is now part of the village and, on the balance of probability, present and future occupiers of refurbished houses would regard themselves to be residents of the village of Waterbeach. I find no basis for concluding that this part of the former Barracks has a separate and distinct identity and my view is reinforced by the findings of the 1993 Inspector and his reference to “...two parts of the village”. In other words, even in 1993 it would appear that the Local Plan Inspector perceived the Barracks and the village to be a single settlement. The release of this part of the former Barracks as market housing is therefore not the catalyst for change but strongly underlines that conclusion.

52. When viewed in this way the “*highly desirable*” separation that underpinned the Inspector’s rationale in 1986 is now much less important. In reaching this view I have taken account of the Village Capacity Study, from 1998, but the release and refurbishment of the former Barracks gives me a sound basis to distinguish my findings from the view to which its author subscribed. Moreover there is a strong argument that better integration would achieve the “*strong, vibrant and healthy*” community that the Framework alludes to. Otherwise the separation evident on the ground might represent a metaphor for something more.
53. It is in this context that I turn to consider the site’s visual importance. The proposed development would be visible from Cody Road, looking east, and from along that part of Bannold Road that adjoins the appeal site. However other public vantage-points, such as travelling north up Way Lane, would be largely unaffected. Views from Bannold Drove, including at its junction with Bannold Road, would not significantly change because of the mature hedgerow that defines the eastern boundary of the appeal site. During the winter months built development is perceived through this hedgerow but any concerns about such development being brought closer could be ameliorated by seeking to reinforce the planting along the eastern boundary at reserved matters stage.
54. Park Crescent is a cul-de-sac and views from here, in common with those from Bannold Road itself, are enclosed by the existing dwellings in the former Barracks, see for example photo view point F<sup>31</sup>. Any housing that is proposed along the Bannold Road frontage of the appeal site would have to be set back from the road because of the drainage ditch, even though I appreciate that it would be culverted, at least in part. The illustrative masterplan shows housing set back from the road behind an area of open space. It would be open to the Council to seek tree and/or hedgerow planting along this frontage at reserved matters stage if this was considered to be important to soften the built form.
55. Whilst the proposed access would open up a vista into the site, the illustrative masterplan shows housing on one side set back from the road behind an area of open space and the houses on the other side behind the frontage dwellings. On this basis there would appear to be a number of ways in which the visual impact of the proposed scheme could be reduced at reserved matters stage. The housing along the frontage would not be out of character with the existing built form that already exists on either side of the frontage of the appeal site. Although plainly closer than the existing properties in Kirby Road, views from

<sup>30</sup> By virtue of the road link and pedestrian footway via Cody Road if nothing else.

<sup>31</sup> Figure 6 in Appendix 1 to Mr Coles’s proof of evidence.

- Bannold Road would not significantly change: the views would still be towards houses, albeit closer than at present, rather than out over open countryside.
56. For the above reasons I consider the proposed development would give rise to the most significant change when seen from Cody Road. At present the view from that vantage-point encompasses the exposed edge of the former Barracks as evident in photo view point A<sup>32</sup>, but looking due east the view terminates in the hedgerow that demarcates the eastern boundary of the appeal site. Beyond this the gable of the farmhouse and the largest farm building at Midload Farm are visible in winter months. Whilst, as noted in the Site Assessment Proforma, the Village Capacity Study identified a characteristic of the landscape around the village to be "*distant views*", it is clear this is not a characteristic of the vicinity of this site. Even the view from Cody Road is limited and enclosed.
57. The western boundary of the appeal site is undefined on the ground, but it would be open to the Council to seek significant planting along this boundary at reserved matters stage if this was considered to be important. The illustrative masterplan shows the western end of the site to predominantly comprise an area of public open space. The density, at around 22 dwellings per hectare<sup>33</sup>, is relatively low by recent standards. Taken together this might suggest there is scope for a more significant belt of planting along this boundary in order to mitigate the impact of the proposed development when seen from Cody Road, if this were considered to be necessary at reserved matters stage. It supports my view that the development would not necessarily be visually intrusive.
58. In these circumstances I agree with the Appellant's submission that there is a very strong sense of connection between the village and this part of the former Barracks, both in terms of use, or function, and appearance. On approach to the village from the east, along Bannold Road in the vicinity of the appeal site, there is very clear inter-visibility between the village and the former Barracks. This establishes a relationship between the areas rather than a barrier, which is the sense in which the Council appear to use the word buffer. The houses in the former Barracks provide the setting, or surroundings, for this entrance to the village, rather than open countryside. So whilst the appeal site is open, as in undeveloped, I question whether it fulfils the role of a buffer when seen from Bannold Road. Even if this might be wrong it is not *visually important* in the wider landscape [*my emphasis*] when seen on this approach to Waterbeach. Development of the appeal site, in visual terms, will only result in the presence of built form coming closer to Bannold Road, rather than harming a distinctive characteristic of the wider fenland landscape, which is not evident here.
59. The only public vantage-point from which the appeal site might conceivably be said to be a buffer is Cody Road. In the context of the adjacent land, to the east and west, it could be said to provide a setting for the village and/or the Barracks as referred to in the refusal reason. However the setting was not of sufficient importance to merit protection with any landscape designation in the adopted DP. In contrast to the countryside to the west, south and east of the village it is not Green Belt. Moreover Cody Road is not a through route but effectively a cul-de-sac that serves the dwellings on Capper Road, Kirby Road, Fletcher Avenue and Abbey Place. There is no public right of way through this

<sup>32</sup> Figure 3 in Appendix 1 to Mr Coles's proof of evidence.

<sup>33</sup> Site area is said to be 4 hectares and so 90 divided by 4 = 22.5. Even if I were to accept that the provision of public open space might raise the net density to 30 dwellings per hectare, as referred to in Mr Coles's evidence, this would still represent a modest density that would not alter the thrust of this finding. Amongst other things the proposed density would appear to be materially lower than Cam Locks [see Document 10].

part of the former Barracks. On this basis I reject the Council's claim that the appeal site contributes to a *visually important* open buffer as it is insufficiently visible in the wider landscape. The Appellant acknowledges that there would be an inevitable change on the appeal site but this does not equate to the proposal having an unacceptable adverse impact on the village's character.

60. In my view the Council's revision of this reason for refusal was recognition that it would be unable to substantiate the alleged non-compliance with DCP Policy DP/3 (2) (m). It should now be common ground that the development would not have an unacceptable adverse impact on the countryside and landscape character<sup>34</sup>. Neither do I consider it would contravene DCP Policy DP/3 (2) (l). It would have no material impact on the historic core of the village and, as is evident from the 1986 appeal decision, the village is characterised by the variety of housing that has been developed throughout the post war era including, most recently, at Cam Locks. To the extent that there are public views out from land within the village framework, most notably from Bannold Road, the view would still be towards houses, albeit closer than at present. Although I have found that the appeal site might be said to be an open buffer when seen from Cody Road, development of the appeal site would give rise to limited harm because the site is not visually important in the wider landscape. The Council has not shown that the proposed development would have an *unacceptable adverse impact on village character*, which is a high policy test.
61. In reaching this view the Council's approach to the development at Cam Locks is instructive. The 2003 aerial photograph appears to show a slither of largely undeveloped land to the north and east of the previously-developed land. The 2013 aerial photograph shows that whilst the latter was retained the former, which could have functioned as an open buffer between the village and former Barracks, was built on. The Delegated Report [Document 10] does not refer to issues such as coalescence or loss of an open buffer, although it would appear that the *Development Brief* could have provided some basis for that approach.
62. Whilst I recognise that distinctions can be drawn, not least that the site at Cam Locks was allocated in the Local Plan, if it was important to maintain separation between the village and former Barracks it is clear that this could have been achieved on the Cam Locks site even whilst releasing that site for housing. To that extent, if no other, Mr Coles was not wrong to suggest that the Cam Locks development extended the built form from Bannold Road up to the Barracks. However this appears to have been part of a continuing process of coalescence between the village and the Barracks over many years, as is evident from other development further to the west, notably Providence Way, off Denny End Road.
63. The proposition that coalescence between the village and former Barracks would be undesirable is not therefore justified. As I have noted, in terms of linking the communities it would be advantageous. In physical and landscape terms there is a clear and inevitable relationship between them. Development of the appeal site would merely continue the pattern of coalescence that has taken place to the west of the appeal site over the years and so this would maintain, rather than harm, this characteristic of the village.
64. I have no reason to doubt that the Council does have a landscape architect and that she was not called to support the Council's case no doubt, in part, because

<sup>34</sup> Under cross-examination Mrs Pell-Coggins sought to argue that there remained a conflict with criterion (m) because there was harm to countryside, distinct from landscape character. However given the terms of the report to the Committee on 5 March 2014 and the subsequent communication to the Appellant [see KPC2 and KPC3] this has not been made out. Paragraph 8 of the report is unambiguous in discounting the wording of criterion (m).

she raised no objection to the proposed scheme at planning application stage<sup>35</sup>. I appreciate that the same officer later changed her comments on the basis of the emerging Green Belt designation, which I consider in due course. That does not however detract from the Appellant's criticism, although I accept she might not have been called because of the change of emphasis in the refusal reason.

