

RPS

Proposed Submission Local Plan Examination Hearing Statement

In respect of

Chelmsford Local Plan
Examination – Matter 6 – Housing
Provision

On behalf of

Taylor Wimpey Strategic Land

RPS Ref: JCG23995

16 November 2018

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QUALITY MANAGEMENT

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1 INTRODUCTION

- 1.1 RPS are instructed by our clients, Taylor Wimpey Strategic Land (TWSL), to submit a Hearing Statement in relation to the Draft Chelmsford Local Plan and associated evidence base in relation to their submitted representations.
- 1.2 The representations comprise of those made to the Chelmsford Local Plan Issues and Options Consultation (November 2015) (Reg 18) – Representations submitted 21st January 2016; the publication of the Preferred Options Local Plan (March 2017) – Representations submitted 9th May 2017 (Council ref. ID: 961183); and the Pre-Submission Local Plan (January 2018) (Reg 19) – where the Representations were submitted 13th March 2018 (Council ref. ID: 1157030).
- 1.3 In summary, the representations provide evidence consider that in order for the Chelmsford Draft Local Plan to be sound, the plan needs to allocate a 7.89 hectare site (19.47 acres) site at land at Galleywood Road, Great Baddow, for a new sustainable residential neighbourhood, comprising of up to 200 new housing units with a local community hub and open space that can be used by local residents and the public.

2 RESPONSE TO THE INSPECTOR'S MATTER 6, MAIN ISSUES, AND QUESTIONS FOR DISCUSSION AT THE EXAMINATION HEARING

- 2.1 This Hearing Statement seeks to respond to questions of relevance to our clients' interest as given in our submitted representation in respect of:

Matter 6: Housing Provision

Issue: Whether the identified housing requirement is sound and whether the Plan sets out a positively prepared strategy for the supply and delivery of housing development that is justified, effective and consistent with national policy.

- 2.2 This submitted hearing statement needs to be read in conjunction with other hearing statements submitted by TWSL relating to Matter 2 'Strategic Priorities, Vision and Spatial Principles'; Matter 3 'Objectively Assessed Housing Need'; Matter 5 'Spatial Strategy'; and Matter 9 'The Environment'.
- 2.3 These Hearing Statements collectively provide further evidence that the plan is not sound because it has not thoroughly explored other spatial options in order to accommodate the City's projected growth of population and the associated need for new housing, employment and other land uses required to meet this growth - especially within the first 5 years of the plan's adoption (assumed to be in 2019) and the other 2, 5 year plan periods.
- 2.4 We note matters raised by the Inspector in relation to questions 54 (housing requirement); 55 (site selection process); 56-59 (Housing supply) and 60 to 61 in relation to 5 year housing supply and our statement addresses these issues and questions raised. Q. 60 and 61 are addressed below.

Consistency with National Policy

- 2.5 It is important to note that the 5YHLS methodology drafted by the Council has been undertaken in accordance with the 2012 NPPF and the accompanying guidance from 2014. The latest 2018 NPPF advises that this is correct to do, under the transitional arrangements of paragraph 214 of the Framework. Whilst this may be correct for the purposes of Examining the Plan, consideration also needs to be given to how the Plan will be implemented and the implications arising from the Framework.
- 2.6 In particular, the 2018 NPPF includes an updated definition of 'deliverability' in Annex 2 of the document. This definition creates a stronger mandate for understanding what can and what cannot be included within the immediate supply of housing and places a greater onus on Local Authorities to provide this evidence. Although this plan is being tested against the provisions of the 2012 NPPF, RPS is mindful that upon adoption, it will be subject to a scrutiny of supply included within the 2018 NPPF and as such, the Local Plan needs to be assured that it can deliver against these provisions.
- 2.7 The five-year supply of housing sites is calculated through consideration of the supply of sites, but also the requirement to be used. Accordingly, this Hearing Statement should be read alongside the

Matter 3 Statement (OAN) submitted by RPS, on behalf of Taylor Wimpey Strategic Land. This concludes that the 805 dwellings per annum (dpa) proposed by the Council fails to adequately reflect several important matters including the necessary market signals uplift to reflect the affordability issues within Chelmsford and a contribution to London's unmet housing need. For the purposes of this assessment a minimum annual requirement figure of 939 dpa has been proposed by RPS.

Application of a 5% Buffer

2.8 Based on an annual requirement of 939 dpa there has been a significant shortfall in the delivery of housing from the beginning of the plan period since 2013. To date, this is a shortfall of 597 dwellings, which is illustrated in Table 2.1 below.

2.9 This table also highlights the Council's performance against the previous Local Plan, which ran between 2001 and 2013. Performance during this period was even more stark, and it is clear that the Council amassed significant shortfalls in the delivery of housing during this period.

Table 2.1: Chelmsford Performance against Past Delivery

Year	Net Housing Completions	Chelmsford City Council Local Plan (2001 – 2013: 700dpa)	Objectively Assessed Housing Needs (2013 – 2021: 805dpa)	RPS Assessed Housing Needs (2013 – 2021: 939dpa)
2001/02	545	-155		
2002/03	1,046	346		
2003/04	731	31		
2004/05	773	73		
2005/06	483	-217		
2006/07	520	-180		
2007/08	756	56		
2008/09	638	-62		
2009/10	200	-500		
2010/11	234	-466		
2011/12	235	-465		
2012/13	274	-426		
2013/14	470		-335	-469
2014/15	826		21	-113
2015/16	792		-13	-147
2016/17	1,002		197	63
2017/18	1,008		203	69
Total	10,533	-1,965	73	-597

- 2.10 RPS recognises that in recent years delivery has been more positive, however a longer-term view of delivery needs to be taken, consistent with the 2012 NPPF. When a longer-term approach is taken to assessing the delivery of housing there has been a persistent level of under-delivery since 2001, which should be taken into account when considering how flexible the Plan should be upon adoption, in order that it boosts significantly the supply of housing over what has been completed previously. RPS therefore considers that a 20% buffer, for the purposes of the Local Plan, is more appropriate to be used and more closely aligns with the provisions of the 2012 NPPF.

Is the Identification of a 7.7-year supply justified?

- 2.11 The identification of a 7.7-year housing land supply is not justified or based on robust evidence. Taking into account factors noted above, relating to historical delivery and the buffer to be applied, RPS considers that the Council's starting position differs greatly from that proposed by the Council. In addition, RPS has raised a number of concerns with the proposed deliverable supply.
- 2.12 Taking these factors into account, as shown above in Table 2.1 the Council can only demonstrate a 5.04-year supply of housing if an annual requirement of 939 is applied and if the Council's assessment of supply is accepted. Based on the RPS assessment of the likely supply of housing there is only a 5.39 or 4.72 year supply of housing. As such it is evident that a five-year supply of housing will not have a reasonable prospect of being delivered at the point of the adoption of the plan.

5 Year Supply Housing Requirement

Table 2.2: RPS 5 Year Summary Housing Requirement Assessment

	Chelmsford Submission January 2018	Chelmsford August update June 2018	RPS Assessment
Annual figure	805	805	939
Requirement (2013/14 to 2017/18)	4025	4025	4695
Completions (2013/14 to 2017/18)	3895	4098	4098
Shortfall / Surplus since 2013/14	130	-73	597
Requirement + historic shortfall	4,155	3,952	5,292
5% buffer of the requirement including shortfall	208	198	265
20% buffer of the requirement including shortfall	831	790	1058
5-year housing target including 5% buffer	4,363	4,150	5,557
5-year housing target including 20% buffer	4,986	4,742	6,350
5-year housing supply (based on trajectory for Chelmsfords figures and RPS view on deliverability for RPS figure)	6,116	6,396	5,995
Current overprovision/shortfall 5%	1,753	2,246	438
Current overprovision/shortfall 20%	1,130	1,654	-355
Years Supply 5%	7.01	7.71	5.39
Years Supply 20%	6.13	6.74	4.72

- 2.13 Our assessment questions the Council's calculation of the 5 year requirement and the deliverability of the sources and timing of the 5YHLS as identified in the EB066.
- 2.14 The council considers their annual figure is 805 homes per annum however, based on the OHAN calculation RPS consider the starting point is 938 homes per annum and then in consideration of the historic shortfall this is raised to 1,058 per annum. It was found that 401 units within the Strategic Growth Sites and within the council's trajectory are considered unlikely to be delivered in that timeframe (see **Appendix 1**).
- 2.15 In summary we have analysed the 5YHSL sites in terms of:
- Sites where the permitted development can commence – because there are no outstanding pre-commencement conditions or section 106 agreements that need to be approved.

- b) Sites which still require the discharge of pre-commencement conditions or engrossment of section 106 agreements before the permitted development can commence and;
- c) Sites which do not have planning permission and which are still allocated or proposed to be allocated in the local plan.

2.16 Our analysis highlights that:

- There are sites which still have permission but still have pre-commencement conditions to be discharged and/or section 106 agreements to be signed.
- There are sites proposed to be developed within the 5 years which have no permissions and also form part of a wider site to be developed – but there is no evidence given by either the Council or the landowner – for example by a statement of common ground that the site will have an application submitted and a specified and agreed projected timetable for delivery in the event that the permission is granted.

2.17 We therefore conclude that there is a high probability that despite the Council's analysis that the 5 year supply based upon our assessment of housing need that results in an annual requirement of 938 as given in our Hearing Statement 3 – shows that there is likely to be an undersupply of 401 units over the first 5 years of the plan.

2.18 This subsequently reduces the 5 year supply of homes to 5,995 which converts to 5.39 years supply with a 5% buffer and 4.72 year supply with a 20% buffer.

2.19 Based on the poor performance on completions in the past it is our view that the 20% buffer should be applied to the council's requirements so an additional 1,608 homes required over the first 5 year period.

2.20 The council identifies a significant number of 'small sites' (under 10 units) being delivered in the first 5 years, 457 in total. However, we consider the likelihood of these all being implemented and completed is slim and there is no evidence presented that all these small sites will be delivered thereby also having an impact on the 5 years supply.

2.21 We also note that analysis of the sites with planning permission shows that whilst the permitted developments identified overall show a mixture of 1,2 and 3+ bedroom units, there are some sites coming forward with 75% or 1 and 2 bedroom units and not the 3 bedroom + as sought by planning policy. All sites coming forward should comply with the policy requirement for 46% 3 bedroom plus housing. The site at Galleywood Road would deliver a policy compliant scheme including the family housing so needed within the borough.

Housing Supply and Delivery

Flexibility in accordance with Policy S8?

2.22 The Council's Topic Paper 1 (Spatial Strategy and Strategic Sites Update) (TP001) states that the Local Plan provides for a total of 21,872 new dwellings across the plan period (2013-2036) through a combination of completions, existing commitments with planning permission, existing commitments without planning permission, a windfall allowance and through the New Local Plan Allocations.

Against an overall housing requirement of 18,515 homes (805 x 23 years) this would provide a buffer of approximately 15%, or 3,357 dwellings.

- 2.23 As stated above the figure of 805 dwellings per year is not accepted as being the appropriate annual housing requirement for Chelmsford, and the figure should be 939 dwellings per annum. This would result in an overall housing requirement of 21,597 dwellings across the plan period. When measured against the level of housing identified within the New Local Plan this would result in a buffer of 275 dwellings, or a little over 1%. Given that the overall supply figure already allows for 1,300 new homes as a windfall allowance there is very little flexibility within the plan.
- 2.24 Of the 17,774 dwellings yet to be built (21,872 less 4,098 completions) approximately half of the forward supply (8,835 dwellings) are proposed to be delivered via the New Local Plan Allocations. The Local Plan clearly identifies that the proposed allocations require a significant amount of infrastructure. Several of the proposed allocations require the provision of new educational establishments (including nursery provision, primary schools and special schools).
- 2.25 We note that there are major sites allocated for housing development in the growth areas and included within the housing trajectory and that the majority of these sites will not be delivered until post the first 5 years land supply. Table 2.3 below shows the detail:

Table 2.3 Proportion of homes identified within the Growth Areas at different stages of the plan

	Years 18/19 - 22/23	Years 23/24 - 27/28	Years 28/29 - 32/33	Years 33/34 - 35/36	TOTAL
Growth Area 1					
New Site Allocations	771	1335	859	190	3155
<i>Existing Commitments</i>					
Sites with Planning Permission	100	50	25	0	175
Sites without Planning Permission	434	0	0	0	434
Total	1305	1385	884	190	3764
Growth Area 2					
New Site Allocations	360	1132	1581	1477	4550
<i>Existing Commitments</i>					
Sites with Planning Permission	243	1220	985	0	2448
Total	603	2352	2566	1477	6998
Growth Area 3					
New Site Allocations	230	500	400	0	1130
<i>Existing Commitments</i>					
Sites without Planning Permission	0	32	0	0	32
Total	230	532	400	0	1162
Growth Area Total					
	2138	4269	3850	1667	11924
<i>Percentage %</i>	18	36	32	14	100

- 2.26 The above table shows that only 18% of the homes are identified as coming forward within the first 5 years. We question Appendix C of the plan – development trajectories – which shows small

portions of the large sites being delivered, i.e. site SGS4 - North East Chelmsford within the first 5 years. It is not clear how these major site allocations can be partly implemented, with only small portion of the number of homes in the first 5 years of the plan period.

- 2.27 The Council's evidence shows that of the sites allocated within the Plan, 8,835 of the 11,937 units are within Strategic Growth Sites. Of these, only 2,138 units will be delivered in the first 5 years. This shows that not only is there a heavy reliance on strategic sites to secure significant numbers, but also that the majority will come forward beyond the 5 year period. Even the numbers within the first 5 years are questionable, due to them being identified for delivery in years 4 and 5, and as being a part of such strategic sites, it is possible that delivery could slip beyond 5 years. This approach does not meet the housing need at the time that the homes are required.
- 2.28 Chelmsford City Council's draft policy S9 – The Spatial Strategy states “*Strategic Growth Sites will be delivered in accordance with masterplans to be approved by the Council.*” The council have also published the ‘*Masterplan Procedure for Local Plan Development Allocations to 2036*’ document which guides Masterplan preparation and approval. The masterplanning process, whilst beneficial to ensure the most appropriate development comes forward for the site and borough, will take some time and an additional delay to the deliverability of the Strategic Growth sites.
- 2.29 The Growth Sites infrastructure requirements are set out under each site within the draft local plan and some sites have quite significant aspects needed to support the homes proposed as part of the development, for example highway improvements, cycle and pedestrian improvements, new country park,
- 2.30 We also highlight that in our view, reliance on the major allocated sites to deliver the Plan's housing needs is a high risk delivery strategy and this is re-iterated in the Independent Review of Build Out Rates prepared by Sir Oliver Letwin MP (October 2018), as given in **Appendix 2**, and also the report by Nathaniel Lichfield & Partners entitled ‘Start to Finish – How quickly can large scale sites deliver? – November 2016’, which is provided at **Appendix 3**.
- 2.31 The reports highlight that large scale housing sites take longer to deliver for a variety of reasons a given in the reports.
- 2.32 The NPPF (2018) clarifies the definition of deliverability as referred to in paragraph 2.6 of this statement. The recent Woolpit appeal decision (provided at **Appendix 4**) supports this approach to deliverability and the onus on the councils to prove the sites are deliverable stating:
- “The PPG places great weight on the adequacy and sufficiency of consultation with those responsible for delivering dwellings. It is noteworthy that in this case, the Council has failed to adequately demonstrate it has done so. An assessment of the Council's AMR against the updated PPG reveals that the AMR falls substantially short of producing the evidence that a LPA is expected to produce.”*
- 2.33 In Chelmsford City Council's case, planning permissions are not in place and there is the absence of a statement of common ground or other evidence of delivery relating to a number of the sites identified for housing.

