



Strategic Planning & Research Unit

For and on behalf of
Drew Smith (50807)

Submissions to
Winchester Local Plan Part 2
Matter 1

on behalf of
Drew Smith

Prepared by
Roland G Bolton
Strategic Planning Research Unit
DLP Planning Limited

Date
May 2016



Strategic Planning & Research Unit

Matter 1
Drew Smith 50807
Hookpit Farm Lane (Site 2506)

Prepared by: Roland Bolton

Approved by: Roland Bolton

Date:

Strategic Planning & Research Unit

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

V1 Velocity Building
Ground Floor
Tenter Street
Sheffield
S1 4BY

Tel: 01234 832740
Fax: 01234 831 266

Tel: 01142 289190
Fax: 01142 721947

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0.0 INTRODUCTION

0.1 These submissions are made on behalf of Drew Smith

1.0 IS THE PLAN SUPPORTED AND JUSTIFIED BY CLEAR AND ROBUST EVIDENCE?

1.1 No.

1.2 The evidence on the following is either lacking or insufficiently clear:

- a. Timing of delivery on large sites – these assumptions are not supported by any analysis other than discussions with the individual developers, there has been no reality check applied and no reference to published research which suggests these timescales are over ambitious (SPRU Matter 2 and Appendix 1 A1.18-A1.179)
- b. Rate of delivery on large sites– this is not supported by any analysis other than discussions with the individual developers, there has been no reality check applied to these claims despite contradictory published research on completion rates (SPRU Matter 2 and Appendix 1 paragraphs A1.18 to A1.179)
- c. Relative environmental impacts of sites considered to be reasonable alternatives (see iv below)
- d. The level of windfall in Kings Worthy (SPRU on Matter 11 i)

2.0 WILL IT SATISFACTORILY AND SUSTAINABLY DELIVER THE NEW DEVELOPMENT NEEDED OVER THE PLAN PERIOD TO IMPLEMENT THE OBJECTIVES AND REQUIREMENTS OF LOCAL PLAN PART 1?

2.1 No. The plan will fail to deliver the following objectives in paragraph 2.17 of LPP1:

- a. The provision of 12,500 new homes by 2031
- b. The approach to meeting the backlog of housing development generated within the plan period is that this should not be met in the short term but over the whole of the plan period.
- c. Provide a range of housing tenures to address the varied housing needs of the District's resident and working population. In particular, the proposals will:
 - i. Fail to meet the back log of affordable housing in the time period envisaged by the LPP1 inspector (i.e. by 2021)
 - ii. Not meet the overall level of affordable housing need within the plan period
- b. The proposed approach fails to deliver in accordance with trajectory in appendix F of the LPP1
- d. The selected strategy fails to deliver against the strategic objective of the local plan in terms of the market towns and villages being allowed to grow to respond to local needs, as it relies on sites not identified in LPP2 and in the case of Kings Worthy windfall sites to meet need. Such sites are untested in terms of delivery within the development plan system.

3.0 ARE ANY POLICIES OR PROPOSALS INCONSISTENT WITH NATIONAL POLICIES IN THE NPPF AND, IF SO, IS THERE A LOCAL JUSTIFICATION SUPPORTED BY ROBUST AND CREDIBLE EVIDENCE?

3.2 It is considered that the plan is inconsistent with the following paragraphs of the Framework:

- a. Paragraph 47 & 158 – it is not considered that the chosen range of sites will provide a five year supply of housing as the level of completions expected is unrealistic and is not based upon the relevant published research or past evidence on delivery in the local area.
 - b. Paragraph 47 and 50 – this requires policies to deliver the identified level of affordable housing. The proposed allocations will not deliver the affordable housing requirement identified by LPP1.
 - c. Paragraphs 14 and 47 - requires plans to identify and then meet needs in full. As drafted the plan does not meet needs in full. It is reliant upon allocations in a non-statutory document to identify sites to meet the need in full. The plan is reliant upon unidentified SHLAA sites to meet the dwelling requirement (for example 51 dwellings in Kings Worthy). It is not appropriate for a development plan to rely on another document that has not been through the development plan process to allocate development land.
 - d. Paragraph 47 – it is considered that LPP2 should include a trajectory for housing as referred to in paragraph 46 of the Zurich decision. Furthermore this trajectory is required to be robust in terms of its evidence base.
 - e. Paragraph 14 and 182 – policies are required to be both flexible and the most appropriate given the evidence. There are clearly concerns expressed by the development industry over the ability to deliver homes at the rates being suggested. The assumption that all three large allocations will deliver at rates that are substantially above the average for such sites is ill conceived and places the whole plan at risk. If such a high risk strategy is to be pursued, then the plan should include sufficient flexibility to at least deal with these sites delivering at the average rate derived from appropriate research.
- 3.3 The evidence to support these criticisms is set out in detail in Appendix 1 and SPRU matters 2 and 11.

Five-year land supply

3.4 According to the NPPG (Paragraph: 033 Reference ID: 3-033-20150327) the examination of Local Plans is intended to thoroughly test the deliverability of sites to meet a five year supply in a way that cannot be replicated in the course of determining individual applications and appeals. Previously Drew Smith have submitted a number of documents challenging the delivery of sites assumed in various iterations of land supply that have been produced by the council.

- 3.5 Taking these matters into account we calculate the five-year land supply is as follows:
- a. Past Completions: Completions on Rural Exception sites permitted since the start of the plan period under Policy CP4 (and its earlier incarnation H6) should not be counted towards meeting the housing requirement in Policy CP1.
 - b. It is considered that the Sedgfield method of calculating backlog should now be used this is justified by reference to both LPP1 Appendix F and the

trajectory in the AMR 2015 which suggest that the earlier shortfall when measured against the annualised requirement can be met within the period up to 2020. The Sedgefield method has been found appropriate in similar circumstances (Appeal Ref: APP/L2440/A/14/2216085 Appendix 4)

- c. A 20% buffer should be applied as the council have fallen short of the annualised target every year of the plan period this is persistent under delivery. The council have also under delivered against the trajectory in LPP1 Appendix F by 16.4%.
 - i. The evidence on delivery rates, house prices, affordability do not support the council's view that the lack of progress on sites in Winchester is a result of a weakened market.
 - ii. The Parklands appeal is now over 2 years and further evidence on undersupply has emerged and as such a 20% buffer should be applied.
- d. Future Completions
 - i. The main area of difference is with respect to the future completion rates on the 3 strategic sites. This is dealt with in more detail in Appendix 1.
- e. Windfall – the evidence to support a windfall figure for Kings Worthy is not compelling
- f. SHLAA sites are not part of the development plan and in our analysis few of these have progressed sufficiently through the planning system to be regarded as contributing to the supply of housing in the next five years.
- g. LPP2 local plan sites that do not have consent and still have outstanding objections cannot be considered as being available and suitable for housing until they have either gained consent or are included in the adopted local plan. After this there will be lead in times to the provision of housing.

3.6 This has the following impacts on the supply as illustrated on the table on the next page:

Table 1 Summary of assessment of 5 Year Land Supply

Source	Dwellings WCC	WCC Ref	Dwellings SPRU	Difference	SPRU Ref
Commitments large (excluding UE)	1,073	SHLAA 2015 table 23	779	294	Matter 1 Appendix 1
Commitments small	384	SHLAA 2015 table 24	384	0	
Waterlooville	798	Table 5 – LPP2 Site Allocations Delivery Update (March 2016)	233	565	Matter 1 Appendix 1
North Whiteley	950	Table 6 – LPP2 Site Allocations Delivery Update (March 2016)	330	620	Matter 1 Appendix 1
Winchester City North	600	Table 7 – LPP2 Site Allocations Delivery Update (March 2016)	440	160	Matter 1 Appendix 1
LLP2 Allocations	757	AMR 2015 appendix 5	215	542	Matter 1 Appendix 1
SHLAA	123	AMR 2015 appendix 7	36	87	Matter 1 Appendix 1
Windfall Winchester from 2017/18	195	Para 6.62 – LPP2 Site Allocations Delivery Update (March 2016)	0	195	
Windfall Kings Worthy from 2017/18	15	Para 6.62 – LPP2 Site Allocations Delivery Update (March 2016)	0	15	Matter 11
Total	4,895		2,417	2,478	

3.7 This reduction in supply together with the other changes mean that there is no five-year land supply position based on the latest date of published completions March 2015:

Table 2 5 Year Housing Land Supply Calculation: 20% Buffer Sedgefield

	2015-2020 Five-year land Supply Sedgefield	SPRU	Council
a	2011-2031 requirement	12,500	12,500
b	Annual average requirement	625	625
c	2011-2015 requirement (b*4)	2,500	2,500
d	Completions 2011-2015 or -2016	1,253	1,253
e	Less exceptions sites	98	
f	Shortfall against Requirement (c-d+e)	1,345	1,247
g	5-year requirement ((b*5) + f)	4,470	4,372
h	5-year Requirement plus 20% buffer (g x 1.2)	5,364	5,246
i	Supply over 5-year period	2,417	4,895
	Supply in years (i/h x 5)	2.25	4.67

- 3.8 Appendix 1 of this submission includes an up-date of the evidence on the Five Year supply.
- 3.9 These shortcomings highlight that the current policy approach to the allocation of sites in LPP2 is at the very least a high risk strategy based upon aspirational assumptions concerning the delivery of dwellings. Such a policy approach is inconsistent with paragraph 158 and 14 of the Framework in terms of the lack of evidence and the need to demonstrate flexibility, in conclusion the policy approach cannot be considered the most appropriate and as such is unsound (Framework paragraph 182).
- 4.0 HAS THE PLAN BEEN THE SUBJECT OF SUITABLY COMPREHENSIVE AND SATISFACTORY SUSTAINABILITY APPRAISAL [SA] AND STRATEGIC ENVIRONMENTAL ASSESSMENT [SEA]?**
- 4.1 No
- 4.2 The analysis of alternative sites is incomplete. Appendix VIII: SA of Alternative Sites and Boundary Changes of the SA only provides a summary of assessments of alternative sites. These are Winchester Town North East, Winchester Town South West and New Aylesford.
- 4.3 Appendix IX: Reasons for Selecting or Rejecting Site Options in Plan Making does not provide a detailed assessment of the alternative sites as such it does not provide the evidence that the most appropriate strategy is being followed in terms of allocations in the plan.
- 4.4 This goes to the issue of the soundness of the plan in terms of the Framework Paragraph 182 which requires plans to be justified on an appropriate evidence base.
- 4.5 An example of this is the assessment of the potential sites at Kings Worthy the summary in appendix IX of the SA, which justifies the allocation based on the level of public support but suggests that this is supported by the technical evidence (page 180).
- 4.6 This conclusion does not appear to be supported given the evidence elsewhere in the SA which identifies the site selected - 365 (Land off Lovedon Lane) has the following negative impacts:
- a. Paragraph 5.69: Site is on a major aquifer of high vulnerability and considered likely to have a major negative long-term effect on water. This site in particular

- has a high sensitivity as it is also located in a Zone 1 groundwater source protection zone and Nitrate Vulnerable Zone (NVZ). The SA states that there is suitable mitigation provided by (unspecified) Core Strategy and Development Management policies, which is likely to reduce the negative effects to minor residual effects.
- b. Paragraph 5.90: The site has been identified as having the potential to result in the loss of best and most versatile agricultural land (Grade 3a and above). This has the potential for a long-term negative effect on soil.
 - c. Landscape Sensitivity Appraisal: This site is considered to be the most sensitive and there are other less sensitive sites within and adjacent to the settlement
- 4.7 It is noted a similar objection was raised by Natural England (Rep 50085 and other) and the response was that each site was assessed individually. The SA considered each site individually in appendix VI of the SA and that this allows for the comparative appraisal of all reasonable sites (SA Page 180).
- 4.8 As highlighted above appendix VI of the SA does not appraise the sites individually and provides no rational explanation for the final selection of sites.
- 4.9 Again, as an example the site at Hookpit Farm Lane (site ref 2506) appears to either score as the allocated site (365) or in the following cases actually higher:
- a. Transport – better than 365 as site could deliver additional rights of way
 - b. Water – all of 365 located in zone 1 of ground water protection zone while only part of 2506 is located in Zone 1. Site 365 is identified as being of particularly high sensitivity site 2506 is not.
 - c. Heritage - 365 has potential to affect neighbouring conservation area whereas 2506 would require an archaeological investigation prior to development.
 - d. Landscape and Soils – the development of site 365 could lead to major long-term negative effects on soils
 - e. Built Environment - Development of site 365 could potential affect important views in and across Kings Worthy and has been identified as housing important vegetation.
 - f. Pollution – 365 is considered to be more vulnerable to polluting water sources resulting from development. There is the potential of contaminants for 2506 due to previously and fill and noise from the railway line.
- 4.10 The Initial SA for Kings Worthy adopts a similar approach and provides no clear justification for the selection of the proposed allocation at Kings Worthy.
- 4.11 This analysis has been used simply as an example of the lack of appropriate evidence to justify the final choice of allocations in the plan.
- 4.12 The SA appears to accept that there needs to be an appraisal of all reasonable site options as part of the SA but does not undertake this.
- 4.13 The SA is therefore neither suitably comprehensive or satisfactory.
- 4.14 It is noted that the Housing Site Assessment Methodology predates the SA work and that this highlights the involvement of parish councils early in the selection process at stage 1 in January 2013 (paragraph 3.7).

- 4.15 The Methodology then explains how the SA was used to assess the potential of individual settlements, but the published initial settlement survey takes the same combined approach to sites as the final SA highlighted above.
- 4.16 Stage 3 of the methodology explains how public engagement influenced both the short list of sites and the final choice.
- 4.17 The ultimate choice of sites by public consultation does not over rule the need for the SA to set out clearly the relative environmental impacts of competing sites. This is particularly the case when the sites have been selected because they achieved the highest level of support. For an example see Kings Worthy paragraph 9.7 – site selected as result of being the most popular of just 138 responses which is just 3% of the population.
- 4.18 There are considerable shortcomings in relying upon such a small sample size to determine allocations.
- 4.19 There is concern that the consultation sought public opinion on technical matters such as whether a site is in the flood plain or subject to national or local policy designations – there is a considerable capacity for the public simply to get these facts wrong. An example of this is set out in our submission on Matter 10 & 11.
- 4.20 Paragraph 15 of the “Environmental Assessment of Plans and Programmes Regulations 2004 (SI 2004 No.1633) (the 2004 Regulations)” states that the process should increase transparency of the process. Paragraphs 152 of the Framework and the NPPG (Paragraph: 017 Reference ID: 11-017-20140306) require the consideration of alternatives. As presently drafted, the SA does not provide the transparency required regarding the impacts of the reasonable alternatives considered. In the case of Kings Worthy one of the reasonable alternatives was the Hookpit Farm Lane (2506)
- 4.21 The present SA fails to explain in sufficient transparency the environmental impact of the reasonable alternatives and as such renders the plan both unsound and not compliant with the appropriate regulations.

APPENDIX 1: UP DATED 5 YEAR LAND SUPPLY EVIDENCE

Introduction

- A1.1 This provides a summary of the updated position on our client's assessment of the likely five-year land supply resulting from the proposed allocations in LPP2.

Past Completions

- A1.2 It is agreed completions should be net and that demolitions should be subtracted from the gross level of housing completions.
- A1.3 There is disagreement over whether completions from Rural Exception sites permitted since the start of the plan period under Policy CP4 (and its earlier incarnation H6) should be counted towards meeting the housing requirement in Policy CP1.
- A1.4 There have been 98 completions on such sites between March 2011 and 2015.
- A1.5 There is also disagreement as to whether completions or forecast completions of C2 developments (residential institutional uses) should be counted towards meeting the policy requirement in CP1. There is no record of the number of non C3 units that have been included in completions but those residential institutions have been identified in the forecast supply.

Backlog

- A1.6 The degree of backlog is dependent upon the inclusion or exclusion of Rural Exception Sites (under Policy CP 4) and institutional completions (Class C2).
- A1.7 It is agreed that the backlog should be measured against the annualised level or housing requirement of 625 dwellings a year.
- A1.8 This results in a shortfall of 1,253 dwellings (April 2011 to March 2015) AMR 2015 page 98.
- A1.9 The issue of how to treat the backlog is a matter of dispute and whether this should be made up in the next five years (the Sedgefield Method) or over the rest of the plan period (the Liverpool method – AMR 2015 page 97).

Persistent under delivery

- A1.10 There is a disagreement as to how to assess under delivery.
- A1.11 The Council use the trajectory in Appendix F of the Core Strategy in order to assess delivery. Against the total completions of 1,499 dwellings that this trajectory forecast the council has fallen short in two of the three years since 2011/12 and delivered just 1,253 completions (a shortfall of 16.4%).
- A1.12 The Council has fallen short of the annualised policy target every year since the start of the plan period in 2011.
- A1.13 The councils position (supported by the Parklands appeal) is that under delivery should be assessed against the housing trajectory expected by LPP1 (appendix F). The council has also underperformed against this trajectory in the 2 of the 3 relevant years (the first year was set at the number actually completed).
- A1.14 The council state that this shortfall between the LPP1 trajectory and actual completions is the result of the national economic climate and weak housing market, rather than arising from any lack of available sites in Winchester District.

- A1.15 It is not considered that Winchester is suffering from a weak housing market (see matter 2 submissions) but from the implication of not providing a sufficient range of sites for the development industry.
- A1.16 The Parklands appeal is now over 2 years and further evidence on undersupply has emerged and as such a 20% buffer should be applied.
- A1.17 If past provision is to be measured against the trajectory in appendix F of LPP1 then so should future provision. There is justification for this approach as the trajectory was considered by the inspector in LPP1 to address the early years shortfall within the period to 2020 and not to leave this requirement unmet for much of the plan period.

Evidence of over estimation of completion rates from proposed allocations

- A1.18 The council have a track record of over estimating the level of completions from commitments. Reference to the recorded level of completions for the period 2011 to 2015 in 2015 AMR (?) is 246 dwellings (16%) lower than that projected by the council at the examination of LPP1 (Appendix F trajectory). This shows only 1,253 completions compared in the first 4 years instead of the 1,499 dwellings originally predicted by the council.
- A1.19 This underestimation by the council of completions from known commitments is actually greater as the actual completions include the following:
- e. 98 dwellings from exception site - these should be excluded according to LPP1 Policy CP4)
 - f. 615 dwellings from windfalls - It has been agreed with the council that the first 2 years 400 (76%) of the 521 completions were windfalls. The figures for 2013/14 & 15 have not been released by the council Turley's have calculated there to be 215 windfall completions in 2013/14.
- A1.20 The council's predictions of completions from identified sites has been substantially lower than that predicted by the council in LPP1 appendix F. In fact only 25% of the predicted completions came forward in the two years that evidence is available for.

Comparison of council's predictions of completions from identified sites

Year	Projected completions on committed sites (LPP1 App F)	Actual completions (AMR 2015)	Windfall Completions	Completions on identified sites	% of predicted completions
2012/13	539	204	111	103	19%
2013/14	917	470	215	255	28%
Total	1,456	674	326	358	25%

- A1.21 Evidence of the council's ability to accurately forecast completions is an important consideration. The council's suggestion that these lower rates of completion relate to poor market conditions are disputed by the evidence later in this submission.
- A1.22 Not only has the council considerably over estimated the rates of completions on identified sites but the delivery of housing has reduced in comparison to the situation nationally.