65. On the second main issue I conclude that the proposed development would not unacceptably harm the character and appearance of the area. By virtue of the fact that the scheme is proposed outside of the village development framework there would be a conflict with DCP Policy DP/7 (1) but for the reasons outlined above I find no conflict with DCP Policy DP/3 (2) and, in particular, criterion (I).

### **(iii) Prematurity**

66. The Guidance says: *"...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both: a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.... Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process"*<sup>36</sup>.
67. The Council acknowledges that criterion a) is not met. The development proposed is not so substantial, and its cumulative effect would not be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of development that are central to the emerging LP. Neither in my view is b) met. The appeal was lodged in November 2013, over 4 months before the emerging LP was submitted for examination, and had this Guidance [*seldom be justified*] been extant at that time it is open to question as to whether this reason would have been advanced. I have already identified the potential for delay in adopting the emerging LP and given the quantum and nature of the objections I cannot characterise it to be at an advanced stage. It might be subject to significant changes, in the form of main modifications, before adoption, assuming that the emerging LP is found to be sound.
68. In these circumstances the Council focussed on the words *"but not exclusively"*. There is an argument that this is a reference to the application of *"both"* a) and b) but even if this is right this would not assist the Council here because I have given reasons why both a) and b) would not be met. The inference appears to be that some other circumstances should be applied, what was referred to as the exceptional case, but it is not clear what that might be. It would not be appropriate to impose what would amount to a moratorium on development

<sup>35</sup> Email dated 14 August 2013, which was submitted as part of the bundle with the appeal questionnaire.

<sup>36</sup> Source of quote: paragraph reference 21b-014-20140306.



pending consideration of, in particular, LP Policy S/4. The fact that the appeal is being pursued in the context of an emerging LP cannot, of itself, render the proposal to be premature. For these reasons, applying the Guidance, I find that no circumstances exist in this appeal that justifies the refusal of planning permission on the basis of prematurity.

69. However because the application has been refused on the basis of prematurity, it is necessary to go on to consider how the grant of permission in this case would prejudice the outcome of the plan-making process. There is a balance to be struck between taking account of the representations made and treading into territory that is properly within the remit of the examination Inspector. I make the following observations without prejudice to the LP examination.

***Would there be prejudice to the outcome of the plan-making process?***

70. Mr Bagshaw conceded in cross-examination that the first part of the reason for refusal is made out. If permission were to be granted and implemented it would prejudice consideration of LP Policy S/4 in that the appeal site occupies a significant proportion of the area which has been identified as the Green Belt extension. However in order to make out its case under this head the Council needs to clearly demonstrate how the grant of planning permission for the appeal development would prejudice the outcome of the DP process. Mr Roberts, for the Council, was clear that in his view the new town proposal would ultimately be included in the LP that would be adopted. Implicit to this view is that the outcome of the plan-making process would not, in this respect, be prejudiced. In substance the delivery of Policy SS/5 in relation to the area shown on Inset Map H would not be prejudiced by allowing this appeal.
71. Policy SS/5 (6) says an Area Action Plan [AAP] will be prepared for the area shown on the Policies Map. The Key and annotation on Inset Map H confirm that the area concerned excludes that part of the former Barracks accessed via Cody Road, i.e. Copper Road, Kirby Road, Fletcher Avenue and Abbey Place. That area is also proposed, on Inset No 104 [Map 2 of 2], to be outside of the settlement boundary for Waterbeach. As I have already noted the sole access to this part of the former Barracks is via Cody Road; I have given reasons why it is physically and functionally part of the village. There appears to be nothing in the emerging LP that would lead me to find that status would change. On this basis it is difficult to see how the proposed Green Belt extension could be said to separate the village from the new town. There appears to be no plan to close Cody Road at this point and so this "*direct road access*", as per Policy SS/5 (3), would be inconsistent with achieving separation at this point.
72. There is no evidence that the Council has considered the proposed Green Belt extension against the purposes of the Green Belt set out in paragraph 80 of the Framework. The underlying objective appears to be separation but the second bullet-point, which is perhaps the most relevant to this aim, relates to "*neighbouring towns merging into one another*". The Council maintained at the Inquiry that the District comprises 108 villages with no towns and it follows that Waterbeach is, as it stands, a village. As such the proposed Green Belt extension would not appear to meet this or any other purpose in paragraph 80.
73. In the absence of having tested the proposed Green Belt extension against the purposes in paragraph 80 of the Framework, the Council instead relies on "*the established purposes of the Cambridge Green Belt*"; the only relevant one is to: "*Prevent communities in the environs of Cambridge from merging into one*

*another*<sup>37</sup>. However I have already given reasons why that part of the former Barracks served by Cody Road should be seen, physically and functionally, to be part of the village of Waterbeach, rather than being a separate community. On this basis it is difficult to see how Policy S/4 is consistent with this purpose.

74. In a similar vein paragraph 52 of the Framework invites Councils to “*consider whether it is appropriate to establish Green Belt around or adjoining any such new development*”. However the proposed extension to the Green Belt would principally lie between that part of the former Barracks served by Cody Road and the village, rather than around the new town. On this basis it is difficult to see how the Green Belt extension is consistent with this advice either. Moreover the Appellant’s criticism that paragraph 52 of the Framework does not excuse the need for a proper assessment to justify the designation is valid.
75. Paragraph 82 of the Framework requires “*exceptional circumstances*” to be shown in order to justify the establishment of new Green Belts. The Council has identified 3 exceptional circumstances and I shall deal with each in turn:
- i) I respect why it is seen to be important to maintain a clear identity, and deliver this by separation between the village and the new town, but for the reasons set out above I disagree that the S/4 designation would achieve this. The new town would not change the spatial relationship between the village and that part of the former Barracks served by Cody Road and it is material that no policy designation has been adopted or proposed in the past to maintain this separation;
  - ii) I accept that there are some constraints in relation to the developable area of SS/5, not least the requirement to provide an appropriate setting for Denny Abbey, but the precise scale of the new town is yet to be established. Not only does SS/5 delegate the determination of the number of dwellings to the AAP but only 1,400 dwellings are envisaged within the timeframe of the emerging LP, by 2031. This alone would suggest that there is the potential to provide separation between the new town and the village within the AAP boundary. Variables such as the disposition of public open space and the density within the new town are properly matters for the AAP rather than the emerging LP but such variables tend to reinforce this view. Although I acknowledge that Mr Bagshaw conceded in cross-examination that it was “*obvious*” that adding such an additional constraint may lead to a reduction in the number of dwellings being delivered as part of the new town, it has not been shown that the scale of development envisaged in SS/5 could not be delivered with this constraint; and,
  - iii) For the reasons set out above I disagree with the claim that separation further to the north would not perform the same function as what the Council describes to be the open gap which presently exists between the village and the former Barracks. In my view it would appear to provide a much better opportunity to make a clear break between the village and the new town which, by appropriate design, would not be compromised by direct access by private car. The landform of “*Witton’s Fields*”<sup>38</sup> is not dissimilar to the vicinity of the appeal site and so I reject the Council’s view that it could not perform the same function.
76. In these circumstances I reject the claim that exceptional circumstances exist to justify the Green Belt extension in this location. Moreover the objective of

<sup>37</sup> Source of quotes: paragraph 2.29 of the Proposed Submission South Cambridgeshire Local Plan [DR22].