Galleywood Road Site

- 2.34 Our submitted representation in paragraphs 3.32 to 3.50 highlights that if the Galleywood site is allocated in the Local Plan, as shown by the illustrative concept plan in **Appendix 5**, a sustainable extension to the southern urban edge of Chelmsford would provide the following social and economic and environmental benefits in terms of the provision of circa 200 homes and supporting uses.
- 2.35 In addition, the additional homes and population will support the existing facilities and schools by providing additional customers and children to fill available school places.
- 2.36 As per the submitted delivery statement provided by TWSL in **Appendix 6** the release of land from the Green Belt at Galleywood Road, Great Baddow, would enable the delivery of this sustainable urban extension to the southern edge of Chelmsford within 5 years.
- 2.37 If the Inspector concludes that it is not appropriate to release any sites at this stage for new housing, it is requested that this site is considered to be allocated for safeguarding land. The circumstances of the Council's housing supply is such that Paragraph 85 of the NPPF 2012 and Paragraph 139 of the NPPF 2018 should be implemented, which states:
- c) *'Where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;*
- d) *'Make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following a Local Plan review which proposes the development.'*
- 2.38 The site can then be considered for full release when the draft Local Plan is reviewed, envisaged to be in 2022, in accordance with draft Policy S15 'Monitoring and Review'.

Conclusion

- 2.39 Whilst there is still a 5 year supply to meet the need with the inclusion of a 5% buffer, there is only a 4.72 year supply with a 20% buffer. In light of the councils undeliverability in the past it considered that a 20% buffer is appropriate for the draft local plan to be assessed against. However, if the Inspector concludes 5% buffer is appropriate this is still very close and the number of homes being delivered in the first 5 years and the overall plan period is likely to reduce this further for the following reasons:
- Large scale sites are not targeted to be delivered in the first 5 years (only 18%)
 - The numbers identified within the large sites are within years 4 and 5 so potential to slip beyond the 5 years if delayed due to delivery of the large site
 - Deliverability of large sites is known to take significant time – problematic with masterplanning, site assembly and infrastructure requirements. This will impact the 5 year supply and overall supply.
- 2.40 The TWSL site is deliverable now. Exceptional circumstances exist for the release of Galleywood Road now or, at minimum, be allocated as a safeguarded site to be developed if the larger sites at the later end of the plan period do not deliver as the council have identified.

APPENDIX 1 – 5 YEAR SITE DELIVERY BY RPS

Appendix 1 – Sites excluded from Chelmsford City Council’s trajectory

2018 Site Ref. No.	Site Name - Location	Housing Supply Details	RPS Site Commentary – Site visits undertaken Mid-November 2018
280	SGS1d - Land off Langton Avenue, formerly St Peter’s College and playing fields	No planning application – 185 units in total, 131 in 5 first years	Former school buildings remain derelict.
303	CW1c Lockside	No planning application – 130 units in total, 100 in 5 first years	Several motor industry related businesses currently operating on site, derelict terraced housing still standing although Prior-Approval Application permits their demolition. Promotional signage on site suggests ecology surveys have or are being undertaken.
310	SGS5b – Great Leighs – Land off London Road	No planning application – 250 units in total, 170 in first 5 years	No activity on site and no developer on title

APPENDIX 2 – INDEPENDENT REVIEW OF BUILD OUT RATES – DRAFT ANALYSIS BY SIR OLIVER LETWIN, JUNE 2018



Independent Review of Build Out

Final Report

Rt Hon Sir Oliver Letwin MP



Independent Review of Build Out

Final Report

Rt Hon Sir Oliver Letwin MP

Presented to Parliament
by the Secretary of State for
Housing, Communities and Local Government
by Command of Her Majesty

October 2018

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Executive summary

- This is the Final Report of the Independent Review of Build Out Rates. The Review was commissioned by the Chancellor of the Exchequer at the time of the Budget in Autumn 2017.
- I have worked with the help of a group of independent experts and the support of a dedicated team of officials. My [Draft Analysis](#) was published in June. The Analysis focused on the issue of the build out rate of fully permitted new homes on the largest sites in areas of high housing demand.
- I concluded that the homogeneity of the types and tenures of the homes on offer on these sites, and the limits on the rate at which the market will absorb such homogenous products, are the fundamental drivers of the slow rate of build out.
- This, my Final Report, presents recommendations about ways in which the Government could increase the variety and differentiation of what is offered on these large sites, raise the proportion of affordable housing, and raise the rate of build out.
- I have concluded that the Government should:
 - adopt a new set of planning rules specifically designed to apply to all future large sites (initially those over 1,500 units) in areas of high housing demand, requiring those developing such sites to provide a diversity of offerings, in line with diversification principles in a new planning policy document; and
 - establish a National Expert Committee to advise local authorities on the interpretation of diversity requirements for large sites and to arbitrate where the diversity requirements cause an appeal as a result of disagreement between the local authority and the developer.
- To give the greatest possible chance that the new planning rules for large sites will have an effect in the near-term I recommend that the Government should:
 - provide incentives to diversify existing sites of over 1,500 units in areas of high housing demand, by making any future government funding for house builders or potential purchasers on such sites conditional upon the builder accepting a Section 106 agreement which conforms with the new planning policy for such sites; and
 - consider allocating a small amount of funding to a large sites viability fund to prevent any interruption of development on existing large sites that could otherwise become non-viable for the existing builder as a result of accepting the new diversity provisions.
- To give the greatest possible chance of significant change in the build out rates and quality of large scale development in the longer-term I recommend that the Government should:
 - introduce a power for local planning authorities in places with high housing demand to designate particular areas within their local plans as land which can be developed only as single large sites, and to create master plans and design codes for these sites which will ensure both a high degree of diversity and good design to promote rapid market absorption and rapid build out rates;
 - give local authorities clear statutory powers to purchase the land designated for such large sites compulsorily at prices which reflect the value of those sites once they have

planning permission and a master plan that reflect the new diversity requirements (with guidance for local authorities to press the diversity requirements to the point where they generate a maximum residual development value for the land on these sites of around ten times existing use value rather than the huge multiples of existing use value which currently apply); and

- also give local authorities clear statutory powers to control the development of such designated large sites through either of two structures (outlined in Annex C):
 - a. the local authority could use a Local Development Company (LDC) to carry out this development role by establishing a master plan and design code for the site, and then bringing in private capital through a non-recourse special purpose vehicle to pay for the land and to invest in the infrastructure, before “parcelling up” the site and selling individual parcels to particular types of builders/providers offering housing of different types and different tenures; or
 - b. the local authority could establish a Local Authority Master Planner (LAMP) to develop a master plan and full design code for the site, and then enable a privately financed Infrastructure Development Company (IDC) to purchase the land from the local authority, develop the infrastructure of the site, and promote the same variety of housing as in the LDC model.

1 Summary of Draft Analysis

Aims of the Review

- 1.1 My [terms of reference](#) require me, by the time of the Budget in the Autumn, to “explain the significant gap between housing completions and the amount of land allocated or permissioned in areas of high housing demand, and make recommendations for closing it”.
- 1.2 I published, in June, a Draft Analysis. This focused on the issue of the build out rate on the largest sites in areas of high housing demand for two reasons:
- the ‘build out rate’ on small sites is intrinsically likely to be quicker than on large sites; (to take the limiting case, a site with just one house will take only as long as required to build one unit); and
 - the largest sites are dominated by the major house builders and other major participants in the residential property market, and it is in relation to these major firms that concern has been expressed in some quarters about “land banking” and “intentional delay”.
- 1.3 My aim in the Draft Analysis was to determine:
- what the build out rate on large sites in areas of high housing demand actually is;
 - why the rate of build out on these sites is as it is; and
 - which factors would be most likely to increase the rate of build out on these sites without having other, untoward effects.

Build out rates on large sites

- 1.4 The quantitative results of my investigation are set out in Chapter 3 of the Draft Analysis, and full data are provided in Annex A of the Draft Analysis.
- 1.5 I found that the median build out period on the large sites I investigated was 15.5 years. To put this another way, the median percentage of the site built out each year on average through the build out period on these 15 large sites was 6.5%. By cross-checking against a Molior data-set for other large sites in London kindly provided by the Mayor, I confirmed that the sites in my sample were not atypical and that, if anything, they were being built out at a faster rate than other large sites. The median percentage annual build out rate for London sites of over 1,000 homes in the Molior data-set was 3.2%.
- 1.6 It is worth restating this point: very large sites will almost always deliver a higher absolute number of homes per year than sites with only a few hundred homes in total; but the proportion of the site built out each year is likely to be small.

Fundamental explanations

- 1.7 I concluded in the Draft Analysis that the homogeneity of the types and tenures of the homes on offer on these sites, and the limits on the rate at which the market will absorb such homogenous products, are the fundamental drivers of the slow rate of build out.
- 1.8 I also concluded that:
- a. it would not be sensible to attempt to solve the problem of market absorption rates by forcing the major house builders to reduce the prices at which they sell their current,

relatively homogenous products. This would, in my view, create very serious problems not only for the major house builders but also, potentially, for prices and financing in the housing market, and hence for the economy as a whole;

- b. we cannot rely solely on small individual sites. This cannot be a question of “either / or”. We will continue to need more new housing both on smaller sites and on large sites; and
- c. if either the major house builders themselves, or others, were to offer much more housing of varying types, designs and tenures including a high proportion of affordable housing, and if more distinctive settings, landscapes and streetscapes were provided on the large sites, and if the resulting variety matched appropriately the differing desires and financial capacities of the people wanting to live in each particular area of high housing demand, then the overall absorption rates – and hence the overall build out rates – could be substantially accelerated.

Other potential constraints

1.9 Finally, I assessed the extent to which the rate of build out on very large sites might be held back by constraints other than the market absorption rate, if that binding constraint were removed. I looked in particular at the extent to which both start up on site and later build out rates could be affected by:

- lack of transport infrastructure,
- difficulties of land remediation,
- delayed installations by utility companies,
- constrained site logistics,
- limited availability of capital,
- limited supplies of building materials, and
- limited availability of skilled labour.

1.10 I found that more effective coordination between government departments, agencies and private sector operators was urgently required to improve and speed up the delivery of transport and utility infrastructure before the build out could start (and sometimes during the construction period) on large brownfield sites; but I concluded that neither this issue nor any of the other potential constraints were likely to impede the build out rate itself, even if the constraint of the absorption rate was removed – with one exception – namely, the availability of skilled labour.

1.11 On the availability of skilled labour, my conclusion was that an insufficient supply of bricklayers would be a binding constraint in the immediate future if there was not either a substantial move away from brick-built homes, or a significant import of more skilled bricklayers from abroad, or an implausibly rapid move to modular construction techniques. I concluded that the only realistic method of filling the gap in the number of bricklayers required to raise annual production of new homes from about 220,000 to about 300,000 in the near-term, was for the Government and major house builders to work together on a five year “flash” programme of on-the-job training. During the course of preparing this Final Report I have had the opportunity to discuss this further with various stakeholders, including the TUC, and have come to the conclusion that there is an opportunity here to convene tripartite

discussions between (a) the relevant government departments (i.e. the Ministry of Housing, Communities and Local Government (MHCLG), the Department for Business, Energy and Industrial Strategy, the Department for Education and HM Treasury), (b) the major house builders as well as the Construction Industry Training Board, and (c) the trade unions, in order to construct both new models of employment and a new training programme for bricklayers¹. I recommend that the Secretary of State for Housing, Communities and Local Government should convene such tripartite discussions.

2 Setting out the intention

2.1 On the basis of the [Draft Analysis](#), as well as urging Ministers to consider more coordinated provision of infrastructure for large brownfield sites and an urgent programme of training and employment for bricklayers, I concluded that:

...if either the major house builders themselves, or others, were to offer much more housing of varying types, designs and tenures (and, indeed, more distinct settings, landscapes and street-scapes) on the large sites and if the resulting variety matched appropriately the desires of the people wanting to live in each particular part of the country, then the overall absorption rates – and hence the overall build out rates – could be substantially accelerated; the outcome at which we should aim...is more variety within those sites.

2.2 Following publication of the Draft Analysis in June, I have received and have reviewed a number of comments from experts and stakeholders. Whilst there were, inevitably, some questions raised about some specific aspects of the Analysis, there appears to have been a broad consensus that the principal conclusions set out in paragraphs 1.4-1.11 are roughly correct. I have consequently relied upon these conclusions about the nature of the problem when devising solutions for the slow build out rates on large sites in areas of high housing demand.

2.3 I have, accordingly, in the second phase of my work sought to find policy levers that will positively increase the variety and differentiation of what is offered on these sites. I have also looked at methods of bringing forward diversified large sites on a sustained basis, to ensure that faster build out rates on such sites provide a long-term, substantial increase in house building rather than just a one-off gain.

2.4 In constructing policy options for achieving these aims, I have been mindful of the need to ensure that new policies:

- a. should not jam up the housing market or impair the capacity of the major house builders to continue large-scale construction;
- b. should not impose undue pressure on local authorities whose planning departments are already under considerable strain;
- c. should help to widen opportunities for people seeking homes;
- d. should also widen opportunities for those capable of supplying new homes on large sites;
and

¹ Such a programme could build on and extend the £24m Construction Skills Fund programme currently being run by the Department for Education, which has received bids from industry consortia to establish 20 on-site training hubs and is oversubscribed

- e. should yield the greatest possible likelihood that such sites, as well as being built out more quickly, will in future be places that are beautiful and ecologically sustainable, so that succeeding generations can be proud of them.

2.5 As I indicated in my Draft Analysis, I have been:

open to the possibility that the policies designed to achieve immediate, short-term improvement in build out rates (while avoiding all of the pitfalls) may be somewhat different in character from those designed to optimise the use of large sites that come forward in future and thereby increase the overall velocity of house building in the long-term.