A1.23 Our analysis of delivery of the allocations in LPP2 (table below) demonstrate that there are insufficient allocations to secure the delivery of a five-year housing land supply in accordance with the Framework and LPP1:

Table 3 Summary of Five-year land supply provision

Source	Dwellings WCC	WCC Ref	Dwellings SPRU	Difference	SPRU Ref
Completions (net)	1,253	table 16 AMR 2015	1,253		
Exclusion of exception sites	0		-98		
Commitments large (excluding UE)	1,328	SHLAA 2015 table 23	1,328		
Commitments small	384	SHLAA 2015 table 24	384		
Waterlooville		Table 5 – LPP2 Site Allocations Delivery Update (March 2016)		-639	Matter 1 & 2
North Whiteley		Table 6 – LPP2 Site Allocations Delivery Update (March 2016)		-2,070	Matter 1 & 2
Winchester City North		Table 7 – LPP2 Site Allocations Delivery Update (March 2016)		-460	Matter 1 & 2
LLP2 Allocations		Appendix 3 – LPP2 Site Allocations Delivery Update (March 2016)		0	Matter 1
SHLAA Winchester		Para 6.53 – LPP2 Site Allocations Delivery Update (March 2016)		-310	Matter 1
SHLAA other		Table 4 - SHLAA 2015 (571 - 310)		-261	Matter 1
Windfall Winchester		Para 6.62 – LPP2 Site Allocations Delivery Update (March 2016)		0	
Windfall Kings Worthy		Para 6.62 – LPP2 Site Allocations Delivery Update (March 2016)		-70	Matter 11
Total	14,473		10,565	-3,908	

Evidence of delivery on large scale sites

A1.24 The most recent research on delivery rates on large sites has been undertaken by the Home Builders Federation (HBF) in response to the Governments criticism that large sites are only delivering some 48 dwellings a year. This industry led survey of 300 large sites (defined as 350 plus dwellings) was undertaken in February and March 2016.

A1.25 This found that in 2015 the average sales on all sites (including start-ups, on-going, tail-ends) was 70 dwellings a year. In order to omit the lead in and tail out elements of a site build out the research also considered sales rates on sites which had over 10, 20 or 35 dwellings a year. This naturally gives higher averages for 2015 as follows:

- g. 10 plus sales: 85
- h. 20 plus sales: 88

- i. 35 plus sales: 95
- A1.26 These findings reinforce earlier research on this issue, Hourigan Connolly finding average completions of 108 dwellings a year on strategic sites (35 per developer) and Savills (2014) considered the average build rate for urban extensions to be just over 100 dwellings a year, although this has risen to 120 per year in 2013.
- A1.27 The Savills report concluded in paragraph 6.2 that the typical strategy of most companies was to aim for a build and sales rate of about one unit per week on greenfield sites and slightly higher than this on brownfield sites and that this reflects the institutional structure of the British house building industry in which fierce competition for land then requires controlled and phased release of new development to ensure that the ambitious development values necessary to capture land in the first place are actually achieved when new homes are eventually sold.'
- A1.28 We would suggest that significant departures from these average sales rates would need to be clearly justified by reference to evidence of local delivery and market factors.

Table 4 Summary of research on delivery rates

	Average number of months between events					Years from Submission of application to start on site	Start on site	Average delivery	Delivery per developer
	Determination of outline	Conclusion of 106	Determination of reserved matters	Site preparation and signing off conditions	Total number of months				
University of Glasgow									55 per volume developer
Hourigan Connolly	24	21	18	12	75	6.25	second quarter of year 6	107	35 per house builder
Savills 2014 all sites	12	15	15	6	48	4	first quarter year 5	110	
Savills 2014 (post 2010)	11	6	11	4	32	2.7	last quarter year 3		
Home Builders Federation Research (sites of 350 plus 2015)								70	

Sources:

University of Glasgow - (CLG housing markets and Planning Analysis Expert Panel) Factors affecting build out rates (Table 4)

Hourigan Connolly - An interim report into the delivery of Urban Extensions 2013 (Summary of individual case appendices 4 to 12)

Savills - Urban Extensions Assessment of delivery rates

Home Builders Federation Planning Policy Conference presentation by John Stewartby 2016

Evidence of the local market

- A1.29 The chart below shows that up to the recession residential sales in Winchester District were about 2,500 a year but that this has fallen to about 1,700 a year after the recession. The level of new dwellings sales has also fallen since the recession.
- A1.30 Since 2012 gross additions to housing stock has increased by 33% for England and residential transactions have also increased by 43% between 2009 and 2015 with mortgage approvals have increased between 2008 and 2015 by 56%. This increase in the number of completions has occurred at the same time as an increase in the number of units with planning permission (HBF 2016).
- A1.31 While England as a whole is responding to the need of the recession with rises in completions rates and residential sales this is not being experienced in Winchester. This is despite Winchester being a highly desirable residential market.
- A1.32 The overall level of residential sales is important as it has an impact on the level of new residential sales. While new residential sales tend to make up 10% of total sales nationally it is considered that in local markets new sales can be between 20% and 25%.
- A1.33 The next chart on the following page sets out both the total number of sales and splits these into second hand and new build. It also on the secondary axis shows the percent of sales that are new build.
- A1.34 This suggests that in the past new sales in Winchester have fluctuated between 15 to 30% of total sales.
- A1.35 If the sales of second hand stock raises back to the long term average (1,741 sales a year) then the rates of sale of new stock is to run at over 38% for the period from 2017/18. The realism of achieving this from just two new strategic sites coming on stream must be seriously questioned. The Waterlooville site has already contributed to past rates of completions recorded in this analysis as would the final stages of the first Whiteley Development.

Chart 1: Average annual residential sales

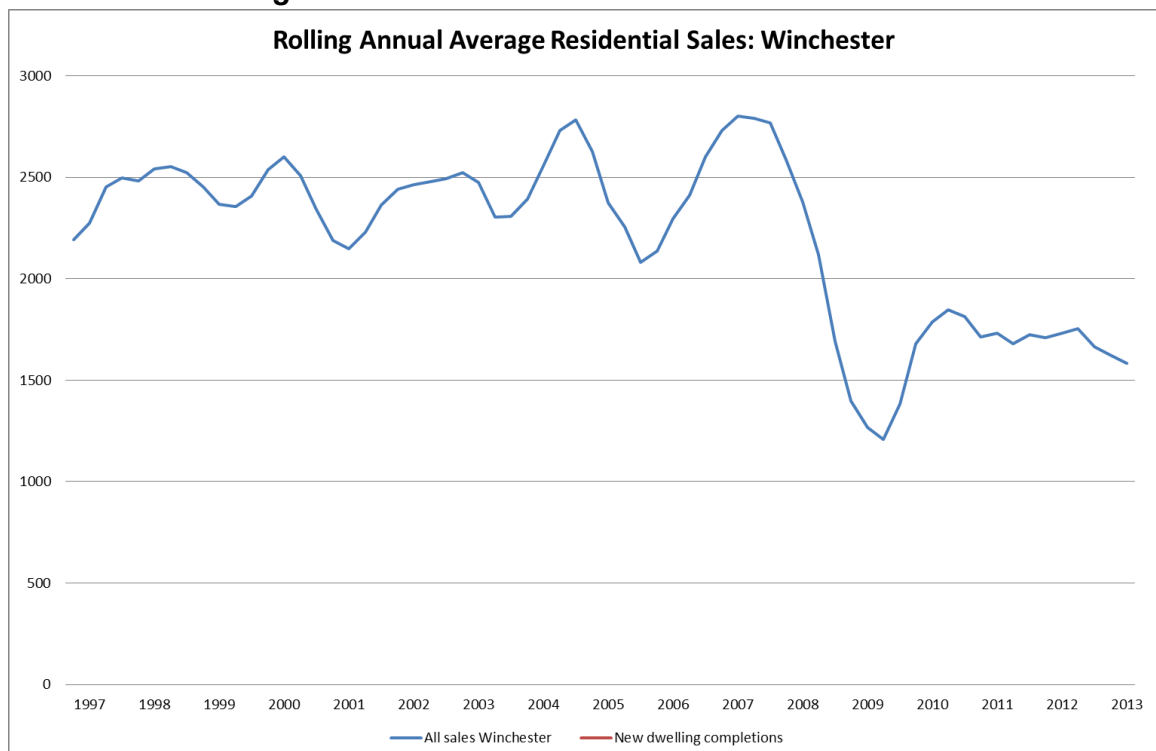


Chart 2: New dwellings as a percentage of total sales past and Forecast

Evidence of delivery rates on local sites

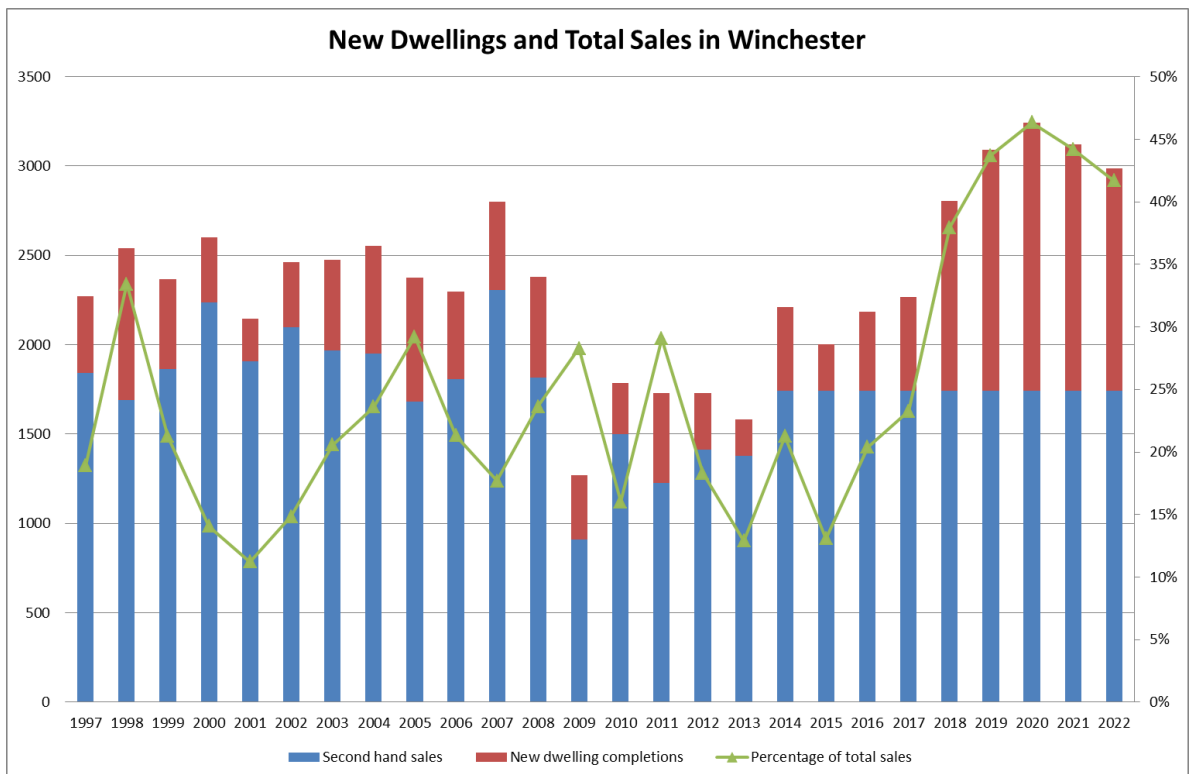
- A1.36 The above research provides a sound basis against which to assess the contribution that individual sites are likely to contribute. This important and relevant evidence together with past experience is important as it tempers the natural enthusiasm and optimism that naturally occurs with both developers and local authorities when considering completions on emerging sites.
- A1.37 In terms of lead in times and completions rates the two local examples are Waterlooville and Whiteley both of which are expected to continue to deliver completions in the plan period.

The development of Whiteley

Total Dwellings 3,500

	2015 -20	2016 - 21
Council estimation	950	1350
SPRU estimation	330	440
Difference	620	910

- A1.38 Whiteley was identified in the 1970s, as part of the South Hampshire Structure Plan. It was originally envisaged that development would start in the mid-1980s, continuing



until at least the 1990s, by which 3,000 houses should have been built.

- A1.39 The Whiteley Local Plan, was adopted by Hampshire County Council (HCC) in 1986 which was based on the expectation that 2,600 houses would be completed by 1996.
- A1.40 The actual rates of completion as recoded by HCC are set out in appendix 1. This shows that:
- a. By 1996 565 dwellings had been completed compared to the expectation of 2,600 dwellings
 - b. The target of 2,600 dwellings was not reached until 10 years after the expected date in 2006.
 - c. The average build rate over the complete period was 112 dwellings a year
- A1.41 The underperformance of this site was subject to review by the Councils Principal Scrutiny Committee (10 January 2005) Scrutiny Review which noted that the reason for the adjustment downwards from the original target of 4,000 homes to 2,600 homes by 1996 was because of the slow start to residential development (paragraph 4.4).
- A1.42 At present this strategic site does not have planning permission. At the planning committee 12 October 2015 there was a decision to grant subject to a section 106 which to date has not been completed.
- A1.43 Letter from the promoters Terrance O'Rourke 30 July 2012 (Our ref: 157111F/AB) "Updated comments to Pre-Submission Local Plan Part 1" suggested that the highest level of completions would be 300 dwellings per year at the peak of development but acknowledged that if the site fails to deliver then additional sites might need to be brought forward in the LPP2.
- A1.44 The agents have now changed their opinion with regard to delivery rates and I have contacted the agent who described these higher rates as being aspirational and explained that the build rates will need additional agreements to be put in place as Taylor Wimpey and Crest have options for about 500/600 dwellings each while Bovis control about 1,500 units with the remainder of the land being controlled by the developer Lakeside.
- A1.45 The phasing plan in the updated Environmental Statement shows there to be 4 different locations for the first phase, the southern two have a substantial length of road to be provided prior to the construction of any dwellings. Rather than having a number of different outlets trading from each access it appears that each company will be trading off its own unique access.
- A1.46 In order to establish the weight, I might attribute to these aspirational rates I enquired if the agent had worked on any strategic sites, or indeed knew of any such sites that had achieved this level of completions. He confirmed that he did not have direct experience or knowledge of sites that had delivered at these levels.
- A1.47 The Planning Statement (paragraph 3.78) suggests 100 a year in the first year rising to a maximum of 350 a year by year 4 (assuming multiple outlets) continued to year 10 with the site to be completed by year 12. The agent is now suggesting that these already high rates could be almost doubled.
- A1.48 In paragraph 6.11 of the planning statement it states that against background of CS (paragraph 6.10) if planning permission was achieved early in 2015 then

development would be commencing in 2016 with completion of the whole site as early as 2028.

- A1.49 This time scale has not been achieved.
- A1.50 In respect of the performance of these companies I note that they achieve the following average build rates per site:
 - a. Taylor Wimpey: Trading statement 16 November 2015 - 0.76 sales per outlet per week (up from 0.66 in 2014). This equates to 40 dwellings a year
 - b. Crest: Annual report page 32 - 44 dwellings a year per outlet
 - c. Bovis: Annual report page 12 – ambition to deliver 5,000 to 6,000 dwellings across 150 sites which equates to 33 to 40 dwellings a year per outlet
- A1.51 These developers would need to establish a very different way of delivering their product to reach even the levels being proposed by the council on this site.
- A1.52 It is unclear how this evidence of past delivery on the original development and more recent evidence has been considered in respect of the delivery rates now being suggested for the Whitely SUE.
- A1.53 In considering the empirical evidence available it takes on average between 21 and 51 months (Savills and Hourigan Connolly) from the position of gaining a recommendation to grant outline consent subject to the completion of a section 106 agreement to start on site. This site gained such a recommendation in 12 October 2015, this suggests a start on site, at best, might be expected in July 2017 with the first house completed some 6 months after the start on site. This suggests that the first full year of completions is likely to be 2018/19.
- A1.54 Using an average of 110 dwellings a year for all three large sites, as this moderates the over optimism of developers and the council and allows for the fluctuation on rates that are known to occur on such sites, then the expected level of completions from this site during the plan period will be 110 dwellings over 13 years which is **1,430 dwellings**.

The development of Waterlooville

Total Dwellings 2,082

	2015 -20	2016 - 21
Council estimation	798	998
SPRU estimation	233	343
Difference	565	655

- A1.55 Evidence of the build out rate for this strategic site has been supplied by HCC (Appendix 1) and the site is averaging some **78 completions a year**. At present the site is being developed by Taylor Wimpey, Bloors (phase 1: 194 dwellings in total) and Redrow (phase 2: 246 dwellings).
- A1.56 Background Paper 1 – Housing Requirements and Supply March 2016 (Paragraph 6.12) council describe this performance as proceeding well with strong market interest.
- A1.57 The combined rates of development being expected by both Havant and Winchester on this site is that the average rate of delivery will rise from 78 dwellings a year to 329

dwellings a year in 2017/18. An average over this period of 247 dwellings a year which is a 300% increase.

- A1.58 Redrow and Bloors have lower build rates than Taylor Wimpey because they started delivering after Taylor Wimpey and are selling into the local market this dilutes the rate of development.
- A1.59 The average rates for these companies are as follows:
- a. Taylor Wimpey: 40 dwellings a year (see above).
 - b. Redrow: Half Yearly Report 2016 - sales per outlet per week were 0.65, up 10% on the prior year. This is equivalent 34 dwellings a year.
 - c. Bloors: no published data
- A1.60 We have contacted the relevant sales office for each of these developers and Redrow have confirmed that they are selling well at 38 dwellings a year and expect to continue at that level.
- A1.61 In terms of what may be considered to be a realistic level of future completions for the whole of the strategic site I note that the council's web site for the development states that at the Council does not know when development of all 3,000 houses for the West of Waterlooville MDA will be completed as this will depend on housing market conditions. At current build rates it is anticipated that construction will continue beyond 2030.
- A1.62 There is no explanation as to how past build rates have informed the assumptions of future rates of delivery or how other published evidence has been used to inform the councils assumptions.
- A1.63 If the average rate of completions for the remainder of the plan period of 110 dwellings is used this would be a significant uplift on the average achieved to date. This would result in the site delivering some 1,760 dwellings in total, but taking into account the 317 of these would be in Havant, then the contribution to Winchesters requirement would be **1,443 dwellings** not the 2,082 in OD15 ((110 x 16 – 317))

Barton Farm, Andover Road, Winchester

Total Dwellings 2,000

	2015 -20	2016 - 21
Council estimation	600	800
SPRU estimation	440	550
Difference	160	250

- A1.64 This site is under construction and reserved matters applications have been approved for the main access and the first residential phases which total 423 dwellings.
- A1.65 The indication is that the whole of this site will be delivered by Cala homes with the exception of the small part of the site that has been sold separately to Bargate who expect to finish their 17 dwelling site this year.
- A1.66 Although a start has been made on the remainder of the site with the creation of the access and the installation of the traffic lights work has been delayed as the landowner and developer had to go to arbitration to set a land price. This is understood to be resolved and we would expect Carla to be back on site this year. At the present time there is only a small area which is within the active development site.
- A1.67 This is a high value location and Cala concentrate on delivering high quality homes in this type of market. Page 2 of the press release in September 2015 which accompanied their annual report highlighted that sales per site per week equated to 0.40 compared to 0.48 a week in 2014) and was slightly lower than the previous year due to the contribution from Banner given their historic site and product mix, characterised by larger homes with a higher Average Sales Price.
- A1.68 This equates to a build rate of 21 to 25 units a year compared to the suggested level of completions from both the council and Carla of 200 dwellings a year.
- A1.69 We are unaware of any strategic site operated by Carla that has consistently delivered this level of dwellings. It is over 8 times the average output per site than that normally achieved by this developer. Even taking into account the delivery of affordable housing this looks unachievable.
- A1.70 The delays to date mean that Cala have only just started on site and will clearly not deliver a meaningful number of dwellings during the current year. To achieve an average of 110 completions we expect that Cala will not only need to deliver affordable housing but also engage at least one or two other developers on site these will need to submit reserved matters but at present there is no indication of this occurring. We have therefore summed **1,540 dwellings** instead of 2,000 dwellings (start 2017/18 110 x 14)

Conclusion on delivery rate assumptions from Urban Extensions.

