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## Appeal Decision

Inquiry held on 24 January – 2 February 2017

Site visit made on 1 February 2017

**by David Richards BSocSci DipTP MRTPI**

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

**Decision date: 27 March 2017**

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### **Appeal Ref: APP/J0540/W/16/3153303 Land off Uffington Road, Barnack, PE9 3DU**

- 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 Gladman Developments Ltd against the decision of Peterborough City Council.
  - The application Ref. 15/01840/OUT, dated 30 October 2015, was refused by notice dated 29 March 2016.
  - The development proposed is up to 80 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road and associated ancillary works. All matters to be reserved with the exception of the main site access.
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### **Decision**

1. The appeal is allowed and outline planning permission is granted for up to 80 residential dwellings (including up to 30% affordable housing), introduction of structural planting and landscaping, informal open space and children's play area, surface water flood mitigation and attenuation, vehicular access from Uffington Road and associated ancillary works in accordance with the application Ref. 15/01840/OUT, dated 30 October 2015, subject to the conditions set out in the attached schedule.

### **Main Issues**

2. The main issues are: the effect of the proposal on the setting of Barnack Conservation Area; the effect on the landscape setting of Barnack; whether the Council can demonstrate a robust five-year supply of housing land; and whether any harm arising from the scheme significantly and demonstrably outweighs the benefits, such that planning permission should be refused.

### **Reasons**

3. The appeal site lies on the northern edge of the village of Barnack. It measures some 4.28 hectares in area and is currently in agricultural use. It is bounded to the south by existing dwellings in relatively large plots along Bainton Road, and to the east by the recently built estate known as Payne's Field. The northern boundary consists of mature hedgerows with open agricultural fields beyond. The land rises from east to west, and the western boundary consists of a

drystone wall in part with some mature hedgerows, and open fields beyond rising up towards Footpath 12 and Stamford Road.

4. The site currently lies in the countryside, outside the defined village envelope for the village of Barnack.

### **Planning Policy**

5. The Development Plan for the area comprises: the Peterborough Core Strategy (CS) – adopted February 2011; the Peterborough Site Allocations DPD; (SADPD) – adopted April 2012; and the Peterborough Planning Policies DPD (PPDPD) – adopted December 2012.
6. Policy CS1 of the CS sets out a settlement hierarchy with the City of Peterborough at the top, followed by Key Service Centres at Eye and Thorney, eight named Limited Growth Villages, of which Barnack is one, and then a number of small villages. In rural areas the strategy for planned growth will be focused on the key service centres and, to a lesser extent, Limited Growth Villages. Development in the countryside, outside of defined boundaries, will be restricted to that which is demonstrably essential to the effective operation of agriculture and related rural uses and to residential development which satisfies an exceptions test. Policy CS2 confirms that the strategy is to focus the majority of new development in and around Peterborough itself, to enable a larger number of people to access services and facilities locally. It identifies a broad distribution for housing development, including approximately 450 dwellings to Limited Growth Villages. Policy CS8 seeks to ensure a wide choice of high quality new homes and to provide houses that will help to encourage employees to live locally rather than commute into Peterborough from elsewhere.
7. Policy CS20 is concerned with Landscape Character and requires that new development in and adjoining the countryside should be located and designed in a way that is sensitive to the landscape setting, retaining and enhancing the distinctive qualities of the landscape character and sub-area in which it would be situated.
8. Turning to the policies of the PPDPD, Policy PP17 states that all development proposals that would affect a heritage asset will be determined in accordance with national policy in the NPPF.
9. The Council has also adopted a Supplementary Planning Document – Peterborough Design and Development in Selected Villages in 2011. Policy B&P1 relates to Barnack and Pilsgate, and states that where new housing is proposed, these should be individual dwellings, or small groups of dwellings. The creation of larger housing estates is inappropriate.
10. The CS was adopted prior to the publication of the National Planning Policy Framework (the Framework) in 2012. It is common ground that it was prepared to be in conformity with, and to meet the housing requirements of, the now revoked East of England Regional Spatial Strategy. It was also prepared in the context of national planning policy set out in Planning Policy Statements and Planning Policy Guidance Documents, which have now been superseded by the Framework.
11. The SADPD and PPDPD were adopted following the publication of the Framework, to be in conformity with and give effect to the CS. The PPDPD

incorporates the presumption in favour of sustainable development set out in paragraph 14 of the Framework.

12. In July 2015 the Council agreed to prepare a new Local Plan for its administrative area to cover the period 2011 to 2036. The preliminary draft of the new LP was consulted on in January and February 2016. A further draft version which sets out the emerging planning policies and proposals for growth and regeneration, and the proposed sites to deliver growth, was published for consultation on 16 December 2016 until 9 February 2017.
13. It proposes an annual housing requirement of 1,105 dwellings over the plan period 2011 – 2036. This is based on an objective assessment of need (OAN) of 1,005 dwellings per annum (dpa), with an additional 100 dpa to meet its obligations under the Cambridgeshire and Peterborough Memorandum of Co-operation 2013.
14. The plan has yet to go to examination and is some way from adoption. The parties agree that full weight cannot be given to the emerging Local Plan at this stage.
15. The parties are not agreed as to whether the Council can demonstrate a 5 year supply of housing land. I consider the implications of this for the weight to be attributed to particular policies below, in accordance with paragraphs 49 and 216 of the Framework.

### **Conservation Area and its setting**

16. The Barnack Conservation Area (CA) includes most of the village, but excludes development along Uffington Road and the appeal site. The appeal site is slightly detached from the northern boundary of the CA, separated from it by residential development along Bainton Road. Views towards the CA from Uffington Road are constrained by well-established hedgerows flanking the road and the presence of existing development, but there are occasional glimpses of the church spire, a key feature at the heart of the CA.
17. The CA was designated in 1975 and extended in 1990 and again in 2009. It encompasses the historic core of the village. Barnack is located on higher ground above the south terrace of the River Welland valley on an outcrop of oolitic limestone and clay. The CA is described in paragraphs 6.6 – 6.14 of Mr Riley's evidence to the Inquiry and its significance summarised as follows.
18. 'The significance of the CA derives both from the grouping of these heritage assets<sup>1</sup>, and also from the historic development of the village that has resulted in a series of contrasting narrow spaces, squares, small enclosure fields, the remnants of small triangular grass 'greens', the transitions between them and the central focus of the church ..... The rural setting of the village and the CA in an agrarian landscape is part of its historic significance. Other features of significance include the consistent use of a limited pallet of limestone, thatch, pantile and Collyweston slate, walls and trees within the village.
19. The Council's particular concern is with the effect of the development on the rural setting of Barnack. It was argued that views towards and from the CA into the open countryside are important because they visually connect the village with the surrounding landscape and give a strong connection with the history of

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<sup>1</sup> i.e 60 listed buildings within the CA.

the settlement. The linkage between these outward views and the spaces and enclosed parts of the historic core, the varied agricultural buildings, walls paddocks and closes was identified as an important characteristic of the village which contributes to its significance.