2.6 I have concluded in the second phase of my work that increasing diversity (and hence improving build out rates) on large sites in areas of high housing demand will require a new planning framework for such sites (which can apply both to the further development of large sites already under construction and to new large sites that have yet to be allocated or permitted). I have also concluded that, in the future, new large sites that come forward for allocation in areas of high housing demand should be developed through new structures that draw on international experience.

3 Increasing diversity: a new planning framework for large sites

3.1 The new National Planning Policy Framework (NPPF) encourages residential developments to have a mix of tenures, types and sizes which reflect local housing demand (as well as emphasising the importance of good design). The NPPF requires that:

- “the size, type and tenure of housing needed for different groups in the community should be assessed and reflected [by local planning authorities] in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes.” (para 61)
- “where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site...” (para 62)
- “planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership.” (para 64)
- to promote a good mix of sites, local planning authorities should, among other things, “work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.” (para 68)

3.2 Clearly, these requirements – and, in particular, the requirement for local authorities to encourage the sub-division of large sites to speed up the delivery of new homes – are likely to promote increasing diversity on the large sites and are therefore to be welcomed. However, most of these requirements were present in the previous version of the NPPF; the addition of a reference to sub-division does not, in itself, provide a sufficient guarantee that the large sites will be significantly more diverse than they have been over recent years, and therefore does not, in my judgement, offer the prospect of significant increases in the rapidity of build out on such sites.

3.3 I therefore recommend that the Government should adopt a new set of planning rules specifically designed to apply to large sites. The purpose of these rules should be to ensure that all sites in areas of high housing demand whose size exceeds a certain threshold are subject to an additional form of planning control that requires those owning such sites to provide a diversity of offerings on the site which are able to address the various categories of demand within the local housing market. This, in turn, should ensure that houses can be built at a greater rate than at present on such sites, because the absorption rate for each category of housing will be complementary, yielding, overall, a greater absorption of housing by the local market as a whole in any given period.

3.4 I envisage that these new rules will in the long-term include:

- certain, limited amendments to primary legislation;
- a small amount of new secondary legislation; and
- a new planning policy document that could be annexed to the NPPF and would deal exclusively with planning policy in relation to large sites in areas of high housing demand.

However, I believe that it may be possible for the Government initially to bring in the new rules through a combination of a Written Ministerial Statement, new secondary legislation and the issuing of the new planning policy document. This could be done well before primary legislation could be taken through the two Houses of Parliament – and I recommend that Ministers should consider using these methods to ensure that the new rules begin to have an effect on the planning system even before they are given full statutory backing.

3.5 In order to ensure that those already in possession of large sites are able properly to plan their way through the transition to the new set of rules without creating any disruption of the process of building homes on such sites, I recommend that an adequate notice period should be given by the Government for the implementation of the new rules. If, for example, the Government decides to adopt my recommendations at the end of 2018, I suggest that it should be made clear to the owners of existing large sites in areas of high housing demand, and to those who are taking such large sites through the current planning system before commencing works, that the new rules governing planning permission for large sites will come into force at the start of 2021, and will therefore govern any permissions granted for large sites on or after that date.

3.6 I recommend that the amendment to primary legislation should:

- define large sites both in terms of a size threshold (which might, for example, be set initially at 1,500 units²) and in terms of boundaries (to ensure that a site which is allocated as a single entity in a local development plan qualifies, even if it benefits from a number of different outline planning permissions);
- require local planning authorities, when granting allocations, outline permissions or final planning permissions for any large site or any part of a large site in areas of high housing demand, to comply with the new secondary legislation and the new planning policy relating to large sites – and, in particular, to include within all outline planning permissions for large sites in areas of high housing demand a requirement that ‘housing diversification’ on such sites should be a ‘reserved matter’; and
- establish the principle that all permissions for reserved matters granted in relation to

² I set out, in Annex A to this report, some data which have persuaded me that 1,500 units is a workable definition of a large site.

such large sites should contain diversification requirements in accordance with the new secondary legislation and the new planning policy for large sites.

3.7 I recommend that the new secondary legislation should:

- amend the Town and Country Planning (Development Management Procedure)(England) Order 2015 to include type, size and tenure mix (alongside the current provision for prescription of access, appearance, landscaping, layout and scale) as characteristics that can be prescribed as reserved matters for large sites in areas of high housing demand; and
- require any applicant making an outline planning application for a large site or an application for final permission for a phase of a large site in an area of high housing demand to prepare a diversification strategy, specifying the types of diversity that will be exhibited on that site or in the part of the site to which the application refers.

3.8 I recommend that the new planning policy document should set out the diversification principles that are to apply to all planning decisions relating to such large sites in areas of high housing demand in future. The precise drafting of these principles will of course require considerable thought and detailed consultation with all interested parties. However, as a starting point for such consideration and consultation, I suggest that these principles might be roughly as follows:

- “All large housing sites above 1,500 units must strive to achieve sufficient housing diversity to support the timely build out of the site and high quality development. Housing diversity includes housing of differing type, size and style, design and tenure mix. It also includes housing sold or let to specific groups, such as older people’s housing and student accommodation, and plots sold for custom or self-build.
- “To achieve diversification of the site, the applicant should ensure each phase has regard to diversification requirements. Good design both of housing itself and of streetscape and landscape should be a feature of all new development on large sites. To diversify the site offer, large sites should deliver varying design styles, in accordance with local design codes.
- “As a minimum, each phase should draw housing from each of the following categories:
 - differing tenures: The NPPF requires a minimum 10% housing for affordable home ownership. On large sites in areas of high housing demand (i.e. areas with high ratios of median house prices to median earnings) the expectation should be that the proportion of affordable housing as a whole will be high. Affordable rented housing should be provided alongside affordable home ownership on each phase. Offsite contributions to affordable housing on large sites should not be sought. Build to rent developments should also be considered as part of the tenure diversity of the phase;
 - house type and size: house types and sizes across a phase must contain a meaningful range of types, sizes and styles. It is not acceptable for each phase to deliver only one or two housing types; and
 - housing for specified groups and custom build: these housing types can contribute significantly to housing diversity. Each phase should deliver housing of this type to serve local needs.

- “As part of achieving diversification, the applicant should consider the extent to which it is viable for the applicant themselves to commission and take market risk on differing types of housing within the diversity of the site’s offerings. To the extent that the applicant finds that it is not viable or is not desirable to take such market risk in relation to different types of housing within the site, the applicant should set out the methods by which the relevant parts of the site will be sold to other parties more able to take such market risk.”

- 3.9 I am conscious that the principles set out in paragraph 3.8 involve judgements rather than being simple matters of fact. There will consequently be scope for disagreement about whether a particular applicant has made a genuine effort to provide sufficient diversity to address multiple markets simultaneously and hence to increase the overall absorption rate and build out rate. Accordingly, in order to minimise recourse to appeal or litigation, I recommend that the Government should establish a National Expert Committee.
- 3.10 The primary purpose of this Committee should be to arbitrate on whether any application that causes a disagreement between the local planning authority and the applicant (and consequently comes to appeal) satisfies the diversification requirement, and is therefore likely to cause high build out rates.
- 3.11 The secondary purpose of the Committee would be to offer informal advice to any developer or local planning authority that was considering a large site application. I recommend that the Housing Secretary should guide local planning authorities to consult the National Expert Committee before approving any such large site application in an area of high housing demand.
- 3.12 I envisage that the Committee might be modelled on the Quality Review Panel established by the London Legacy Development Corporation in respect of new development in the Olympic Park – and I would expect to see nominations to this Committee coming from bodies such as the Royal Institute of British Architects (RIBA), the Royal Institution of Chartered Surveyors (RICS), the Royal Town Planning Institute (RTPI), the Chartered Institute of Housing (CIH), the National Housing Federation (NHF), the British Property Federation (BPF), the large house builders, the small house builders (through the Federation of Master Builders (FMB)), the estate agents, the mortgage lenders, the institutional investors in the private rented market, and those involved in custom-build, self-build and specialised housing provision (e.g. for students, keyworkers, and the elderly) as well as representatives of local government.
- 3.13 I provide in Annex B further details on the intended operation, costing and financing of this National Expert Committee, and on the criteria I would expect the Committee to apply when judging diversification strategies proposed by applicants for planning permission on large sites. As indicated in Annex B, I recommend that the Committee should have access to experts with detailed local knowledge in relation to the consideration of specific large sites.
- 3.14 I am conscious also that, even if the new planning framework for large sites is introduced fairly rapidly through a Written Ministerial Statement as well as secondary legislation and changes to planning policy, it will apply only to large sites receiving outline permissions from 2021 onwards – and will not, therefore, have any effect on the dozens of large sites in areas of high housing demand that have or will have received an outline permission before 2021 and that will be in the course of construction for many years after 2021.
- 3.15 In order to maximise the chance of the new framework having a productive effect on these existing sites from 2021 onwards, I recommend that Ministers should seek to provide

incentives for the house builders to accept changes to their existing site plans. I believe that this can be done through Ministers introducing – as part of the forthcoming public spending review – conditions to any government funding available either to house builders or to potential purchasers on large sites, which would make the receipt of such funding dependent upon the site being developed in conformity with the new planning policy and new secondary legislation for large sites. This would involve builders on large sites signing new Section 106 agreements under which, in return for continued receipt of government funding for themselves or their purchasers, they would undertake to develop the remainder of the site in accordance with the new diversity rules. In some cases, this might require local authorities also to change the final permissions given for later phases of site development; in other cases, it might require the grant of new outline permission.

- 3.16 I am aware that there may, in some exceptional circumstances, be existing large sites which will not be viable under the new arrangements that I am recommending. This could occur if they either fail to benefit from the existing suite of government funding as a result of the conditionality that I have suggested in paragraph 3.15, or if they accept requirements for diversification in a new Section 106 agreement that conforms with the new planning policy. For example, the viability of a particular large site might already be in question due to heavy infrastructure or remediation costs unanticipated at the time when the original outline permission was granted and when land purchase values were set. To guard against any interruption of development on such sites (which would obviously be counterproductive from the point of view of the overall rate of house building), I recommend that Ministers should also consider (as part of the spending review) allocating a fraction of whatever would otherwise be the total funding made available by government in support of house building to a new large sites viability fund administered by Homes England.
- 3.17 Naturally, if and when large builders in possession of large sites had accepted a Section 106 agreement for a particular site in return for continued eligibility to receive government funding in relation to that site, the new Section 106 agreement – including the diversity requirements contained in it – would be binding and enforceable. I have taken legal advice on whether any legal issues are likely to arise in relation to this process, and I am, as a result, confident that the voluntary transaction that I am proposing will prove to be lawful.

4 Increasing diversity: a new development structure for large sites in the future

- 4.1 The new planning rules that I have recommended in section 3 are intended to apply to the granting of new outline permissions for all sites of over 1,500 units in areas of high housing demand, regardless of where in the country they lie and regardless of whether they have or have not yet been allocated in a particular local authority's local plan. In all such sites, increased diversity can – for the reasons set out in my analytical report – help to increase the speed of build out. Planning rules that encourage diversity will accordingly also encourage more rapid development.
- 4.2 However, in relation to large sites that have yet to be allocated within a local authority's local plan, I believe that it is possible and desirable to go one step further. I recommend that the Government should, as part of the new primary legislation, introduce a power for local planning authorities to designate particular sites within their local plans as sites which can be developed only as single large sites and which therefore automatically become

subject to the new planning rules for large sites³. In addition, I believe that the local planning authority should be empowered to specify, at the time of designation, strong master-planning requirements including a strict design code as well as landscaping and full and specific infrastructure requirements.

- 4.3 I recognise, of course, that designation at the time of allocation of such sites as being land that can be developed only under the new large site rules (and hence new master plans and design codes) will mean that the land value of those sites is not raised as far above the alternative use value as would be the case if a site were allocated in a local plan and subsequently obtained outline permission under our current rules. (Above all, the requirement for a high level of affordable housing within the diversified portfolio will tend to ensure that land values on these sites are significantly lower than they would be if these sites were given outline permission without such high requirement for affordable housing.)
- 4.4 To ensure that a reasonable balance is struck between promoting the public interest through increased diversity and faster build out rates on the one hand, and proper recognition of the value of the land on the other hand, I recommend that the Housing Secretary (when issuing updated viability guidance alongside the new planning framework) should guide local planning authorities towards insisting on levels of diversity that will tend to cap residual land values for these large sites at around ten times their existing use value. In the case of agricultural land, for example, this might result in values of around £100,000 per acre – perhaps as little as 5% of the current residual development value of a straightforward site with unconstrained development permission and no major infrastructure requirements in an area of high housing demand.
- 4.5 I believe that these steps will increase the power of local planning authorities to ensure that large sites within their areas are properly diversified, and will therefore tend to increase rates of development on those sites. Moreover, I believe that there would be scope for Homes England to provide substantial support for those local authorities which have allocated large sites (of over 1,500 homes). This could involve Homes England providing both funding and expertise that enables the local authority to build the capacity required for the establishment of suitable master plans, design codes and Section 106 agreements. This, in turn, would maximise the chances of such sites being developed in the spirit of diversification, fine design and commensurately rapid build out. However, planning rules are by their nature passive and reactive. They can prevent things from happening (if they are properly enforced); but they can only do a very limited amount to encourage applicants to follow the spirit of the rules and hence to achieve fully the outcomes the rules have been created to achieve. A system for large sites which depends exclusively on new planning rules (even when reinforced by new rules on designation and allocation and by the building of new capacity in relevant local authorities through support from Homes England) is therefore unlikely to provide the full extent of the diversity (and hence the full gain in build out rates) that we seek. The developers of the sites in question will still have significant commercial incentives to optimise their own profits by “arguing down” the level of diversity at one stage or another of the planning and development process.
- 4.6 To enable local authorities to move beyond the use of planning rules and to play a more active role in ensuring the diverse and rapid development of large sites that have yet to be allocated in areas of high housing demand, I recommend that the new primary legislation should also give local authorities explicit statutory powers to draw on precedents in England and on

³ The purpose of designating sites in this way will be to ensure that landowners cannot reduce the planning applications for such sites to just below 1,500 units and thereby avoid having to comply with the diversity requirements in the new planning rules for large sites.

models of development which are entirely familiar in much of continental Europe.