<sup>38</sup> See Figure 1 of Appendix 1 to Mr Coles’s proof.

SS/5(3), to maintain the identity of Waterbeach, could be achieved in another way. Policy SS/5 (6d) says that the AAP will consider the relationship and interaction with the village. Paragraph 3.37 of the supporting text says of the Major Development Site on Inset H that: *"This does not mean the whole of the area will be developed. Large parts of it will remain undeveloped and green after the settlement is complete to provide open spaces within the new town and a substantial green setting for the new town...and Waterbeach village"*.

77. For these reasons the Council has not clearly shown how a grant of planning permission would prejudice the outcome of the plan-making process. First it is clear that the proposal for the new town, Policy SS/5 read with Inset Map H, would, in substance, be unaffected by a grant of planning permission. Second I have given reasons why the objective underpinning the proposed Green Belt extension could be accommodated in another way, without causing prejudice to the outcome of the plan-making process. It might be a matter that could be properly and reasonably delegated to the AAP and it is clear that a grant of permission would not prejudice the outcome of that plan-making process.
78. Overall, although the emerging Local Plan has reached the milestone of being submitted for examination, its forward progress remains potentially lengthy. There are substantial unresolved objections to relevant policies and proposals, which make the outcome of the process far from clear and leads me to attach them limited weight. The parameters for the AAP, which is even further away from adoption, give me a sound reason to find that the underlying objective of maintaining the identity of Waterbeach as a village can be achieved, despite the Appellant's acknowledgement that allowing this appeal would prejudice the consideration of emerging LP policy S/4. For all of these reasons, on the third main issue, I conclude that dismissal of the appeal on the grounds of prematurity would not be justified having regard to advice in the Guidance.

***(iv) Is it a sustainable location for this scale of residential development?***

***The Development Plan approach to sustainability***

79. Paragraph 2.7 of the CS says: *"The Strategy is one of concentrating development on Cambridge through a number of urban extensions to the city and at the new town of Northstowe... The strategy also allows for limited development to meet local needs in Rural Centres and other villages"*. CS Policy ST/2 sets out this "order of preference" with *"...development in Rural Centres and other villages"* [*my emphasis*] being the last preference. Although I acknowledge that no distinction is made in CS Policy ST/2 between types of rural centres I consider that this does not assist the Appellant. CS Policy ST/5 identifies Waterbeach as a Minor Rural Centre, but it is clear that the policy only permits residential development within the village frameworks, as defined on the Proposals Map. However the proposed development would not be policy compliant because the appeal site is not within the defined village framework.
80. Mrs Pell-Coggins suggested during cross-examination that criteria (a), (b), (c) and (d) of DCP Policy DP/1 were not met, but this stance appears to be inconsistent with the reasons for refusal of the application. Article 31 of the Town and Country Planning (Development Management Procedure)(England) Order 2010 requires that where planning permission is refused, the notice shall state clearly and precisely the full reasons for refusal, specifying all policies and proposals in the DP which are relevant to the decision. The decision notice alleges no conflict with DCP Policy DP/1 and nor is it a matter of disagreement in the Statement of Common Ground. No closing submissions were made on

this basis. For these reasons this is not a matter I need to deal with further, particularly given the subsequent concessions that followed that assertion.

81. The Appellant submits that the village has good public transport and cycle links, which is confirmed by the Council's own Services and Facilities Study<sup>39</sup>. It records that there is an hourly bus service between Cambridge and Ely from Monday to Saturday, inclusive, with a half-hourly service at peak times and a timetabled journey time of less than 25 minutes from the village to Cambridge. The train service from the village to and from Cambridge runs from 0700 to 2300 hours and appears to be hourly with a more frequent service to Ely at all times and to Cambridge in the morning peak. Journey times are short with a timetabled journey time to Cambridge of as little as 6 minutes. There is also an off-road cycle route parallel to the river which, by reason of the topography, provides a realistic alternative mode of travel. In addition cycling or walking are realistic ways of gaining access to the bus and rail network, as well as local services and facilities, including employment.
82. In terms of services and facilities, the village has a primary school and a GP, both of which are conveniently located close to the appeal site. There is no secondary school, but it was agreed at the Inquiry that there is a bus service for students to gain access to Cottenham College. The village has a basic level of retail facilities, including a post office, bakery, butcher, newsagent, village store, pharmacy and hairdresser. Apart from the numerous public houses there appears to be a fairly limited range of other services and facilities, such as one garage. However there is significant employment both within and near to the village, a point that was recognised by the Highway Authority who noted that the Cambridge Research Park, which it regards to be an important employment area, is accessible by bus from Waterbeach.
83. Questions of frequency aside, the fact that Waterbeach has a train service at all gives it a considerable advantage, in terms of choice of sustainable modes of transport, over many other villages in the District. I consider that this might not be adequately reflected in the Village Classification Report, which ranks Waterbeach as joint second from bottom in the list of settlements on the basis of a scoring system set out in the report. However I am not in a position to undertake a revised form of comparative analysis, which is properly a matter for the Inspector undertaking the LP examination. So whilst I have some sympathy with the Appellant's claim that the Village Classification Report is "*highly counterintuitive*", particularly by reason of its good public transport links, it is unclear where that point goes. In comparative terms, even if Waterbeach was given a score for its public transport accessibility, it would still be a relatively poorly performing settlement when judged against the, albeit not entirely satisfactory, criteria set out in the Village Classification Report.
84. For these reasons, irrespective of whether the reference in CS Policy ST/5 to 30 dwellings is a cap or a guide, I find a conflict with CS Policies ST/2 and ST/5.

### ***The approach of the Framework to sustainability***

85. Turning to the Framework, paragraph 29 says the transport system needs to be balanced in favour of sustainable transport modes "*...giving people a real choice about how they travel*". In this context it is significant and material that the Highway Authority raises no objection to the proposed development,

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<sup>39</sup> Appendix KPC15 appears to be an updated version of that found at MB19.

- subject to the imposition of conditions and the Agreement; at no stage has it suggested that the proposal would not represent sustainable development.
86. In closing it was said that it was not necessary to undertake a comparative analysis and that all the Appellant needed to do was show that Waterbeach is a sustainable location; I agree. Even on a narrow view of sustainability, in terms of accessibility, the appeal site is a sustainable location in which prospective households would not be wholly dependent on the private car in order to meet their day to day needs. The fact that the Council seeks to identify land to the north of the village for a new town reinforces my view that the appeal site is a sustainable location given that the Framework says, in preparing Local Plans, Local Planning Authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable transport modes.
87. Although prospective occupiers would inevitably depend, to some extent, on the private car, it is worth noting that this is also likely to be the case, albeit to varying degrees, in all of the District's villages. My colleague in the Toft appeal found: "*Toft, in combination with Comberton, is capable of meeting a number of the day to day needs of its residents...*"<sup>40</sup>. This was a factor in his finding that the proposal would be a sustainable development, yet I note the CS says Toft is only suitable for infill; in other words that village is lower down the spatial hierarchy in the CS. In the context of the failure of the adopted strategy to deliver an adequate supply of housing, I consider the appeal site represents a sustainable development option. It is not the most sustainable option in terms of the locational strategy in the CS but it is a sustainable option that is deliverable and would help to meet the shortage of housing in the area.
88. The Framework explicitly recognises that development in rural areas is unlikely to offer the same opportunities for promoting sustainable modes of transport as is development in urban areas. However this is not reason in itself to focus all new development around Cambridge, because the "*sustainability*" of putting development in a particular location is about much more than just accessibility. In that real sense the CS is out-of-date with the approach in the Framework.
89. As I have already noted, paragraph 7 of the Framework says that there are three dimensions to sustainable development. In terms of the economic dimension, the Government has made clear its view that house building plays an important role in promoting economic growth. The proposed development would have give rise to a number of economic benefits. In the short term this would include the creation of jobs in the construction industry as well as the multiplier effect in the wider economy arising from increased activity. In the long term future occupiers of the proposed new houses would provide more custom for the existing shops and services in the village thereby contributing to the local economy. The provision of housing in Waterbeach would help to meet the needs of businesses, e.g. on the nearby Cambridge Research Park, to house their employees, whilst also providing a realistic travel option by train to Cambridge to help support its important, wider economic role. The scheme would therefore contribute towards building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type was available in the right place at the right time to support growth.
90. Turning to the social dimension of sustainable development, the Framework places importance on widening the choice of high quality homes and ensuring that sufficient housing (including affordable housing) is provided to meet the

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<sup>40</sup> Source of quote: paragraph 24 of the Toft decision.

needs of present and future generations. For the reasons identified in my consideration of the first issue, the proposal would be of clear benefit in these terms given the current shortfall in the District's housing supply. The proposed development would be well placed to access services and facilities in the village that would meet many day-to-day needs of prospective occupiers; those in the wider area can be accessed by sustainable modes of transport.