20. The main parties are agreed that the duty under Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character of CAs applies only to land and buildings within the CA, and not to the setting. They further agree that there would be no harm to any listed building in the vicinity, including the Grade I Listed Church of St John the Baptist. Nevertheless Paragraph 132 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within the setting of a heritage asset. The Council accepts that the harm it alleges would be less than substantial and that the proposal should be assessed in the context of Paragraph 134 of the Framework, weighing harm against the public benefits of the proposal.
21. Of the important views out of the CA identified by Mr Riley, those to the north of Station Road would be unaffected by the development. It was acknowledged by the Appellant that the view from the junction of Bainton Road and Stamford Road adjacent to the war memorial would be affected. The development would be seen on rising ground, and it was accepted that the roof ridges could break the currently unbroken skyline<sup>2</sup>. The proposed landscape/open space buffer would also be a prominent feature of the development from this perspective.
22. It is apparent that the development would occupy currently open agricultural land which forms part of the setting of the village. However, in my judgment, the appeal site does not form a crucial element in the setting of the CA. A particularly distinctive feature of the CA is the inclusion within it of open land forming part of the substantial old farm complexes of Villa Farm, Manor Farm and Limes Farm. These are indeed direct reminders of the historic relationship between the village and the surrounding landscape, but they are an integral part of the CA and subject to the Section 72 duty. They have already been visually severed from the surrounding landscape by development along Bainton Road and Uffington Road.
23. A person viewing the CA from the footpath adjacent to the war memorial would be aware of the development, although it would be to the side rather than directly in the line of view to the church spire at the heart of the CA. The nature and significance of the CA would not yet be apparent to the observer, as it would largely be obscured by the terrain and the site of Barnack Primary School, together with many established trees. They would also be aware of modern development along Stamford Road within the CA. To my mind the appearance of the development would not be materially harmful to the setting of the CA, particularly when contrasted with the currently rather stark and unscreened appearance of the Payne's Field development. While the application is in outline there are clear indications of the nature, extent and disposition of the landscaping proposed and in my view there are opportunities to provide a better landscaped edge to development which can be secured through reserved matters applications. Although the edge of development would be closer, the

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<sup>2</sup> A lone tree which does break the skyline is not significant in this regard.

open agricultural land in the foreground would be retained, and the viewer would still be able to appreciate the relationship of Barnack with the surrounding countryside to the north, including views of the Welland Valley in the distance.

24. The Council drew attention to the National Cycle Network route which passes along Stamford Road, and the potentially higher sensitivity as visual receptors of recreational cyclists using the route. The route uses the main carriageway of the road which is here at a lower level than the footpath. I noted on the site visit that the view of cyclists out to the countryside would be restricted to some degree by the existing field boundary wall. In any event the route is a long distance route which passes through extensive areas of open countryside and numerous attractive settlements, and the change occasioned by the development would be no more than a fleeting glimpse. I do not consider that it would be materially harmful to the rider's experience of the CA, or to its significance.
25. With regard to views towards the CA from Uffington Road, I have already commented that existing mature hedgerows restrict views for much of its length. Existing glimpsed views of the church spire would be substantially unaffected and there are no other direct views into the CA, for example of the area of the CA around the junction of Bainton Road, Station Road and Uffington Road. From field entrances and other limited gaps in existing hedgerows it is possible currently to see across the site to the open part of the CA around Mount Pleasant, and such views would be obscured by the development. However I do not consider that this would represent appreciable harm to the significance of the CA, or that observers without local knowledge would be aware that it was part of the CA. The significance of the CA, including the agrarian roots of Barnack as a settlement, would remain readily understandable from the network of lanes at its heart, and would not be affected to any significant degree by the development.
26. On this basis I conclude that there would be no material harm to the significance of the CA, or conflict with the relevant policies of the development plan, so far as they are material to the determination of this appeal.

### **Landscape and Visual Effects**

27. Barnack lies at the northern edge of National Character Area (NCA) 92, Rockingham Forest, as defined by Natural England (NE). NCA 92 is described as '*essentially a broad, low undulating ridge underlain by Jurassic limestone which falls away from a prominent, steep northern scarp overlooking the Welland Valley ... The landscape is a patchwork of woodland and large to medium sized fields of mixed arable with some pastoral use surrounding small nucleated villages. Fields are commonly bounded by well-managed hedgerows with mature trees or drystone walls and display the rectilinear pattern of the enclosures set within a more sinuous pattern of older enclosures, winding lanes and watercourses.*' On a more local level of assessment, it is part of Landscape Character Area (LCA) 2 Nassaburgh Limestone Plateau Character Area, as identified in Peterborough Landscape Character Assessment ( May 2007), and within LCA 2 Local sub area 2b: Burghley and Walcot Slopes. The key characteristics identified include: '*gently undulating limestone landscape; large blocks of woodland; large arable fields with low hedgerows and drystone walls; largely unspoilt nucleated stone villages; and generally a quiet rural ambience.*'