- 4.7 It is a feature of Mayoral Development Corporations (MDCs), New Town Development Corporations (NTDCs) and Urban Development Corporations (UDCs) that these bodies can develop major new brownfield and greenfield sites in ways calculated to produce liveable new towns and city neighbourhoods that benefit from a wide diversity of housing to match the particular circumstances of local markets.
- 4.8 These bodies are able to buy land on the basis of the value which such land would have in the absence of the development scheme. They are fully staffed and have the resources to commission proper masterplans that respond appropriately to the characteristics of the site and can be accompanied by detailed and enforceable design codes; in this way they can make the architecture of the site and the landscape and infrastructure of the site internally consistent, congenial and convenient for the inhabitants. Finally, they have the capacity to raise finance, to invest in appropriate infrastructure (including major infrastructure) and thereby to provide well-prepared terrain (or even serviced plots) which major builders, small and medium-sized builders, private rental institutional investors, housing associations, providers of student accommodation, providers of accommodation for the elderly, custom-builders, and self-builders can all use to enter the housing market on the site.
- 4.9 Accordingly, MDCs, NTDCs and UDCs constitute suitable vehicles for demonstrating the benefits that properly planned and coordinated diversity on large sites can bring in terms of accelerated build out rates. I recommend that the Government, working with Homes England, should encourage the creation of further MDCs, NTDCs and UDCs, and should in future use the considerable leverage that Homes England has over these bodies to ensure that all such development corporations not only comply with the new planning rules that I have recommended in section 3 but also go beyond this to create, proactively, models of well-planned diversity on the large sites that they own and control. At the same time, I recommend that Homes England should itself go beyond mere compliance with the new planning laws and proactively create models of well-planned diversity on the large public sector sites that it is developing on behalf of the taxpayer.
- 4.10 However, unlike their counterparts in most continental European countries, non-mayoral local authorities in England do not (without obtaining special permission from the Housing Secretary) currently have statutory vehicles capable of governing the development of large sites in areas of high housing demand. Clearly, if we are to see in future the greatest possible well-planned diversity on these sites, it would make abundant sense to empower local authorities to establish a new form of development vehicle which could perform this role in England as their counterparts so often do elsewhere in Europe.
- 4.11 I therefore recommend that, in addition to the changes in planning rules identified in section 3, and in addition to the allocation rules suggested in section 4.2-4.4, one further amendment to primary legislation should make it possible in future for a local planning authority (or a group of local planning authorities) in an area of high housing demand to establish a new form of development vehicle to develop the site through a masterplan and design code which increases the diversity and attractiveness of the offerings on site and hence its build out rate.
- 4.12 I can envisage two possible structures for such a development vehicle:
- a. the local authority could use a Local Development Company (LDC) to carry out this development role by establishing a master plan and design code for the site, and then bringing in private capital through a non-recourse special purpose vehicle to pay for the

land and to invest in the infrastructure, before “parcelling up” the site and selling individual parcels to particular types of builders/providers offering housing of different types and different tenures; or

- b. the local authority could establish a Local Authority Master Planner (LAMP) to develop a master plan and full design code for the site, and then enable a privately financed Infrastructure Development Company (IDC) to purchase the land from the local authority, develop the infrastructure of the site, and promote a variety of housing similar to that provided by the LDC model described above.

I provide a more detailed description of both of these structures in Annex C.

- 4.13 Under either of these variants, the development vehicle will of course be subject to the jurisdiction of the local planning authority (or authorities) in relation to all planning matters. I recommend that, in areas of the country where there are both primary and secondary authorities, local planning authorities seeking to establish LDCs or LAMPs should be strongly encouraged by MHCLG to involve both levels of local government in order to ensure that critical public interests in relation to large sites (such as the provision of transport infrastructure, schools and health and social care) are built in to the master planning of such sites from the beginning.
- 4.14 I recommend that, under either structure, the LDC or LAMP should be enabled to apply for a small amount of seed funding to enable it to hire dedicated and qualified staff. I believe that the relatively small amount of funding required to cover the costs for the master planning of diversified large sites can conveniently be top-sliced out of the existing MHCLG Land Assembly Fund (following a change in the Government’s remit for this fund). Amounts disbursed to successful LDCs or LAMPs would be repaid once development finance had been raised for the site in question so that only one initial injection from the Land Assembly Fund would be required. I recommend that applications to the fund should be judged and disbursements from the fund should be made by Homes England.
- 4.15 I note that Homes England is establishing a new team that would be well suited to providing advice to LDCs or LAMPs as they begin their work; this is an immensely welcome development. Further support from Homes England can take a range of forms including capacity building, brokering relationships, help with hiring the management of the LDC or LAMP, provision of technical expertise on planning, master planning, land assembly, infrastructure, viability and commercial arrangements including procurement frameworks. In some cases, Homes England might also be able to provide access for the LDC or IDC to the various funds it administers in relation to housing. I note, also, that RIBA has provided a powerful illustration of the way in which such LDCs or LAMPs can ensure rapid development while creating beautiful and ecologically sustainable places; I strongly welcome the fact that their report is being published simultaneously with my own report.
- 4.16 As with MDCs, NTDCs and UDCs, I believe that local authorities using either of these vehicles should – through the primary legislation – obtain clear Compulsory Purchase Order (CPO) powers over large sites that they have designated in the way described in section 4.2. I believe that it would also make sense to consider the possibility of giving local authorities such CPO powers in relation to large sites that have been allocated in their local plan in the past but which have not obtained outline permission after a long period has elapsed. I have received representations suggesting that this could be a good way of unlocking such sites – as well as providing a way to ensure that they are developed in a diverse, rapid and well-designed manner.

- 4.17 Because the residual open market value for land with development permission subject to the stringent large site diversity planning rules will be significantly lower than present values for land with development permission that does not contain such stringent diversity requirements, the full difference between this residual land value and the unconstrained gross development value of the land will be available to contribute towards the cost of infrastructure, the cost of affordable housing and the opportunity cost associated with other forms of diversification.
- 4.18 The LDC or LAMP may well wish, as part of its master plan, to require the establishment of a community land trust to provide and manage some or all of the shared ownership properties and affordable rented properties on the site in a way that keeps properties with these tenures available in perpetuity – for example through provisions ensuring that owners of shared ownership properties would sell to the community land trust whatever proportion of the freehold they held when leaving the property at its then open-market price so that the property could then be resold by the community land trust on a shared ownership basis to the next occupier. Such mechanisms might also be used to protect particular parts of the landscape within the site.
- 4.19 In determining the proportion of the site to be sold to differing types of housing provider under the master plan, the LDC or LAMP will need to be guided by the characteristics and absorption rates of the various markets in its local area. The overall aim of the LDC or LAMP will be to foster the building of the greatest possible number of new homes at the fastest possible rate consistent with financial viability and fulfilment of its master plan and design code, as well as with the fostering of a successful community. The LDC or LAMP will therefore wish the master plan to provide as much land for open market sale and private rented use as those particular markets can absorb in any given period; and it will also need to assess the local demand for other forms of housing (such as custom-build, self-build, student accommodation, keyworker accommodation and various forms of accommodation for the elderly). It will, in addition, need to come to a view about the maximum proportion of the site that can be sold or given to housing associations and / or to community land trusts in order to provide as much affordable accommodation on the site as is consistent with the viability of private financing for development of the site infrastructure. In other words, the LDC or LAMP will become a vehicle for assessing and seeking to meet market demand in the particular locality across a wide range of types and tenures.

Annex A: Size threshold

The number of large sites in England

I have investigated the number of sites over different size thresholds.

England (excluding London)

The best available evidence from a national study of large sites suggests that there are 92 sites in England (excluding London) that have an outline planning permission at present for more than 1,500 homes.

The following table breaks these down by site size:

Lower limit	Upper limit	Site count
1,500	2,999	50
3,000	4,999	27
5,000	7,499	9
7,500	9,999	3
10,000+		3

These sites have an average (mean) size of 3,327 units and a median size of 2,500. In total, these 92 sites cover 306,084 units.

London

5 sites in London of over 1,500 units were used as case studies in the Draft Analysis. The Molior database used in the Draft Analysis shows a further 10 sites of above 1,500 units with permission building out in London as of May 2018.

This suggests a total of 15 sites currently developing above the 1,500 unit threshold in London. In total, these sites account for around 87,000 units.

Conclusion

We can as a result estimate that there are approximately 107 sites of above 1,500 units in England with permission for approximately 393,000 units.

A threshold of 1,500 units for large sites accordingly seems sensible as a way of ensuring that the changes have a noticeable effect on building rates as a whole, while also ensuring that the National Expert Committee is not overwhelmed in the early years of its work. The sample in my Draft Analysis suggests the current average build out rate is equivalent to at least 15.5 years. If there are 107 sites, this implies that approximately 7 such sites are brought forward each year, accounting for approximately 25,000 units on these sites. Even if build out rates doubled from the current rate suggested by the sample in my Draft Analysis, this implies that around 14 sites above the threshold would be brought forward each year.

Annex B: Operation of National Expert Committee

This Annex sets out in greater detail how I envisage the National Expert Committee (referenced in paragraph 3.9 of my Final Report) to work in practice.

In my Report, I propose that the Committee should provide impartial and independent expert advice on the diversification proposals for new residential development as part of the appeals process. I recommend, in particular, that the expertise of the Committee should be sought in situations where that right of appeal has been exercised as a result of a disagreement between the applicant and the local planning authority about whether the diversity proposed as part of the site master plan will facilitate the maximum rate of build out consistent with the viability, beauty and liveability of the development. In the event of such an appeal, the Planning Inspectorate (PINS) should be expected to use the views of the Committee to help inform its decision, and this should be reflected within the Inspector's Report.

Structure

- a. I recommend that the new body should be established as an Expert Committee – a non-statutory body of independent specialists, which would be administered and resourced by MHCLG and would be a non-classified government entity; Ministers would make appointments to the Committee. There are a number of benefits to this structure:
- b. the Expert Committee will not require a new statutory framework under which to operate. This is proportionate to the frequency with which I anticipate this Committee will meet (c. 5 times a year);
- c. the Expert Committee and its advice will be transparent. It will be established with clear terms of reference and a framework which will protect its independence, set out the length of terms for panellists and put in place robust reporting arrangements. The panellists will be supported by a secretariat. The chair of the Committee will be responsible for reporting to Ministers and to the Department's executive team;
- d. the Expert Committee will fit within the existing appeals process. The Expert Committee will not have the authority to make decisions; instead its advice will inform the decision of Ministers – in this case the Housing Secretary as the ultimate authority on planning appeals. I propose that PINS, acting on behalf of the Housing Secretary, should be required to consult the Expert Committee on receipt of an appeal where an applicant and local planning authority disagree on the extent of the diversity proposed for an application; and
- e. Ministers will appoint the core group of panellists as standing members, acting on nominations from bodies such as RIBA, RICS, RTPI, CIH, the NHF, the BPF, the large house builders, the small house builders (through the FMB), the estate agents, the mortgage lenders, the institutional investors in the private rented market, and those involved in custom-build, self-build and specialised housing provision (eg for students, keyworkers, and the elderly), as well as representatives of local government. The Expert Committee may, in addition, draw on ad-hoc members to provide additional insight – in particular, it may draw on local expertise, such as that of an estate agent or planning consultancy.

Fees

Given the frequency with which the Committee would meet, I would expect the panellists to be willing to provide their expertise on a voluntary basis, as many of those involved with design review panels currently do.

Financing

The administrative costs of the Committee would be financed from within the Department's budget. This would include a small amount of reimbursement of travel and subsistence costs for Committee members, and a small secretariat function (1-2 FTE), which can likely be absorbed within existing Departmental capacity.

Criteria

In terms of assessing diversification, I envisage that the Committee will consider the impact that different tenures, housing types and sizes, designs, and specialised housing can have on the build out rates of a large site in a particular locality by catering to the specific market demands of that area.

The Committee should consider three questions:

- a. will the masterplan's diversification strategy lead to building homes of suitably varied tenure, type, size, design and specialisation?
- b. do the diversified homes address the different local housing demands?
- c. if correctly implemented, will the diversified plan and the accompanying master plan and design code cause the rate of build out to be as great as possible, consistently with the viability, beauty and liveability of the development?

Annex C: Alternative development structures for large sites

I recommend in sections 3 and 4 of this report that all sites over a certain size threshold (1,500 units) should be subject to a new planning regime which ensures far greater diversity than we typically see on such sites at present.

Some local authorities may wish simply to apply the new planning regime for large sites without taking any further proactive steps to control the development of such sites. (In such cases, I strongly recommend that local authorities should be compelled by the new planning regime to develop and promulgate a full master plan and design code for each such large site before granting outline planning permission, and to ensure that the master plan is consistent with the principles of the new planning regime.)

However, for reasons outlined in section 4 of this report, I believe it would be wise also to give local authorities clear statutory powers to go beyond this and to play a more active role in the control of such large sites.

As described in paragraph 4.12, I envisage that such a role could be played through either of two structures:

- a. the local authority could use a Local Development Company (LDC) to carry out this development role by establishing a master plan and design code for the site, and then bringing in private capital through a non-recourse special purpose vehicle to pay for the land and to invest in the infrastructure, before “parcelling up” the site and selling individual parcels to particular types of builders/providers offering housing of different types and different tenures; or
- b. the local authority could establish a Local Authority Master Planner (LAMP) to develop a master plan and full design code for the site, and then enable a privately financed Infrastructure Development Company (IDC) to purchase the land from the local authority, develop the infrastructure of the site, and promote a variety of housing similar to that provided by the LDC model described above.

If a local planning authority opts for the LDC model (model A), I envisage that the process would be as follows:

1. A local authority designates an area within its local plan as suitable only for development as a large site. Hence, the new planning regime for large site diversity applies to it, and the open market residual value of the land within it is reduced accordingly.
2. The local authority establishes a LDC, whose first task is to develop a master plan and full design code for the site.
3. The LDC applies for planning permission for the designated site, under the large site diversity planning regime, using its master plan and design code as the basis for the application.
4. The local authority either agrees voluntarily with the landowner(s) of the site to purchase the designated land at its (reduced) open market residual value or decides to exercise CPO powers to purchase at this value.
5. The LDC establishes a competitive process in which private sector providers of debt, mezzanine and equity bid to provide finance for purchase of the land from the local

authority and for investment in the site infrastructure required under the master plan and design code. Under the new primary legislation, such finance would need to be provided through a non-recourse special purpose vehicle: in other words, the providers of debt and equity would be taking the full financial risk associated with investment of the land purchase and in the development of the infrastructure, and would have no recourse whatsoever to taxpayer support of any kind in the event that the special purpose vehicle becomes insolvent, whether due to changes in market circumstances or otherwise. Manifestly, the pricing of the investment in terms of the expected return will reflect this absence of recourse to taxpayer support.

