



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

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 Framework¹ 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.

¹ 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*"² [my emphasis]. I assess the Council's housing supply in this context.

The relevant housing requirement

14. The Guidance says³: "*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 figure⁴, 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

² Source of quote: paragraph 47, principally the second bullet-point.

³ Source of quote: paragraph reference 3-030-20140306.

⁴ 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"⁵. 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 delivery⁶, 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 Sedgefield

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 Sedgefield 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"⁷. 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 appeals⁸ from Hinckley

⁵ Source of quote: paragraph 40 of the report [DR50].

⁶ 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.

⁷ Source of quote: paragraph 112 of the judgment.

⁸ 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 severe⁹. 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 years¹⁰ 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*”¹¹. 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.

⁹ 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].

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

¹¹ 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”¹². 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”¹³.
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

¹² Source of quote: paragraph 47, second bullet-point.

¹³ 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*"¹⁴.
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 sites¹⁵. 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

¹⁴ Source of quote: footnote 11 of the Framework.

¹⁵ 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 sites¹⁶. 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

¹⁶ 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"¹⁷. 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 1st Occupations projection is for January 2016"¹⁸. 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 2015¹⁹, 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 2019²⁰. 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]²¹, are

¹⁷ Source of quote: Document 4.3.

¹⁸ Source of quote: Comment column in table "Trajectory Analysis – TARGET SITES" in Appendix 15 to his proof.

¹⁹ There is in fact an internal inconsistency in MB15 because the first page says "June", the second "August".

²⁰ 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.

²¹ 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*"²². 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 years²³. 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*"²⁴. 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.

²² Source of quote: Document 12.

²³ 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.

²⁴ 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*"²⁵. 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..."²⁶ [*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 L²⁷, 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 Road²⁸, 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 houses²⁹ 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

²⁵ Source of quote: paragraph 10.

²⁶ Source of quote: Site Assessment Proforma at KPC10.

²⁷ Figure 9 in Appendix 1 to Mr Coles's proof of evidence.

²⁸ 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.

²⁹ 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. Physically³⁰ 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 F³¹. 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

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

³¹ 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 A³², 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 hectare³³, 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

³² Figure 3 in Appendix 1 to Mr Coles's proof of evidence.

³³ 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 character³⁴. 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

³⁴ 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 stage³⁵. 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 (l).

(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"³⁶.
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

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

³⁶ 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. Capper 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*³⁷. 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*”³⁸ 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

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

³⁸ 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 Study³⁹. 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,

³⁹ 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...*"⁴⁰. 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

⁴⁰ 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*"⁴¹. 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

⁴¹ 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 District⁴². 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.

⁴² 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:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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:

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She called:
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MRTPI
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FOR THE APPELLANT:

Peter Goatley of Counsel Instructed by John Martin Associates.

He called
Martin Bagshaw BA
(Hons), MRTPI
Brett Coles BA (Hons),
Dip TP, Dip LA, MRTPI
John Martin Associates, Northampton.
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.