28. The Council agrees with the Appellant that the geographical extent of effects on landscape character of the development would be relatively limited in the wider landscape due to local topography, with higher slopes in the west providing containment to the site in conjunction with the screening effects of heavily wooded land further north. It is furthermore agreed that certain unmanaged site features result in landscape quality being rated less than its potential and that the rarity of the site's landscape is not particularly notable. The Council also accepts that the site lies in an area which is less visually sensitive than some other parts of LCA 2 and Local sub-area 2b (Burghley and Walcot Slopes), due to its containment, with more elevated slopes in the west and south-west of the appeal site preventing views from these directions.
29. In summary, the Council considers that the development would extend modern built development into good quality open countryside, extending the village north-westwards to form a relatively large and dense cluster, inappropriate in size and scale at the rural edge of the village, and contrary to the management objectives for NCA 92. It is further argued that the Appellant's Landscape and Visual Impact Appraisal (LVIA) underestimates the effects on local landscape character and expects mitigation to be more effective than is considered possible. The parties agree that the judgment of the magnitude of effect of the appeal proposal is likely to be between medium and high. However the Council believes that the local landscape effect will be moderate to major adverse in Year 1 and that an assessment of 'major adverse' would be justified because of what it considers to be a substantial increase in the presence of the settlement in the landscape.
30. The Council also disputes the effectiveness of mitigation, and contends that the level of effect at Year 10 would be 'moderate adverse' rather than 'minor adverse' as suggested in the Appellant's LVIA, for the reason that mature planting alone cannot be relied on to reduce the potentially negative landscape and visual impacts of the development. It is argued that the very nature of trees, including their seasonality, structure and the requirement for effective management of the planting to Year 10 and beyond calls into question the effectiveness of the proposed mitigation. The Council also questioned the appropriateness of the proposed tree planting in the predominantly open landscape to the north of Barnack.
31. The Appellant accepted that there would be some limited harm in the wider landscape context of the Burley and Walcot Slopes, but categorises the harm as 'minor adverse' on completion of the development, and remaining 'minor adverse' at Year 10, due to the loss of farmland and replacement with built development, notwithstanding that the new planting would result in a more successful boundary as it matured in the long term.
32. It is acknowledged by the Appellant that the proposals would result in the direct loss of a small area of agricultural land in a localised area currently characterised by the existing open settlement edge. For the site to accommodate development there will be an inevitable disruption and change to the immediate locality of the site of a medium to high magnitude. The effect is judged to be 'moderate adverse' to the site and its immediate context, moderating to 'minor adverse' by Year 10 as the landscaping takes effect, establishing a more sensitive edge to the development in comparison with the Payne's Field development.

33. In terms of visual effects the Council argues that the effect on views along Bainton Road should be categorised as 'moderate' to 'major adverse' in Year 1, in view of the fact that users of the National Cycle Route should be categorised as visual receptors of high sensitivity. While I accept there would be some harm to this view from the footpath (Viewpoint 5 in Mr Holliday's appendices), I note that cyclists (using the main carriageway) would be at a lower level than the footpath at this point, and also that the NCR follows Stamford Road rather than Bainton Road into the village after the war memorial. The presence of the field boundary wall would tend to limit the views of cyclists over the site. In any event such views would be fleeting, and experienced as part of a long distance route that passes through extensive areas of high quality landscape and many attractive settlements.
34. With regard to views from Uffington Road, I acknowledge that views across the site towards the war memorial and the higher ground in the vicinity of Mount Pleasant, part of which lies in the CA, can currently be obtained from field gates and gaps in the hedgerow, and that the development would have some presence in these views. However it is likely that the majority of users of Uffington Road would be drivers, and it is unlikely that they would be able to appreciate such views through hedgerow gaps and field openings. While it is possible to walk along Uffington Road as part of a circuit following Footpath 12 to the pumping station, Uffington Road did not strike me as an attractive walking route, having no footpaths and carrying a significant amount of traffic, at least in the afternoon when the site visit took place. The Council acknowledged that looking south along Uffington Road tall hedgerows to both sides of the road contain and channel the view, and did not seek to argue that the effect would be anything more than a locally significant change to the view of the setting of a rural edge to the village of Barnack.
35. Views of the site from Footpath 12 itself (for example Viewpoint 9 in Mr Holliday's appendices) would be limited to short breaks in the dense hedgerow which runs along the east side of the footpath. I consider that the amenity of users would not be materially harmed by occasional glimpsed views of the development.
36. In my assessment, while the landscape to the north of Barnack is attractive open, predominantly arable countryside, it is not a designated landscape. While it is of value as countryside, the Council accepts that it is not a 'valued landscape' for the purposes of paragraph 109 of the Framework. In my judgement the Appellant's assessment of the impacts as presented by Mr Holliday at the Inquiry are fair and reasonable, and the limited harm identified in terms of landscape and visual impact is a matter to be balanced against any benefits that would flow from the development. While I acknowledge that organically shaped belts of tree planting are more characteristic of the landscape to the south of Barnack than the open landscape typical of the north side, planting of native trees to create a partial screen to the development is a common feature of developments at the edge of settlements, and would have some amenity value to offset the harm identified. The growth rates suggested by Mr Holliday did not seem exaggerated or unachievable, and the proposed planting would be effective in moderating the appearance of development in the landscape.
37. The Council also considers that the density of the development would be uncharacteristic of the village form, which tends to be higher at the centre of

the village with lower density housing at the edges. I accept that the layout is likely to be at a higher density than elsewhere on the periphery of Barnack, in view of the need to make reasonably efficient use of land. However, I do not consider it will be particularly uncharacteristic in the immediate context of the Payne's Field development, and the scheme includes considerable elements of landscaping, which can help to assimilate the development and create a better edge to the settlement.

38. I conclude that visual and landscape harm would be limited to the immediate landscape setting on this side of the village and would be no more than 'minor adverse' at Year 10.

### **Housing Land Supply**

39. Since the submission of the planning application for 80 dwellings in Barnack on 31 October 2015, the Council have published three different versions of the Five Year Land Supply (5YLS) reports, to take into account the latest monitoring information. In November 2015 the Council published a Five Year Land Supply report (CD230) that identified a supply of 3.2 years. However the housing requirement was calculated using the adopted CS growth target of 25,500 homes, which is based on the now revoked Regional Spatial Strategy. It is common ground that the CS growth target is out of date, and the Council is preparing a new Local Plan for Peterborough. A preliminary Draft Local Plan was published in January 2016, using more up to date evidence from the Strategic Housing Market Assessment - October 2015 (SHMA), which included an assessment of Objectively Assessed Need (OAN).
40. In January 2016, the Council accordingly published a revised 5YLS Report, based on the OAN requirement, which gives a new local plan target of 27,625 dwellings between 2011 and 2036, or an annual requirement of 1,105 dwellings. This identified a supply of 6.22 years and was the basis of the Council's position when it determined the appeal application in March 2016.
41. Subsequently, an updated 5YLS has been published in December 2016 to support the Further Draft Local Plan Report (December 2016). The Council considers that of the three reports, only the latest one should inform the decision in this appeal as the latest piece of evidence available.
42. It is common ground that the Sedgefield approach is appropriate, whereby any identified backlog should be delivered over the first five years of the Local Plan period. The Council accepts that there has been a consistent record of underprovision, and that a 20% buffer should be applied to the calculation. Outstanding areas of dispute at the Inquiry remained: the OAN figure to be used as the basis of the calculation; the correct base date for calculation of the 5YLS; whether the buffer should apply to the unadjusted housing requirement, or whether it should also be applied to the accumulated shortfall; and whether a separate windfall allowance is justified.