6. The structure of the competition is that the winning bidder is the bidder willing to accept the lowest cost of capital (i.e. lowest profit margin) on the amounts invested in the non-recourse special purpose vehicle.
7. The LDC covenants to pay the investors – through the special purpose vehicle – all amounts raised from sale of parcels of land on the site up to the point at which the investors have received the return on capital specified in their winning bid. In addition, the local development company covenants to pay the investors a share of amounts above this level (to give the private financiers of the special purpose vehicle an incentive to develop the infrastructure in a financially efficient manner subject to the constraints imposed by the master plan). Any surplus revenue remaining in the local development company after the investors have been remunerated may be used by the local development company either for improvement or maintenance of the site itself or for other community purposes as directed by the local authority.
8. The closing of (a) the land-purchase by the local authority from the original land owner(s) and (b) the back-to-back purchase of the land from the local authority by the local development company through its privately financed non-recourse special purpose vehicle is simultaneous, to avoid any financial exposure for the local authority. At the simultaneous closing, the contractual covenant in 7 above is also simultaneously executed.

The local development company continues in existence for the duration of the development of the site, to monitor both fulfilment by the special purpose vehicle and its contractors of the infrastructural requirements of the design code and master plan, and fulfilment by the builders/providers of particular plots of the plot-specific elements of the design code and master plan.

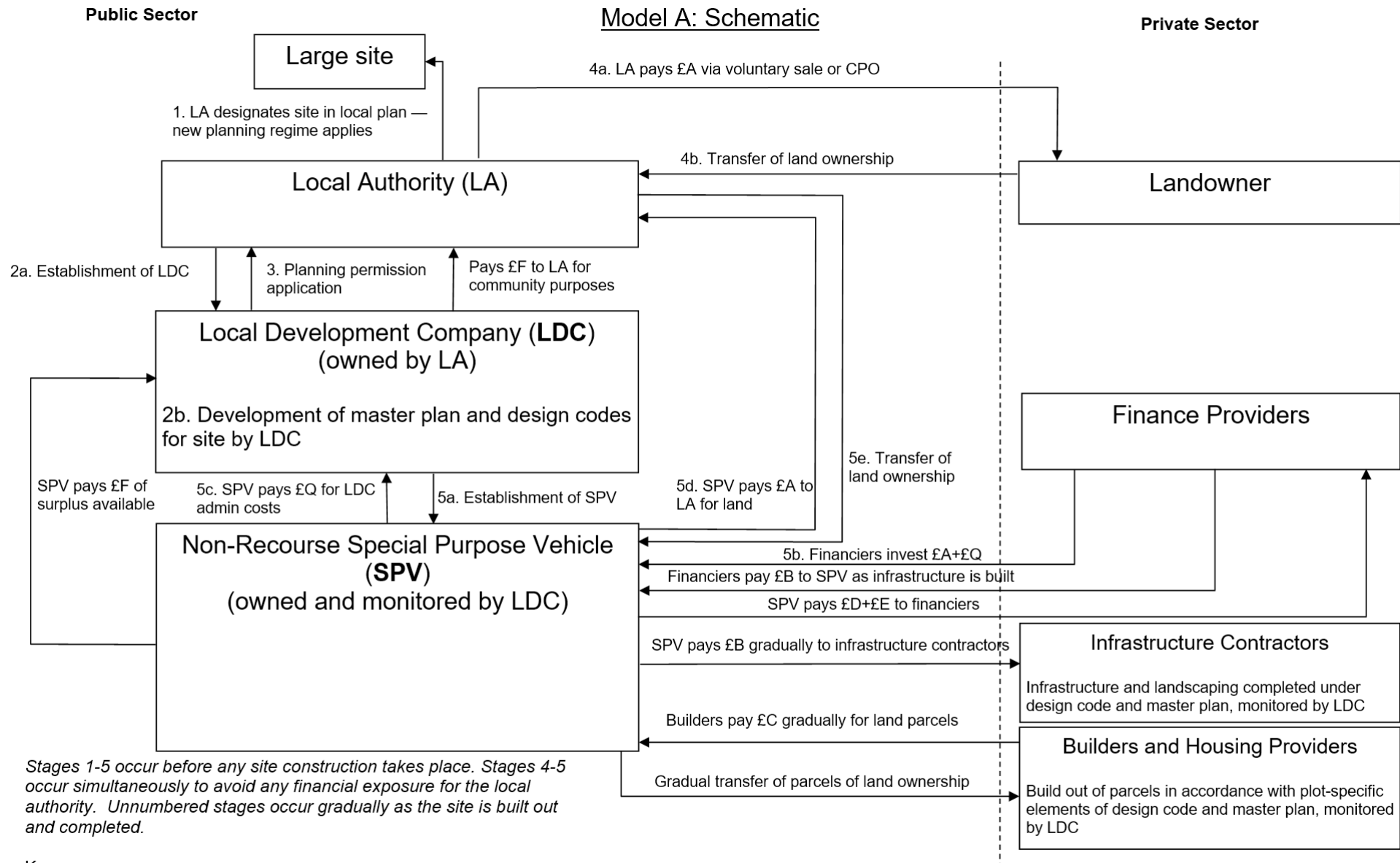
If a local authority opts for the LAMP/IDC model (model B), I envisage that process would be as follows:

1. A local authority designates an area within its local plan as suitable only for development as a large site. Hence, the new planning regime for large site diversity applies to it, and the open market residual value of the land within it is reduced accordingly.
2. The local authority establishes a Local Authority Master Planner (a LAMP) to develop a master plan and full design code for the site.
3. The LAMP applies for planning permission for the designated site, under the large site diversity planning regime, using its master plan and design code as the basis for the application.
4. The local authority either agrees voluntarily with the landowner(s) of the site to purchase the designated land at its (reduced) open market residual value or decides to exercise CPO powers to purchase at this value.

5. The local authority establishes a competitive process in which wholly privately financed Infrastructure Development Companies are eligible to bid to buy the land from the local authority. The structure of the competition is that the initial purchase price for the land is pre-determined to be the price set in step (4) above plus a stipulated amount representing the local authority's costs in establishing and running the LAMP. The winning bidder is the bidder whose Infrastructure Development Company is willing to accept the lowest capped cost of capital (i.e. lowest profit margin) on the amounts invested in purchasing the site and developing the infrastructure of the site. All bidders must agree (as a contractual covenant) to:
 - a. develop the infrastructure of the site in a way that fully implements the LAMP master-plan in full, and to extract only the capped cost of capital for such infrastructure specified in the winning bid;
 - b. sell plots of land within the site to types of builder/owner specified in the master plan; and
 - c. in each such sale of each such plot, covenant with the acquiring builder/owner to build out that plot in accordance with the requirements of the master plan and of the design code.
6. The winning bidder also covenants to pay the local authority a set proportion of any net revenue that remains following (a) completion of the work on the infrastructure of the site, (b) sale of the plots on the site to the builders/owners, and (c) extraction of the capped cost of capital. (This is to ensure that the local authority and the local community benefit from any surplus value in the land that arises from market circumstances during the development of the site, while also giving the private financiers of the Infrastructure Development Company an incentive to develop the infrastructure in a financially efficient manner subject to the constraints imposed by the master plan.)
7. The closing of (a) the land-purchase by the local authority from the original land owner(s) and (b) the back-to-back purchase of the land from the local authority by the Infrastructure Development Company is simultaneous, to avoid any financial exposure for the local authority. At the simultaneous closing, the contractual covenant in (5) and (6) above is also simultaneously executed. Thereafter, the contractual covenant remains attached to the land, and is therefore inherited as an obligation by anybody that purchases either the Infrastructure Development Company or the land that it holds.
8. The LAMP continues in existence for the duration of the development of the site, to monitor both fulfilment by the IDC of the infrastructural requirements of the design code and master plan, and fulfilment by the builders/providers of particular plots of the plot-specific elements of the design code and master plan.

I am advised by HMT Classification experts that, principally due to the level of control exercised by the local authority in the public interest in either of these models, the development bodies concerned (i.e. in model A, the Local Development Company, or, in model B, the Infrastructure Development Company) will or may be classified as public sector entities and hence be on public sector balance sheets. Whilst it will obviously be for Ministers to decide whether this constitutes an obstacle, I do not myself regard this as in any way material, since – in both models – the entire financial risk of the infrastructure development will be taken by private financiers without any recourse whatsoever for the taxpayer under any circumstances whatsoever, and the entire financial risk associated with the building of all the housing will be taken by the private sector

builders and by the other housing providers on the site, also without any recourse whatsoever to the taxpayer under any circumstances whatsoever. Neither model need or should involve any form of implicit or explicit guarantee or letter of comfort which will in any way diminish the absolute liability of the private finance vehicles, regardless of market circumstance – and it is my proposal that private finance, under either model, should be raised (and should be permitted by the statutory framework to be raised) only on the basis of such explicit lack of recourse under any circumstances to taxpayer support of any kind.



Key:

£A: Price of land at open market residual value under new planning regime.

£Q: Administrative costs of LDC.

£B: Cost of adding infrastructure to site.

£C: Revenue from sale of land parcels.

£D: £A + £B + £Q + interest/profit margin specified in private investor bids.

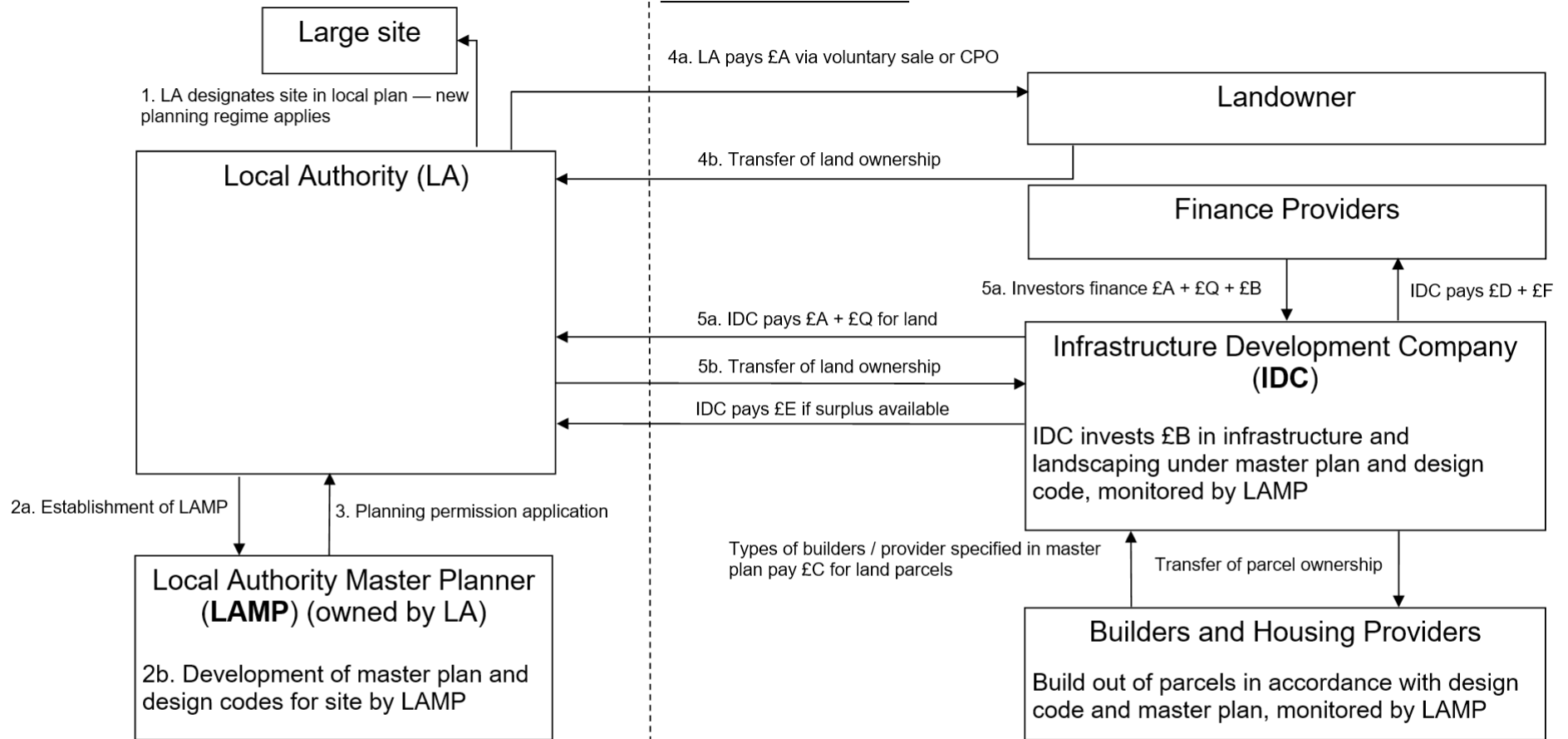
£E: Investor share of any additional surplus revenue available [i.e. investor share of (£C-£D)].

£F: Remaining public sector share of any additional surplus revenue [i.e. public sector share of (£C-£D)].

Public Sector

Model B: Schematic

Private Sector



Stages 1-5 occur before any construction starts. Stages 4 and 5 occur simultaneously to avoid any financial exposure for the local authority. Remaining stages occur gradually as site is built out.

Key:

£A: Price of land at open market residual value.

£Q: Administrative cost of running LAMP.

£B: Cost of adding infrastructure to site.

£C: Revenue from sale of land parcels.

£D: £A + £Q + £B + interest/profit margin specified in private investor bids.

£E: Public sector share of any additional surplus revenue available [i.e. Public sector share of (£C-£D)].

£F: Investor share of any additional surplus revenue available. [i.e. Investor share of (£C-£D)].

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APPENDIX 3 – NLP’S START TO FINISH REPORT

TRIP

Targeted Research
& Intelligence Programme



Nathaniel Lichfield
& Partners

Planning. Design. Economics.

Start to Finish

How Quickly do Large-Scale Housing Sites Deliver?

November 2016

Executive Summary

There is a growing recognition that large-scale housing development can and should play a large role in meeting housing need. Garden towns and villages – planned correctly – can deliver sustainable new communities and take development pressure off less sustainable locations or forms of development.

However, what looks good on paper needs to deliver in practice. Plans putting forward large sites to meet need must have a justification for the assumptions they make about how quickly sites can start providing new homes, and be reasonable about the rate of development. That way, a local authority can decide how far it needs to complement its large-scale release with other sites – large or small – elsewhere in its district.