91. Finally in relation to the environmental role of sustainable development I have given reasons why the proposed development would not unacceptably harm the character and appearance of the area. Paragraph 8 states that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. I conclude, notwithstanding my finding when tested against the locational strategy in the CS, that the proposal would comprise sustainable development.

### ***Application of the presumption in favour of sustainable development***

92. The Framework says that for decision taking the presumption in favour of sustainable development means that: *"where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*<sup>41</sup>. Footnote 9 to the Framework gives examples of the latter to be policies relating to land designated as Green Belt and locations at risk of flooding. The appeal site is not designated as Green Belt and although local residents have expressed concerns about flooding, the Council's *"Delegation Report"* records that such objections *"...are not supported in the comments of the statutory agencies"*. The Internal Drainage Board advised that the principles of the surface water scheme set out in the Flood Risk Assessment are acceptable and the Environment Agency raised no objections. There is no technical evidence before the Inquiry that would lead me to a contrary view.
93. In applying the presumption in favour of sustainable development it is necessary to undertake a balancing exercise that is skewed in favour of granting permission. I have identified the adverse impacts of the proposed development to include the fact that the development would take place outside the settlement boundary, but given that DCP Policy DP/7 is a policy for the supply of housing this is not, in and of itself, a reason to refuse permission. Although I have found that the appeal site might be said to be an open buffer when seen from Cody Road, its development would give rise to limited harm because the site is not visually important in the wider landscape. This limited harm would not significantly and demonstrably outweigh the benefits.
94. My finding that the proposed development would conflict with the locational strategy in the CS was made having regard to the spatial strategy set out in CS Policies ST/2 and ST/5, which are also policies for the supply of housing that are not up-to-date. Prospective households would not be wholly dependent on the private car in order to meet their day to day needs due, amongst other things, to realistic public transport options and significant local employment opportunities. The contributions that have been offered towards upgrading a bus stop and the provision of real time passenger information would further promote these options. I have also given reasons why I attach limited weight

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<sup>41</sup> Source of quote: paragraph 14 of the Framework.

to the emerging LP at this time, even though I acknowledge that it seeks to designate the appeal site as Green Belt.

95. These adverse impacts would not significantly and demonstrably outweigh the benefits of the scheme, which include the prospect of a meaningful contribution to the delivery of housing in the District in an area where there has been a persistent under-supply of housing. Although the other provisions of the Agreement constitute mitigation for, rather than a benefit of, the proposed development, the 40 % affordable housing that is offered is a significant material consideration in favour of the proposed development to which I attach substantial weight. The Council's AMR [Document 5.3] shows that in 2012-13 just 105 new affordable dwellings were completed as a result of the grant of planning permissions. This is the lowest total in any year since 2001-02, when a lower threshold might have been in place. In the context of that figure the 36 affordable houses that would be delivered on the appeal site is significant; it would represent around a third of what was delivered in the last year for which records are available. Moreover this is in the context of a substantial affordable housing need of 5,412 households in the District<sup>42</sup>. On the fourth main issue, taking account of the broader perspective of sustainable development that is evident from the Framework but not reflected in the DP, I conclude that this is a suitable and sustainable location for this scale of residential development.

## **Other Matters**

### ***(i) Consideration of the Agreement***

96. The Council provided a "*Planning Obligations Justification Statement*" ahead of the Inquiry, the contents of which were not challenged. Appended to the statement is a bundle of policy extracts and background documents that set out the basis for the quantum of contributions sought. Moreover the s106 is, somewhat unusually in my experience at appeal, delivered as an Agreement rather than a unilateral undertaking, which underlines that the respective Councils are content with the level of contributions offered and its terms.
97. If I were in any doubt as to the necessity for the specific sums sought, the basis for the respective contributions is set out in the Justification Statement. Although that statement made adverse comments on the affordable housing mix that was originally offered, this has been remedied in the final Agreement. In these circumstances I am satisfied that provisions set out in the Agreement are compliant with paragraph 204 of the Framework and Regulation 122 of the Community Infrastructure Levy [CIL] Regulations 2010. Given that the scheme is made in outline and that the precise mix of properties, e.g. in terms of size of units, is unknown at this stage the terms of the Agreement are appropriate. There is however a clear basis and audit trail for the sums sought.

### ***(ii) Other material considerations***

98. I appreciate that allowing this appeal might make it more difficult for the Council to resist other applications for residential development on adjoining land that have recently been put forward, including S/0558/13/OL. However, noting the weight that I have attached to the housing supply situation and my rationale on the second main issue, that is properly a matter for the relevant decision maker. Neither this material consideration nor any other matters raised in the representations alter the overall conclusion to which I am drawn.

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<sup>42</sup> Figure for 2011/12 appears to be the most recent for which data is available [Document 9.1].

99. In the light of my finding that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the scheme, and my similar conclusion in the Cody Road appeal, I have also considered whether the combined impact of allowing both appeals would result in any change in the balance of benefits and adverse impacts. The effect of permitting both appeals would be to increase the weight on the “*adverse impact*” side of the balance, principally due to the identified conflict with the spatial strategy set out in the DP. However because CS Policies ST/2 and ST/5 are policies for the supply of housing that are not up-to-date it remains the case that, in applying the presumption in paragraph 14 of the Framework, the cumulative impacts of allowing both of these appeals would not significantly and demonstrably outweigh the identified benefits. In reaching this view it is material that no case was advanced for the Council on this “combined” basis.

### **Overall conclusion**

100. I conclude that, as policies for the supply of housing in the DP are out-of-date and the Council cannot demonstrate a 5-year supply of housing land, the appeal should be allowed and planning permission granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. I have given reasons why the adverse impacts, including those identified in my consideration of the second main issue, are not sufficient to outweigh the benefits. Taking account of the identified benefits of the appeal proposal, I conclude overall that planning permission should be granted because other material considerations clearly outweigh the limited harm and the identified conflict with out-of-date DP Policies.

### **Conditions**

101. The Council has suggested 19 conditions, all of which are acceptable to the Appellant. However I propose to test the suggested conditions against the advice in the Framework and the Guidance, having regard to the list of model conditions in Circular 11/95. The first 3 are the standard conditions relating to outline applications, namely submission of details, the timescale for submission and implementation, but I shall adopt those in the Circular in preference to those suggested in the interests of precision. The fourth identifies the approved plans, which is necessary in the interests of proper planning and for the avoidance of doubt. The fifth excludes from this list of plans the “*Concept masterplan*” [drawing No 267/174/001], but as this is to be treated as being “*For illustrative purposes only*” there is no need for this suggested condition.
102. The next 3 conditions require details of boundary treatment, hard and soft landscaping, and implementation of the latter respectively, which are necessary in the interests of the finished appearance of the development. The next requires details of those trees that are proposed to be retained, which is necessary to achieve biodiversity and by reason of visual amenity but I shall revise that suggested to make reference to the current British Standard. A condition with regard to archaeology is necessary in order to comply with DP policy but I shall revise the suggested condition in the interests of precision.
103. The next, land contamination, is necessary in the interests of neighbours’ living conditions together with those of prospective residents, but I shall add a clause to require remediation, if necessary, to make it enforceable. Two conditions are put forward with regard to surface water drainage and pollution control of the water environment, which are necessary to prevent the increased



risk of flooding and to reduce the risk of such pollution from oil etc, respectively.