### Objectively Assessed Need

43. The Council did not present any evidence in respect of the OAN, and did not cross-examine Mr Baker, appearing on behalf of the appellant. In the Council's view, the OAN and the local plan target is a matter for a forthcoming examination of the emerging LP. However, it is clear from Planning Practice Guidance and case law that where evidence in Local Plans has become



outdated and policies in emerging plans are not yet capable of carrying sufficient weight, information provided in the latest full assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. In the absence of an up to date requirement, a decision maker is required by law to come to a judgment on the OAN based on the information before him or her, and to base any assessment of deliverable supply on this judgment<sup>3</sup>. The principle of focusing on a single authority's OAN for the purposes of decision taking is confirmed by the Court of Appeal in the Oadby and Wigston case.<sup>4</sup>

44. The Council's assessment of the OAN for its administrative area is taken from the 2015 SHMA and equates to an annual requirement of 1,005. In preparing the emerging local plan, the Council has included an allowance of 100 dpa over the plan period to meet the needs of adjacent Cambridgeshire authorities. The land supply situation has accordingly been assessed by the Council against an annual requirement of 1105 dpa. The assumptions and adjustments contributing to this assessment have not yet been tested at examination.
45. Mr Baker's assessment has been made on the basis that it must be an objective exercise which must identify housing demand and therefore housing need in full. It should be a positive exercise which responds to future economic change, housing market signals and affordability issues. It takes the most recent household projections as a starting point, and assesses whether adjustments need to be made for local demographic factors not apparent from past trends, likely job changes, housing market signals and affordable housing needs.
46. Mr Baker takes as his starting point the latest household projections which set out a need to deliver 868 dpa in Peterborough between 2011 and 2036. However, they are based on a short term period heavily affected by recession and he considers that an adjustment to 931 dpa is necessary to take account of prevailing migration trends. He does not identify any need for adjustment to meet future labour force requirements. He considers an adjustment of 15% is justified to reflect affordability pressures in Peterborough, given the significant need for affordable housing and acceptance by the Council that the need will not be met in full over the plan period. This compares with an uplift of 10% adopted in the OAN work undertaken as part of the 2015 SHMA. His analysis concludes that given significant fluctuations in past migration flows a long term migration strategy should be pursued. This produces a final OAN figure of 1,076 dpa for Peterborough, in comparison with the Council's figure of 1,006 dpa.
47. To put his work in context, Mr Baker also worked through the alternative approach put forward by the Local Plans Expert Group (LPEG), which advocates significant uplifts to secure affordable housing delivery, and produces an OAN figure of 1,306 for Peterborough. This provides further support for his conclusion that an uplift of 15% is justifiable in Peterborough.
48. The Council did not cross-examine Mr Baker on his evidence, or put forward evidence to support the OAN adopted in the 2015 SHMA. I accept that there may well be other OAN calculations which will need to be reconciled in an

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<sup>3</sup> See Inquiry Document 20, paragraph 28.

<sup>4</sup> [2016] EWCA Civ 1040 Oadby and Wigston Borough Council and SSCLG

examination of the emerging LP. However, Mr Baker's approach appears to me measured and proportionate, and is the best evidence available to me. I note that it produces a lower requirement than that used by the Council in calculating the land supply, which includes 100 dpa to cater for needs arising outside Peterborough. In the light of the Oadby and Wigston judgment it is appropriate to focus on the OAN for Peterborough at this appeal. Adjustments in respect of externally generated need are 'policy on' considerations which are matters to be tested through the local plan examination.

49. I conclude that, for the purposes of this appeal, the OAN should be 1076 dpa.

Base date for 5 year supply

50. The Framework advises local planning authorities to identify and update annually a supply of specific deliverable sites. The Planning Practice Guidance further advises that this should be done in a robust and timely fashion, based on up to date and sound evidence. It should be realistic and made publicly available in an accessible format. Once published, such assessments should not normally need to be updated unless significant new evidence comes to light or the local authority wishes to update its assessment earlier.

51. The Council's position that the period for assessment of the 5YLS should be 2017 – 2022. It relies on updated information published on 9 December 2015, and on housing monitoring data at 31 March 2016. As the Appellant points out, there are practical problems with this in that final completions data for 2016/17 are not yet available. There are also issues of transparency and robustness, in that it is difficult for other stakeholders, including the present Appellant, to interrogate and reach an informed assessment of matters such as delivery rates and new recently identified sources of supply. This was particularly the case with oral updates on some sites given at the Inquiry.

52. I accept that the land availability can change rapidly in response to new permissions, market conditions and pro-active measures adopted by Councils to promote sites in partnership with the development industry. I also appreciate that the Council has endeavoured to make new information available in accordance with the Inquiry timetable.

53. The Council considers that if it does not adopt the 2017 - 22 base date it can never demonstrate that it has a full 5 year supply, and cites an appeal decision where this approach has been accepted. This seems to run counter to the experience of many authorities which produce an annual update based on the last full year for which completions data are available, as referred to by Mr Hourigan on behalf of the Appellant. While I understand the Council's wish to take the latest site information into account, there are considerable advantages for transparency from data being readily available to stakeholders in a consistent format, in accordance with national guidance, and for this reason I consider a base date of 2016 for the assessment of land availability is to be preferred.

Backlog

54. The Framework and PPG do not specify whether the 20% buffer (which is common ground is appropriate in this case) should apply to the 5 year requirement or should also apply to the accumulated backlog. The Council's

view is that this would amount to double counting and would result in the Council being 'penalised' twice for not meeting previous delivery rates.

55. The application of a 20% buffer should not be interpreted as a penal measure. Its purpose is to secure an immediate boost in the supply of housing land, in accordance with the Framework, by bringing forward development from later years. I am aware of a number of appeal decisions which have been cited by the parties in support of these alternative approaches. In a recent decision however the Secretary of State has accepted that the 20% buffer should be applied to the backlog, and it seems reasonable to give more weight to this as a recent statement of the Secretary of State's preferred approach<sup>5</sup>. In any event, in this case it represents a relatively small component of the supply calculation, and would not significantly affect the overall assessment.

#### Windfalls

56. Paragraph 48 of the Framework provides that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends.
57. The Council's justification for the inclusion of windfall sites is included in Appendix B of CD24, which comprises a summary of windfalls that have been delivered over the 15 year period 31 March 2002 – 31 March 2016. In that period 2092 dwellings are stated to have been delivered on sites not identified through the local plan process, an average of 139 dwellings per annum. On this basis the lpa has included a figure equating to 115 completions per annum for the last three years of the 5YLS period, as what it says is a conservative rate justified by past experience. It is recognised that development sites which are currently unforeseen are unlikely to produce a significant level of completions in the first two years.
58. The Appellant warns against the dangers of double counting, and suggests that the Council has already included windfalls in the account, in the form of dwellings with planning permission on allocated large and small sites. Table 5 of the Council's December 2016 5YLS Statement (CD 24) sets out predicted contributions from to completions from such sites. These fall away significantly towards the end of the five year period. My understanding of these sites is that though not previously identified, they now form part of the 'mainstream' supply as they are identified sites with planning permission. An estimate has been made of predicted completions in future years. As a matter of principle it is not unreasonable to suppose that other such unidentified sites may come forward and make a contribution to completions in future years, and to my mind the Council has produced sound evidence to support that contention, and carried out a realistic discounting exercise to avoid double counting. However, I have already concluded that the base date for calculating the 5YLS should be 2016 rather than 2017, so that the 129 windfall completions predicted in 2021/22 would drop out of the account.