This research looks at the evidence on speed and rate of delivery of large-scale housing based on a large number of sites across England and Wales (outside London). We draw five conclusions:

1. If more homes are to be built, more land needs to be released and more planning permissions granted. There is no evidence to support the notion of systemic 'land banking' outside London: the commercial drivers of both house builders and land promoters incentivises rapid build out of permissions to secure returns on capital.
2. Planned housing trajectories should be realistic, accounting and responding to lapse rates, lead-in times and sensible build rates. This is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and then being realistic about how fast they will deliver so that supply is maintained throughout the plan period. Because no one site is the same – and with significant variations from the average in terms of lead-in time and build rates – a sensible approach to evidence and justification is required.
3. Spatial strategies should reflect that building homes is a complex and risky business. Stronger local markets have higher annual delivery rates, and where there are variations within districts, this should be factored into spatial strategy choices. Further, although large sites can deliver more homes per year over a longer time period, they also have longer lead-in times.
4. Plans should reflect that – where viable – affordable housing supports higher rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale, such as build to rent and self-build (where there is demand for those products). This might mean some areas will want to consider spatial strategies that favour sites with greater prospects of affordable or other types of housing delivery.
5. For large-scale sites, it matters whether a site is brownfield or greenfield. The latter come forward more quickly.

In our conclusions we identify a check list of questions for consideration in exploring the justification for assumed timing and rates of delivery of large-scale sites.

The Research in Figures

70

number of large sites assessed

3.9

years the average lead in time for large sites prior to the submission of the first planning application

6.1

years the average planning approval period of schemes of 2,000+ dwellings. The average for all large sites is circa 5 years

161

the average annual build rate for a scheme of 2,000+ dwellings

321

the highest average annual build rate of the schemes assessed, but the site has only delivered for three years

40%

approximate increase in the annual build rate for large sites delivering 30%+ affordable housing compared to those delivering 10%-19%

50%

more homes per annum are delivered on average on large greenfield sites than large brownfield sites





Introduction

When it comes to housing, Government wants planning to think big. With its Garden Towns and Villages agenda and consultation on proposed changes to the National Planning Policy Framework (NPPF) to encourage new settlements, planning authorities and developers are being encouraged to bring forward large-scale housing development projects, many of them freestanding. And there is no doubt that such projects will be necessary if England is to boost supply and then consistently deliver the 300,000 new homes required each year¹.

Large-scale sites can be an attractive proposition for plan-makers. With just one allocation of several thousand homes, a district can – at least on paper – meet a significant proportion of its housing requirement over a sustained period. Their scale means delivery of the infrastructure and local employment opportunities needed to sustain mixed communities.

But large-scale sites are not a silver bullet. Their scale, complexity and (in some cases) up-front infrastructure costs means they are not always easy to kick start. And once up and running, there is a need to be realistic about how quickly they can deliver new homes. Past decades have seen too many large-scale developments failing to deliver as quickly as expected, and gaps in housing land supply have opened up as a result.

So, if Local Plans and five year land supply assessments are to place greater reliance on large-scale developments – including Garden Towns and Villages – to meet housing needs, the assumptions they use about when and how quickly such sites will deliver new homes will need to be properly justified.

“Local planning authorities should take a proactive approach to planning for new settlements where they can meet the sustainable development objectives of national policy, including taking account of the need to provide an adequate supply of new homes. In doing so local planning authorities should work proactively with developers coming forward with proposals for new settlements in their area.”

DCLG consultation on proposed changes to national planning policy (December 2015)

The Planning Practice Guidance (PPG) offers little guidance other than identifying that timescales and rates of development in land availability assessments should be based on information that “*may include indicative lead-in times and build-out rates for the development of different scales of sites. On the largest sites allowance should be made for several developers to be involved. The advice of developers and local agents will be important in assessing lead-in times and build-out rates by year*”². It also requires housing land availability assessments to include: “a reasonable estimate of build out rates, setting out how any barriers to delivery could be overcome.”³

This research provides insights to this topic – which has become a perennial discussion at Local Plan examinations and Section 78 appeals in recent years – by focusing on two key questions:

1. what are realistic lead-in times for large-scale housing developments?; and
2. once the scheme starts delivering, what is a realistic annual build rate?

NLP has carried out a desk-based investigation of the lead-in times and build-out rates on 70 different strategic housing sites (“large sites”) delivering 500 or more homes to understand what factors might influence delivery. For contrast 83 “small sites” delivering between 50 and 499 homes have been researched to provide further analysis of trends in lead in times and build rates at varying scales.

As well as identifying some of the common factors at play during the promotion and delivery of these sites it also highlights that every scheme has its own unique factors influencing its progress: there can be significant variations between otherwise comparable developments, and there is no one ‘typical scheme’. This emphasises the importance of good quality evidence to support the position adopted on individual projects.

¹ House of Lords Select Committee on Economic Affairs (2016) Building more homes: 1st Report of Session 2016-17 - HL Paper 20

² PPG ID: 3-023-20140306

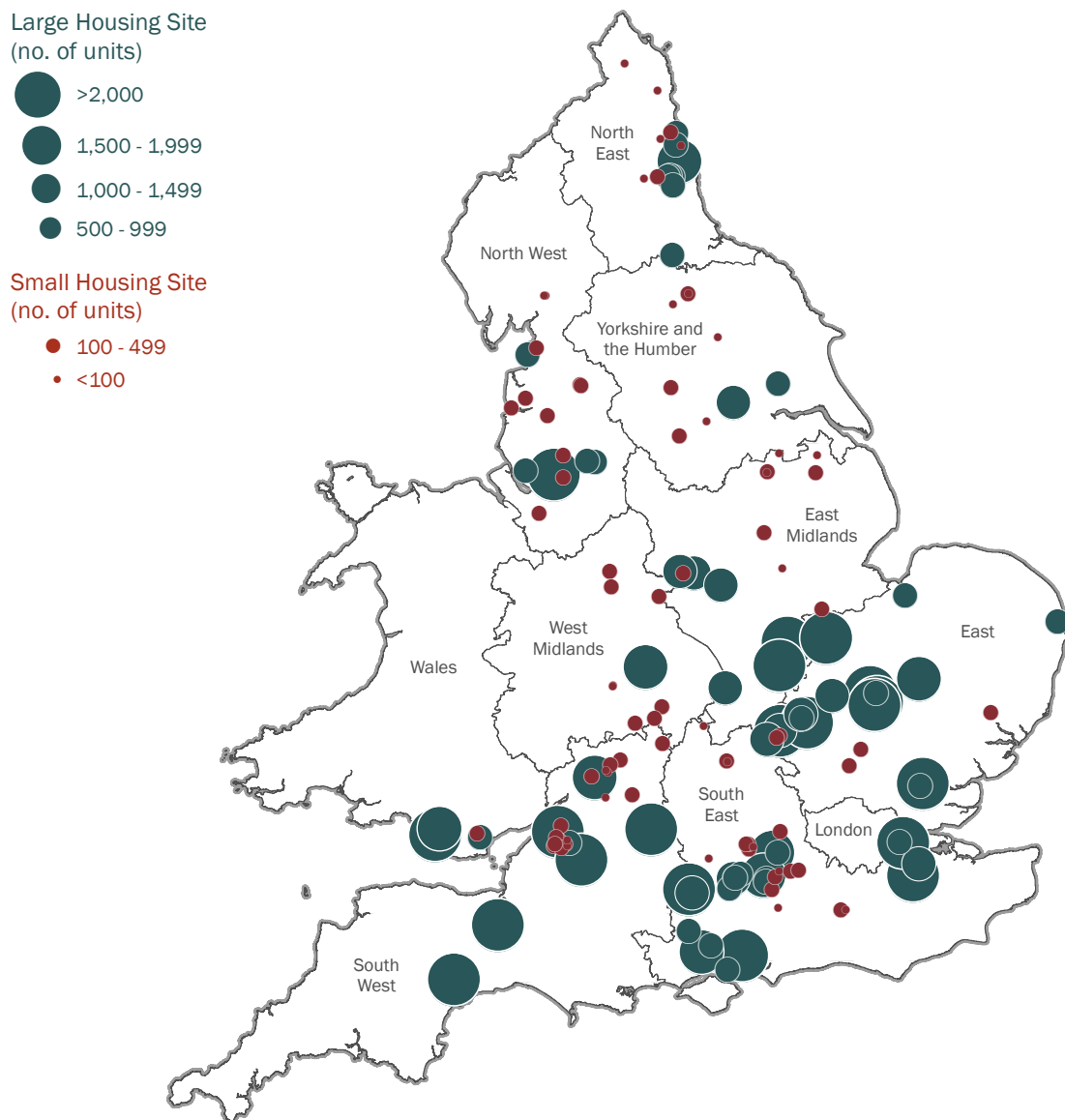
³ PPG ID: 3-028-20140306

Data Sources and Methodology

In total NLP reviewed 70 strategic sites (“large sites”) which have delivered, or will deliver, in excess of 500 dwellings. The sites range in size from 504 to 15,000 dwellings. The geographic distribution of the 70 large sites and comparator small sites is set out below in Figure 1. A full list of the large sites can be found in Appendix 1 and the small sites in Appendix 2. NLP focused on sites outside London, due to the distinctive market and delivery factors applicable in the capital.

Efforts were made to secure a range of locations and site sizes in the sample, but it may not be representative of the housing market in England and Wales as a whole and thus conclusions may not be applicable in all areas or on all sites.

Figure 1: Geographic Distribution of the 70 Large Sites and 83 Small Sites Assessed



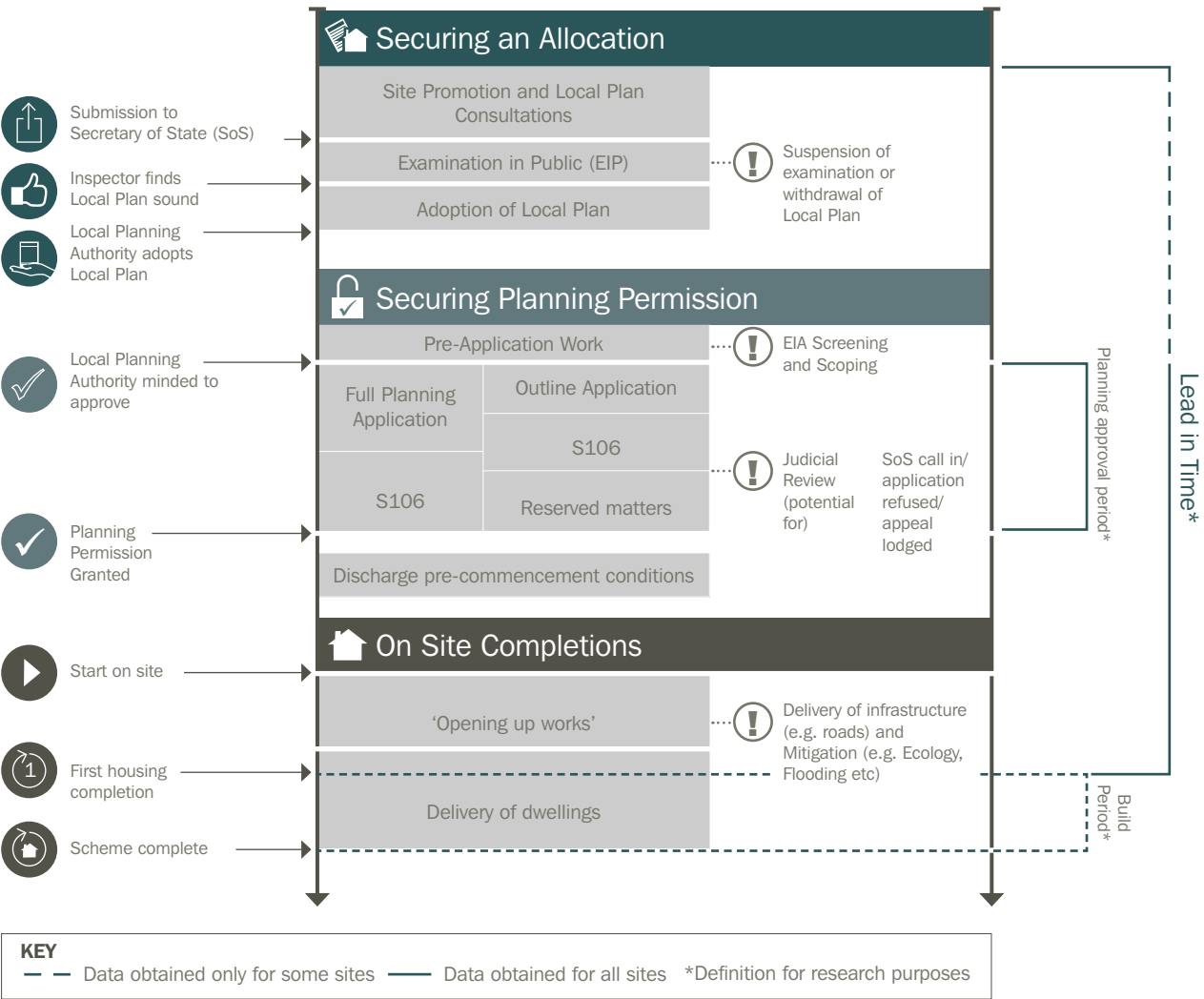
Source: NLP analysis

Methodology

The research aims to cover the full extent of the planning and delivery period. So, wherever the information was available, the data collected on each of the 70 sites covers the stages associated with the total lead-in time of the development (including the process of securing a development plan allocation), the total planning approval period, starting works on site, delivery of the first dwelling and the annualised build rates recorded for the development up until to the latest year where data is available (2014/15). To structure the research and provide a basis for standardised measurement and comparison, these various stages (some of them overlapping) have been codified.

Figure 2 sets out the stages and the milestones used to measure them. These are assumed to fall under what are defined as ‘lead-in times’, ‘planning approval periods’ and ‘build periods’, with ‘first housing completion’ denoting the end of the lead-in time and start of the build period. Not every site assessed will necessarily have gone through each component of the identified stages sequentially, or indeed at all (for example, some sites secure planning permission without first being allocated).

Figure 2: Timeline for the Delivery of a Strategic Housing Site



Source: NLP

The approach to defining these stages for the purposes of this research is set out below:

- The **‘lead-in time’** – this measures the period up to the first housing completion on site from either a) the date of the first formal identification of the site as a potential housing allocation (e.g. in a LPA policy document) or where not applicable, available or readily discernible – b) the validation date of the first planning application made for the scheme.
- The **‘planning approval period’** is measured from the validation date of the first application for the proposed development (be that an outline, full or hybrid application). The end date is the decision date of the first detailed application which permits the development of dwellings on site (this may be a full or hybrid application or the first reserved matters approval which includes details for housing). The discharge of any pre-commencement and other conditions obviously follows this, but from a research perspective, a measurement based on a detailed ‘consent’ was considered reasonable and proportionate milestone for ‘planning’ in the context of this research.
- The date of the **‘first housing completion’** on site (the month and year) is used where the data is available. However, in most instances the monitoring year of the first completion is all that is available and in these cases a mid-point of the monitoring period (1st October, falling halfway between 1st April and the following 31st March) is used.
- The **‘annual build rate’** falls within the overall ‘build period’. The annual build rate of each site is taken or inferred from the relevant Local Planning Authority’s Annual Monitoring Reports (AMR) or other evidence based documents where available. In some instances this was confirmed – or additional data provided – by the Local Planning Authority or County Council.