104. A condition is required to deliver the visibility splays at the road junctions in the interests of highway safety, but I shall add a cross-reference to approved drawing No 16958/1001A. The next requires agreement of a traffic management plan during construction phase, which is also necessary in the interests of highway safety. Two suggested conditions require details of lighting and fire hydrants to be approved, which are necessary by reason of minimising light pollution and ensuring an adequate water supply is available in emergencies, respectively. The penultimate condition requires the public footpath to be provided along the northern side of Bannold Road, but I shall revise that suggested to delete reference to policy, which is superfluous, and make reference to the approved access drawing that shows a footway along the length of the site frontage. The condition is necessary in order to ensure that prospective residents can gain safe access to local amenities, including the GP Surgery and bus stop. The last suggested condition requires a travel plan to be submitted and approved, which is necessary to promote alternatives to the private car in this location.

*Pete Drew*

INSPECTOR

### ***Schedule of conditions***

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved drawings: 1:2500 "Promap" location plan and drawing No 16958/1001A.
5. 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 shall be completed before that dwelling or any dwelling on any adjacent plot is occupied in accordance with the approved details and shall thereafter be retained.
6. No development shall take place until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.
7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. If within a period of 5 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.
8. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 5 years from the first date of occupation of any dwelling within the site:
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998: 2010 "*Tree Work – Recommendations*" (or any equivalent standard replacing BS 3998: 2010).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall

- be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
- iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the Local Planning Authority.
9. No development shall take place until a programme of archaeological work has been undertaken in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. No development shall commence until:
- The appeal site has been subject to a detailed desk study and site walkover in relation to contamination, to be submitted to and approved in writing by the Local Planning Authority.
  - Following approval of a) above, a detailed scheme for the investigation and recording of contamination and remediation objectives (which have been determined through risk assessment) must be submitted to and approved in writing by the Local Planning Authority.
  - 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.
  - The works specified in the Remediation method statement have been completed and a verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
  - If during remediation works any contamination is identified that has not been considered in the Remediation method statement then remediation proposals, together with a timetable, should be agreed in writing by the Local Planning Authority and the remediation as approved shall be undertaken within the timeframe as agreed.
11. No development shall take place until a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
12. No development shall take place until a scheme for the provision and implementation of pollution control of the water environment, which shall include foul drainage, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.

13. Visibility splays shall be provided on either side of the junction of the proposed access road with the public highway, as shown on drawing No 16958/1001A, prior to occupation of any dwelling. The minimum dimensions of the required splay lines shall be 2.4 m, measured along the centre line of the proposed access road from its junction with the channel line of the public highway, and 43 m in both directions, measured along the channel line of the public highway from the centre line of the proposed access road. The visibility splays shall be maintained clear from obstruction over a height of 600 mm and thereafter retained in that condition.
14. No construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
  - a. Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway).
  - b. Contractor parking, which should be within the curtilage of the site and not on street.
  - c. Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway).
  - d. Control of dust, mud and debris, which should not be deposited upon the public highway.
15. No development shall take place until a lighting scheme, to include details of any external lighting of the site such as street lighting, floodlighting and security lighting, has been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation, full isolux contour maps and a schedule of equipment of the design (luminaire type, mounting height, aiming angles and luminaire profiles, angle of glare) and shall assess artificial light impact in accordance with the Institute of Lighting Engineers (2005) '*Guidance Notes for the Reduction of Obtrusive Light*'. The approved lighting scheme shall be installed in accordance with the approved details before any dwelling is occupied, and thereafter maintained and retained in that condition.
16. No development shall take place until a scheme for the provision and location of fire hydrants to serve the development to a standard recommended by Cambridgeshire Fire and Rescue Services has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved scheme before any dwelling is occupied.
17. No development shall take place until details of a scheme for the provision of a public footpath along the northern side of Bannold Road from just east of the junction of Cody Road (to connect to the existing footpath) to the site, including along its frontage, as shown on drawing No 16958/1001A, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to first occupation of any dwelling or in accordance with an implementation programme that has been agreed in writing by the Local Planning Authority.
18. The dwellings hereby permitted shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented in accordance with the approved details.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Melissa Murphy of Counsel	Instructed by Head of Legal Services, South Cambridgeshire District Council.
She called:	
Karen Pell-Coggins MA MRTPI	Senior Planning Officer, South Cambridgeshire District Council.
David Roberts BA, MRTPI	Principal Planning Policy Officer, South Cambridgeshire District Council.

### FOR THE APPELLANT:

Peter Goatley of Counsel	Instructed by John Martin Associates.
He called	
Martin Bagshaw BA (Hons), MRTPI	John Martin Associates, Northampton.
Brett Coles BA (Hons), Dip TP, Dip LA, MRTPI	Director FPCR Environment & Design Ltd, Derby.

## DOCUMENTS

- 1 List of appearances for the Appellant.
- 2 Opening submissions on behalf of the Appellant.
- 3 Opening submissions on behalf of the Council.
- 4.1 Email from Marshall of Cambridge to the Council dated 6 May 2014;
- Email from Gallagher UK to the Council dated 8 May 2014; and,
- 4.3 Email from NW Cambridge Development to the Council dated 12 May 2014.
- 5.1 Appeal decision [Ref APP/K2420/A/13/2202261];
- Figure 4.7 from the Council's AMR [February 2014]; and
- 5.3 Figure 4.16 from the Council's same AMR, all submitted by the Appellant.
- 6 Errata and updates to Mr Roberts's proof.
- 7 Section 106 Agreement dated 13 May 2014.
- 8 Policy NH/13 from the Proposed Submission Local Plan [July 2013].
- 9.1 Excerpt from SHMA 2013 comprising section 13.2.6, with covering analysis;
- Email from Gallagher UK to the Council dated 20 January 2014; and,
- 9.3 Email from Homes and Communities Agency to the Council dated 23 January 2014.
- 10 Delegated report for application No S/1551/04/O.
- 11 Excerpt from the Highways Agency website with regard to A14 timetable.
- 12 Joint statement between Gallagher Estates, Homes and Communities Agency, Highways Agency and the Council with regard to Northstowe delivery in the 5-year period 2014-2019.
- 13 List of revised [and agreed] conditions submitted by the Council.
- 14 Summary of the section 106 Agreement.
- 15 Closing submissions on behalf of the Council.
- 16 Closing submissions on behalf of the Appellant.

## Appendix MH06

Analysis of Major Homebuilder Annual Reports and Accounts for rate of sale information

Developer	Report Title	Private Comps	Affordable Comps	Affordable %age	Other Comps	Total Comps	No of active sites	Overall Sales Rate PA	Private Sales Rate PA	Private Sales Rate PCM	Private Sales Rate PW	Stated Reservation Rate PW
1 Barratt	Trading Update July 2015	12,746	2,853	17.3%	848	16,447	399	41.2	31.9	2.66	0.61	0.64
2 Taylor Wimpey	Annual Report and Accounts 2013 and Trading Statement April 2015	9,423	2,124	18.2%	149	11,696	315	37.1	29.9	2.49	0.57	0.76
3 Persimmon	Annual Report 2013					11,528	390	29.6				
4 Bellway	Annual Report and Accounts 2014	5,809	1,042	15.2%		6,851						
5 Berkeley	Annual Report 2014					3,742	65	57.6				
6 Redrow	Annual Report and Accounts 2014	2,963	634	17.6%		3,597	103	34.9	28.8	2.40	0.55	0.70
7 Linden Homes	Annual Report and Financial Statements 2014	2,244	643	22.3%		2,887	65	44.4	34.5	2.88	0.66	0.63
8 Bovis	Annual Report and Accounts 2013	2,330	483	17.2%		2,813	90	31.3	25.9	2.16	0.50	0.59
9 Crest	Annual integrated report 31st October 2014	1,855	675	26.7%		2,530						
10 Miller	Annual Report 2013					2,053	68	30.2				
								38.3 dpa	30.2 dpa			
								22.6%		0.58 dpw	0.66 dpw	

**From:** Julian Jones <[julian.d.jones@barratthomes.co.uk](mailto:julian.d.jones@barratthomes.co.uk)>

**Date:** Tuesday, 10 March 2015 13:17

**To:** Mark Hewett <[mh@intel-land.com](mailto:mh@intel-land.com)>

**Subject:** RE: Average Housing completions

Hi Mark

We buy current schemes based upon .65 units/week average

Hope this helps – albeit our patch doesn't take in Hart DC operating area as we are more South Central and South West – see attached (slide 9 of 20)

Julian

**Julian Jones | Development Director | BDW Southampton (a trading name of BDW Trading Ltd)**

 Tollbar House, Tollbar Way, Hedge End, Southampton, Hampshire, SO30 2UH

 01489 779219 |  07739 702609 |  [julian.d.jones@barratthomes.co.uk](mailto:julian.d.jones@barratthomes.co.uk) |  [www.barratthomes.co.uk](http://www.barratthomes.co.uk)

TM

building futures **together**



Help the environment – please don't print this email unless you really need to!