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<sup>5</sup> APP/W1715/W/15/3130073 Land to the north-west of Boorley Green, Winchester Road, Boorley Green

Inspector's conclusion before considering sites in detail

59. The OAN for Peterborough is 1076. Adopting a base date of 2016 and applying the Sedgefield approach to addressing the backlog by adding a 20% buffer to reflect past levels of underdelivery (and including the backlog in the calculation of the 20% buffer) the calculation is as follows<sup>6</sup>:

5 Year Requirement (2016 – 2021)	1076
Annual requirement	1469
Supply identified by Peterborough CC	6978
<b>Supply (Peterborough CC)</b>	<b>4.75 years</b>
Supply (Appellant)	3.80 years

60. I note that if the calculation is made using the annual requirement of 1105 dwellings set out in the Peterborough LP Further Draft (December 2016), the supply worsens somewhat to 4.53 years on the Council's case or 3.62 years on the Appellant's. However, I am satisfied that the figure of 1076 is appropriate in the context of this decision. It is apparent that even on the Council's best case regarding supply, it cannot at present demonstrate a 5 year supply of housing land. I accept that this is only a modest shortfall, but it is nevertheless a shortfall, and paragraphs 14 and 49 of the Framework are engaged.

Components of supply

61. A round table discussion took place at the Inquiry during which methodology was addressed and some detailed discussion of sites took place. Prior to the discussion, an agreed statement of common ground was submitted relating to housing land supply issues (Doc 22). In response to Mr Hourigan's evidence, the Council accepted that four sites totalling 161 dwellings should be discounted from the supply. However, it put forward three other sites totalling 178 completions, resulting in a net increase in supply of 17 dwellings. The Appellant has accepted the amendments for the purposes of the Inquiry, on the basis that the changes would have no material implications on the position advanced by the Appellant in Mr Hourigan's proof and rebuttal statement. I concur with that view, and have not made an adjustment to the figures set out therein.
62. The Appellant's key contention is that not all the sites on which the Council relies have been assessed in accordance with advice in the Framework and Guidance, and consequently the Council has not robustly demonstrated their deliverability in the five year period. Particular concern was expressed with the levels of delivery expected from residual allocated sites, and new sites allocated in the emerging Local Plan. Some of these sites are only relevant to delivery in 2021/22, so as I have concluded the assessment period should be 2016 – 21 they fall out of the assessment automatically, for example the 50 dwellings at Orton (Site DC04) and 25 dwellings at Railworld North. Of the more significant remaining sites there is uncertainty about delivery of 200 dwellings in the north Westgate Opportunity Area (Site CC3.5), development

<sup>6</sup> As set out in Table 3 of Mr Hourigan's Rebuttal Statement, Document 15, page 30.

which is acknowledged to be hindered by complex and multiple land ownership, with the Council having little ownership interest. While I accept that the Council is working to unlock the site, the evidence base supporting delivery does not comply with footnote 11 of the Framework.

63. Other sites where the level of information on delivery is not compliant with Footnote 11 include: the Northminster Opportunity area (Allocation CC3.6) where 100 completions are predicted for 2020/21; Station West Opportunity Area - 100 completions predicted for 2020/21 (Allocation CC4.2); Station East Opportunity Area - 150 completions predicted 2020/21 (Allocation CC4.3); and Riverside South Policy Area – 150 completions predicted 2020/21 (Allocation CC.6).
64. This is not an exhaustive list of the sites over which the Appellant has expressed concern. However it is apparent from these examples that in some cases the Council has taken an over-optimistic approach to the delivery of complex urban sites within the five year period, and that actual completions may be some way below the 4.85 years referred to in the table above.
65. I am aware that the Council has an excellent track record in recent years in unlocking difficult sites through partnership arrangements. It has been commendably pro-active in bringing forward sites for development through a variety of measures including: the Peterborough Investment Partnership (a joint venture company with Lucent Strategic Land Fund set up in 2015); the establishment of Medesham Homes in October 2016, a joint venture company with Cross Key homes with £20 million capital funding and £14.6 million affordable housing capital funding allocated; the Medium Term Financial Strategy for 2017/8 for significant investment of capital funding of £15 million for the North Westgate Opportunity Area; and the Cambridgeshire and Peterborough devolution deal (July 2016) which will provide £100 million of new funding to support the building of new homes including affordable homes and £20 million per year to unlock development. All these are clear signals of a Council that is strenuously promoting housing development to meet the needs of its administrative area. I have considerable sympathy with the view that it is not simply a lack of suitable sites which has resulted in past underdelivery, and that market factors and the capacity of the development industry are also important. Nevertheless a key objective of the Framework is to boost significantly the supply of housing, and the arrangements in respect of the 5YLS are central to achieving this.
66. Accordingly I conclude that the Council is unable to robustly demonstrate a 5YLS of housing land at the present time.

### **Benefits of the scheme**

67. The scheme would contribute to the supply of housing land, including 30% affordable housing, secured through an executed S106 obligation. The Council's view is that these benefits would arise from any housing development, and should be directed to more sustainable locations in accordance with the settlement hierarchy of the CS and emerging LP. However, my conclusion in respect of land supply means that the Council is not currently able to demonstrate a robust 5YLS in such locations. In the circumstances I consider that considerable weight should be attached to the contribution to housing supply. The Council accepts that the full extent of identified need for affordable housing in Peterborough cannot be met through the provisions of the

existing and emerging plans, so I consider that this firm proposal should be given considerable weight in the context of the Framework.