Due to the varying ages of the assessed sites, the implementation of some schemes was more advanced than others and, as a function of the desk-based nature of the research and the vintage of some of the sites assessed, there have been some data limitations, which means there is not a complete data set for every assessed site. For example, lead-in time information prior to submission of planning applications is not available for all sites. And because not all of the sites assessed have commenced housing delivery, annual build rate information is not universal. The results are presented accordingly.



Getting Started:

What are Realistic Lead-in Times?

How long does it take for large-scale sites to get up and running? This can be hard to estimate. Understandably, those promoting sites are positive about how quickly they can deliver, and local authorities choosing to allocate large-scale sites in their plans are similarly keen for these sites to begin making a contribution to housing supply. This leads some local housing trajectories to assume that sites can be allocated in Local Plans and all detailed planning approvals secured in double-quick time. However, the reality can prove different.

Our main focus here is on the average ‘planning approval period’ and the subsequent period from receiving a detailed planning approval to delivery of the first house on site. However, another important metric is how long it takes from the site being first identified by the local authority for housing delivery to getting started on site. Unfortunately, getting accurate data for this on some of the historic sites is difficult, so this analysis is focused on a just 18 of the sample sites where information was available.

Lead-in Times

The lead-in time prior to the submission of a planning application is an important factor, because many planning issues are flushed out in advance of planning applications being submitted, not least in terms of local plan allocations establishing the principle of an allocation. In a plan-led system, many large-scale sites will rely on the certainty provided by Local plans, and in this regard, the slow pace of plan-making in the period since the NPPF⁴ is a cause for concern.

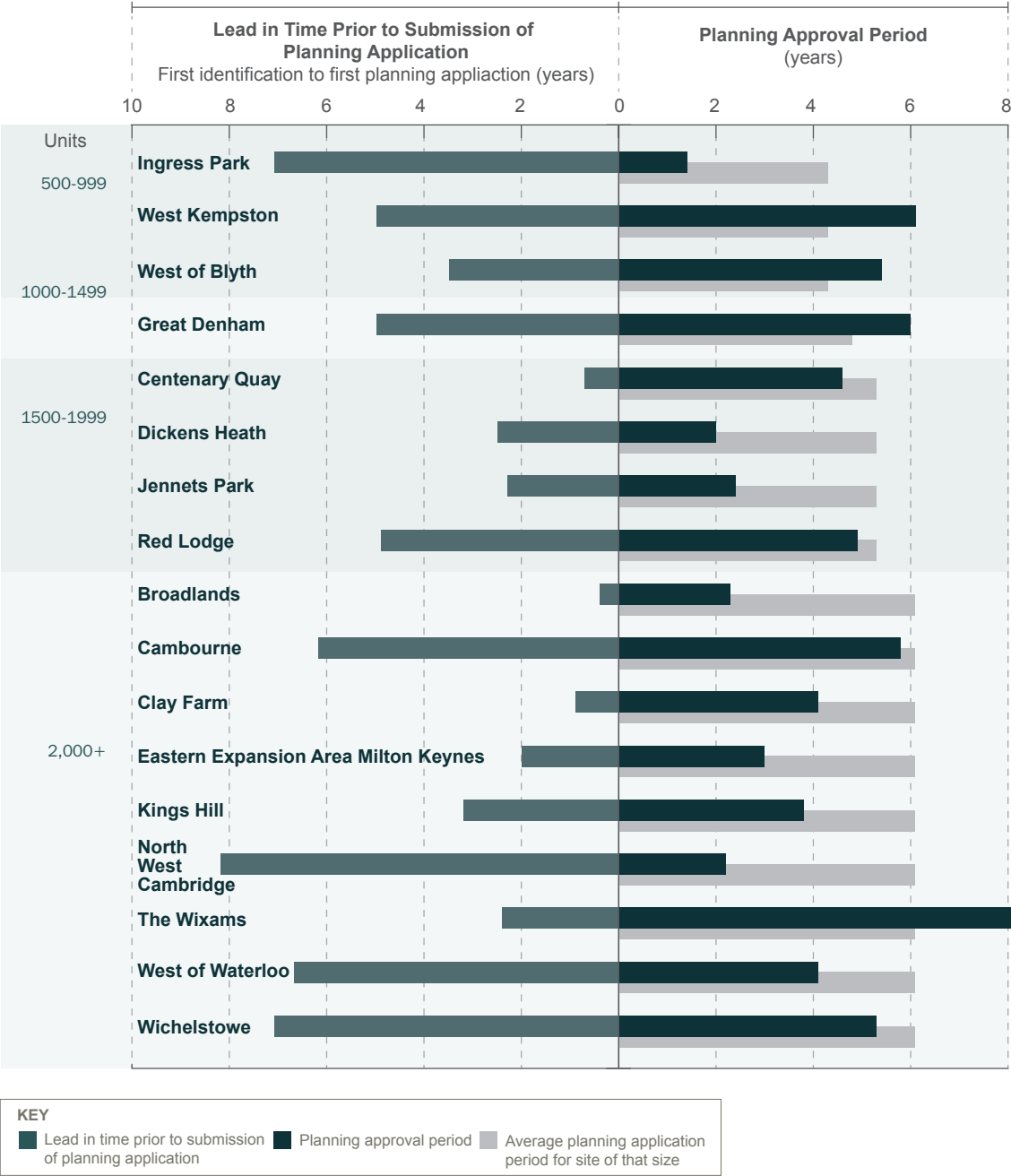
If the lead-in time prior to submission of an application is able to focus on addressing key planning issues, it can theoretically help ensure that an application – once submitted – is determined more quickly. Our sample of sites that has lead-in time information available is too small to make conclusions on this theory. However, there is significant variation within these sites highlighting the complexity of delivering homes on sites of different sizes. Of this sample of sites: on average it was 3.9 years from first identification of the site for housing to the submission of the initial planning application.

Moreover, a substantial lead-in time does not guarantee a prompt permission: 4 of the 18 sites that took longer to gain planning permission than the average for sites of comparable size and also had lead-in times prior to submission of a planning application of several years⁵.

⁴ As at September 2016, just 34% of Local Authorities outside London have an up-to-date post-NPPF strategic-level Local Plan. Source: PINS / NLP analysis.

⁵ The sites in question were The Wixams, West Kempton, West of Blyth, and Great Denham.

Figure 3: Average lead-in time of sites prior to submission of the first planning application



Source: NLP analysis

The Planning Approval Period: Size Matters

The term ‘planning approval period’ in this report measures the period from the validation date of the first planning application for the scheme to the decision date of the first application which permits development of dwellings on site (this could be a full, hybrid or reserved matters application). Clearly, in many cases, this approval will also need to be followed by discharge of pre-commencement conditions (a focus of the Government’s Neighbourhood Planning Bill) but these were not reviewed in this research as a detailed approval was considered an appropriate milestone in this context.

The analysis considers the length of planning approval period for different sizes of site, including comparing large-scale sites with small sites. Figure 4 shows that the greater the number of homes on a site, the longer the planning approval period becomes. There is a big step-up in time for sites of in-excess of 500 units.

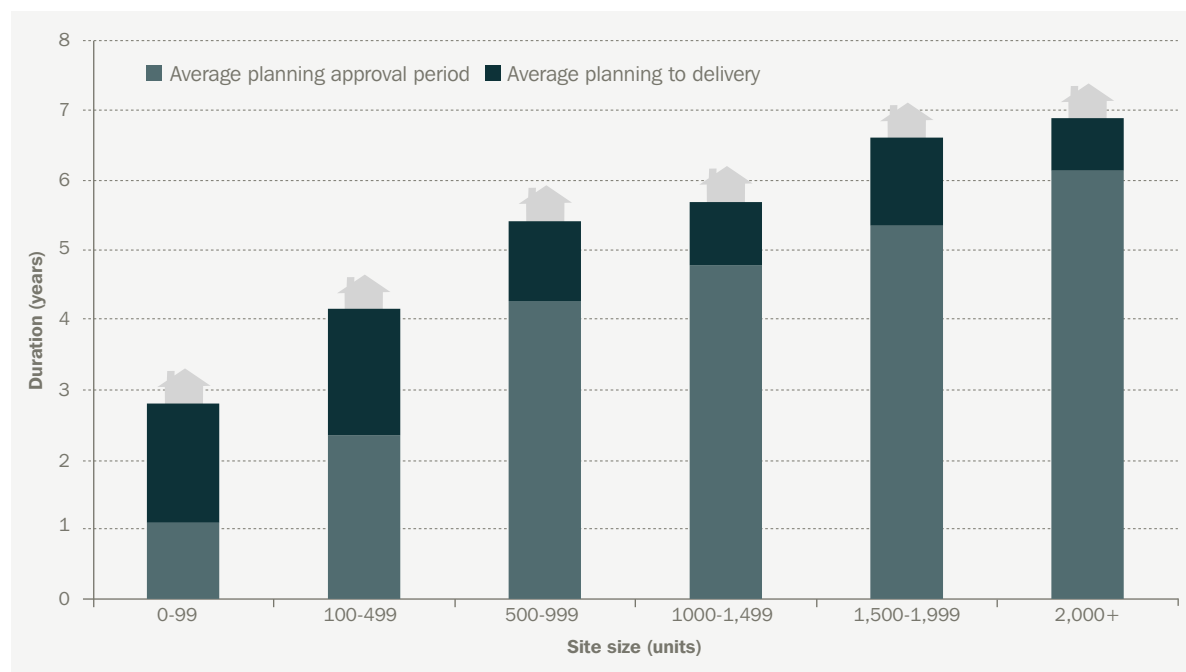
Time Taken for First Housing Completion after Planning Approval

Figure 4 also shows the time between the approval of the first application to permit development of dwellings on site and the delivery of the first dwelling (during which time any pre-commencement conditions would also be discharged), in this analysis this is the latter part of the lead in time period. This reveals that the timescale to open up a site following the detailed approval is relatively similar for large sites.

Interestingly, our analysis points to smaller sites taking longer to deliver the first home after planning approval. This period of development takes just over 18 months for small sites of under 500 units, but is significantly quicker on the assessed large-scale sites; in particular, on the largest 2,000+ dwelling sites the period from receiving planning approval to first housing completion was 0.8 years.

In combination, the planning approval period and subsequent time to first housing delivery reveals the total period increases with larger sites, with the total period being in the order of 5.3 – 6.9 years. Large sites are typically not quick to deliver; in the absence of a live planning application, they are, on average, unlikely to be contributing to five year housing land supply calculations.

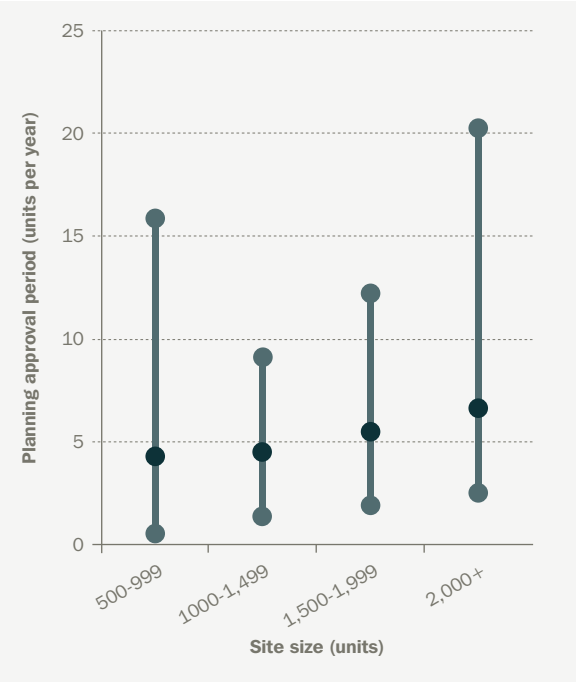
Figure 4: Average planning approval period and delivery of first dwelling analysis by site size



Source: NLP analysis

Of course, these are average figures, and there are significant variations from the mean. Figure 5 below shows the minimum and maximum planning approval periods for sites in each of the large size categories. This shows even some of the largest sites coming forward in under two years, but also some examples taking upwards of 15-20 years. Clearly, circumstances will vary markedly from site to site.

Figure 5: Site size and duration of planning



Source: NLP analysis

Case Studies

If some sites are coming forward more quickly than the average for sites of that size, what is it that is driving their rapid progress? We explored this with some case studies. These suggest that when schemes are granted planning permission significantly faster than the above averages, it is typically due to specific factors in the lead-in time prior to the submission of a planning application.

Gateshead – St James Village (518 dwellings): Planning approval period 0.3 years⁶

This site was allocated as a brownfield site in the Gateshead UDP (2000) prior to the submission of a planning application for the regeneration scheme. A Regeneration Strategy for East Gateshead covered this site and as at 1999 had already delivered high profile flagship schemes on the water front. Llewelyn Davis were commissioned by the Council and English Partnerships to prepare a masterplan and implementation strategy for the site which was published in June 1999. Persimmon Homes then acquired the site and it was agreed in autumn 1999 that they should continue the preparation of the masterplan. East Gateshead Partnership considered the masterplan on the 08th March 2000 and recommended approval. Subsequently, the outline application (587/00) with full details for phase 1 was validated on the 6th September 2000 and a decision issued on the 9th January 2001.

It is clear that although it only took 0.3 years for the planning application to be submitted and granted for a scheme of more than 500 units, the lead in time to the submission of the application was significant, including an UDP allocation and a published masterplan 18 months ahead of permission being granted. By the time the planning application was submitted most of the site specific issues had been resolved.

⁶ St James Village is excluded from the lead-in time analysis because it is unclear on what date the site was first identified within the regeneration area

Dartford – Ingress Park (950 dwellings): Planning approval period 1.4 years

This site was initially identified in a draft Local Plan in 1991 and finally allocated when this was adopted in April 1995. The Ingress Park and Empire Mill Planning Brief was completed in three years later (November 1998).

The submission of the first planning application for this scheme predated the completion of the Planning Brief by a few months, but the Council had already established that they supported the site. By the time the first application for this scheme was submitted, the site had been identified for development for circa seven years.

The outline application (98/00664/OUT) was validated on the 10th August 1998 and permission granted on the 21st Nov 2000, a determination period of 1 year and 3 months). A full application for the First Phase for 52 dwellings (99/00756/FUL) was validated and approved in just two months, prior to approval of the outline. Clearly, large-scale outline permissions have to wrap up a wide range of other issues, but having first phase full applications running in parallel can enable swifter delivery, in situations where a 'bite sized' first phase can be implemented without triggering complex issues associated with the wider site.