- A1.71 There are 3 large sites within the development plan and the council's assumption is that all 3 will consistently deliver dwellings at much higher rates than that achieved on similar sites within the area in the past.
- A1.72 Furthermore, according to published research the proposed rates are in excess of those that have been consistently achieved on average from large scale sites and urban extensions.

- A1.73 We consider a more reasonable assumption supported by the evidence available would be as follows:
- a. West of Waterlooville: 233 dwellings not the 798 in OD15 (taking into account the remaining 317 dwellings in Havant then the expected delivery from this site over the plan period (110 x 5 – 317))
 - b. North Whiteley: 330 instead of 950 dwellings (start 2017/18 110 x 3)
 - c. Barton Farm: 440 dwellings instead of 600 (start 2017/18 based upon delays to date 110 x 4)
- A1.74 This reduces the combined contribution from these sites by some 3060 dwellings.
- A1.75 It is of considerable concern that, by ignoring empirical evidence on delivery rates and endorsing “aspirational rates” councils and over exuberant developers (who benefit from allocations) place the plan making process at risk and potentially extend the housing crisis. It cannot be a reasonable assumption for the plan making process that all strategic sites will suddenly deliver at twice the previous average, many are going to deliver at or below the average. The assumption that 3 such sites in the same market area are all going to outperform the average rate of delivery is not supported by evidence and is not sound.
- A1.76 In order for the plan to be found sound, the level of allocations needs to be based upon a proportionate evidence base and the chosen approach should demonstrate the flexibility required by paragraph 14 of the Framework.
- A1.77 An appropriate test of the flexibility of the plan would simply be to test how the plan would respond to all the strategic sites delivering at an “average” rate of delivery. In this case the average rate used should be the 110 dwellings a year (Savills) which is higher than the more recent HBF figure and also higher than the long term average recorded by Savills.
- A1.78 While we also have considerable concerns with regard to the speed with which the council are suggesting dwellings can start being delivered on these sites the approach below utilises the council’s assumptions but simply applies the average build rate to determine likely level of contribution to the 5-year housing requirement from these sites as a reasonable starting point for testing the flexibility of the plan:
- a. West of Waterlooville: 233 dwellings not the 798 in OD15 (taking into account the remaining 317 dwellings in Havant then the expected delivery from this site over the plan period (110 x 5 – 317))
 - b. North Whiteley: 550 instead of dwellings 950 (start 2016/17 110 x 5)
 - c. Barton Farm: 550 dwellings instead of 600 (start 2016/17 based upon delays to date 110 x 5)
- A1.79 If, instead of all three sites performing at the enhanced rates being suggested by the council, they instead deliver on average between them at average rates for this type of development then there could be a shortfall of some 3,060 dwellings.

Contribution from sites identified in the Strategic Housing Land Availability Assessment

Introduction

- A1.80 For sites that do not have either planning permission or consent the council are required to demonstrate that there is a real likelihood that sites will make a positive contribution to the supply in the 5-year period.
- A1.81 The SHLAA estimates that there will be 123 dwellings from these sites in the period to 2020 and 175 for the period to 2021 (WCC Annual Monitoring Report 2015 page 45 paragraph 6.31 and Table 21).
- A1.82 It is considered that the council have overestimated completions from this source of supply by **87 dwellings**.
- A1.83 The contribution from the following sites are challenged for the reasons set out below:

Avondale Park, Off Main Road, Colden Common, SO21 1TF

Site reference	889
Council Estimate	16
SPRU Estimate	0
Difference	16

- A1.84 This is a field next to a caravan park and while the SHLAA (appendix 2) states that there is interest in developing the site this is understood to be from the landowner who has prompted its inclusion in the SHLAA.
- A1.85 The timescale for the site to be delivered in the SHLAA is 2015 to 2020.
- A1.86 This is insufficient to conclude the site as making a contribution to the 5 year land supply. As a site within the settlement boundary a serious landowner could have engaged a developer and promoted the site as a planning application. The fact that a rather less active approach has been taken suggest that the landowner is not seeking to release the site immediately for development.

The Cricketers Arms, Jacklyns Lane, New Alresford, SO24 9LW

Site reference	1966
Council estimate	14
SPRU estimate	9
Difference	5

- A1.87 At present there is a decision to grant consent to Orchard Homes for 9 dwellings subject to a 106 agreement (15/00077/FUL).
- A1.88 This reduces the contribution from 14 to 9 dwellings.

Land to the Rear of 58 The Dean, New Alresford

Site reference	276
Council estimate	9 (now 4)
SPRU estimate	0
Difference	9

- A1.89 The site is now subject to an application by Orchard Homes (15/02890/FUL) for 4 dwellings.

A1.90 Such sites are covered by the windfall allowance and the contribution of this site to the 5 year land supply should be reduced to 0.

Land at Church Farm, Sparsholt

Site reference	2062
Council Estimate	8
SPRU Estimate	0
Difference	8

A1.91 The SHLAA states that permission was granted for this site in June 2012 for redevelopment of 7 dwellings including 3 affordable dwellings and that there was a further application (10/02851/FUL) to convert the redundant farm building.

A1.92 The section 106 agreement remains unsigned.

A1.93 The agricultural tenant has objected to both applications on the grounds that the buildings are still in use.

A1.94 This together with the long period that has lapsed between the granting of the consent and the present leads me to conclude that this site will not deliver dwellings in the 5 year period.

Carfax, Sussex Street, Winchester, S023 8TG

Site reference	2450
Council Estimate	40
SPRU Estimate	0
Difference	40

A1.95 This is the Registry Office, The Hampshire Records Office and a surface level car park. The council state that the owner (Hampshire County Council - HCC) is interested in delivering this site and that the site has been identified in the Station Approach Development Assessment.

A1.96 There are no planning applications on this site.

A1.97 The council state that they are now actively pursuing a mixed use development of the site however it remains without an allocation or a planning permission and therefore has not advanced far enough in the process to be included in the 5 year land supply.

Dyson Drive, Winchester

Site reference	2558
Council Estimate	9
SPRU Estimate	0
Difference	9

A1.98 The SHLAA states that the site is being promoted as part of the New Homes Delivery Scheme and will deliver between 2012 and 2020.

A1.99 The site has not yet been identified to be brought forward for development and the latest position of the council set out in the Cabinet (Housing) Committee 30 June 2015 2014/15 Performance Monitoring Outturn - Housing Revenue Account Services is that other locations are being prioritised (section 3 f) page 5).

A1.100 This is insufficient evidence to demonstrate the site will be deliverable in the next 5 years.

Contribution from Emerging Local Plan Part 2 sites - AMR 2015 Appendix 7

- A1.101 As draft local plan sites these sites cannot be assumed to be deliverable it is for the council to set out the evidence as to why they should be included in the 5-year supply.
- A1.102 In situations where there are outstanding objections to the draft allocations it is for this examination to determine whether such sites should be allocated as well as their contribution to the 5-year land supply.
- A1.103 It is considered the following proposed allocations should not be included as contributing to the five-year land supply:

**Bishops Waltham
BW1 Coppice Hill
Total Capacity 80**

	2015 -20	2016 - 21
Council estimation	10	30
SPRU estimation	0	0
Difference	10	30

- A1.104 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there has been no application made on the site and no request for as pre application meeting.
- A1.105 There are 5 responses who considered the allocation unsound for the following reasons:
- A1.106 The landowners and Bargate Homes supporting the allocation but wishing to reduce the policy requirements in bringing forward the site.
- A1.107 Southgate Homes objecting to the size of the allocation in terms of impact on the openness of the Park Lug (TG) and highlighting that a foul pump station may be required.
- A1.108 Historic England supported the site specific development requirement in for development to “avoid unacceptable impacts on the historic significance of the Bishops Palace, Park Lug and Palace Deer Park” but are concerned at the reference to “recording” as it suggests that the Council may be prepared to accept the loss of part of the Park Lug. The fact that this earthwork is not scheduled does not necessarily mean that it is not of national significance: not all nationally important remains are scheduled. The consultation concludes that the SA fails to adequately recognise the historic significance of the Palace, Deer Park and Park Lug and potential effects on these heritage assets from the proposed development.
- A1.109 As there remain outstanding objections to this allocation it would be premature in to include any contribution into the 5 year land supply.

**BW2 Martin Street
Total Capacity 60**

	2015 -20	2016 - 21
Council estimation	50	60
SPRU estimation	0	0
Difference	50	60

- A1.110 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there is an Undetermined Application (15/02914/FUL). This is an application for 61 dwellings and was submitted in December 2015.
- A1.111 There are presently 12 objections to the application and a number of other comments from the public. There is no comment from the Strategic Planning Team regarding the suitability of the proposed scheme.
- A1.112 Three respondents consider the allocation unsound for the following reasons:
- A1.113 Southgate Homes objecting to the size of the allocation in terms of impact on the countryside and setting of the castle remains and the national trial (TG). The Technical Note (paragraph 3.3) also highlights potential access rights that will need to be accommodated as well as poor road alignment in terms of the access (paragraph 3.4 & 3. 5). It's also highlights the need for a pumping station.
- A1.114 Historic England state that very careful consideration needs to be given to the conservation and enhancement of the Park Lug. The fact that this earthwork is not scheduled does not necessarily mean that it is not of national significance: not all nationally important remains are scheduled. Where it survives well, the Park Lug may be considered to be of national significance and should be appropriately assessed to determine whether paragraph 139 of the NPPF might be applicable. (Note that paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets). The consultation concludes that the SA fails to adequately recognise the historic significance of the Palace, Deer Park and Park Lug and potential effects on these heritage assets from the proposed development
- A1.115 As there remain outstanding objections to this allocation (and also to the application) it would be premature to include any contribution into the 5 year land supply

BW3 The Vineyard
Total Capacity 120

	2015 -20	2016 - 21
Council estimation	50	60
SPRU estimation	0	0
Difference	50	60

- A1.116 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there has been a request for a screening opinion (16/00053/SCREEN).
- A1.117 Three respondents considered this allocation unsound for the following reasons:
- GL Hearn on behalf of Crest Nicolson how are actively promoting the site.
 - Southgate Homes objecting to the size of the allocation in terms of impact of the parcel North West of Tangier Lane on the countryside (TG). The Technical Note also highlights potential access issues which might limit capacity (paragraph 4.5) and the need for a pumping station on each parcel. It recommends that the allocation be deleted on the grounds of viability (paragraph 4.16).

A1.118 As there remain outstanding objections to this allocation it would be premature to include any contribution into the 5 year land supply

BW4 Albany Farm
Total Capacity 120

	2015 -20	2016 - 21
Council estimation	60	85
SPRU estimation	0	0
Difference	60	85

A1.119 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there has been a request for a screening opinion (14/02223/SCREEN) and there is also an undetermined outline application (15/00053/OUT) and Full Application (15/01097/FUL)

A1.120 The respondents argue the allocation is unsound on the following basis:

A1.121 Southgate Homes support the allocation and argue that there is the potential to increase the level of housing that maybe accommodated.

A1.122 Historic England supported the site specific development requirement in for development to “avoid unacceptable impacts on the historic significance of the Bishops Palace, Park Lug and Palace Deer Park” but are concerned at the reference to “recording” as it suggests that the Council may be prepared to accept the loss of part of the Park Lug. The fact that this earthwork is not scheduled does not necessarily mean that it is not of national significance: not all nationally important remains are scheduled. Finally, Historic England conclude that the SA fails to adequately recognise the historic significance of the Palace, Deer Park and Park Lug and potential effects on these heritage assets from the proposed development

A1.123 Outline application 15/00053/OUT (for 90 market 60 affordable including site including access) was submitted in January 2015 and is still pending. Access not reserved. The developer was Southcott Homes (Fareham) Limited

A1.124 The full application (15/01097) relates to the change of use paddock to informal open space.

A1.125 There was a letter extending time to 30 April 2016.

A1.126 At present there are 3 objections to the application and a number of additional comments.

A1.127 It is noted that Steve Opacic Head of Strategic Planning 4 February 2015 in his response to this application stated:

The illustrative masterplan shows a proposal for 150 dwellings extending beyond the proposed policy boundary (DM1) in the draft LPP2. The Consultation Draft LPP2 proposes the allocation of 120 dwellings on the application site through policy BW4. This housing requirement is based on the development strategy for Bishop’s Waltham where housing need will be met on a number of sites. This provision is monitored at a district wide level and is supported by an adequate 5 year land supply (most recently updated in the AMR 2014, December 2014).

What is proposed does not accord with the draft LPP2 policy BW4 and appears to challenge aspects of it. That being the case, the proper way for such challenges to be considered is through the LPP2, where the development of this site can be considered alongside other options and weighed against all the factors, including the views of the

local community, in accordance with the development plan process and localism. The application does not accord with the emerging LPP2 and seeks to pre-empt the Local Plan process which, in the light of the work carried out to date, proposes to allocate this site for certain types and scale of development, subject to appropriate requirements.

A1.128 It is further noted that there will be a substantial education payment to be made by the developer of the site in the order of £1.5m which may also impact the viability and delivery of the site.

A1.129 The council are assuming an early start on this site and a high build out rate however our assessment of the most recent developments by applicant suggest that they tend to specialise in smaller scale developments such as:

- a. The Farthings, Wickham - This development consists of 2 four-bedroom detached, 1 three-bedroom detached and 2 two-bedroom semi-detached homes
- b. Drift Road Clanfield - two stunning 4 bedroom semi-detached family homes situated in the East Hampshire village of Clanfield
- c. In terms of the other schemes currently being progressed these are of a similar scale such as:
- d. Hobb Lane Hedge End - 9 no. new residential dwellings to Eastleigh Borough Council.
- e. Gloucester Close Four Marks - Acquired site with Outline planning consent we have submitted a reserved matters planning application for 10 no. new residential dwellings to East Hampshire District Council
- f. Anmore Road Denmead - submitted a detailed planning application for 10 dwellings to Winchester City Council.
- g. North Street Westbourne - Planning permission has been granted for the residential development of 16 high quality homes along with affordable housing at Long Copse Lane/North Street, Westbourne. Chichester District Council
- h. The Shieling, New Road, Swanmore - 5 high quality residential dwellings Winchester City Council
- i. Cobden Avenue Southampton - submitted a detailed planning application for 5 houses and 2 apartments (7 new residential dwellings) to Southampton City Council
- j. 100 Locks Road, Locks Heath - redevelopment for 8 homes. Fareham Borough Council
- k. Middleton Road Winterslow - planning application submitted to Wiltshire Council for 13 new residential dwellings including 40% affordable housing

A1.130 Even if the inspector finds that a contribution is likely then at best consent is unlikely to be granted prior to LPP2 adoption in November 2016 with reserved matters and 106 negotiations taking a further 12 months then completions will not start 2017/18 and are unlikely to exceed an estimated 30 a year given small scale nature of the developer.

Colden Common

**CC1 Main Road
Total Capacity 165**

	2015 -20	2016 - 21
Council estimation	130	165
SPRU estimation	0	0
Difference	130	165

- A1.131 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there is an Undetermined Application outline application (14/01993/OUT) for 165 dwellings.
- A1.132 There are 14 respondents to the pre submission consultation argued the allocation was unsound for reasons including the following:
- A1.133 Star Planning on behalf of Welbeck Strategic Land challenge the suitability of the allocation, the sustainability of the location, and the appropriateness given the alternatives
- A1.134 Pro vision planning on behalf of Bargate Homes also object to the site selection process, and object to the proposal on Charter, Landscape, Biodiversity, Heritage and transport grounds.
- A1.135 There are 15 objectors to the application raising issues including:
- A1.136 Southern water 30/03/2016 – inadequate capacity of local network additional off site sewers or improvements to existing sewers will be required to provide sufficient capacity. This may be achieved though section 98 of the water Industry Act.
- A1.137 It should be noted that Linda Jewell Principal Planner, Strategic Planning (21 November 2014) made a number of comments and concluded:
- “Therefore, this is a finely balanced case, with significant material considerations in favour of the development, despite the direct development plan conflict. Further information is needed on the matters of concern raised above, and account should also be taken of the level of public support or objection raised through comments on the planning application and draft Local Plan Part 2. If the matters of concern can be satisfactorily resolved, and the proposal is generally supported, then providing there are no other Development Management issues which emerge during the course of determining this application, it is concluded that there are arguments in favour of granting permission in this case.”*
- A1.138 Revised plans submitted 21 Mach 2016 and further consultation was being undertaken.
- A1.139 This developer has delivered a slightly smaller size site at Kings Copse Primary School Kings Copse Road Hedge End Southampton SO30 0PQ. Outline achieved by council and reserved matters pursuant to outline planning permission O/05/54780 for construction of 118 dwelling units was validated on 27 November 2009 granted on 28 June 2010. The site was completed in December 2013 (Foreman Homes web site) some 3.5 years after reserved matters (allowing 6 months’ site preparation this is a build rate of 40 dwellings a year (118 dwellings over 3 years).
- A1.140 Considering this build out rate if outline consent was granted at time of adoption of LP2 (November 2016) then reserved matters and signing off conditions so first starts in 2017/18 at 40 a year for 3 years suggests 120 rather than 165.

A1.141 In conclusion however there are objections to both the allocation and the application so at this time it would be premature to consider any contribution from this site to the five-year land supply.

Denmead
Policy 2i East of Village Centre
Total Capacity 90

	2015 -20	2016 - 21
Council estimation	70	90
SPRU estimation	0	0
Difference	70	90

A1.142 There is an undetermined application on the site for 99 residential units, public open space, resident's car park, landscaping, access, car parking and partial realignment of the Hambledon Road/Anmore Road junction (15/02714/FUL). This was validated on Tuesday 1 December 2015

A1.143 In terms of the application there are 56 objectors as well as other responses highlighting these issues:

A1.144 A strong objection from the parish council concerning a range of issues but including increase in the number of units, design, and capacity of foul drainage.

A1.145 Southern Water 17/12/2015 – inadequate capacity of local network additional off site sewers or improvements to existing sewers will be required to provide sufficient capacity. This may be achieved through section 98 of the water Industry Act.

A1.146 It should be noted that Linda Jewell Principal Planner, Strategic Planning (23 December 15) made a number of comments and concluded:

A1.147 "The principle of development at this location is established by the Denmead Neighbourhood Plan and concerns regarding some detailed aspects of the proposals which were raised at the pre-application stage, including the number of housing units proposed, the house types and their height, appear to have been addressed.