**From:** Mark Hewett [<mailto:mh@intel-land.com>]

**Sent:** 10 March 2015 11:03

**To:** Jones, Julian D

**Subject:** Average Housing completions

Dear Julian

I am preparing a proof of evidence for a Housing Land Supply case in Hart District Council. I am trying to establish sales rates per development outlet, as an average. I wondered if you could advise me of the current figures being used for housing developments in the south as an average?

Kind regards

Mark Hewett

Kind regards

Mark Hewett

Partner

Office: +44 (0)1202 570 471

Mobile: +44 (0)7789 958 472

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The sender of this e-mail is a member of the Barratt Developments group of companies, the ultimate parent of which is Barratt Developments PLC (company number 00604574).

Barratt Developments PLC is registered in England and Wales with its registered office at Barratt House, Cartwright Way, Forest Business Park, Bardon Hill, Coalville, Leicestershire, LE67 1UF, together with its principal subsidiaries BDW Trading Limited (03018173), David Wilson Homes Limited (00830271) and Wilson Bowden Developments Limited (00948402). BDW North Scotland Limited (SC027535), also a principal subsidiary, is registered in Scotland and has its registered office at Blairton House Old Aberdeen Road, Balmedie, Aberdeenshire, AB23 8SH.

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9 July 2015

## Barratt Developments PLC

### A further year of excellent progress

Barratt Developments PLC is today issuing a trading update for the year ended 30 June 2015 ahead of its annual results announcement on Wednesday 9 September 2015.

#### Highlights

- Total completions, including joint ventures ('JVs'), increased by 10.8% to 16,447 (2014: 14,838) reflecting strong consumer demand and increased site numbers
- Private average selling price up by c. 8% to c. £262k (2014: £241.6k), driven by further changes in mix and underlying house price inflation
- Profit before tax expected to increase by c. 45% to c. £565m (2014: £390.6m)
- Return on capital employed ('ROCE')<sup>(1)</sup> increased by c. 430 basis points to c. 23.8% (2014: 19.5%)

	<b>FY15</b>	<b>FY14</b>	<b>Change</b>
<b>Total completions (including JVs)</b>	16,447	14,838	10.8%
<b>Average selling price ('ASP')</b>			
- Total	c. £235k	£219.9k	c. 7%
- Private	c. £262k	£241.6k	c. 8%
<b>Net private reservations per active site per week</b>	0.64	0.69	(7.2)%
<b>Total forward sales (including JVs)</b>			
- Plots	8,777	6,813	28.8%
- £m	£1,771.3m	£1,367.0m	29.6%

(1) ROCE is calculated as earnings before interest, tax, operating charges relating to the defined benefit pension scheme and operating exceptionals, divided by average net assets adjusted for goodwill and intangibles, tax, cash, loans and borrowings, retirement benefit obligations and derivative financial instruments

Note: All figures exclude joint venture completions in which the Group has an interest unless otherwise stated

#### Commenting on the results David Thomas, Chief Executive said:

"The housing market has remained strong and our operating performance has been very good. Over the last 12 months we have opened 176 new developments, increased our housing completions by 11% and committed £1 billion of land investment for future housing. We start the new financial year with very strong forward sales and are well on the way to meeting our FY17 targets of a 20% gross margin and at least 25% return on capital."

## Overview

The Group has traded well throughout the financial year, delivering a strong improvement in performance across all financial metrics.

With good demand for new homes across all six of our operating regions, the Group has focused on maximising sales whilst driving financial performance. We continue to see a positive mortgage lending environment, with increased competition amongst lenders and new market entrants resulting in very low rates for our customers.

The land market remains attractive and we continue to secure excellent development opportunities that at least meet our minimum hurdle rates. We are also focused on securing our longer term land pipeline, in particular through the acquisition of options over strategic land.

Delivering the highest quality homes to our customers across all market segments remains at the core of our business and continues to drive sales and operating efficiencies. We are pleased that our site managers have once again received the highest number of awards for quality workmanship in the NHBC Pride in the Job Quality Awards, the eleventh consecutive year the Group has won more than any other housebuilder. The Group has also maintained the Home Builders Federation maximum five star rating for customer satisfaction for the sixth consecutive year.

## Trading update

Total completions (including JVs) for FY15 were up 10.8% at 16,447 (2014: 14,838) units. Affordable housing represented 18% (2014: 16%) of total completions (excluding JVs).

<b>Completions (units)</b>	<b>2015</b>	<b>2014</b>	<b>Change</b>
Private	12,746	11,936	6.8%
Affordable	2,853	2,255	26.5%
JV	848	647	31.1%
<b>Total</b>	<b>16,447</b>	<b>14,838</b>	<b>10.8%</b>

We are pleased with the resilience of the Group's build processes and the overall robustness of the build programme during the year, in particular given the uplift in completion volumes.

Total ASP on completions in the year increased by c. 7% to c. £235k (2014: £219.9k). Private ASP for FY15 increased by c. 8% to c. £262k (2014: £241.6k) and by c. 6% in the second half to c. £270k (2014: £254.2k). This year on year increase reflects both further mix changes and underlying house price inflation.

The sales rate for FY15 was 0.64 (2014: 0.69) net private reservations per active site per week, with a sales rate in the second half of 0.70 (2014: 0.71) net private reservations per active site per week.

The Group launched a total of 176 new developments in the year (2014: 136) and at 30 June was operating from 399 (2014: 366) active sites (including JVs). Given the strength of the sales rate, especially in the second half, we sold through developments faster than

anticipated. We expect to see further controlled growth in site numbers in FY16 of around 3%.

Our JVs have performed well and our share of profits from JVs in FY15 is expected to increase to c. £46m (2014: £40.5m). As at 30 June we were selling from 16 (2014: 8) JV sites and expect both JV completions and share of profits from JVs to increase in FY16. For our London region, the proportion of completions from JV sites versus non-JV sites is expected to increase significantly in FY16.

Profit before tax for FY15 is expected to be up by c. 45% to c. £565m (2014: £390.6m), driven by increased completion volumes, a greater proportion of completions from higher margin land and underlying house price inflation net of build cost inflation.

### Forward sales

Our forward sales position remains very strong with total forward sales (including JVs) as at 30 June 2015 up 29.6% on the prior year figure at a value of £1,771.3m (2014: £1,367.0m), equating to 8,777 plots (2014: 6,813 plots). We are around 26% (2014: 26%) forward sold for FY16 private completions (including JVs).

	2015		2014		Change (£m)
	£m	Plots	£m	Plots	%
Private	882.4	3,268	870.1	3,315	1.4%
Affordable	471.2	4,145	330.4	2,965	42.6%
<b>Sub total</b>	<b>1,353.6</b>	<b>7,413</b>	<b>1,200.5</b>	<b>6,280</b>	<b>12.8%</b>
JV	417.7	1,364	166.5	533	150.9%
<b>Total</b>	<b>1,771.3</b>	<b>8,777</b>	<b>1,367.0</b>	<b>6,813</b>	<b>29.6%</b>

### Land

Conditions in the land market remain attractive and we continue to secure excellent land opportunities across all regions that meet or exceed our minimum hurdle rates of 20% gross margin and 25% site ROCE<sup>(2)</sup>.

In FY15 we approved a total of £957.0m (2014: £1,198.1m) of operational land equating to 16,956 plots (2014: 21,478 plots). At 30 June 2015 the Group had a c. 3.3 year owned landbank and c. 1.2 year supply of conditionally contracted land. Going forward, the Group continues to target a c. 3.5 year supply of owned land and c. 1.0 year supply of conditionally contracted land. Whilst maintaining a first class operational landbank, the Group is also focused on securing the longer term land pipeline, in particular through the acquisition of options over strategic land. We continue to target c. 20% of our completions to be delivered from strategic land in FY17.