68. The Appellant identifies other benefits which were considered to be significant. It was argued that the population structure of Barnack is aging, and the development would help to redress this imbalance. There is little evidence to show that this was causing identifiable problems for the well-being of the community. The primary school for example is graded outstanding by Ofsted and the evidence of a threat to its viability was not convincing. However I accept that in a general sense population growth of the scale proposed would support existing services and facilities, and there was no counterbalancing evidence to show that a development of 80 dwellings would put a significant strain on existing infrastructure. On balance this weighs in favour of the appeal succeeding.
69. There would also be a modest benefit from the provision of open space and play facilities insofar as they would be available for use by existing residents of Barnack, though in large measure the provision of alternative natural greenspace and landscape planting is required to mitigate impacts of the development itself, and so should be regarded as neutral. The same consideration applies to the new homes bonus, which is intended to help Council's address the needs of additional population. Finally I attach some weight to the proposed restoration of the boundary wall, though this also is a reasonable requirement and proportional to the impact of the development in the landscape, and of limited overall significance in the balance.

### **Other matters**

#### *Effect on Hills and Holes National Nature Reserve and Special Area of Conservation*

70. A presentation was made on behalf of Barnack Parish Council by Dr Margaret Palmer, vice-chair of the PC. The Parish Council fully supports the case of Peterborough City Council on other matters but registered particular concern about potential effects on the Hills and Holes NNR, an ancient limestone quarry some 23 hectares in extent on the western edge of Barnack. As well as being an NNR and SAC, it is an SSSI and an area of open access land under the CRoW Act. It represents half the unimproved lime-stone grassland in Cambridgeshire, with 300 + wild flower species, including one of the few remaining large colonies of Pasque-flower in Britain, many other rare and endangered species and a rich insect fauna. As such its ecological importance is unquestioned.
71. The PC is concerned that the development will increase the already heavy pressures on the site, particularly from dog walking, resulting in an increase in length and consolidation of paths and adverse changes in species composition, particularly along the edges of paths. There is a risk that the deposit of faeces and urine will lead to nutrient enrichment, to the detriment of the special flora which thrives in poor soils.
72. The development scheme makes provision for the provision of 1.125 hectares of alternative natural greenspace, together with a financial contribution of £27,750 towards the management of the Hills and Holes SAC in mitigation of potential impacts. This would be secured by the executed S106 obligation. The Council undertook a Habitats Regulations Assessment which concluded that

with the mitigation proposed, the project would not adversely effect (sic) the integrity of the European site. Natural England was consulted and confirmed that 'the project, together with the full package of mitigation measures outlined in this HRA ... is not likely to have a significant effect on the Barnack Hills and Holes Special Area of Conservation, and that consequently no Appropriate Assessment is required. In our opinion, the residual impacts anticipated once mitigation measures have been applied are reduced to acceptable levels.'<sup>7</sup>

73. While I fully understand the concerns of the Parish Council, Natural England are the national body with responsibility for such matters and also directly responsible for the management of the site. There is no reason for me to disagree with their assessment of the effects of the proposal, and I conclude that the measures secured through the S106 obligation would effectively mitigate the potential impacts of the development.

*Loss of outlook*

74. A number of residents expressed concern about the loss of outlook from the rear of their properties, which currently adjoin open farm land. While I understand that they would prefer to retain the status quo, loss of private views is not a sufficient reason to withhold planning permission in the absence of harm to some wider public interest, and even then is necessary to balance any harm against any benefits. The Council did not identify effects on residential amenity as a refusal reason. The application is in outline, and matters such as privacy, noise and disturbance can be addressed by the Council in considering any reserved matters applications in the event of outline permission being granted.

**Conditions and S106 obligation**

75. An agreed draft list of conditions was discussed at the Inquiry. In addition to the standard reserved matters conditions, conditions requiring the submission of details of proposed highway improvements, and the construction of the access and footways to base course are necessary to secure highway safety. A travel plan is needed to maximise the use of alternative means of transport to the private car. Submission of a construction management plan is necessary to protect the environment and amenity of neighbours during construction. Foul and surface water drainage conditions are necessary to minimise the risk of flooding and pollution. Conditions requiring compliance with the submitted ecological appraisal, the erection of bird and bat boxes and the submission and approval of an ecological management plan are necessary to avoid harm to and make appropriate provision for protected species, reptiles and other features of nature conservation importance. An arboricultural method statement is necessary to ensure that important trees are protected. The approval of a landscape management plan is necessary to ensure that the development is successfully integrated into the surrounding landscape. The provision of open space within the development is necessary to mitigate potential effects on Barnack Hills and Holes SAC, and to provide for the needs of new residents. A condition specifying a proportion of dwellings are to meet Part M of the Building regulations is necessary to ensure that a proportion of the accommodation provided meets lifetime homes standards. The provision of fire hydrants is needed to secure fire safety. A condition requiring a programme of architectural work to be agreed is necessary to mitigate potential impacts on

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<sup>7</sup> Proof of evidence of Amanda McSherry Appendix 1.

the historic environment. A condition requiring the provision of a footpath link to Bainton Road is needed to improve connectivity. A condition requiring the restoration of the drystone wall is necessary to improve the visual appearance and historic character of the site. I consider that these are conditions are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

76. The Appellant has submitted a signed and dated S106 Obligation which would secure the provision of 30% affordable housing in the event of permission being granted. It would also secure provision within the site of informal open space and landscaping of a minimum size of 1.125 hectares of natural green space, 0.04 hectares for use as a play area, 0.125 hectares of drainage detention basis and 0.41 hectares of ecological wildlife habitat to provide alternative greenspace to mitigate potential impacts on the Hills and Holes SAC, other ecological impacts and to provide proportionately for the recreational needs of residents. A financial contribution of £27,750 towards the management of the Hills and Holes SAC would also be secured by the obligation. I consider that these provisions are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. Accordingly, they comply with Regulation 122 of the CIL Regulations 2010.

### **The Planning Balance and Conclusions**

77. I have concluded that the development would not adversely affect the significance of Barnack CA, or its setting, and accordingly I do not consider there would be any conflict with the relevant policies of the Development Plan or emerging LP. I have also concluded that there would be limited harm to the landscape setting of this side of the village. This would involve some conflict with Policy CS20 which is primarily concerned with the landscape impact of development in and adjoining settlements. However, the harm would be very localised to the immediate edge of the settlement, and the wider landscape character area of the Burghley and Walcot slopes would not be materially harmed. The Council is in a position to consider other detailed aspects of compliance with CS20 in the context of reserved matters applications for layout, landscaping and appearance. There is no reason why an acceptable design which improves the current settlement edge cannot be achieved.
78. The Council cannot currently demonstrate a robust deliverable five-year supply of housing land. Paragraphs 14 and 49 of the Framework are engaged and the Development Plan policies relevant to the supply of housing are not up to date. Little weight can be attached to the land supply policies in the emerging plan as it has yet to go to examination. Accordingly, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I do not consider that granting permission in this case would conflict with any specific policies in the Framework that indicate development should be restricted, for example the countryside and heritage policies.
79. The Council put the case that the scheme would conflict with the Council's settlement hierarchy and spatial strategy, as set out in Policies CS1, CS2 and CS8 of the CS. I accept that in seeking to direct development to the urban areas of Peterborough and protect the openness of the countryside, these



policies meet an objective of spatial planning which remains appropriate and was not contested in principle by the Appellant. I also acknowledge the importance of the plan-led system as set out in the Framework, which allows development to be directed to the most appropriate places within an area and enables landowners, developers, and the general public to have notice of the policies to be applied to achieve those objectives. However, a key consideration is that such policies should be up-to date and able to achieve the identified rates of housing delivery. Peterborough is taking active steps to ensure it has an up-to-date spatial strategy, but until the emerging plan is adopted the appeal must be determined in accordance with the Framework advice in paragraph 14. Little weight can currently be attached to Policies which constrain the supply of housing land.