A1.148 Other consultees will be able to comment on the effects of the development and the details of the proposal including the mitigation measures proposed with regard to traffic, flooding, protected species and archaeology with respect to the policies in the development plan referred to above."

A1.149 I appreciate that this is an allocated site however the level of objection and the unresolved issue of drainage leads me to conclude that this site cannot at the present time be considered to be available and therefore should not be considered as being able to meet the 5-year land supply.

Policy 2iv Anmore Road
Total Capacity 10

	2015 -20	2016 - 21
Council estimation	10	10
SPRU estimation	0	10
Difference	10	0

A1.150 The Neighbourhood plan states that this 0.48 Ha site which lies behind properties on Anmore Road and adjoining the 2006 DSPB has been made available by the

landowner for development later in the plan period not before 2019 (paragraph 4.35).

New Alresford
NA2 The Dean
Total Capacity 75

	2015 -20	2016 - 21
Council estimation	10	35
SPRU estimation	0	0
Difference	10	35

- A1.151 This allocation is for the redevelopment of commercial properties in different ownerships to provide 75 dwellings, commercial development and public parking (LPP2 paragraph 4.5.15). The council highlight that some of the existing uses are not well suited to this location by virtue noise, fumes and traffic movements. The council consider ideally this should be a comprehensive development (LPP2 paragraph 4.5.18) but accept that this is not possible and that piecemeal development will have to take account of neighbouring uses.
- A1.152 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there is an undetermined full application (15/02944/FUL) for 49 extra care units.
- A1.153 This application (15/02944/FUL) submitted in December 2015 is an extra care facility described in the application as:
- “Redevelopment of site involving the erection of a three storey building housing an extra care scheme comprising 49 one and two bedroom units with associated communal lounges, restaurant, wellness room, guest suite, house manager and care support accommodation, car parking, communal rechargeable scooter store, access and communal landscaped gardens and structures.”*
- A1.154 It is noted that there is support for this development with only two objections however it remains underdetermined and cannot be considered to be deliverable within the next five years.
- A1.155 It is noted that the response of the Strategic Housing / New Homes Delivery Team (18 February 2016) there is a requirement for an offsite payment toward affordable housing for £2.3m which will have an impact on the viability and delivery of the scheme.
- A1.156 More fundamentally the applicant Yourlife Management Services Ltd describes the scheme as “extra care” in part 3 of the application and in part makes it clear that the application is for 2935 sqm of new B2 general industrial and 4918 sqm of C2 Residential institutions.
- A1.157 It is only appropriate to count C2 provision against the general housing requirement if the need for this type of accommodation has been factored into the calculation of overall need.
- A1.158 The NPPG (Paragraph: 037 Reference ID: 3-037-20150320) states that Local planning authorities should count housing provided for older people, including residential institutions in Use Class C2, against their housing requirement and that the approach taken, which may include site allocations, should be clearly set out in the Local Plan.

A1.159 The inclusion of C2 is acceptable on the basis that the overall Objectively Assessed Need should have assessed:

“the future need for specialist accommodation for older people broken down by tenure and type (e.g sheltered, enhanced sheltered, extra care, registered care) should be assessed and can be obtained from a number of online tool kits provided by the sector. The assessment should set out the level of need for residential institutions (Use Class C2).” need for C2 Paragraph:

(NPPG 021 Reference ID: 2a-021-20160401)

A1.160 The Winchester Housing Market and Housing Need Assessment Update (2012) which predates this advice does not make any such assessment of C2 institutional need. As institutional populations are modelled separately to the wider population then it would at this stage be inappropriate to count these completions against the Core Strategy Housing requirement figure.

A1.161 This C2 proposal only occupies half of the allocation and in terms of the remainder of the allocation we note that there are over 121 responses to the policy stating that it is unsound.

A1.162 This includes the objection from the town council whose stated objections are as follows:

Minute No:- 3304.6.3.1

Resolution: The WCC Pre-submission regarding the redevelopment of The Dean was considered to be unsound on the grounds that there was a risk of employment loss to the town. Proposed: Cllr. Kerr-Smiley, Seconded: Cllr. Gower, Abstained Cllrs Griffiths and Spencer. Objected Cllr. Saunders (Carried) (Grounds Effectiveness and no justification – NA2)

Minute No:-3306.6

Resolution: To question the site allocations at The Dean. The Dean (SHLAA site numbers 2535 and 2534) were removed as SHLAA sites in September 2015 on the grounds that they are existing employment sites. A policy cannot be based on what cannot be delivered. To inform WCC that The Dean site allocation is comprised of sites in disparate ownership, resulting in a risk that the plan will be undeliverable. To inform WCC that The Dean accounts for 31% of jobs in the town and that the plan cannot justify the loss of this percentage of employment. Objection to the is statement: Cllrs. Pinch, Saunders, Power (Carried).

Minute No:- 3306.7

The Dean (Policy NA2) – Resolution: To inform WCC that the planned occupation of The Dean once redeveloped, as proposed, has been calculated as requiring 2.1ha, whereas the combined land available for sites 2535 and 2534 is 1.4ha. The plan appears to rely on 7 other sites where availability has not been confirmed. This policy is therefore unsound as it cannot be delivered. Unopposed. NA2)

Minute No:- 3306.3 – Resolution: To inform WCC that the following change should be made to LPP2 in relation to the provision of offices: Policy NA2 – The Dean Housing Allocation Nature and Phasing of Development (p78) Clause 3 (change) “development may include” to read “development should include.” Proposed: Cllr Power, Seconded Cllr B Jeffs (AGREED) unanimous

A1.163 The developer of the extra care scheme seeks to amend this allocation to refer to the provision of an extra care scheme which is a clear indication that the developer considers this to be different type of accommodation to that set out in the policy to meet general housing needs. The developer of the Extra care units goes onto state:

Reference (Policy NA2) to a specified number of 75 dwellings should be indicative as this doesn't take account the potential differences between say family housing and an extra care scheme which could provide a quite different number of units due to the nature and density of these forms of development. There is quite a mix and complexity of land ownership in The Dean and at best land will only come forward incrementally. It is questionable whether the entirety of the desires of the policy are wholly deliverable, effective and viable. It is also unclear how the Council will consider first its acquisition/lease of land for a car park and how this will be delivered without invoking CPO powers.

A1.164 Savills in representations on behalf of Alfred Homes state that they have reviewed the SA and identified a number of failings in its drafting, which the Council seeks to use to underpin Policies NA2 and NA3. The represent is over 100 pages long dealing with the shortcomings of the SA for these allocations. In its associated Savills highlight the difficulty of securing the relocation of existing businesses either to the Sun Lane allocation (NA3) or elsewhere.

A1.165 In paragraph 8.8. of their submission Savills also challenge the soundness of the Plan, on the grounds that extra care / retirement housing which is zero CIL rated as per the Council's Charging Schedule would contribute towards the total 500 dwelling requirement for New Alresford. It states:

"The Viability Appraisal prepared by Vail Williams on behalf of the Council indicate 30 units, with the most recent proposals from McCarthy & Stone showing 49 units. As the City Council did not allow for any zero rated C2 housing coming off the 12,500 total requirement when calculating its CIL rate based on eligible dwellings, it cannot be the case now that such units would contribute towards meeting this requirement."

A1.166 Southcott Homes (Fareham) Ltd in their response highlight that:

"The Council and numerous developers have tried over the last two decades or more to bring the site together to release it for housing through the normal development management process. All attempts have failed and since this time a number of the plots have changed hands and existing accommodation has been renovated and let on long leases."

A1.167 Keith Barrett (Search-South.com Limited) and elected member for New Alresford also highlights issues with relocating existing businesses stating in his representation to the LPP2 pre submission consultation:

In order for the full range of needs to be met (which WCC state include housing, offices and car parking), it would appear to be necessary for the entire 2.1 hectares to be made available. WCC's own evidence base indicates that only two of the land owners have indicated an interest in proceeding with redevelopment. In public meetings, a number of the other land owners at The Dean have made it clear that they have no intention of making their land available for redevelopment. This primarily appears to be due to the fact that this latter group of land owners are operating businesses at The Dean and regard this as being a good location in which to do so.

A1.168 Given that there appears to be little realistic chance of all the land becoming available at The Dean, the allocation here could simply not be delivered in its entirety. There is

particular risk to the delivery of the affordable housing, car parking and office space elements.

A1.169 The Alresford Professional Group proposed a more modest provision of residential development of about 30 dwellings to be met on the CeeJay Trailers site and the remainder of the land and buildings in The Dean to be retained as these were well suited to the provision of lower cost accommodation for small businesses with longer term opportunities for refurbishment and renewal. They also raise the issue of the comparison of alternative sites in the Sustainability Assessment.

A1.170 In respect of the issues raised it is not consider that there should be any contribution included in the five year land supply from this draft allocation for the following reasons:

A1.171 The planning application for extra care (C2) does not meet the need assessed in the SHMA

A1.172 The complexity of the reminder of the site in terms of landowners and objections.

NA3 Sun Lane
Total Dwellings 325

	2015 -20	2016 - 21
Council estimation	20	60
SPRU estimation	0	0
Difference	20	60

- A1.173 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there has been a request for a screening opinion (16/00011/SCREEN).
- A1.174 This is a large allocation of over 30 hectares for residential (10 hec) business (5 hec) and open space (15 hec)
- A1.175 This is considered to be the only location to be able to deliver major new open space, new Access to the Alresford bypass and the relocation and growth of businesses. To achieve these benefits, the plan states (LPP2 paragraph 4.5.21) that infrastructure is provided in the correct sequence.
- A1.176 The access to the bypass is required as part of the first stage of the development (LPP2 paragraph 4.5.25).
- A1.177 The policy requires the production of a master plan and a phasing plan to guide the development.
- A1.178 There are some 187 respondents to the LPP2 pre submission consultation that consider the plan unsound. Savills, Sheila Johnson (Search-South.com Limited) and Alresford Professional group all make similar points regarding the suitability of the Sustainability Assessment in determining this as a final choice of allocation.
- A1.179 Savills representation (December 2015) proposes an alternative site (land adjacent to Arlebury Park) and states that the evidence presented in their representation concludes that the Plan as drafted is unsound. These include:
- A1.180 Justification of the employment requirement
- A1.181 Inaccuracies and inconsistencies in the Sustainability Appraisal (including evidence on highways and landscape impact)
- A1.182 Although dealt with briefly these are serious challenges to the allocation which may also impact on the potential timing of development on the site. There is insufficient evidence at this stage to justify including completions on this site into the five year land supply.
- A1.183 Seaward Properties are the promoters of this allocation and has prepared a 'Vision Document' for the use of land at Sun Lane in New Alresford.
- A1.184 This document includes an overview of the technical site baseline, the planning context, the key constraints and opportunities associated with the Sun Lane site, along with the objectives and design principles for its future development, up to the period 2031.
- A1.185 The Vision Document states:

“As Winchester City Council’s preferred option, Seaward Properties will be available at Winchester City Council’s LP2 Consultation Event in November 2014 to talk to the community about the Sun Lane site and answer any questions you may have. However, this is the start of a much longer process in moving forward with

development proposals for the site and Seaward Properties is committed to engaging with the local community about the future of the site as well as any future masterplanning process. “

- A1.186 This also confirms that the new A31 junction will be delivered at the start of the scheme and will allow on-site development, commercial and residential traffic direct access onto the A31.
- A1.187 Seaward Properties has active in the construction of both commercial and residential developments in the South and South East of England since 1972 and current and previous developments include:
- a. 21 dwellings Roman Fields, Summersdale, Chichester
 - b. West Lavant Barns West Lavant, nr Chichester. 4 dwellings (3 bedroom and one 4 bedroom high quality barn conversions)
 - c. Rosemary Lane, Petworth & dwellings (two pairs of semi-detached and a terrace of five cottages)
 - d. Park Place Chichester 9 Dwellings (three-storey luxury town house)
 - e. Norfolk Row 6 Dwellings four-storey luxury town houses
 - f. Richmond House 15 apartments
 - g. Lower Walls Walk 10 dwellings (four and five bedroom townhouses)
- A1.188 In terms of residential development this allocation would appear to be of a different scale to that delivered in the past and therefore ambitious assumptions regarding lead in times and delivery rates should be avoided.
- A1.189 As demonstrated in the earlier section larger more complex sites can a considerable time to come on line therefore even if the allocation was confirmed in November 2016 then completions may still not be achieved.
- A1.190 The outstanding objections to this allocation lead to conclusion that contributions from this site should not be included in the five year land supply at the present time.

Swanmore
SW2 Lower Chase Road
Total Dwellings 5

	2015 -20	2016 - 21
Council estimation	5	5
SPRU estimation	0	0
Difference	5	5

- A1.191 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there has been no pre application or planning application on this site.
- A1.192 The agent on behalf of the land owner (Luken Beck) highlights in their representation that the policy is the result of discussion between various stakeholders including Winchester City Council, Swanmore Parish Council, the landowner’s consultants and the local community (via the Parish Council).
- A1.193 The agent’s state that the principle of the allocation is therefore considered sound but that the policy is unduly restrictive and a larger proportion of the site should be allocated for housing.

A1.194 The provision of these 5 properties is dependent upon the delivery of a much larger area of open space.

A1.195 In these circumstances where there is still unresolved issues with the land owner as well as the need to deliver a large element of open space there is insufficient evidence to include the site within the 5 year supply.

Waltham Chase

WC3 Sandy Lane

Total Dwellings 35

	2015 -20	2016 - 21
Council estimation	35	55
SPRU estimation	0	0
Difference	35	55

A1.196 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there is an undetermined application (15/02765/FUL) for 63 dwellings on this site.

A1.197 There are 4 respondents to the pre submission LPP2 who state that suggest that the allocation is unsound.

A1.198 There are 26 objections to the planning application.

A1.199 Until such time as it can be demonstrated that the objections to the allocation and the application have been resolved this site should not be included in the five year land supply.

Wickham

WK2 Winchester Road

Total Dwellings 125

	2015 -20	2016 - 21
Council estimation	35	75
SPRU estimation	0	0
Difference	35	75

A1.200 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there are two undetermined applications one for 100 dwellings (15/01980/FUL) and one for 25 dwellings (15/01981/FUL). It should be noted that the application for 25 dwellings lies outside of the proposed allocation as the developer’s state that the allocation cannot deliver 125 dwellings in their view. It is also noted that the application does not include the land required to deliver the open space and other community benefits required by the emerging policy.

A1.201 The allocation in the pre submission LPP2 (WK2) is for 125 dwelling plus 3.5 hectares of land for public sports pitches, a pavilion, Parking and substantial on site open space including allotments and a Local Equipped Area of Play).

A1.202 There are 3 respondents to the pre submission LPP2 who state that suggest that the allocation is unsound. Bewley Homes who have an option on the land state that allocation is unsound are. They state in paragraph 1.10 that they have to navigate between the clear difference of views of the Case Officer who recognises the difficulties of providing 125 dwellings on the allocated site and the requirements of the Policy WK2.

A1.203 They also highlight in paragraph 2.1 that the “moratorium” on all development in the village until the existing drainage issues are resolved as imposed by WK1 and argue that this should not be imposed on their site (allocation MK2).

A1.204 The developers also objected to the policy requirement (MK2) to provide Allotments on site.

A1.205 Bloor Homes object to the allocation and propose that an alternative site at Mill Lane (SHLAA site 1908) be allocated for residential development and public open space. They also make reference to their representations on Policy WK3 which highlight that they consider the Mill Lane site can deliver some 80 dwellings.

A1.206 In terms of the application for 100 dwelling (15/01980/FUL) this does not deliver the open space requirement in the policy. There are at present some 36 objectors to this application.

A1.207 The smaller application for 25 dwellings (15/01981/FUL) is access though the larger site and its implementation would be entirely dependent on the implementation of the larger site.

A1.208 Southern Water stated (15/10/2015):

“Following initial investigations, Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.

A1.209 Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission.

“Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.”

A1.210 They also suggested the following informative:

“The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk’.

Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good

management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme*
- Specify a timetable for implementation*
- Provide a management and maintenance plan for the lifetime of the development.*

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

A1.211 It is also noted that in response to 15/01980/FUL the Strategic Planning Officer Steve Opacic stated (27.10.2015):

The proposal relates to land which is outside the current settlement boundary of Wickham and Local Plan Part 1 is clear that there should be a proper plan-led review of settlement boundaries. This was supported by the Inspector who examined the Plan. The application is therefore on land currently subject to countryside policies (MTRA4, etc) and does not propose a type of development that is consistent with these policies, in conflict with the existing development plan. The Council can demonstrate an adequate 5-year housing land supply and there is no need for this site to be released to achieve an adequate land supply.

However, the site has been selected as part of a LPP2 site allocation, as it performs better than other sites, being of lower landscape sensitivity with good existing containment and landscape boundaries. It has been subject to consultation and was supported by the Parish Council as part of the planning strategy for Wickham. The proposed allocation of the area including this site within the Pre-Submission LPP2 is an important material consideration and, although not yet the formally adopted Plan, substantial weight can be given to the emerging Plan as it has progressed through several stages towards adoption. A refusal of planning permission solely on the grounds of prematurity would not be justified because the Council would need to clearly demonstrate how any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The proposal could, therefore, potentially be permitted if the requirements of the existing LPP1 and emerging LPP2 were fully met and if it were satisfactory in all other respects. However, there a number of areas in which the application fails to comply with emerging policies WK1 and WK2, as well as existing Local Plan policies. It is not accepted that additional land is needed to accommodate the 125 dwellings proposed on this site but, even if it were, this would require a re-assessment of the capacity of

the built-up area and all potential sites. The application does not, therefore, appear to make effective use of the allocated area (in conflict with LPP1 policy CP14) and does not satisfy several requirements of the emerging policy WK2 (e.g. masterplan/phasing plan, sports provision at Mill Lane, infrastructure provision). If the applicant wishes to challenge the Local Plan Part 2 approach or requirements, this should be done through the Local Plan examination process.

There are also important drainage issues in Wickham which further development is likely to exacerbate in the absence of an adequate knowledge of the causes of the flooding and how they can be resolved. The application therefore conflicts with NPPF and Local Plan requirements to avoid increasing the risk of flooding elsewhere and to take opportunities to reduce flooding impacts (LPP1 policy CP17, LPP2 policy WK1).

Accordingly, this proposal conflicts with the policies of the development plan and, despite being a site which the emerging Local Plan Part 2 considers suitable for allocation, does not meet the requirements of the emerging policy. Additionally the drainage issues in Wickham mean that development would be likely to exacerbate, or at least perpetuate, flooding problems. Therefore it is recommended that, even if the application were revised to comply with emerging policy WK2, permission should not be granted until the drainage issues are satisfactorily resolved. It would not be appropriate to grant permission subject to conditions or planning obligations restricting the occupancy of any dwellings, as there is inadequate information on the causes and solutions to the flooding issues for these to meet the requirement to be precise and enforceable.

A1.212 The parish council also object to this application 15/01980/FUL.

A1.213 While an application demonstrates the appetite of the development industry for development in this location I do not consider it appropriate to include completions from this allocation in the five year supply for the following reason:

- a. There are outstanding objections to this allocation which are unresolved including the promotion of an alternative site.
- b. There are objections to the planning applications
- c. The planning applications do not cover the provision of the required open space
- d. There is an outstanding objection from Strategic Policy as the site is not in conformity with LPP1 or emerging LPP2.