We continue to make good progress with the transformation of our landbank from older low margin land to more recently acquired higher margin land, and as at 30 June 2015, 90% (2014: 84%) of our owned and controlled land is higher margin newer land.

(2) Site ROCE on land acquisition is calculated as site operating profit (site trading profit less overheads less allocated administrative overheads) divided by average investment in site land, work in progress and equity share

### **Net cash and land creditors**

As at 30 June 2015 the Group had a net cash balance of c. £185m (2014: net cash £73.1m). This is greater than previous guidance reflecting both the increased level of completions for the full year and the timing of land payments.

The Group continues to seek to defer payment for new land where possible to drive a higher ROCE and land creditors as at 30 June 2015 are expected to be c. 35% of the owned landbank (30 June 2014: 33%). For FY16 we are targeting land creditors to be around one third of the owned landbank.

We expect the Group's finance charge for FY15 to be c. £57m (2014: £59.7m), consisting of a cash finance charge of c. £28m (2014: £26.7m) and c. £29m (2014: £33.0m) of non-cash charges.

### **Return on capital employed**

The Group's fast asset turn model of a shorter consented landbank, deferred payment terms, standardised product, and the ability to sell through both our brands on larger sites is focused on driving ROCE.

For FY15 we expect ROCE<sup>(1)</sup> to increase by c. 430 basis points to c. 23.8% (2014: 19.5%), and we are confident of delivering further good progress on ROCE as we complete the transformation of the landbank, running down the Group's low or zero margin legacy assets.

### **Capital Return Plan**

The strong financial performance supports the Group's Capital Return Plan which combines an ordinary dividend, based on the dividend being three times covered by earnings, with a special cash payment programme. The special cash payments are expected to return £400m by November 2017, with the first proposed payment of £100m<sup>(3)</sup> payable in November 2015.

### **Outlook**

The fundamentals for the market remain very positive. The Group starts the new financial year with a very strong forward order position and we expect to deliver a further significant improvement in performance in FY16.

(3) The first special cash payment will be subject to approval at the Annual General Meeting in November 2015 and subsequent special cash payments will be subject to shareholder approval

**This trading update contains certain forward-looking statements about the future outlook for the Group. Although the Directors believe that these statements are based upon reasonable assumptions, any such statements should be treated with caution as future outlook may be influenced by factors that could cause actual outcomes and results to be materially different.**

**Conference call for analysts and investors**

David Thomas, Chief Executive will be hosting a conference call at 08.30am today, Thursday 9 July 2015, to discuss this trading update.

To access the conference call

Dial-in: +44 (0)20 3427 1914

Access code: 9715351

A replay facility will be available shortly after

Dial-in: +44 (0)20 3427 0598

Access code: 9715351

**For further information, please contact:****Barratt Developments PLC**

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# Delivering value through the cycle

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## The essential Strategic Report

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### Key to other items in this report

Throughout this report you will find the following icons for particular points of interest:

-  Cross reference to information on-line
-  Cross reference to information in this report
-  KPI Key Performance Indicator
-  Corporate Responsibility

### Corporate Responsibility

A full Corporate Responsibility Report is published separately on-line and is available from [www.taylorwimpey.co.uk/corporate/corporate-responsibility](http://www.taylorwimpey.co.uk/corporate/corporate-responsibility). Key information about our approach to sustainable development is available in the following areas of this report:

**Governance**  
Pages 41-54

**Approach and policies**  
Pages 14-15, 23-25, 27, 48, 52

**Employees**  
Pages 20, 34

**Health and safety**  
Pages 18, 25, 32



## Managing the housing cycle to create value and deliver the best quality returns.

### UK Housing at a glance

- Completions 11,696 (2012: 10,886)
- Average Selling Price £191k (2012: £181k)
- Revenue £2,271.4m (2012: £1,987.0m)
- Operating profit\* £312.8m (2012: £224.8 m\*\*)
- Operating margin\* 13.8% (2012: 11.3%\*\*)
- Contribution per legal completion £38.8k (2012: £33.9k)
- Forward order book as a % of completions of 57.4% (2012: 55.3%)
- Strategic pipeline of 109,974 potential plots (31 December 2012: 98,659)
- Short term owned and controlled landbank of 70,628 (31 December 2012: 65,409)

### UK financial performance

We have performed at the upper end of our expectations in 2013 and continued to grow our business in the right way. Revenue has increased by 14.3% to £2,271.4 million (2012: £1,987.0 million), primarily driven by an improved mix and quality of location. Operating profit\* increased by 39.1% to £312.8 million (2012: £224.8 million\*\*). This value focus resulted in an increase in operating margin to 13.8% for the full year (2012: 11.3%\*\*), including absorbing the impact of approximately 0.6% from impairment releases at the half year stage.

Net operating assets in the UK were £1,954.6 million (2012: £1,667.2 million) with a strong increase in our return on net operating assets\*\*\* for the year to 17.3% (2012: 13.7%\*\*).

### Sales, completions and pricing

During 2013, we completed 11,696 homes (2012: 10,886 homes), 9,423 of which were private homes (2012: 8,842), 2,124 of which were affordable (2012: 1,946) and 149 joint venture completions (2012: 98). We completed 828 homes in the London market (inside the M25) and this level will continue to naturally grow as we steadily grow the business. During 2013 we were selling

from an average of 315 outlets (2012: 311). Our net private reservation rate for the full year was 0.62 homes per outlet per week (2012: 0.58), with cancellation rates very low at 13.3% (2012: 15.2%).

Our average selling prices on private completions increased by 6.6% to £210k (2012: £197k). This increase is primarily the result of our strategic underlying shift to better quality locations. During the second half of the year, we also saw market sales price increases in line with the general level of inflation after several years of a declining or flat market. Our overall average selling price on completions increased to £191k (2012: £181k). The average selling price of affordable completions was slightly lower at £110k (2012: £112k).

We achieved an increase of 31.4% in the forward order book value, ending the year at £1,246 million (31 December 2012: £948 million), and an increase of 11.1% in volume, ending the year at 6,627 homes (31 December 2012: 5,966 homes). Private average selling price in the order book increased by 19.7% to £243k (31 December 2012: £203k), again primarily the result of better quality locations, and reflecting the increase in general selling price inflation. Our central London regional business unit has started to impact the order

### UK Housing land portfolio

Plots	31 Dec 2013 (including JVs)				31 Dec 2012 Total
	Owned	Controlled	Pipeline	Total	
Detailed planning	39,769	2,871	299	42,939	39,028
Outline planning	9,797	10,381	2,004	22,182	16,367
Resolution to grant	1,307	6,503	455	8,265	11,569
<b>Subtotal</b>	<b>50,873</b>	<b>19,755</b>	<b>2,758</b>	<b>73,386</b>	<b>66,964</b>
Allocated strategic	5,241	9,777	422	15,440	9,662
Non-allocated strategic	28,536	66,420	2,059	97,015	90,678
<b>Total</b>	<b>84,650</b>	<b>95,952</b>	<b>5,239</b>	<b>185,841</b>	<b>167,304</b>

\* Operating profit is defined as profit on ordinary activities from continuing operations before finance costs and exceptional items, after share of results of joint ventures.

\*\* 2012 has been restated following the adoption of IAS19 'Employee Benefits' (amended 2011), with changes in the presentation of certain costs relating to the defined benefit schemes.

\*\*\* Return on net operating assets is defined as operating profit divided by the average of the opening and closing net operating assets, which is defined as capital employed plus intangibles less tax balances.

**23 April 2015**

**Taylor Wimpey plc  
Trading statement**

Taylor Wimpey plc is holding its Annual General Meeting (AGM) at 11:00 today in London, where the following comments will be made regarding current trading, financial performance and the outlook for the financial year, which covers the period from 1 January 2015 to today.

Pete Redfern, Chief Executive, commented:

“During the first four months of 2015 we have seen the UK housing market continue to grow, with increasingly competitive mortgages and secure employment prospects underpinning homebuyers’ confidence.

We remain focused on progressing our sites through the planning system to enable us to start on site as soon as possible and remain on track to deliver good progress towards all of our medium term targets in 2015.”