80. The proposal would also conflict with SPD Policy B & P 1. While this is predominantly a design policy, the limitation to small groups and individual dwellings is not fully consistent with the approach to housing development in rural areas set out in the Framework, which the SPD predates. As a policy which is relevant to the supply of housing it too is not up to date, and I attach limited weight to it.
81. With regard to the social dimension of sustainability I attach substantial weight to the delivery of 80 dwellings, including 30% affordable housing. While the Council considers that Barnack is not an appropriate location for housing development on this scale, and that it would be more sustainable if located in accordance with the settlement hierarchy, the 5YLS evidence does not identify sufficient sites which are currently available and deliverable in such locations. The Council has identified Barnack as a potentially sustainable location for development in the emerging plan, albeit that it has not sought to make any additional allocations there. Notwithstanding the recent closure of the convenience shop, I agree that Barnack has a reasonable level of service provision, local employment and public transport connections by bus to Stamford and Peterborough. It is also within reasonable cycling distance of Stamford, where a wide range of services and facilities are available. While acknowledging that car use is likely to remain the dominant form of transport, in common with many rural areas, these alternatives provide potential residents with realistic options to minimise car use.
82. The development would also bring economic benefit, from construction and on-going maintenance, and some support for local services from increased usage and expenditure in the community. I accept that this is a more generic benefit of housing development, but some of the benefit would occur locally and is a positive factor in the balance.
83. The environmental harm identified would be as described above, and in my view would not be of such consequence that it would significantly and demonstrably outweigh the benefits of the scheme.
84. In conclusion, while I accept that the scheme would conflict with the development plan when read as a whole, the provisions of the Framework in respect of boosting housing land supply are engaged, and the proposal should be regarded as sustainable development, for the reasons given above. These are material considerations which in this case warrant a decision other than in accordance with the development plan.

85. Accordingly I conclude that the appeal should be allowed.

*David Richards*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Asitha Ranatunga, of Counsel	instructed by Peterborough City Council
He called	
Jim Daley BA (Hons) MRTPI IHBC	Peterborough CC (Heritage)
Annie Millen BSc (Hons) Dip LA CMLI	Red Kite Network Ltd (Landscape and Visual Impact)
Gemma Wildman BA (Hons) Dip TP MRTPI	Peterborough CC (Sustainability and 5 year land supply)
Simon Machin Director of Planning and Regeneration	Peterborough CC (5 year land supply)
Amanda McSherry BSc (Hons) Dip TP MRTPI	Peterborough CC (Planning Balance)

### FOR THE APPELLANT:

Thea Osmund-Smith, of Counsel	instructed by John Mackenzie, Gladman Developments Ltd
She called	
Laurie Handcock MA MSc IHBC	Iceni Projects Ltd (Heritage)
Gary Holliday BA (Hons) MPhil CMLI	FPCR (Landscape and Design)
Duncan Hartley BSc (Hons) MA Dip TRP MRTPI	Rural Solutions Ltd (Social and Economic Sustainability)
George Venning MA (Cantab)	Bailey Venning Associates (Affordable Housing)
Tom Baker BSc (Hons) MSc MRTPI	GVA (OAN in Peterborough)
Marc Hourigan BA (Hons) BPL MRTPI	Hourigan Connolly (5 year land supply)
John Mackenzie BSc Dip TP MRTPI	Gladman Developments Ltd (Planning Balance)

### INTERESTED PERSONS:

Harry Brassey	Chair of Barnack Parish Council and resident
Dr Margaret Palmer BSc PhD	Ecologist (on behalf of Barnack Parish Council) and resident
Brian Palmer	Resident
Andrew Cavaciuti	Resident
Simon Gregory	Resident

### DOCUMENTS

- 1 Appellant's Opening Statement
- 2 Historic England Statutory Advice Service and Enquiries
- 3 Historic England Conservation Area designation, Appraisal and  
Management – Advice Note 1
- 4 Section 72 – Planning (Listed Buildings and Conservation Area)  
Act 1990 c. 9 Part II Conservation Areas
- 5 [2014] EWHC 1895 (Admin) Forge Field Society and Sevenoaks

- District Council
- 6 P & EP Committee 06/01275/R3OUT (&.11.06) – Land to rear of 1 Linden Close
- 7 Figure 4.11 – Population Change – correction to Duncan Hartley Proof
- 8 GLVIA 3 Extract
- 9 LET Tables put in by Mr Holliday
- 10 VET Tables put in by Mr Holliday
- 11 George Venning – Response to Affordable Housing Rebuttal
- 12 Dan Simpson – Ecology Rebuttal of Submission by Dr Margaret Palmer of Barnack Parish Council
- 13 Opening Statement for Peterborough City Council
- 14 [2016]EWCA Civ 1146 Gladman Developments and Daventry District Council and SSCLG
- 15 Hourigan Connolly response to Proof of Evidence and Rebuttal Statement of Gemma Wildman
- 16 Letter dated 13.06.16 from Peterborough CC to Peter Farrer, Barnack Post Office change of use to residential – notice of planning permission
- 17 Freedom of Information Request re Education
- 18 Statement of Brian Palmer, resident
- 19 [2016] EWHC 3323 (Admin) Muller Property and SSCLG and Cheshire East Council
- 20 [2016] EWHC 2733 (Admin) Shropshire Council and SSCLG and BDW Trading Ltd
- 21 Plans of Ward and Parish Council Boundaries – Barnack
- 22 Statement of Common Ground relating to Housing Land Supply Issues
- 23 Appendix to Barnack PC’s presentation to the Inquiry
- 24 Certified Copy of S106 obligation dated 1 February 2017
- 25 Council’s Closing Submissions
- 26 Appellant’s Closing Submissions

## **Appeal Ref: APP/J0540/W/16/3153303**

### **Schedule of conditions**

- 1) Approval of details of the appearance, landscaping, layout and scale (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.
- 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the appearance, landscaping, layout and scale shall be submitted in writing to the local planning authority and shall be carried out as approved.
- 3) 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.
- 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 5) Prior to the commencement of any development a scheme for the access and highway improvement works based upon on the principles plan GA003-001D shall be submitted to and approved by the local planning authority. The scheme shall include:
  - Widening of the carriageway of Uffington Road to at least 5m in width from the junction of 'The Acres' northwards to the southern boundary of the site.
  - Widening of the carriageway of Uffington Road to 5.5m adjacent to the proposed point of access.
  - Provision of a footway of 2m in width along the site frontage tying into the existing 2m footway to the south of the site.
  - Vehicle visibility splays of 2.4m x 91m to the south of the site and 2.4 x 79m to the north of the site.