A1.214 Until such time as it can be demonstrated that the objection to the Allocation and application have been resolved this site should not be included in the five year land supply.

WK3 The Glebe

Total Dwellings 80

	2015 -20	2016 - 21
Council estimation	35	75
SPRU estimation	0	0
Difference	35	75

A1.215 In appendix 3 of the Background Paper – Housing Requirements and Supply (March 2016) the council state that at the present time there are two undetermined applications one for 82 dwellings (15/02523/OUT).

- A1.216 The allocation in the pre submission LPP2 (WK3) is for 80 dwelling plus 3 hectares of open space.
- A1.217 Unlike the application for part of the WK2 allocation this does include the area identified for open space. It is also noted that the application does not include the land required to deliver the open space and other community benefits required by the emerging policy.
- A1.218 There are 3 respondents who considered the allocation unsound. This included the applicant Goadsby Professional Services for Croudace Strategic who requested a change to the details shown for access on the maps as well as objecting to WK1 in the following terms:
- “We have some concerns as to the soundness of proposed policy WK1(i). This proposed policy element appears wholly reliant on Wickham Flood Investigation Report (WFIR). Paragraph 2.1 of WFIR clearly sets out Hampshire County Council’s duties as Lead Local Flood Authority (LLFA) and continues to set out which bodies are ‘Risk Management Authorities’ (RMAs). Proposed Policy WK1 (i) uses the term ‘multi-agency’ and infers there will be a single strategy. Whilst it is clear Southern Water as Water Company (WFIR 2.1 (e)) will deal with their sewers, much of the surface water network is riparian watercourses, which within the village have generally been historically culverted. The responsibility for these elements falls to the various riparian owners, including many sections under or within private land, generally under domestic ownership. Individual riparian owners do not form an RMA and also have few duties and responsibilities. It appears unrealistic that all relevant parties, including RMAs, will develop a single co-ordinated strategy, particularly as this would involve a large number of individual members of the public”.*
- Accordingly it is recommended that the words ‘multi-agency’ are deleted from the policy.*
- A1.219 Bloor Homes object to the allocation and propose that an alternative site at Mill Lane (SHLAA site 1908) be allocated for residential development and public open space. They also make reference to their representations on Policy WK2 which highlight that they consider the Mill Lane site can deliver some 80 dwellings.
- A1.220 Their agents Terrance O’Rourke that they consider that land at Mill Lane represents a more sustainable site when compared to The Glebe, and performs better against the council’s site selection criteria than The Glebe. They refer to the details submitted earlier to the draft plan as it remains relevant detailing their of the proposed spatial strategy for Wickham.
- A1.221 To supplement this previous representation a comparison of The Glebe and Land at Mill Lane against the council’s site selection criteria was submitted together with a Wickham Development Concept Plan to illustrate community benefits of an integrated development at Winchester Road and Mill Lane.
- A1.222 Turning to the application there are 20 objections to the planning application.
- A1.223 Southern Water (14/12/2015) make similar comments to the application on K2 namely that there is no capacity without additional local infrastructure and would result in increased flows into wastewater sewerage system and as a result increase the risk of flooding. Developer in consultation with Southern Water. SW suggested pre commencement condition requiring agreed solution.

A1.224 Again there does not appear to be an agreed solution especially one that is aligned with the draft policy WK1.

A1.225 In conclusion while the application demonstrates the appetite of the development industry for development in this location it is inappropriate to include completions from this allocation in the five year supply for the following reason:

- a. There are outstanding objections to this allocation which are unresolved including the promotion of an alternative site.
- b. There are objections to the planning applications

A1.226 Until such time as it can be demonstrated that the objection to the Allocation has been resolved this site should not be included in the five-year land supply

Winchester

WIN8 Stanmore

Total Dwellings 10

	2015 -20	2016 - 21
Council estimation	10	10
SPRU estimation	0	0
Difference	10	10

A1.227 The draft policy refers to an area rather than an allocation and as such it is not possible to identify the site which the council consider will deliver these 10 dwellings as identified in appendix 7 of the AMR 2015 as they do not relate to a physical allocation.

WIN9 Abbots Barton

Total Dwellings 36

	2015 -20	2016 - 21
Council estimation	12	16
SPRU estimation	0	0
Difference	12	12

A1.228 The draft policy refers to an area rather than an allocation and as such it is not possible to identify the site which the council consider will deliver these 10 dwellings as identified in appendix 7 of the AMR 2015 as they do not relate to a physical allocation in the draft plan and as such should be excluded from the calculation of the five-year supply.

Contribution from large sites with planning permission

Area between Friarsgate, Silver Hill, Broadway, Winchester

Total Dwellings 307

	2015 -20	2016 - 21
Council estimation	70	270
SPRU estimation	0	0
Difference	70	270

A1.229 In relation to this site the Cabinet decided on 10 February 2016:

A1.230 To serve notice of termination of the Silver Hill Development Agreement (dated 22 December 2004) on the grounds that the unconditional date and the date for start of works as defined in the Development Agreement had not occurred by 1 June 2015.

- A1.231 That no further action be taken to implement the compulsory purchase order (CPO).
- A1.232 That a decision on whether or not to retain the freehold and leasehold interests within the Silver Hill area which were acquired by the Council in January 2014, together with the budget and estate management implications, be considered at a special Cabinet meeting (scheduled for 4pm on Tuesday 29 March 2016), and subject to consideration of a business case, with a preference that the properties be retained by the Council.
- A1.233 That a report be brought to the special Cabinet meeting setting out in outline how development might be brought forward on the Silver Hill site in the light of termination of the Development Agreement.
- A1.234 That an update report on the possible acquisition of the St. Clements Surgery and construction of a replacement surgery on Upper Brook Street Car Park be considered at a special Cabinet meeting
- A1.235 On the 29 March 2016 the Cabinet considered how to regenerate the Central area of Winchester following the termination of the Development Agreement with TH Real Estate.
- A1.236 This report recommended the production of a Supplementary Planning Document would be the most appropriate route for engaging with the public and stakeholders in the area. The report noted in its executive summary
“that this may not be a quick process and that there are significant risks attached.”
- A1.237 The cabinet accepted the proposed course and appendix 2 of the cabinet report suggest that approval of draft SPD and consultation would take place in June 2018.
- A1.238 Appendix 3 of the cabinet report highlights the risks to the approach being adopted and the two most likely were identified as being:
- A1.239 Difficulties in setting up an engagement process which is accepted as “right” by all those who wish to be involved. This was considered to have a moderate impact
- A1.240 Failure to reconcile all interests and ideas with achievable commercial and technical outcome. This was considered to have a major impact
- A1.241 At the same meeting a report was considered regarding the “Silver Hill – Former JDS Properties Put Option” and after considering this report the cabinet confirmed that the that the Head of Estates be authorised to let Council owned property in the Silver Hill development area. This council owned property is currently either vacant or let on short term tenancies. The cabinet set the maximum term for a new lease of five years.
- A1.242 The LPP2 background paper 3 states in relation to the site meeting retail housing and other needs (paragraph 2.6):
“However, the timing of such provision is now likely to fall later within the Plan period than originally assumed.”
- A1.243 Background Paper 3 concludes in paragraph 7.3:
“While it is now most unlikely that Silver Hill will deliver significant retail provision in the short term, the sections above show that the ‘objectively assessed needs’ for retail provision set in LPP1, and updated in the 2014 Retail Study, will be met over the Local Plan period as a whole.”

A1.244 LPP2 Background Paper 1 paragraph 6.36 accepts that the AMR 2015 trajectory is now delayed (this suggested the area will start delivering in 2017/18) but it is unclear if the council; accept that the site will make no provision to the five year land supply.

A1.245 This is a large and complex site but two points are clear these are:

- a. There is no longer an extant implementable consent for this site
- b. The procedure now put in place will take some time to conclude and the timing and amount of residential delivered as part of any new scheme is uncertain.

A1.246 I therefore conclude that this site should be removed for the five year supply.

The Apex Centre, Church Lane, Colden Common

Total Dwellings 12

	2015 -20	2016 - 21
Council estimation	12	12
SPRU estimation	0	0
Difference	12	12

A1.247 This has a long history of applications the latest being 12/02635/FUL which was granted in 14 March 2013. The site has not been started and the permission is now lapsed

A1.248 The relevant planning history is as follows:

00/00010/FUL - (AMENDED DESCRIPTION) Use of building A for offices B1(a) and buildings B,C and D for B1(c) or B8 (Retrospective). Permitted subject to conditions 13th April 2000.

00/00783/FUL - Use of building for B1(a) office use (RETROSPECTIVE). Permitted subject to conditions 30th June 2000.

02/01985/FUL - Erection of 5 No. starter units for use as store/offices and light industrial with associated parking. Refused 12th December 2002.

02/03118/FUL - Erection of 3 No. starter units for B1/B2 use. Refused 7th March 2003. Appeal ref:APP/L1765/A/03/1116678 dismissed 26 August 2003.

05/02940/FUL - Demolition and reconstruction of premises; demolition of woodstore for additional parking. Permitted subject to conditions 16th February 2006.

12/01598/FUL - Erection of 14 no. dwellings comprising 8 no. two bed, 2 no. three bed and 4 no. four bed dwellings with associated access, parking and landscaping following demolition of existing buildings. Refused 31st December 2012.

12/02649/FUL - Erection of 10 no. dwellings, together with associated access, parking and landscaping following the demolition of existing buildings. Permitted December 2012.

12/02635/FUL Erection of 12 no. dwellings (including 2 no. affordable dwellings), together with associated access, parking and landscaping following the demolition of existing buildings (RESUBMISSION) Application Permitted 14 March 2013

APPROVED – subject to a Section 106 Agreement for:

1. A financial contribution of £70,008 towards the provision of education in the District (Hampshire County Council is the education provider).
2. The provision of 2 units of affordable housing

3. A financial contribution of £14,444 towards the provision of public open space through the open space funding system

The consent contained a number of pre conditions these being 2 (materials) 3 (landscaping) 7 (wheel cleaning) and 8 (construction parking)

Conditions 7 and 8 discharged on 08/09/14

Surface water (condition 13) signed off 14 October 2014

A1.249 This site was consented on appeal in 2003 since then long history of applications and March 2016 was deadline for submission of materials and landscaping these have not been received and therefore lack of confidence regarding ability to contribute towards the five year land supply.

Worthy Down, Camp Worthy Down, Winchester

Total Dwellings 90

	2015 -20	2016 - 21
Council estimation	90	90
SPRU estimation	0	0
Difference	90	90

A1.250 The planning statement (paragraph 2.1) explains that the new service family accommodation (SFA) is required to house new staff and possibly students from the closing down of the training facility at Deepcut. The number of students on site are proposed to increase from 470 to 1350 and staff from 250 to 650 and the 90 dwellings will be built to accommodate service families.

A1.251 More importantly this type of movement of service families is a particular need which should have been assessed separately in the SHMA. It is not housing to meet the general needs of the population but makes a specific provision to meet the needs of a group of people who are being moved into this training facility. To this extent it is considered that these properties are in effect institutional as they will not meet the needs of the general population as assessed by the SHMA and therefore like student accommodation should be excluded from the supply calculated to meet the needs of the general population.

A1.252 There are five phases to the proposed development and it is Phase 4 (15/02751/REM) that comprises of the development of 60 homes to accommodate service families. The remaining 30 homes will be developed Phase 5 in accordance with 12/02351/OUT.

A1.253 It is not considered that the dwellings being provided to meet the needs of service families will meet the needs identified by the SHMA and as such they should be excluded from the 5 year supply.

Chesil Street Car Park, Barfield Close, Winchester

Total Dwellings 52

	2015 -20	2016 - 21
Council estimation	52	52
SPRU estimation	0	0
Difference	52	52

- A1.254 The application 14/02534/FUL is for the construction of a 2, 3, 4 and 5 storey, 52 unit Extra Care Scheme for older persons with associated communal facilities for residents and a respite Day Care centre, set within landscaped grounds.
- A1.255 Extra care is not C3 and can only be calculated as contributing to C3 if the OAN has been set by a SHMA which has considered the need for this type of accommodation.
- A1.256 Extra care is not counted as the loss of the extra care units at Victoria House Victoria Road have not been discounted off the total dwelling number for that scheme. There appears to be an inconsistency in approach between how the council have considered the net impact of these two schemes.
- A1.257 I therefore discount these projected completions from the 5 year land supply.

Abbey Mill Station Road Bishops Waltham

Total dwellings 70

	2015 -20	2016 - 21
Council estimation	70	70
SPRU estimation	0	0
Difference	70	70

- A1.258 This site is included in the 2015 AMR (Appendix 4) as a commitment for 70 dwellings but was classed as 'unlikely' at the base date of the AMR (April 2015).
- A1.259 It is understood that council wish to reintroduce this site because while it has been acquired by Sainsbury's and a consent gained for a supermarket Sainsbury's have now confirmed that they will not be implementing this consent and are at an advanced stage in marketing the site. The Council are of the opinion that the site is likely to be sold to a housing developer.
- A1.260 While consent for 70 dwellings was granted on 7 January 2008 and an application to extend the time limit of the consent was made in 2010, this has not been determined. It remains our view that there is no valid consent on the site and as it is being sold without the benefit of an extant consent there is no guarantee of the future use of the site or the level of dwellings that it might contribute.

Conclusion

- A1.261 In conclusion the council cannot demonstrate a five-year housing supply.

Past Completions

- A1.262 It is our position that completions from Rural Exception sites permitted since the start of the plan period under Policy CP4 (and its earlier incarnation H6) should not be counted towards meeting the housing requirement in Policy CP1.
- A1.263 There have been 98 completions on such sites between March 2011 and 2015.
- A1.264 This has the impact of reducing the completions and hence increasing the backlog.

Backlog – Liverpool versus Sedgfield

- A1.265 The degree of backlog is dependent upon the inclusion or exclusion of Rural Exception Sites (under Policy CP 4).
- A1.266 It is agreed that the backlog should be measured against the annualised level or housing requirement of 625 dwellings a year.

- A1.267 The issue of how to treat the backlog is a matter of dispute and whether this should be made up in the next five years (the Sedgefield Method) or over the rest of the plan period (the Liverpool method – AMR 2015 page 97).
- A1.268 In considering the appropriateness of the approach I note that both the original trajectory in the JCS Appendix F and the trajectory in the AMR 2015 both suggest that the expected levels of completions are such that the shortfall can be met within the period up to 2020. I further note that in considering the backlog of demand for affordable housing the JCS inspector took the view that this should be met by 2021.
- A1.269 It would seem to me entirely reasonable given the previous and present evidence being presented by the council that any shortfall should be addressed in the next five years.

Persistent under delivery

- A1.270 There is a disagreement as to how to assess persistent under delivery.
- A1.271 The council have fallen short of the annualised target every year of the plan period.
- A1.272 While the council choose to use the annualised dwelling requirement to calculate the backlog they choose to use the trajectory in Appendix F of the Joint Core Strategy in order to assess under delivery.
- A1.273 This is not a matter to which the inspector at the examination came to a conclusion as is explained by the subsequent high court case.
- A1.274 Even when judged against the trajectory in Appendix F of the JCS the council has fallen short in two of the three years since 2011/12. In terms of total completions only 1,253 completions have been delivered (including exemption sites) and this is 16.4% below the 1,499 dwellings that this trajectory forecast.
- A1.275 The council state that this modest shortfall between the LPP1 trajectory and actual completions is the result of the national economic climate and weak housing market, rather than arising from any lack of available sites in Winchester District. Notwithstanding these comments regarding a weak market they are nevertheless predicting rates of completion which are substantial higher than those they had put forward as a “Strong Market” and reflected in the trajectory in JCS Appendix F.
- A1.276 Having reviewed the evidence on delivery rates, house prices, affordability and from agents I do not share the council’s view that the lack of progress on sites in Winchester is a result of a weakened market.
- A1.277 The Parklands appeal is now over 2 years and further evidence on undersupply has emerged and as such a 20% buffer should be applied.

Future Completions

- A1.278 The main area of difference is with respect to the future completion rates on the 3 strategic sites. It is our experience, supported by evidence, that in securing allocations developers and the agent can be over optimistic with regard to the time it takes to secure all the necessary consents to deliver such sites, as is the case with North Whiteley.
- A1.279 Furthermore, with all of the strategic allocations the council have failed to consider the rates of delivery on Waterlooville as a guide to future completions and wider experience suggests that the rates being suggested on all three of these sites is over

optimistic. The levels of completions are unsupported by reference to either local experience or wider research on completions rates for these types of sites.

- A1.280 In the case of Waterlooville the combined levels of expected completions between the two councils bears little resemblance to existing completion rates.
- A1.281 The levels of completions will require the developers to have significantly enhanced performance compared to their standard approach to build out rates. There is little to support the contention that this is possible on these sites.
- A1.282 The vastly increased level of new property sales projected by the council appear to be unrealistic especially when considered against long term average of overall levels of residential transactions and the fact that such a high proportion of the expected sales are just from three sites.
- A1.283 Turning to the contribution from SHLAA sites few of these have progressed sufficiently through the planning system to be regarded as contributing to the supply of housing in the next five years. As these are sites within settlement boundaries which would be granted consent if they were subject to an application the lack of a planning consent sufficient to discount these as not being genuinely available.
- A1.284 The emerging part 2 local plan sites that do not have consent still have outstanding objections and it is our view that they cannot be considered as being available and suitable for housing until they have either gained consent or are included in the adopted local plan.
- A1.285 This work has also highlighted a few sites that have had planning consents but now for the reasons highlighted should be discounted from the 5-year supply.

The five-year supply position

- A1.286 Taking all of the above into account it is our conclusion that there is not presently a five year supply of housing land.