**UK current trading**

The strong start to the spring selling season has continued, with high levels of customer confidence and an affordable mortgage environment contributing to a positive trading environment. We have achieved an average private net reservation rate of 0.76 sales per outlet per week for the year to date (2014 equivalent period: 0.74). Cancellation rates remain low at 11% (2014 equivalent period: 10%).

Our total order book remains strong at 8,200 homes (2014 week 16: 8,231 homes), excluding legal completions to date, and has increased by 24% from the year end. We have also increased the total order book value by 12% to approximately £1.9 billion from the equivalent point last year (2014 week 16: approximately £1.7 billion) and by 33% from the year end. Average selling prices of homes in the private order book have increased by 14% from the equivalent point last year to approximately £282.9k (2014 week 16: £249.1k).

**Land portfolio, planning and outlets**

The short term land market has remained benign and during the first quarter we have been able to source attractive opportunities at margins similar to 2014. At the end of March, our short term landbank stood at c.78k plots, following the conversion of over 3k plots from the strategic land pipeline. Our short term landbank quality is supported by our strategic land pipeline, which stood at c.109k potential plots, as at 29 March 2015.

We are currently operating from 302 outlets (excluding joint ventures), at the same number as this time last year. We remain focused on progressing our sites through the planning system to enable us to start on site as soon as possible.

## **Dividends**

Subject to shareholder approval at today's AGM, we will be paying a final maintenance dividend of 1.32 pence per share (2013 final: 0.47 pence per share) on 20 May 2015, giving a total maintenance dividend for 2014 of 1.56 pence per share (2013 total: 0.69 pence per share).

As previously announced, we will also be paying a special cash dividend on 3 July 2015 of 7.68 pence per share (July 2014: 1.54 pence per share), subject to shareholder approval.

## **Outlook**

The uncertainty surrounding the general election outcome has not impacted customer confidence, and underlying demand remains high. We have had a strong first quarter in a positive trading environment, underpinned by good mortgage availability and employment prospects. As at 19 April 2015 we are 67% forward sold for 2015 completions, positioning us well for the remainder of the year and beyond. We are confident that we will continue to drive further sustainable growth and we are on track to deliver good progress towards all of our medium term targets in 2015.

-Ends-

For further information please contact:

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Pete Redfern, Chief Executive  
Ryan Mangold, Group Finance Director  
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Faeth Birch  
Anjali Unnikrishnan

## **Notes to editors:**

Taylor Wimpey plc is a UK-focused residential developer which also has operations in Spain. Our vision is to become the UK's leading residential developer for creating value and delivering quality.

For further information, please visit the Group's website:

[www.taylorwimpey.co.uk](http://www.taylorwimpey.co.uk)

Follow us on Twitter via @TaylorWimpeyplc



PERSIMMON PLC

*Annual Report 2013*

Delivering *growth*

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Persimmon is one of the leading UK housebuilders serving local markets with 24 offices across the country.

We sold 11,528 new homes in 2013.

The UK economic outlook is improving with increasing demand in the UK new homes market. We have a very strong balance sheet, improving margins, excellent cash generation and remain confident of our prospects.

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# A strong performance

## Financial highlights

**£2.09bn +21%**

**Revenue**  
(2012: £1.72bn)

**£329.6m +49%**

**Profit before tax\***  
(2012: £221.5m)<sup>†</sup>

**£235.5m +32%**

**Free cash generation<sup>△</sup>**  
(2012: £178.0m)

**70p**

**Return of capital**  
(2012: 75p)

**16.0% +24%**

**Operating margin\***  
(2012: 12.9%)<sup>†</sup>

**671.4p +2%**

**Net assets per share**  
(2012: 658.2p)

## Operational highlights

**11,528 +16%**

**Homes sold**  
(2012: 9,903)

**£181,861 +4%**

**Average selling price\*\***  
(2012: £175,640)

**390 +4%**

**Average site numbers**  
(2012: 375)

**£1,424.3m +41%**

**Forward sales\*\*\***  
(2013: £1,010.3m)

**74,407 +9%**

**Landbank (plots)**  
(2012: 68,200)

**90% +2%**

**Construction waste recycled**  
(2012: 88%)

\* Stated before exceptional credits of £14.1m (2012: £2.8m credit) and goodwill impairment of £6.6m (2012: £6.1m).

\*\* Stated before fair value charge of £6.6m (2012: £15.9m) on shared equity sales.

\*\*\* As at 24 February 2014 (2013 figure as at 22 February 2013).

△ Free cash generation is defined as net cash flow before financing activities.

† Restated for amendment to IAS 19 'Employee Benefits'.



# BUILDING HOMES, BUILDING VALUE



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For further details on our business  
please visit:

[www.bellway.co.uk](http://www.bellway.co.uk)



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### Cover:

Cromwell Fields,  
Great Waldingfield, Suffolk



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averaged 148 per week, an increase of 15.6% compared to last year. Customer confidence was strong with the Group's cancellation rate falling to just 10.9% (2013 – 13.8%).

We have added capacity to the Group's existing divisional structure through the opening of two new divisions, in Manchester and the Thames Valley, on 1 August 2013. This additional capacity, together with significant investment in land and work in progress has enabled the Group to increase the number of legal completions by 21.2% to 6,851 and has contributed to an improvement of 69.5% in operating profit. All fifteen operating divisions have contributed to this growth, with each delivering an increase in both revenue and profit when compared to the previous financial year.

The number of homes completed in our southern divisions has increased by 20.9% to 3,628, with this in part driven by the strength of the London market. Our Thames Gateway division, which operates in Kent and east London, has completed the sale of 759 new homes.

The Group has an established presence in the London boroughs with housing revenue within this region representing 22.0% of the Group total (2013 – 19.1%).

Our northern divisions have also performed well, with the number of housing completions increasing by 21.5% to 3,223. The North East division, which focuses on family housing, has shown particular strength and has benefited from its established presence in the region, with a rise of 25.7% in the number of homes sold to 729.

The average selling price of homes sold across the Group has risen by 10.4% to £213,182 (2013 – £193,025). The improvement in average selling price has been achieved due to changes in product mix and a reduction in the cost of incentives. The strength in demand has also led to modest upward pressure on house prices, particularly in and around London, although this now appears to be easing.

The average selling price of private housing completions within the London boroughs remains affordable in the context of this local market at under £300,000 and customer demand for new homes remains robust at this price level.

The Group's product range continues to evolve with there being a focus on traditional two-storey family housing and apartments in London, where the average selling prices tend to be higher. This has resulted in the private average selling pricing for the Group exceeding £200,000 in all but three of its fifteen operating divisions.

## CONSTRUCTION AND MATERIAL COSTS

In response to the strong market conditions, the Group has accelerated production in order to respond to the improved demand. As a consequence of this increase in production throughout the industry, there has been pressure on construction costs and the supply chain.

The supply of bricks and blocks reduced towards the latter part of 2013, but the shortage has become more manageable, easing as the year has progressed. The Group mitigates material cost pressure through centrally procured, national arrangements with suppliers.

There has also been reduced availability with regard to certain sub-contract trades, in particular bricklayers and ground workers, with these challenges being most pronounced in and around the south east of the country where there have been inevitable cost increases.

Our divisions seek to foster strong relationships with locally sourced sub-contractors, encouraging a culture of fairness in our dealings. In addition, we became signatories to the Prompt Payment Code during the year, which reflects our commitment to ensure that all sub-contractors are paid within agreed timescales for work performed. This collaborative approach helps to create a sense of loyalty, with around 4,500 sub-contractors and suppliers having worked with Bellway for at least three consecutive years.

Homes sold (number)

	Private		Social		Total	
	2014	2013	2014	2013	2014	2013
North	2,958	2,386	265	266	3,223	2,652
South	2,851	2,308	777	692	3,628	3,000
<b>Group total</b>	<b>5,809</b>	4,694	<b>1,042</b>	958	<b>6,851</b>	5,652

Average selling price (£000)

	Private		Social		Total	
	2014	2013	2014	2013	2014	2013
North	192.2	173.0	81.4	79.1	183.0	163.5
South	272.3	242.9	121.3	139.9	240.0	219.1
<b>Group average</b>	<b>231.5</b>	207.3	<b>111.2</b>	123.0	<b>213.2</b>	193.0