The access and highway improvements shall be implemented in accordance the approved plans prior to the occupation of any part of the development, and thereafter maintained as such.
- 6) Prior to the occupation of the development a Travel Plan shall be submitted to and approved by the local planning authority. The Travel Plan shall include SMART targets and the provision of 'Travel Packs' including a cycle discount voucher to the value of £50 or a 1 month bus ticket to be provided for all first occupiers of each dwelling. Thereafter the development shall be carried out in accordance with these approved details.
- 7) Prior to the commencement of any development a Construction Management Plan (CMP) shall be submitted to and approved by the local planning authority. The CMP shall include:
  - A Noise and a Dust Management Plan
  - Hours of Operation
  - Proposed haul routes to the site.

- Temporary Construction Access(es).
- Parking, turning and Loading/Unloading for all construction vehicles.
- Wheel washing facilities.
- Site Compounds and welfare facilities.

Thereafter the development shall be carried out in accordance with these approved details. The CMP shall be in place throughout the period of construction.

- 8) Prior to the occupation of any dwelling the highway serving that dwelling shall be completed to base course level for the carriageway and surface course level for all footways.
- 9) The development hereby permitted shall be in accordance with the approved Drainage Strategy, FRA 14 1077 Jan 2016, and shall not commence until details of the design, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
  - a) Information about the design storm period and intensity (1 in 30 & 1 in 100 (+30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
  - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - c) Flood water exceedance routes, both on and off site;
  - d) A timetable for implementation;
  - e) Site investigation and test results to confirm infiltration rates; and
  - f) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Thereafter the development shall be carried out in accordance with these approved details prior to first occupation and shall thereafter be maintained as such.

- 10) No development shall commence until a foul water strategy, including the phasing for the provision of mains foul sewage infrastructure on and off site, has been submitted to and approved in writing by the local planning authority. No dwellings shall be occupied until the works have been carried out in accordance with the approved foul water strategy.

- 11) The development hereby approved must be carried out in accordance with the submitted Ecological Appraisal October 2015. In particular the confidential sections 5.3.6. to 5.3.10, which details the protection measures required for any badgers that may be present on site.
- 12) The development hereby approved must be carried out in accordance with the submitted Ecological Appraisal October 2015. In particular section 5.6.7., which details the precautionary measures required to be undertaken in order to minimise the risk of harm to any reptiles that may be present on site, prior to construction.
- 13) Prior to the first occupation of any dwelling a scheme of bird and bat boxes including details of their location and design shall be submitted to and approved in writing by the local planning authority. This shall include a range of nesting features to cater for Swifts, House Sparrow and Starling. Any external lighting scheme proposed and secured as part of the future reserved application will need to be designed to be baffled downwards away from boundary features and open space to ensure adequate protection for foraging/commuting bats. The development shall therefore be carried out in accordance with the approved details.
- 14) As part of the landscaping reserved matters application an Ecological Management Plan or similar, shall be submitted to and approved in writing by the local planning authority for the proposed on site Wildlife Area and associated green-spaces, detailing how this area will be managed for the benefit of wildlife. This should set out details of native tree, shrub and plant species, along with planting details for the establishment of the wild-flower areas and marginal aquatic planting around the proposed balancing pond. Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.
- 15) As part of the reserved matters application an Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with these approved details.
- 16) As part of the landscaping reserved matters application a landscape management plan or similar, shall be submitted to and approved in writing by the local planning authority. The management plan shall be implemented in accordance with a timetable contained therein and as approved unless changes are first agreed in writing by the local planning authority. The Plan shall include the following details:
  - Long term design objectives
  - Management responsibilities
  - Maintenance schedules

Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.

- 17) As part of the reserved matters application, full details of the 1.7 hectares on site area dedicated to green infrastructure, public open space, play and ecological buffer/wildlife areas shall be submitted to and approved in writing by the local planning authority. The Natural England's accessible natural greenspace guidance should be used to

inform the design and layout of this on-site green infrastructure. In line with the Habitat Regulations Assessment the green infrastructure should include the provision of 'mock-limestone' features and sloping terrain, to ensure it would offer a sufficiently attractive alternative recreation resource to the Barnack Hills and Holes SAC, to mitigate for increased visitor pressure.

Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.

- 18) 20% of all residential units shall be constructed to meet Building Regulations Part M (Volume 1) Category 2 (the lifetime home standard), and 2% Part M (Volume 1) Category 3 (Wheelchair Housing). The plans and particulars of each relevant reserved matters application to be submitted under condition 1 shall demonstrate compliance with these standards. The residential units shall thereafter be built in accordance with the approved details and maintained as such.
- 19) Prior to the commencement of development, a scheme for the provision of fire hydrants shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 20) No development shall take place/commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved in writing by the local planning authority. The Written Scheme of Investigation should, as appropriate, refer to the relevant available desk top material, including the Historic Environment Record, set out the method of evaluation (trial trenching or other method) and the monitoring/recording/watching brief on those parts of the site where the results of trial trenching dictate. All archaeological assessment work shall be carried out in accordance with the approved Written Scheme of Investigation including any post development requirements.
- 21) No development shall take place until details of the pedestrian connection from Bainton Road to the western boundary of the site across land within the blue line boundary have been submitted to and approved in writing by the local planning authority, including a timetable for its implementation. The route of the pedestrian connection will be broadly in line with that illustrated on the Development Framework Plan (drawing ref: 6947-L-02 F). Thereafter the development shall be carried out in accordance with these approved details and thereafter maintained as such.
- 22) No development shall take place until details of the works required to restore the dry-stone wall located at the western boundary of the site have been submitted to and approved in writing by the local planning authority, including a timetable for the implementation of these works. Thereafter the works shall be carried out in accordance with the approved details.