APPENDIX 2: HCC RECORD OF COMPLETIONS

Table 5 Historic Build out rates for Whiteley and Waterlooville

Year	Whiteley	West of Waterlooville (Havant)	West of Waterlooville (Winchester)	West of Waterlooville
86/87	0			
87/88	0			
88/89	1			
89/90	17			
90/91	16			
91/92	35			
92/93	26			
93/94	65			
94/95	88			
95/96	317			
96/97	418			
97/98	529			
98/99	417			
99/00	140			
00/01	47			
01/02	34			
02/03	100			
03/04	118			
04/05	103			
05/06	49			
06/07	105			
07/08	76			
08/09	39			
09/10	0	16	22	38
10/11	0	0	71	71
11/12	49	2	28	30
12/13	5	68	14	82
13/14		5	107	112
14/15		42	93	135
Total	2,794	133	335	468
Average	112	22	56	78

APPENDIX 3: WEST OF WATERLOOVILLE EXPECTED COMPLETIONS

Table 6 Build out rates for whole of strategic area including Havant

LPA	Ref	Site	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Havant AMR 2015 Appendix 7	Perm (12/00008)	West of Waterlooville MDA (Taylor Wimpey) Dukes Meadow (Phases 3 & 4)	36	31				
	Perm (14/00032)	Major Development Area West of Waterlooville (Grainger Trust plc) Phase 2	60	80	79			
	Perm (12/00008)	Major Development Area West of Waterlooville (Grainger Trust plc) Phase 4 and 8			5			90
	Perm (12/00008)	Major Development Area West of Waterlooville (Grainger Trust plc) Phase 4 and 8						
WCC AMR 2015		Policy SH2 West of Waterlooville Old Park Farm (TW)	25	17	16		0	
		Policy SH2 West of Waterlooville Old Park Farm (TW) employment land post 2015 AMR		29	29	45		
		Policy SH2 West of Waterlooville Old Park Farm Grainger Newlands Lane	40	100	200	200	200	200
		Total completions in Winchester	65	146	245	245	200	200
		Total completions from whole allocation	161	257	329	245	200	290

WCC and Havant 2015 AMR



Strategic Planning & Research Unit

Matter 1
Drew Smith 50807
Hookpit Farm Lane (Site 2506)

**APPENDIX 4: APPEAL REF: APP/L2440/A/14/2216085 LAND AT COTTAGE
FARM, GLEN ROAD, OADBY, LEICESTERSHIRE LE2 4RL**



Appeal Decision

Inquiry held 19-21 November 2014 and 5-6 January 2015

Site visit made on 6 January 2015

by Geoffrey Hill BSc DipTP MRTPI

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

Decision date: 10 February 2015

Appeal Ref: APP/L2440/A/14/2216085

Land at Cottage Farm, Glen Road, Oadby, Leicestershire LE2 4RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Bloor Homes Ltd., against the decision of Oadby & Wigston Borough Council.
 - The application Ref 13/00478/OUT, dated 22 November 2013, was refused by notice dated 27 February 2014.
 - The development proposed is development of land for up to 150 dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for development of land for up to 150 dwellings (Use Class C3) and associated infrastructure, including pedestrian and vehicular access, open space and structural landscaping on Land at Cottage Farm, Glen Road, Oadby, Leicestershire LE2 4RL in accordance with the terms of the application, Ref 13/00478/OUT, dated 22 November 2013, subject to the conditions set out in the Appendix to this decision.

Preliminary Matters

2. The application is for outline planning permission with all matters reserved for subsequent consideration, except for access. The application was supported by a Development Framework Plan which, apart from the location of the main access point, I regard as being for illustrative purposes only.
3. At the inquiry a planning obligation made under Section 106 of the Town and Country Planning Act 1990 was submitted. This obligation includes – amongst other matters – an undertaking for the developer either to provide contributions towards, or make provision for; public open space, affordable housing, education and library services, sustainable travel options, and support for the police service. On this basis the Council agreed that this met reasons for refusal Nos. 2, 3, 4 and 5, and these were not maintained as objections to the proposed development at the inquiry.

Main Issues

4. There are two main issues in this appeal.

- i). Whether there is a 5 year housing land supply in the local authority area and how this may impinge upon the applicability of current development plan polices with particular regard to the distribution of new housing development.
- ii). The effect of the proposed development on the character and appearance of the area and the wider landscape setting.

Reasons

Housing Land Supply

Current development plan policy

5. As noted at paragraph 210 of the National Planning Policy Framework (NPPF), applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The principal development plan document relevant to the determination of this appeal is the Oadby and Wigston Borough Council Core Strategy (OWBCCS), which was adopted in September 2010.
6. Policy CS1 of the OWBCCS established the need to locate new housing development in Oadby and, if not in the town centre, then on land within the Leicester Principal Urban Area (PUA). The PUA boundary is identified at Figure 2.2 of the Oadby & Wigston Town Centres Action Area Plan (TCAAAP). This drawing is at a scale where the precise boundary of the PUA is hard to discern, but it was agreed at the inquiry that in the vicinity of the appeal site it is defined by the extent of the 'countryside' area noted on the Oadby & Wigston Local Plan Proposals Map.
7. Policy CS7 confirms that land outside the PUA boundary is to be regarded as 'countryside', where the openness and intrinsic qualities of the area are to be protected. Policy CS7 would allow for development in the countryside which might cause adverse impacts on the countryside, but only where there is a justifiable need. Paragraph 6.6 of the reasoned justification for this policy explains that justifiable need would have to be consistent with the now cancelled Planning Policy Statement 7 *Sustainable Development in Rural Areas*: that is, for the most part development needed in association with farming, forestry and other similar rural businesses or recreational uses compatible with the countryside. It is reasonable to interpret this as seeking to resist significant new housing development, such as is proposed in the appeal scheme.
8. The appeal site is outside the PUA boundary (ie in 'countryside') and hence there is a *prima facie* conflict with the Core Strategy. In which case it is necessary to consider whether there are material considerations which indicate a decision might be made other than in accordance with the development plan.

Material considerations

9. Paragraph 212 of NPPF says that its polices are material considerations which should be taken into account, and paragraph 213 goes on to advise that local plans may need to be revised to bring them into line with the Framework. Whereas the OWBCCS has been adopted relatively recently, it was adopted prior to the publication of NPPF and hence, following the advice at paragraph

215 of NPPF, it is necessary to consider whether the policies of OWBCCS are consistent with the Framework.

10. As an initial point, and as discussed above, Policy CS7 represents a 'blanket' resistance to the release of land for housing: the wording of the policy does not realistically include a 'balancing' clause to allow for possible benefits of additional housing, in terms of an enlargement of the PUA, to be taken into account. Without this balancing consideration, the policy is not consistent with NPPF.
11. The housing figures which are applied by OWBCCS Policy CS1 derive from the now revoked East Midlands Regional Plan (EMRP). That was based upon 2004 population projections, which must now be regarded as considerably out of date – a point noted at paragraph 3-030-20140306 of Planning Practice Guidance (PPG). We now have 2012 Sub National Population Projections (SNPP) projections.
12. Also, implementation of the EMRP housing strategy focussed upon the concept of the PUA for Leicester. The PUA extends beyond the boundary of Leicester City, and includes land in (amongst other areas) Oadby & Wigston Borough, which is on the periphery of Leicester City, as being within the PUA. It was not argued at the inquiry that the PUA is not a relevant concept, but how it operates after the revocation of EMRP is perhaps unclear. I note that the Leicester and Leicestershire Member Advisory Group has recently been set up to consider strategic planning matters across the county, including the role of the PUA. However, that is a group without decision making powers: there is no formal planning mechanism to co-ordinate implementation, monitoring and review of the PUA housing requirement across all the local planning authorities which have a stake in the PUA.
13. The Hunston Court of Appeal judgment¹ addresses the NPPF's expectation that, in coming to a decision as to whether a plan's policies meet current circumstances, it is necessary to consider the full, objective assessment of need (FOAN). Evidence was put forward to show that the assumptions underlying the OWBCCS are not compliant with NPPF in terms of them being based on reliable, up-to-date and tested information.
14. As discussed in the Gallagher judgment², a variation from the FOAN (ie the "requirement") should only emerge after an up to date local plan has been examined and where compliance with the duty to cooperate has shown that local housing need can and should be met on sites outside the local planning authority area. With there having been no post-NPPF review of the OWBCCS this must further undermine the degree to which the Core Strategy can be relied upon as the basis for decision making.
15. For the appellant, a number of scenarios were put forward in evidence based upon the 2012 SNPP figures for Oadby & Wigston, and set against different assumptions for factors such as migration, change in the economically active population, household growth and the likelihood of there being historically

¹ City and District Council of St Albans and The Queen (on the application of) Hunston Properties Limited: Secretary of State for Communities and Local Government and arr [2013] EWCA Civ 1610

² Gallagher Estates Limited, Lioncourt Homes Limited and Solihull Metropolitan Borough Council: [2014] EWHC 1283 (Admin)

suppressed households. The scenarios looked at Oadby & Wigston on its own, not necessarily as a constituent part of the PUA.

16. A planning appeal inquiry under Section 78 of the Town and Country Planning Act 1990 is not the forum to scrutinise the scenarios which challenge the statistical foundations of the Core Strategy. Such scrutiny can only be done at a local plan examination where all relevant stakeholders would be represented, such that the range of views can be tested on matters including statistical sources, assumptions and methodologies³. It is not, therefore, appropriate for me to come to a definitive view as to what the likely housing need might currently be in Oadby & Wigston. However, several areas of concern were raised which could be taken as indicating that the housing provision allowed for by Policy CS1 is insufficient.
17. It was argued that the need now is to come to a view on the FOAN for the local planning authority area – not the PUA – until such time as policies drawn up in accordance with the NPPF’s requirement of the duty to cooperate have been tested. That is, working on the historical assumptions of the interrelationships across the PUA – and particularly between Leicester City and Oadby & Wigston – it was argued that this would be a “policy on” position.
18. Paragraph 158 of NPPF requires each local planning authority to ensure that the local plan is based on up-to-date evidence of the characteristics and prospects of “the area”. But paragraphs 49 and 159 look for the assessment of housing needs of a housing market area (HMA) where that crosses administrative boundaries. In the circumstances looked at in this appeal, the HMA covers the PUA and its rural hinterland. That is, to now consider Oadby & Wigston as a separate or independent planning unit would not reflect the circumstances of the HMA and how the interactions within the HMA bear upon the proportion or quantum of need within or close to the PUA, having regard to the operation of the local housing market over recent years.
19. Successful operation of the HMA in the Leicester area depends upon close cooperation between the neighbouring planning authorities. There seems to be no formally constituted working arrangement between the authorities for strategic planning purposes in terms of some sort of standing joint committee, but a Strategic Housing Market Assessment (SHMA) has been produced recently (May 2014) on behalf of the Leicester City and the Leicestershire authorities. The SHMA has been prepared by professional consultants with an acknowledged degree of expertise and it has been accepted by Oadby & Wigston Borough Council as indicative of the current assessment of need.
20. The SHMA puts forward its conclusions as representing the “policy off” assessment. However, the SHMA has not been tested through a formal examination, and there are some points where questions are raised as to how accurate it is. In particular, the SHMA is based upon 2011 population projections whereas the methodology set out in PPG expects the latest population projections to be used as the basis for assessing need. As noted above, the 2012 SNPP figures are now available.

³ Paragraph 3-033-2014-0306 Planning Practice Guidance

21. The Leicester and Leicestershire Member Advisory Group has produced a Memorandum of Understanding (seemingly primarily to support the Charnwood Borough Local Plan), aligning the authorities with the conclusions of the SHMA, but this does not have the force of a formally constituted liaison or cooperation as outlined at paragraph 157 of NPPF, in that policies (and associated numerical limits etc), which may be covered by the Memorandum of Understanding have not yet been subject to post-NPPF scrutiny through a local plan examination⁴. Of particular significance is how the SHMA has taken employment-led growth and affordable housing provision into account, and how that is reconciled across the HMA on a district-by-district basis.
22. There are indeed significant questions relating to the provision for affordable housing. Paragraph 9.25 of the SHMA particularly notes that there are "acute levels of need" for affordable housing in Oadby & Wigston. Table 39 in the SHMA identifies a backlog of 412 households in "unsuitable housing" which is translated into a 'Gross Need' figure for affordable housing of 251 in Table 40. To which can be added the 188 newly forming households in affordable housing need shown in Table 41. Table 42 gives an annual requirement of 51 affordable dwellings up to 2036 to accommodate the need arising from existing households. This comes to $188+51 = 239$ per annum for existing and newly forming households, to which has to be added at least a proportion of the backlog figure (251) to give an objective assessment of annual need for affordable housing.
23. However, taking account of the back-log of affordable housing provision, to support "full affordable housing delivery"⁵ Table 84 gives an annual need for just affordable housing of 163 for 2011-2031 and Table 85 gives a figure of 160 per annum 2011-2036; both figures being more than double the figure which would be needed simply to fulfil the demographic-led (ie SNPP) projection⁶. Nevertheless, Table 84 concludes with an OAN range for all housing for Oadby & Wigston of 80-100 per annum for 2011-2031 and Table 85 gives an annual range of 75-95 for 2011-2036. Both ranges are below the notional identified need for affordable housing of not less than 239 per annum noted above, let alone any need for open market housing.
24. The discrepancies between the apparent identified need and the OAN conclusions were explained at the inquiry to be attributable to cross-boundary provision and economic growth being accommodated by commuting for work purposes within the HMA. However, the mechanism for implementing and monitoring the success of this - particularly for affordable housing - is not clear; for example, no evidence was provided to show there is a mutual acceptance between neighbouring authorities of households on housing waiting lists.
25. Private rented housing is seen to be meeting a proportion of the affordable housing need in that it provides accommodation for households in receipt of housing benefit payments⁷. Whereas there may have been historical reliance

⁴ See letter from Minister of State for Housing, Brandon Lewis, to Chief Executive of The Planning Inspectorate, dated 19 December 2014.

⁵ Fourth bullet point, paragraph 9.20 SHMA.

⁶ Table 47 of the SHMA notes a figure of 160 affordable dwellings per year for Oadby & Wigston over a 25 year period: 213% of the demographic housing need.

⁷ Paragraph 9.21 SHMA

on the private rented sector to meet some of the demand for affordable housing, there have to be questions over whether this truly meets the needs of such households in terms of security of tenure and quality of accommodation. Paragraph 50 of NPPF looks for either housing to be provided or a financial contribution of broadly equivalent value to have been put in place – ie it is the development industry and public sector together which should be providing affordable housing, not the private rented sector drawing on subsidies *via* social benefit payments.

26. I acknowledge that 100% of the affordable housing needs could not be met even within the SHMA's housing growth numbers discussed at his inquiry. However, as noted a paragraph 6.64 of the SHMA, what the acceptable proportion to be accommodated by the private rented sector would be is a "policy on" decision.
27. There is, therefore, a degree of uncertainty over what is the actual FOAN, including the provision for affordable housing. That could lead to a significant lacuna in meeting housing need; the consequences of which would include some form of shared housing, overcrowding and perhaps eventually homelessness. All of which would be contrary to the expectations of NPPF which looks for a significant boost in the supply of high quality housing⁸. I do, therefore, have sympathy with the view put forward at the inquiry by the appellant that the FOAN for Oadby & Wigston could be considerably more than the 90 per annum which is the basis for OWBCCS Policy CS1, and the maximum of 100 given in Table 84 of the SHMA.
28. The Council argued that even if the Core Strategy is not seen to be compliant with the NPPF on account of it being based upon the revoked EMRP, the SHMA figures are broadly similar to the OWBCCS, and therefore there is no practical difference with regard to the amount of development growth to be planned for. However, whilst I do not necessarily endorse any of the four scenarios put forward by the appellant as being definitive, from the evidence given at this inquiry, until the SHMA has been tested through a local plan examination the degree of uncertainty is so great that it would be unreasonable to accept that the figures given in the SHMA are in accordance with the expectations of NPPF and the methodology in PPG⁹.
29. As stated above, I acknowledge that the SHMA states that it presents a "policy off" appraisal – but that is "policy off" for the HMA as a whole, not for the constituent local authorities with a stake within the HMA. I recognise that the historical performance of the housing market in the HMA cannot be ignored and the SHMA is accepted by the local planning authorities within the HMA as being a reasonable basis for the distribution of housing provision. This is supported by the Memorandum of Understanding, which has to be an indication of a degree of cooperation between the authorities with a stake in the HMA. However, that also implies that the housing need figure for Oadby & Wigston could be a constrained, "policy on", figure in terms of at least the distribution of growth across the HMA and between the various authorities.

⁸ Paragraph 47, NPPF

⁹ See *Solihull Metropolitan Borough Council v Gallagher Homes and Lioncourt Homes*: [2014] EWCA Civ 1610

30. Without any mechanism to formalise a reliance on cross-boundary provision, the conclusions set out in the SHMA, not least relating to affordable housing provision, have to be seen as an unsupported or untested "policy on" position – which would not correspond with the Hunston judgment. The initial distribution of development within the PUA was arrived at through the EMRP examination, which was held well before the NPPF was published and its expectations of how local plans should be prepared and scrutinised. That is, the overall figure for the HMA may be "policy off", but the distribution of the identified need between the various authorities would be – at least in part – a "policy on" position. That apportionment has not been tested at a NPPF compliant local plan examination.
31. Taking all of the above into account, I come to the view that these represent material considerations which could, subject to my findings on other matters, justify coming to a decision on the appeal scheme which would not accord with the development plan.

What is the housing need?

32. I turn now to a consideration of what is the housing need, what permissions or policy commitments there are to contribute to meeting that need, if there is any historical shortfall in supply and what level of 'buffer' needs to be included to take account of any under delivery in the earlier years of the plan period.
33. Although I do not regard any of the scenarios put forward at the inquiry as being definitive of the housing need for Oadby & Wigston, as discussed above, the figure is likely to be in excess of the 90 dwellings per annum set out in Policy CS1. Whether the FOAM is as high as the 161 per annum postulated in one of the scenarios has to be open to question but, if using the Chelmer Model and based on only the household (demographic) projection figure – not allowing for economic growth adjustments – the figure could be in the order of 147 per annum.
34. In any event, whatever the calculated figure might be, it is not consistent with the NPPF to regard that as a ceiling. The driving principle behind the NPPF policy is, as noted above, to significantly boost the supply of housing and, unless a particular scheme would not be compliant with other aspects of NPPF, it would not be necessary or even desirable to resist any theoretical 'oversupply' in the number of houses to be permitted. Having said that, for the purposes of this appeal I will adopt 147 per annum as the indicative figure for calculating whether the Council is able to demonstrate a 5-year supply of housing land.
35. The 147 dwellings per year does not make any specific allowance for the number of affordable homes needed either as part of, or even in addition to, this figure. However, taking note of the need to address the "acute levels of need" for affordable housing in Oadby & Wigston (see paragraph 22 above), the 147/year should give the opportunity to make inroads into that requirement. The appeal scheme would include 45 affordable dwellings.
36. To this 147/year has to be added any shortfall from earlier years in the plan period. Looking at what has been provided so far against the expectations of Policy CS1, the 2014 Residential Land Availability Report notes 627 completions over the period 2006-2013 (8 years): a rate of 78 dwellings per

annum, compared to the OWBCCS need for 90 per annum. This represents a cumulative shortfall of 93 dwellings.

37. I acknowledge that this period (2006-2013) largely coincides with the recent economic recession and that – perhaps – if the economy had been stronger the rate of completions may have been higher. Indeed, for three years the 90/year figure was exceeded - by as much as 70% (64 dwellings) in 2006-2007. With a shortfall of 93 over an 8 year period, this represents an average of some 11 or 12 dwellings per year. I acknowledge that these are relatively small numbers, but they do show a shortfall from the required target over a protracted period (8% overall) and this has to be seen as a persistent shortfall. In accordance with paragraph 47 of NPPF, it is necessary to apply a 20% buffer to the annual need figure to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
38. I have considered the arguments put forward at the inquiry as to whether the 20% buffer figure has to be added to the first 5 years, or spread out over the remainder of the plan period (ie whether to use the 'Sedgefield' or the 'Liverpool' approach). I note that in Hinkley & Bosworth the Inspector at the Sketchley House inquiry¹⁰ adopted the Liverpool approach, based on the fact that the core strategy for that authority envisaged a staged programme of housing delivery, with increased numbers expected towards the end of the plan period. That assessment was endorsed by the Secretary of State in his decision on that appeal. However, the Oadby & Wigston Core Strategy is based on a straight line trajectory of supply set at 90 per annum. I do not see this as justifying spreading the shortfall over an extended period; clearly there has been a failure to meet even this relatively modest level of supply and that has to be seen as 93 households who have not had the opportunity to set up home in the Borough. I consider that it is appropriate to apply the 'Sedgefield' approach, and to require the backlog to be added to the first 5 years of the plan period.
39. Drawing these figures together, the evidence at this inquiry points to a need to find sites to accommodate:

5 years @ 147 / annum	735	
+ 20% buffer	147	
+ Backlog	93	
Total 5 year need	975	(195 dwellings / year)

Housing land supply

40. Paragraph 47 of NPPF looks for an assessment of specific deliverable sites to see if there can be confidence that there is a 5-year housing land supply. The paragraph gives an indication of what can be included in the assessment: this would include sites with planning permission, sites allocated in the local plan and with a reasonable expectation of being brought into development within the plan period.

¹⁰ Appeal Ref. APP/K2420/A/13/2208318: Core Documents CD04a and CD04b

41. It was argued that a 10% lapse rate could be applied to the number of sites currently committed. That may be so, but section 3 of PPG¹¹ does not give specific guidance on this point. For the purposes of this appeal, I am prepared to work on the assumption that all 331 commitments¹² may be built out during the next 5 years – which I do acknowledge may prove to be optimistic. To this can be added sites which, although not having planning permission, could be regarded as having a reasonable prospect of being developed over the next five years.
42. Oadby & Wigston Borough Council has produced a Strategic Housing Land Availability Assessment (SHLAA) which sets out its view on what sites are deliverable within the 5 year period. At the inquiry it was noted that the SHLAA had been prepared by the Council without the level of cooperation or liaison with other stakeholders as expected in the advice given at paragraph 3-008-20140306 of PPG.
43. I do not propose to comment in detail on all of the sites which were discussed but it is relevant to note that at least one site (albeit only identified for a single dwelling) is far too small. However, the inclusion of that site does flag up the need to look critically at all of the other sites and their deliverability.
44. The appellants commissioned a review of the SHLAA sites¹³. Doubt was cast upon whether all of the sites noted in the SHLAA are likely to come forward for development during the plan period, either in terms of the numbers of dwellings estimated, or if at all. Also, paragraph 3-101-20140306 advises that sites capable of delivering fewer than five dwellings should not be included in the SHLAA. The SHLAA includes a number of small sites (less than 5 dwellings), and includes others where the landowner has no interest in making the site available.
45. The more notable sites commented upon at the inquiry are the Arriva bus depot site, the Shoefayre site, the Oadby Pool site and the Town Centre Action Area Plan (TCAAP) sites.
46. The Arriva bus depot site is noted for 43 units in the SHLAA. I acknowledge that the bus company have indicated their interest in moving to another site and that the present bus depot could be redeveloped for housing. However, no replacement bus depot site had been identified at the time of the inquiry. Time therefore has to be allowed for a site to be found, planning permission granted and construction work to be completed before the present site can even be vacated. Thereafter the site would have to be cleared and – in view of the likelihood of contamination of the land as a consequence of its present use – time allowed for remediation and restoration of the site. That is, there has to be a significant level of uncertainty over whether this site will be redeveloped for housing within the 5 year period.
47. I accept that the Shoefayre site may become available for development much sooner than the bus depot site, but there has to be some doubt over how many houses could be built here, taking into account the proximity of the

¹¹ Planning Practice Guidance: Housing and Economic Land Availability Assessment

¹² Table 4: Oadby & Wigston Residential Land Availability Report 2014 (CD 13)

¹³ Oadby and Wigston Available Housing Sites Assessment – October 2014: Pendimo Land & Property Consultants

(still operative) neighbouring bus depot and the necessary separation distances to safeguard new residents from noise, fumes and possibly contaminated land. The SHLAA notes the site could accommodate 42 units. It was argued that, because of the constraints, in practice the site may only be able to deliver 21 units. Alternative schemes were tabled at the inquiry (Document OW 09) showing 43 and 57 units on the site with apparently no adjustments or compromises to accommodate the alleged problems. Neither of these can be regarded as firm commitments, and I accept that detailed examination of the schemes may lead to a different number of units being developed, but I do see these schemes as offering some corroboration of the estimate given in the SHLAA.

48. Oadby Pool is noted as a site for 100% affordable housing. Questions were raised at the inquiry over the financial viability of this scheme in view of the likelihood that considerable expense would be incurred in preparing the site for development, taking account of the deep foundations of the current pool structure. I am sure that has to be a matter taken into consideration, but the Council would be able to exercise discretion as to what price it might sell the site for, thereby making sure it could be viably developed for affordable housing. I also note that the replacement pool is not yet built, but it may be unreasonable not to expect this to become available and the site released for development within the next five years.
49. The Pendimo review of the SHLAA identifies potential problems on other sites, largely relating to the willingness of the owners to release the site for housing and on-site problems of remediation adding to costs or time delay for release. Not all of these were discussed in detail at the inquiry, but the comments noted do further undermine the level of confidence that can be placed in the SHLAA.
50. The TCAAP includes two sites identified for residential development: Brooksby Square (37 units) and Long Lane, Wigston (7 units). Development of the Brooksby Square site will require reconfiguration of the adjacent car park, but I accept this would not be an insuperable problem with the Council owning the land and being a willing participant in wishing to get the site developed. No developer has expressed an interest yet, so this has to cast some doubt on its deliverability, but in anticipation of the economy recovering over the next 5 years, I do not see that it is unreasonable to expect this site to be completed within the SHLAA timescale.
51. Long Lane Wigston is a relatively small site which has access problems, with at least two other properties taking their access over this land. The problems are seemingly a matter for negotiation with landowners, rather than strong physical or infrastructure constraints. That is, it is possible that the problems can be overcome by negotiation within the next 5 years.
52. Drawing together the above points, from the evidence given at this inquiry I come to the view that the SHLAA over-estimates the number of housing units that are likely to come forward within the next five years. Taking into account that some commercial sites may now remain in office use, some sites have already been developed, discounting the sites smaller than 5 units, and discounting the more contentious sites – in terms of timing of availability – there could be something in the order of 130 units completed during the 5

year period, plus the TCAAP sites. This gives a total of about 174 units over the 5-year SHMA period.

53. Also coming forward during the 5 year period would be houses on the Directions for Growth site. It was said at the inquiry that these would be coming forward at about 65-75 dwellings per year, although it was disputed whether this would commence in mid 2016 or early 2017. Taking the view indicated in the e-mail correspondence from the developer, I accept that the mid 2016 date should not be disregarded. On the estimates put forward by the Council, the Directions for Growth site could provide 200 houses during the 5 year period.
54. The conclusion of this – admittedly cursory and approximated - examination of housing land supply shows:

Committed sites	331
+ SHLAA sites	130
+ TCAAP sites	44
+ Directions for Growth	200
Total	<u>705</u>

55. 705 represents 3.6 years' housing land supply set against the estimated 5-year need (975). Based on the above figures, there is a shortfall of 270 dwellings to bring it up to a full 5-year supply. Having said that, I acknowledge that the analysis of both the need and supply figures have not been subject to the detailed examination that might be applied at a local plan examination and they should not be taken as being precise. However, until such time as the "policy on" distribution implied in the SHMA has been tested and endorsed through a local plan examination I consider they represent reasonable indications of the need / supply situation in Oadby & Wigston. That is, there is a shortfall in the order of some 270 dwellings to be made up over the period 2014-2019.
56. The conclusion on the first main issue is that there is a need to identify additional housing sites and particularly for affordable housing. On the basis that there is the need to release more land for housing, because the OWBCCS policies are not NPPF compliant, in the context of Policies CS1 and CS7 the boundary of the PUA cannot be regarded as a fixed constraint on the extent of development. That is, land adjacent to the boundary of the PUA could be released for development without undermining the broad strategy of concentrating development on the PUA.
57. No sites which could be used to accommodate this shortfall within Oadby & Wigston and within the present PUA boundary were identified at the inquiry. That is, any site to accommodate further residential development is likely to be in 'countryside' as categorised by Policy CS7. This being so, it is now appropriate to move on to consider the second main issue.

Effect on the character and appearance of the area

58. Although it is necessary to release land for housing land which is presently 'countryside' under Policy CS7 as discussed at paragraph 7 above, the view

that this policy is not NPPF compliant does not give *carte blanche* for any land on the periphery of the PUA to be regarded as suitable to meet this need. Also, Policy CS15 seeks to safeguard the distinctive and historic landscape character of the Borough having regard to – amongst other matters – prevailing quality, character, views and local distinctiveness. The objectives of this policy are compliant with the core planning principles set out at paragraph 17 of NPPF.

59. The reasons for refusal identify the Council's concern as the effect of the proposed development on the site's landscape character. It is unhelpful to appraise the likely change in the context of the restricted scope of the Council's reason for refusal. The site is presently undeveloped farmland and, inevitably, residential development here will result in a loss of open countryside. To give a fair assessment of the impact of the proposed scheme within the terms of Policy CS15 it is necessary to consider how the site relates to the wider landscape and the impact of residential development would have on that wider view.
60. The site is within the Wigston East sub-area of the Oadby & Wigston Landscape Character Type. Whereas the site is undeveloped, it does not have the characteristics of a high quality landscape. The Landscape Value was characterised as 'Medium' by the Council's witness. The essential characteristic of the site within that landscape character area, which was emphasised by the Council at the inquiry, is that it is seen to be part of the Green Gateway into Oadby, and that it represents a gradual transition from town to country. This can be appreciated both in views from the A6 and from public rights of way in the vicinity of the site.
61. The main frontage of the site is along the A6. I note that the A6 at this point is not within the same landscape character area as the site itself, but I do not see that as a reason not to consider any potential harm that might be caused to the character and appearance of this frontage. Here the site boundary comprises a mature hedge, with a number of established trees spaced out along the frontage. The frontage is highly visible from the main road, whether passing on foot, cycle or in a car. The main road is one of the principal entry points into the Leicester PUA. South of the roundabout at Great Glen the surroundings are distinctly rural, and north of the roundabout with Florence Wragg Way it is clearly part of a closely developed urban area. The stretch in between the roundabouts is not so intensively developed: whereas there are houses and other buildings on both sides of the road, there are few – if any – places where there is built development directly opposite on each side of the road. Built development faces across the road either to the golf course east of the appeal site, the hedge of the appeal site frontage, or the grassed surroundings of the reservoir close to Florence Wragg Way.
62. The appeal scheme would introduce built development directly facing other built development across the road. This would be a change which would, to some degree, erode the character of this approach to Oadby, making it appear more intensively developed. However, the degree of change would not be overwhelming: the appeal scheme shows that much of the roadside hedge and most of the trees could be retained, and there is scope for additional planting to at least partially screen the development along this frontage. The perceived start of the urbanised area is at the golf course and Gorse Lane on the opposite side of the A6, and this would not change. I

acknowledge that the appeal scheme would result in this approach into Oadby and the PUA appearing a little more urbanised, but not to the point where its transitional character as a Green Gateway would be entirely lost.

63. Pedestrians and cyclists passing the site do have a better opportunity to take in views through gaps in the roadside hedge across the site and to the countryside to the west beyond. These views would be interrupted or even wholly obscured by the appeal scheme, but these are not significant or especially important views over high value landscape. Similar views can be had to the south. That is, the views are obviously part of the enjoyment of the surroundings for those passing along this part of the A6, but they are not so significant that the loss or interruption of these views would wholly spoil the enjoyment of a recreational walk or cycle ride.
64. Various footpaths or bridleways (some noted on the Definitive Map, and some seemingly informal or permissive) pass over land close to the site and at least one informal path crosses the appeal site. Insofar as rights of way are concerned, the appeal site would not require the closure any of the existing rights of way, nor necessarily any serious diversion from the route of the present path across the appeal site. That is, access over the paths and onto adjoining routes would not be lost. Indeed, the proposed scheme includes the creation (or formalisation) of a pedestrian link to Coombe Park.
65. However, the views from at least some of the paths would change. The path over the appeal site would be incorporated in some way into the development and probably become more urbanised, albeit trees and shrubs could be planted along part or all of the route. From Mere Lane (Bridleway Z11) the development would appear closer than the present edge of the urban area – but only by some 150–200 metres, and there would be on-site planting, and the hedge along Mere Lane would at least partially screen the new development. The golf course would remain as a significant physical and visual separation between Mere Lane and the new development, which would minimise the apparent encroachment of the built up area into the largely rural ambiance of the lane.
66. The greatest change to views would come along part of the footpath which passes east-west to the south of the appeal site (path C38). Here there are clear views up the length of the site from two points. I am sure the loss of these open views would be regretted by many who use the path, but this would be for only a relatively small length of the whole path between Mere Lane and Coombe Park. The built up part of the site would be some 300 metres away from the path and hence the rural character (or, perhaps more accurately, the rural/urban transitional fringe character) would not be totally lost. More extensive - and arguably more interesting and attractive - views over the countryside to the west, south-west and south would not be affected.
67. In the wider area, because of the undulations in the landform and established hedges and trees, the development on the appeal site would be barely perceptible from the public rights of way and other public vantage points. This is shown on the plan identifying the Zone of Theoretical Visibility. This plan shows that the site is not readily seen from places beyond the site boundary, and from relatively few places more than 400 metres from the centre of the site.

68. Drawing these points together, development of the site would result in a partial loss of the characteristics of the area but, as accepted by the Council's landscape witness, housing here will not be totally uncharacteristic as it is immediately adjacent to a residential area. The development would be seen from a small number of vantage points beyond the site itself, but the degree of visual intrusion into existing views would be limited, and it would be disproportionate to consider that such change would seriously and unacceptably undermine the amenity value of the countryside hereabouts and the enjoyment of the recreational use of the nearby footpaths and bridleway. Nevertheless, in terms of Policy CS15, there would be some harmful impact which would detract from the quality, character and features of the local landscape.

Other Matters

69. I note the strongly expressed opposition to the scheme by local residents and the argument that in an era of 'Localism' the views of local residents should be listened to. I do not disregard that view, but that has to be set against the statutory provisions which regulate the determination of this appeal. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be decided in accordance with the development plan unless material considerations indicate otherwise. That is, locally expressed views cannot "trump" statutory requirements, including the need to consider whether there are material planning considerations which point to approval of the appeal scheme. As discussed above, I consider there are material considerations which support making a decision other than in accordance with the development plan policies.
70. Other, more detailed points regarding the relationship between the neighbouring houses and elements of the proposed scheme were raised; in particular concern about the proximity of the proposed sports pitch to existing houses and gardens. This is an appeal relating to an application for outline planning permission with all matters except access reserved for subsequent consideration. Although the application is supported by a Development Framework Plan, precise details about siting, screening and other such concerns of neighbourliness are matters which would be considered more closely at detailed application stage. I do not consider that a sports pitch sited to the rear of existing houses need be so unreasonably disturbing or unneighbourly as to justify dismissing the appeal on this point.
71. Concerns were expressed over the impact of the scheme on the enjoyment of walking over the local footpaths. I have considered this matter in earlier passages of this decision. Although the scheme would introduce some change, I do not consider this would be so great as to materially spoil the enjoyment of the countryside hereabouts for walkers.
72. Local residents were fearful that a permission for the scheme would set a precedent for further planning applications being made on other land in this vicinity, and possibly resulting in further planning permissions. It is a well established principle that every planning application has to be considered on its own merits. Confirmed interest by landowners or developers of other sites nearby was not specifically referred to at the inquiry, and no history of planning applications or decisions relating to nearby sites was cited which might indicate strong pressure to release land in the vicinity. I am satisfied

that there are no other sites in the immediate vicinity which exhibit such similarity with the appeal site that permission for the current proposal would mean that granting permission for another scheme would become inevitable.

73. Concerns over the capacity of local schools to accommodate an increased number of children can be met through contributions from the developer paid to the County Education Authority, as discussed below. It was claimed that the A6 junction would be dangerous and that this stretch of the road is a "racetrack". No specific evidence such as a record of recent road traffic accidents was brought to the inquiry to demonstrate if the road is indeed unsafe. The police and the local highway authority were consulted on the proposed scheme and neither has raised or supported objections of this kind.

Planning Conditions and Planning Obligation

Planning conditions

74. At the inquiry a suite of suggested planning conditions was put forward, which could be attached to a planning permission in the event of the appeal being allowed.
75. Nothing was raised which would suggest it would be appropriate to attach anything other than the usual time limits for the submission of details and commencement of development. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning. Similarly, to ensure a properly ordered development, it is necessary to require submission of a phasing plan.
76. As this is an outline application, and to ensure a high quality development, it is reasonable to ask for a Design Guide to set out the principles for the layout, appearance and details of the proposed development. The subsequent applications for detailed approval should follow the approved Guide, and should also demonstrate what measures are to be included to show that the scheme would represent sustainable development.
77. The site is currently in agricultural use and therefore the risk of the land being contaminated is probably low. However, in the interests of minimising the risk of releasing pollutants into the soil and groundwater, it is necessary to require that measures are put in place to identify and, if necessary, to remediate any contamination there may be. In a similar vein, the site may include archaeological remains, which should be identified and the opportunity given for them to be investigated and, if appropriate, arrangements made for their display.
78. Hedgerows, trees and ponds on the site are likely to be the habitat for wildlife and works affecting the habitat should be controlled so as to minimise harm. The development should be carried out in accordance with a Biodiversity Management Plan in order to maximise the potential for creation of new habitats, not least being for the relocation of newts.
79. In order to minimise flood risk and to manage the drainage of the site, it is necessary to require submission of details of such works, including the creation of a Sustainable Urban Drainage System, for approval before the commencement of development.

80. In the interests of highway safety, the free flow of traffic and the minimisation of disturbance or nuisance to other road users it is necessary to require that works on the site are carried out in accordance with a plan to control – amongst other matters - access, parking and wheel cleaning. For similar reasons, the access to the residential development should be completed before the first house is occupied.
81. In the interests of promoting sustainable development, it is reasonable to require the submission of a Travel Plan which seeks to promote – amongst other matters – the maximisation of the use of alternatives to private cars. One of the features on the Development Framework plan is a footpath link to Coombe Park. The details of this should be approved before construction commences also for reasons of promoting sustainable development.

Planning Obligation

82. A completed planning obligation, in the form of an agreement made under Section 106 of the Town and Country, was submitted at the inquiry (Document OW15). I have considered the submitted planning obligation against the tests set out at paragraph 204 of NPPF.
83. In general terms, the agreement establishes a commitment to provide 30% affordable dwellings, support for sustainable transport, the provision of open space for public use, and financial contributions for education, the county council library service and police infrastructure. The terms of the offered agreement were discussed, and whether the contributions put forward were directly related to the development being proposed. Nothing was said at the inquiry to indicate that what is being offered is unreasonable, disproportionate, or likely to be covered by other sources of financial support or revenue.
84. I am satisfied that, in the light of the matters discussed at the inquiry, and taking into account the written submissions relating particularly to the police contribution (document LP1), all the offered contributions and undertakings are necessary to make the development acceptable in planning terms, are directly related to the development and reasonably related in scale and kind to the development.

Conclusion

85. The appeal site is outside the defined limits of development for the PUA, as set in the Core Strategy. However, the Core Strategy pre-dates the publication of the NPPF and its policies are not compliant with the expectations of the NPPF, in particular with regard to the adequacy of housing land supply to meet identified local needs. Whereas there have been efforts to draw up a housing strategy which addresses the whole of the PUA the SHMA has not been tested through a local plan examination and there is uncertainty over the operation of any joint or mutually agreed policy to meet needs across local authority boundaries. That is, the quantum of the full, objectively assessed need as looked for by NPPF is not settled, and neither is it certain that the level of cooperation - and its implementation - implied by the Memorandum of Understanding and the SHMA satisfy the duty to cooperate set out at paragraph 157 of NPPF.

86. At the inquiry it was said that development on the appeal site could start by 2016, and could be built out in its entirety within 5 years. This implies 30 dwellings per year would become available. This would mean that perhaps 100-120 of the total could go towards meeting the shortfall in the 5-year housing need identified at paragraph 55 above (270). If so, this would be a significant contribution. From the evidence provided to the inquiry, permission for the appeal would not disrupt the delivery of sites on the Directions for Growth site. Indeed, with the Directions for Growth site in the hands of one developer (albeit marketing under two trading identities) the proposed scheme would also help to meet the objective of increasing choice in the housing market, as discussed at section 6 of NPPF.
87. The proposed scheme can be seen to represent sustainable development. There would be economic benefits to the local economy, at least in the short term, whilst the development was being carried out in terms of investment, employment and spending. There would be distinct social benefits in that the supply of housing would be enhanced, thereby helping to meet the entirely reasonable expectation that local residents, including newly forming households and those in need of affordable housing, should be able to find a home in their local area. The scheme would include a significant number of affordable homes, helping to address that particular need. The scheme would also include recreational facilities which would be available for the wider community. New housing on a green field site would, inevitably, result in some environmental harm, but this would be off-set by structured new landscape planting and SUDS drainage arrangements, both having the potential to add to local habitat and biodiversity. Overall, and on balance, the proposed scheme is seen to represent sustainable development.
88. Accordingly, the appeal should be allowed, subject to the conditions discussed above and as set out in the Appendix to this decision.

Geoffrey Hill

INSPECTOR

APPEARANCES

For Oadby & Wigston Borough Council:

Mr Timothy Leader, of Counsel

Instructed by Mrs A Court, Director of Services, Oadby & Wigston Borough Council

He called:

Mr Justin Gardner

Justin Gardner Consulting

Mr Adrian Thorpe BA(Hons) MRTPI

Planning Policy and Regeneration Manager

Mr David McKenna

Senior Studio Associate Landscape Architect, IBI

Mr Gary Halman BSc FRICS MRTPI

Partner, How Planning LLP

Mr Chris Forrett MRTPI

Planning Control Manager

For Bloor Homes Ltd:

Mr Reuben Taylor QC

Instructed by Mr M J Whitehead, Bloor Homes Ltd.,

He called:

Mr Andrew Williams BA(Hons) DipLA Director: Define DipUD CMLI

Mr Guy Longley BSc(Hons) DipTP DipUD MRTPI

Pegasus Group

Mr Mark Rose BA(Hons) MA DipUD MRTPI

Director: Define

Rule 6(6) Parties - attended on opening day but did not present evidence orally

Leicestershire Police

Ms Thea Osmund-Smith, of Counsel

Instructed by Mr M Lambert

Witness not called:

Mr Michael Lambert BA DipTP MRTPI

Growth and Design Officer

Leicestershire County Council

Ms Nisha Varia

Solicitor, Leicestershire County Council

Witness not called:

Mr Andrew Tyrer BA MRTPI

Developer Contributions Officer

Interested Persons:

Mrs M Sansome	Local resident
Mr L Hill	Local resident
Mr E Charlesworth	Local resident
Mrs H Whitesman	Local resident

DOCUMENTS

Core Documents

- CD 01 Officer Report to Committee 27 February 2014
- CD 02 Decision Notice - 27 February 2014
- CD 03 OWBC Core Strategy - Adopted 28 September 2010
- CD 04 Conformity Assessment — April 2013
- CD 05 Town Centre Area Action Plan — 3 September 2013
- CD 06 Leicester & Leicestershire SHMA — June 2014
- CD 07 Leicester & Leicestershire Housing Market Area Memorandum of Understanding — September 2014
- CD 08 OWBC Investor Prospectus — September 2014
- CD 09 Oadby and Wigston Landscape Character Assessment (March 2005)
- CD 10 Laying the Foundations: A Housing Strategy for England November 2011
- CD 11 2014 Housing Implementation Strategy
- CD 12 2013 Housing Implementation Strategy
- CD 13 2014 Residential Land Availability Report
- CD 14 2013 Residential Land Availability Report
- CD 15 2014 Strategic Housing Land Availability Assessment & Site Details
- CD 16 2013 Strategic Housing Land Availability Assessment & Site Details
- CD 17 Residential Sites with Planning Permission 2014
- CD 18 Details of Committed Developments as of 31st March 2013

Proofs of Evidence

Witnesses for Oadby & Wigston Borough Council

Mr Gary Halman

- OW/PoE/01 Proof of evidence (including a summary)
- OW/PoE/02 Appendices to proof of evidence
- OW/PoE/03 Rebuttal proof of evidence including appendices

Mr Justin Gardner

- OW/PoE/04 Proof of evidence (including overall conclusions)
- OW/PoE/05 Appendices to proof of evidence
- OW/PoE/06 Rebuttal proof of evidence
- OW/PoE/07 Appendices to rebuttal proof of evidence

Mr David McKenna

- OW/PoE/08 Proof of evidence (including a summary)
- OW/PoE/09 Appendices to proof of evidence

Witnesses for Bloor Homes

Mr Mark Rose

- BH/PoE /01 Proof of evidence
- BH/PoE/02 Volume of appendices to proof of evidence
- BH/PoE/03 Summary proof of evidence

Mr Guy Longley

- BH/PoE/04 Proof of evidence including Summary and Conclusions and Appendices
- BH/PoE/05 Summary proof of evidence

Mr Andrew Williams

- BH/PoE/06 Proof of evidence including Summary and Conclusions and Appendices A-C.
- BH/PoE/07 Appendix D to proof of evidence
- BH/PoE/08 Summary proof of evidence

Proofs submitted but not presented as oral evidence (regarded as written submissions)

Mr Michael Lambert DipTP MRTPI

- LP/PoE /01 Proof of evidence (no summary)
- LP/PoE /02 Bundle of appendices to proof of evidence

Mr Andrew Tyrer

- LCC/PoE /01 Proof of evidence (no summary)
- LCC/PoE /02 Volume of appendices to proof of evidence

Documents submitted during the course of the inquiry

For Oadby & Wigston Borough Council

- OW 01 Appeal Decision APP/G2435/A/142217036: Lower Packington Road, Ashby-de-la-Zouch
- OW 02 Extract from Planning Advisory Service Technical Advice Note on Objectively Assessed Need and Housing Targets
- OW 03 Affordable Housing Briefing Note, put in by Mr Halman
- OW 04a Secretary of State's Decision on Appeal APP/K2420/A/13/2208318: Sketchley House, Watling Street, Burbage
- OW 04b Inspector's Report on Appeal APP/K2420/A/13/2208318: Sketchley House, Watling Street, Burbage
- OW 05 Extract from Inspector's Report on Examination into Bath & North East Somerset Council's Core Strategy (June 2014)
- OW 06 Extract from Leicestershire Definitive Map of Public Rights of Way
- OW 07 Oadby & Wigston Local Plan Adopted Policies Map September 2013 (composite)
- OW 08 Oadby & Wigston Local Plan 1999 Proposals Map
- OW 09 Schematic diagrams for development of Kirkdale Road, Wigston site
- OW 10 Bundle of up-date documents submitted during adjournment
OWBC letter to The Planning Inspectorate 22 December 2014
OWBC Development Opportunities with the Borough report
Extract from OWBC minutes 9 December 2014
E-mail of 18 December 2014 re. Directions for Growth site
- OW 11 Extract from Inspector's Report on Examination into Oadby & Wigston Core Strategy (August 2010)
- OW 12 Bloor Homes judgment - [2014] EWHC 754 (Admin)
- OW 13 Inspector's Report on Hinkley & Bosworth Core Strategy (27 November 2009)
- OW 14 Housing Trajectory for Hinkley & Bosworth Core Strategy
- OW 15 Copy of completed Planning Agreement made under Section 106 of Town & Country Planning Act 1990 - dated 30 December 2014
- OW 16 Extract from Local Government Act 1972 - Section 123
- OW 17 Extract from Circular 06/03 - Local Government Act 1972 General

Disposal Consent (England) 2003; Disposal of Land for Less than the Best Consideration that can be Reasonably be Obtained.

OW 18 Zurich Assurance judgment – [2014] EWHC 758 (Admin)

For Bloor Homes

- BH 01 Synopsis of Housing Land Supply 1 August 2014 – commentary on SHLAA sites + observations on Parva Engineering site
- BH 02 Mr Williams’ LVIA Comparison Schedule
- BH 03 Landscape impact analysis drawings (16 A3 sheets)
- BH 04 Eastleigh Borough Local Plan 2011-2029 Examination. Document ID/4: Inspector’s Preliminary Conclusions on Housing Needs and Supply and Economic Growth (post Hearing Note 2)
- BH 05 Inspector’s Report on Examination into Oadby & Wigston Core Strategy (August 2010)

For Leicestershire Police

- LP 01 Brief Closing Submissions from Ms Thea Osmond-Smith (written submission)

PLANS

	<i>Drawing No.</i>	<i>Subject/ Description</i>
Plan A.1	DE107_001	Red Line Plan
Plan A.2	DE107_002	Development Framework Plan
Plan A.3	A053270 011 Revision B	Proposed Site Access Junction

APPENDIX

SCHEDULE OF PLANNING CONDITIONS

(23 conditions in total)

Commencement of development and approval of details

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of the approval of the last reserved matter(s) to be approved.
3. The development shall be carried out in accordance with the principles and guidance as set out in the Design and Access Statement dated November 2013, the Development Framework Plan reference DE107/002 Rev C and the access plan reference AO83270 011 Rev B.

Phasing

4. Prior to, or concurrent with the submission of the first application for reserved matters, a phasing plan shall be submitted to Local Planning Authority for approval in writing, and the subsequent development implemented in accordance with the approved plan unless otherwise agreed in writing with the local planning authority.

Design

5. Prior to, or concurrent with the submission of the first application for reserved matters, a Design Guide shall be submitted to the Local Planning Authority for approval in writing. The Design Guide shall cover the whole site and be prepared in accordance with the Design and Access Statement dated November 2013. The content and scope of the Design Guide shall address the following:
 - i) architectural and sustainable design principles including materials palette;
 - ii) street types including cross sections, parking arrangements, street trees, hard and soft landscaping and street furniture;
 - iii) footpath and cycleway design;
 - iv) boundary treatments;
 - v) open space areas;
 - vi) lighting of outdoor spaces;
 - vii) wildlife habitats and ecological areas;
 - viii) SUDS features to include wetland habitats of biodiversity value;
 - ix) tree and hedgerow retention and new tree planting;

- x) storage and access routes for bins;
- xi) opportunities to maximise resource efficiency and climate change adaptation in the design of the development through external means such as landscaping, orientation, massing and external building features.

The development shall be carried out in accordance with the approved guidance.

Reserved Matters

6. Detailed plans and particulars of the siting, layout, design and scale, external appearance and landscaping development (referred to in Condition 2 as reserved matters) shall be submitted to Local Planning Authority for approval in writing prior to the commencement of development. The following level of detail will be expected with any reserved matters application:
- i) detailed drawings to a scale of not less than 1:500 including road and plot layouts;
 - ii) detailed drawings to a scale of not less than 1:100 showing the siting, design, and external appearance of the buildings, including particulars of the materials to be used for external walls and roofs;
 - iii) details of the siting and design of any vehicular access to a highway or estate road;
 - iv) detailed drawings to a scale of not less than 1:500 of a landscaping scheme showing the following details:
 - a) the positions, heights and species of existing trees;
 - b) proposals for protection, felling and retention of existing trees;
 - c) proposals for tree planting, including the number, species, heights of planting and positions of all trees, shrubs and hedgerows;
 - d) proposals for the provision of incidental grass areas or other open spaces, including particulars of the treatment of hard surfaces, and any other features intended to enhance the attractiveness of the environment;
 - e) proposals for the provision of screen walls or fences, including details of heights, positions, designs and types of construction.

The development shall be carried in accordance with the approved details.

Sustainability Statement

7. Each reserved matters application shall be supported by a Sustainability Statement which shall demonstrate how the development will:
- i) make effective use of resources and materials;
 - ii) promote sustainable transport;
 - iii) minimise water use;

- iv) utilise on-site renewable energy sources where practicable;
- v) reduce predicted CO₂ emissions;
- vi) be designed so as to minimise, mitigate and adapt to the likely effects of climate change; and
- vii) be designed to reflect the current nationally prescribed sustainable building standards for energy efficiency.

Land Contamination

8. Prior to commencement of the development hereby permitted a contaminated land assessment and associated remedial strategy shall be submitted the Local Planning Authority (LPA) for approval in writing. The measures approved in that scheme shall be fully implemented. The completed scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing.
 - i) A desk study. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to any site investigations commencing on site.
 - ii) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, which shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - iii) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA as required prior to any remediation commencing on site. The remediation works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.
9. If during the course of development, contamination not previously anticipated or previously identified is found to be present on the site, then no further development (unless otherwise first agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to the Local Planning Authority for approval in writing. The contamination shall then be dealt with in accordance with the approved details.
10. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Ecology

11. Existing vegetation and hedgerows with the potential to accommodate breeding birds shall only be managed or removed outside the bird breeding season (March to August), unless otherwise first agreed in writing with the Local Planning Authority.
12. Prior to the felling of or works to any trees as identified in the RSK Ecological Appraisal as having potential to accommodate bats, a bat inspection survey including appropriate mitigation measures shall be undertaken and submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved measures.
13. Prior to, or concurrent with the submission of the first application for reserved matters, a Biodiversity Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Plan shall address the ongoing management and maintenance of all created and retained wildlife habitats, hedgerows and landscape buffer zones, wetlands, and wildflower grasslands. The development shall be carried out in accordance with the approved Plan.
14. Prior to, or concurrent with the submission of the first application for reserved matters, a revised Great Crested Newt and Reptile Survey with an associated Mitigation Strategy shall be submitted to the Local Planning Authority for approval in writing, in accordance with a scope to be agreed in writing beforehand with the Local Planning Authority and the County Ecologist. Subsequent reserved matters application(s) shall be accompanied by a Great Crested Newt and Reptile survey that shall have been prepared within 12 months of the submission date. The development shall be carried out in accordance with the approved Mitigation Strategy.

Archaeology

15. Prior to commencement of the development hereby permitted a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation shall be submitted to and the Local Planning Authority for approval in writing. The scheme shall include an assessment of significance and research questions; and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) provision to be made for analysis of the site investigation and recording;
 - iv) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

16. Prior to first occupation of the development hereby permitted the site investigation and post investigation assessment must be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 15 and provision made for analysis, publication and dissemination of results and archive deposition been secured.

Drainage

17. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment and Drainage Strategy dated November 2013, reference Rev C, compiled by Halcrow.
18. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to the Local Planning Authority for approval in writing. The scheme shall include the utilisation of holding sustainable drainage techniques, with the incorporation of two treatment trains, to help improve water quality and limit of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage and water storage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the arrangements embodied within the approved scheme, or within any other such scheme as may subsequently be agreed in writing by the Local Planning Authority.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Highways

20. The highways works as shown on plan reference AO83270 011 Rev B shall be implemented in full prior to the first occupation of any of the dwellings.

Construction Traffic

21. Prior to commencement of the development hereby permitted a scheme for construction site and traffic management (including the location of the construction access and associated visibility splays, wheel and road cleaning, deliveries, vehicle parking and hours of operation) shall be submitted to the Local Planning Authority for approval in writing. The approved scheme shall be fully implemented until the completion of development.

Pedestrian link to Coombe Park

22. Prior to commencement of the development hereby permitted a scheme for the provision and management of a footpath to Coombe Park shall be submitted to the Local Planning Authority for approval in writing. The scheme shall be fully implemented in accordance with the approved details within a timescale to be agreed in the phasing plan (condition 4), and retained in perpetuity thereafter.

Travel Plan

- 23 Before first occupation of any dwelling hereby approved details of a Residential Travel Plan shall be submitted to the Local Planning Authority for approval in writing. The Plan shall address the full travel implications of the approved scheme and set out the facilities and measures, together with the associated measurable outputs and targets designed to:-
- a) reduce single occupancy vehicle use, vehicular travel at peak traffic times and vehicle emissions for journeys made for all purposes to and from the development site;
 - b) increase the choice and use of alternative transport modes for any journeys likely to be made to and from the development site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel;
 - c) manage the demand by all users of the developed site for vehicle parking within, and in the vicinity of, the developed site.

The Plan shall also specify:-

- d) the on-site implementation of the Plan and management responsibilities, including the identification of a 'travel plan coordinator';
- e) the arrangements for undertaking regular travel behaviour and impact monitoring surveys and for reviews of the Plan covering a period extending to at least one year after the last approved dwelling is occupied or a minimum of 5 years from first occupation, whichever is the longer;
- f) the timescales for delivery of the specified outcomes and targets to be achieved through the implementation of the Residential Travel Plan;
- g) the additional facilities and measures to be implemented if monitoring shows that the outcomes and targets specified in the Residential Travel Plan are unlikely to be met, together with clear criteria for invoking those measures.

The Plan shall be implemented in accordance with the approved details, and it shall include provision of at least annual reports on its progress and effectiveness, to include information from the travel behaviour and impact monitoring surveys, to be submitted to the Local Planning Authority.

End of Schedule of Planning Conditions

BEDFORD

4 Abbey Court
Fraser Road
Priory Business Park
Bedford
MK44 3WH

Tel: 01234 832 740
Fax: 01234 831 266
bedford@dlpconsultants.co.uk

BRISTOL

1 Blenheim Court
Beaufort Office Park
Woodlands
Bradley Stoke
Bristol
BS32 4NE

Tel: 01454 410 380
Fax: 01454 410 389
bristol@dlpconsultants.co.uk

CARDIFF

Sophia House
28 Cathedral Road
Cardiff
CF11 9LJ

Tel: 029 2064 6810
cardiff@dlpconsultants.co.uk

LEEDS

Princes Exchange
Princes Square
Leeds
LS1 4HY

Tel: 0113 280 5808
leeds@dlpconsultants.co.uk

LONDON

The Green House
41-42 Clerkenwell Green
London
EC1R 0DU

Tel: 020 3283 4140
london@dlpconsultants.co.uk

MILTON KEYNES

Midsummer Court
314 Midsummer Boulevard
Milton Keynes
MK9 2UB

Tel: 01908 440 015
Fax: 01908 357 750
miltonkeynes@dlpconsultants.co.uk

NOTTINGHAM

1 East Circus Street
Nottingham
NG1 5AF

Tel: 01158 966 620
nottingham@dlpconsultants.co.uk

SHEFFIELD / SPRU

Ground Floor
V1 Velocity Village
Tenter Street
Sheffield
S1 4BY

Tel: 0114 228 9190
Fax: 0114 272 1947
sheffield@dlpconsultants.co.uk

WILBRAHAM ASSOCIATES

RUGBY

18a Regent Place
Rugby
Warwickshire
CV21 2PN

Tel: 01788 56223
info@wilbrahamassociates.co.uk