Cambridge and South Cambridgeshire – North West Cambridge (3,000 dwellings and 2,000 student bed spaces): Planning approval period 2.2 years

Cambridge University identified this area as its only option to address its long-term development needs, and the Cambridgeshire and Peterborough Structure Plan 2003 identified the location for release from the Green Belt. The site was allocated in the 2006 Cambridge Local Plan, and the North West Cambridge Area Action Plan was adopted in October 2009. The Area Action Plan established an overall vision and set out policies and proposals to guide the development as a whole.

As such, by the time the first application for this scheme was submitted, there had already been circa eight years of 'pre-application' planning initially concerning the site's release from the Green Belt, but then producing the Area Action Plan which set out very specific requirements.. This 'front-loaded' consideration of issues that might otherwise have been left to a planning application.

The outline application (11/1114/OUT – Cambridge City Council reference) for delivery of up to 3,000 dwellings, up to 2,000 student bed spaces and 100,000 sqm of employment floorspace was validated on the 21st September 2011 and approved on the 22nd of February 2013. The first reserved matters application for housing (13/1400/REM) was validated on the 20th September 2013 and approved on the 19th December 2013. Some ten years from the concept being established in the Structure Plan.

Summary on Lead-in Times

1. On average, larger sites take longer to complete the planning application and lead-in processes than do smaller sites. This is because they inevitably give rise to complex planning issues related to both the principle of development and the detail of implementation.
2. Consideration of whether and how to implement development schemes is necessary for any scheme, and the evidence suggests that where planning applications are determined more quickly than average, this is because such matters were substantially addressed prior to the application being submitted, through plan-making, development briefs and/or master planning. There is rarely a way to short-circuit planning.
3. Commencement on large sites can be accelerated if it is possible to 'carve-out' a coherent first phase and fast track its implementation through a focused first phase planning application, in parallel with consideration of the wider scheme through a Local Plan or wider outline application.
4. After receiving permission, on average smaller sites take longer to deliver their first dwelling than do the largest sites (1.7-1.8 years compared to 0.8 years for sites on 2,000+ units).

Lapse Rates: What Happens to Permissions?

Not every planning permission granted will translate into the development of homes. This could mean an entire site does not come forward, or delivery on a site can be slower than originally envisaged. It is thus not realistic to assume 100% of planning permission granted in any given location will deliver homes. Planning permissions can lapse for a number of reasons:

1. The landowner cannot get the price for the site that they want;
2. A developer cannot secure finance or meet the terms of an option;
3. The development approved is not considered to be financially worthwhile;
4. Pre-commencement conditions take longer than anticipated to discharge;
5. There are supply chain constraints hindering a start; or
6. An alternative permission is sought for the scheme after approval, perhaps when a housebuilder seeks to implement a scheme where the first permission was secured by a land promoter.

These factors reflect that land promotion and housebuilding is not without its risks.

At the national level, the Department for Communities and Local Government has identified a 30-40% gap between planning permissions granted for housing and housing starts on site⁷. DCLG analysis suggested that 10-20% of permissions do not materialise into a start on site at all and in addition, an estimated 15-20% of permissions are re-engineered through a fresh application, which would have the effect of pushing back delivery and/or changing the number of dwellings delivered.

This issue often gives rise to claims of 'land banking' but the evidence for this is circumstantial at best, particularly outside London. The business models of house builders are generally driven by Return on Capital Employed (ROCE) which incentivises a quick return on capital after a site is acquired. This means building and selling homes as quickly as possible, at sales values consistent with the price paid for the land. Land promoters (who often partner with landowners using promotion agreements) are similarly incentivised to dispose of their site to a house builder to unlock their promotion fee. Outside London, the scale of residential land prices has not been showing any significant growth in recent years⁸ and indeed for UK greenfield and urban land, is still below levels last seen at least 2003⁹. There is thus little to incentivise hoarding land with permission.

The LGA has identified circa 400-500,000 units of 'unimplemented' permissions¹⁰, but even if this figure was accurate, this is equivalent to just two years of pipeline supply. More significantly, the data has been interpreted by LGA to significantly overstate the number of unimplemented permissions because 'unimplemented' refers to units on sites where either the entire site has not been fully developed or the planning permission has lapsed¹¹. It therefore represents a stock-flow analysis in which the outflow (homes built) has been ignored.

Insofar as 'landbanking' may exist, the issue appears principally to be a London – rather than a national – malaise, perhaps reflecting that land values in the capital – particularly in 'prime' markets – have increased by a third since the previous peak of 2007. The London Mayor's 'Barriers to Housing Delivery – Update' of July 2014 looked at sites of 20 dwellings or more and reported that only about half of the total number of dwellings granted planning permission every year are built (Table 3); a lapse rate of circa 50% across London.

Clearly, the perceived problem of landbanking is seeing policy attention from Government, but caution is needed that any changes do not result in unintended consequences or act as a disincentive to secure planning permissions.

A more practical issue is that Plans and housing land trajectories must adopt sensible assumptions, based on national benchmarks, or – where the data exists – local circumstances, to understand the scale of natural non-implementation.

⁷ DCLG Presentations to the HBF Planning Conference (September 2015)

⁸ Knight Frank Residential Development Land Index Q1 2016 <http://content.knightfrank.com/research/161/documents/en/q1-2016-3844.pdf>

⁹ Savills Development Land Index <http://www.savills.co.uk/research/uk/residential-research/land-indices/development-land-index.aspx>

¹⁰ Glenigan data as referenced by Local Government Association in its January 2016 media release (a full report is not published) http://www.local.gov.uk/web/guest/media-releases/-/journal_content/56/10180/7632945/NEWS

¹¹ This would mean that a site which has built 99% of homes will still show up as 100% of units being 'unimplemented'

Build Rates: How Fast Can Sites Deliver?

The rate at which sites deliver new homes is a frequently contested matter at Local Plan examinations and during planning inquiries considering five year housing land supply. Assumptions can vary quite markedly and expectations have changed over time: in 2007, Northstowe – the new settlement to the north west of Cambridge – was expected by the Council to deliver 750-850 dwellings per annum¹²; it is now projected to deliver at an annual rate of just 250¹³.

There is a growing recognition that the rate of annual delivery on a site is shaped by ‘absorption rates’: a judgement on how quickly the local market can absorb the new properties. However, there are a number of factors driving this for any given site:

- the strength of the local housing market;
- the number of sales outlets expected to operate on the site (ie the number of different house builders or brands/products being delivered); or
- the tenure of housing being built. Are market homes for sale being supplemented by homes for rent, including affordable housing?

The analysis in this section explores these factors with reference to the surveyed sites.

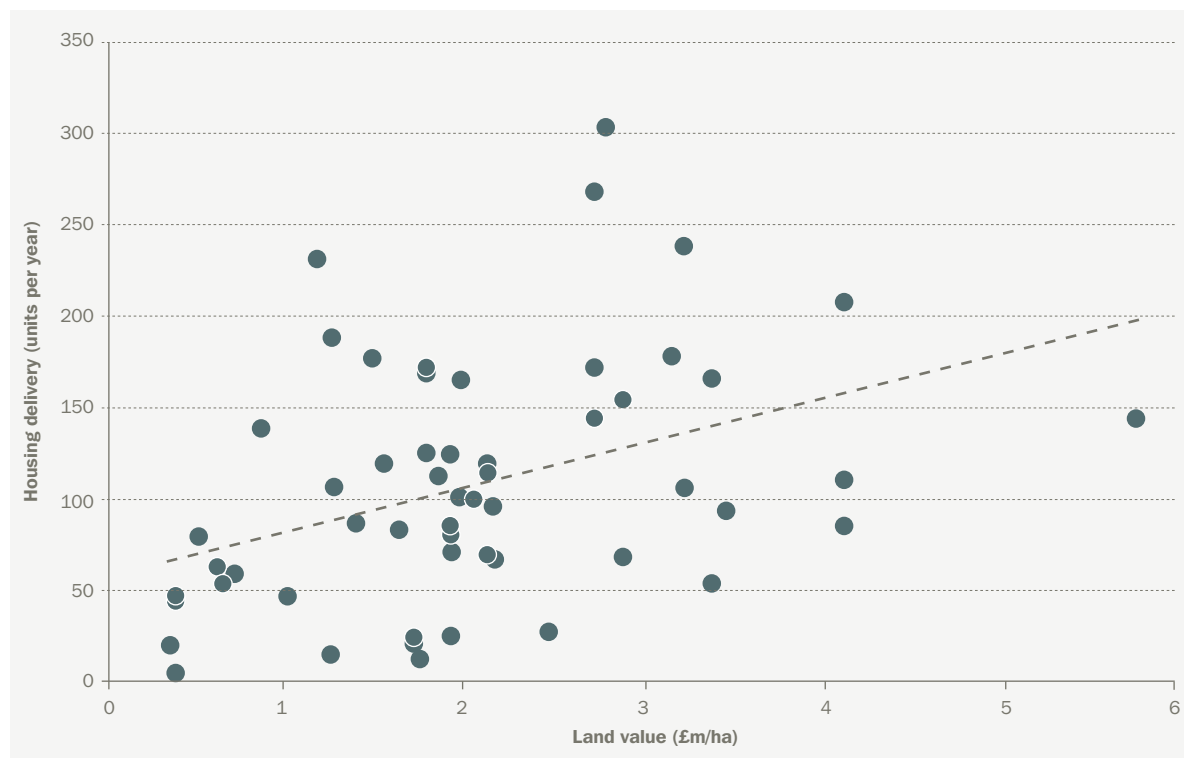
Market Strength

It might seem a truism that stronger market demand for housing will support higher sales and build rates – but how far is that the case and how to measure it?

Figure 6 below compares CLG data on post-permission residential land value estimates (£/ha) by Local Authorities in 2014¹⁴ to the average build out rate of each of the assessed strategic sites. Unfortunately the residential land value estimates are only available for England and as such the Welsh sites assessed are excluded, leaving 57 sites in total.

The analysis shows that markets matter. Relatively weaker areas may not be able to sustain the high build-out rates that can be delivered in stronger markets with greater demand for housing. There are significant variations, reflecting localised conditions, but the analysis shows a clear relationship between the strength of the market in a Local Authority area and the average annual build rates achieved on those sites. Plan makers should therefore recognise that stronger local markets can influence how quickly sites will deliver.

Figure 6: Average Annual Build-out Rates of sites compared to Land Values as at 2014



Source: NLP analysis and CLG Post-permission residential land value estimates (£/ha) by Local Authorities (February 2015)

Start to Finish

¹² South Cambridgeshire Annual Monitoring Report 2006/07

¹³ South Cambridgeshire Annual Monitoring Report 2014/15

¹⁴ Post-permission residential land value estimates were released in December 2015, however the end date of the build rate data obtained is 2014/15; as such land value estimates at February 2015 are better aligned to the build periods assessed in this report and have been used for consistency.

Size Matters

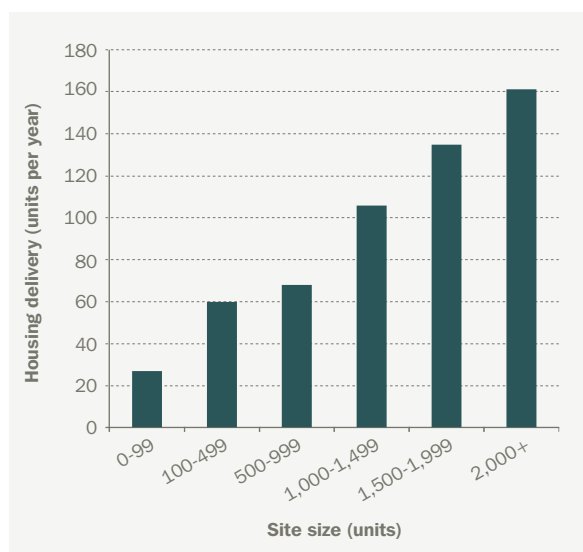
A key metric for build rates on sites is the number of sales outlets. Different housebuilders will differentiate through types or size of accommodation and their brands and pricing, appealing to different customer types. In this regard, it is widely recognised that a site may increase its absorption rate through an increased number of outlets.

Unfortunately, data limitations mean that the number of outlets is not readily available for the large sites surveyed within this research, and certainly not on any longitudinal basis which is relevant because the number of outlets on a site may vary across phases.

However, it is reasonable to assume that larger sites are likely to feature more sales outlets and thus have greater scope to increase build rates. This may relate to the site being more geographically extensive: with more access points or development ‘fronts’ from which sales outlets can be driven. A large urban extension might be designed and phased to extend out from a number of different local neighbourhoods within an existing town or city, with greater diversity and demand from multiple local markets.

Our analysis supports this concept: larger sites deliver more homes each year, but even the biggest schemes (those with capacity for 2,000 units) will, on average, deliver fewer than 200 dwellings per annum, albeit their average rate – 161 units per annum – is six times that of sites of less than 100 units (27 units per annum).

Figure 7: Average annual build rate by site size



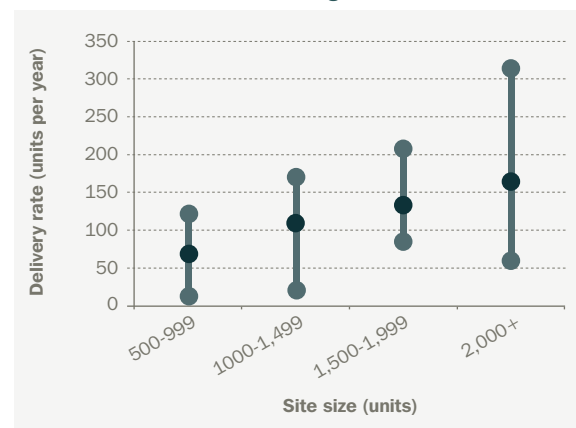
Of course, these are average figures. Some sites will see build rates exceeding this average in particular years, and there were variations from the mean across all categories (see Figure 8), suggesting that higher or lower rates than this average may well be possible, if circumstances support it.

Nevertheless, it is striking that annual average delivery on sites of up to 1,499 units barely exceeds 100 units per annum, and there were no examples in this category that reached a rate of 200 per annum. The highest rate – of 321 units per annum – is for the Cranbrook site, but this is a short term average. A rate of 268 per annum was achieved over a longer period at the Eastern Expansion Area (Broughton Gate & Brooklands) site in Milton Keynes. The specific circumstance surrounding the build rates in both these examples are explored as case studies opposite. It is quite possible that these examples might not represent the highest rate of delivery possible on large-scale sites in future, as other factors on future sites might support even faster rates.

Our analysis also identifies that, on average, a site of 2,000 or more dwellings does not deliver four times more dwellings than a site delivering between 100 and 499 homes, despite being at least four times the size. In fact it only delivers an average of 2.5 times more houses. This is likely to reflect that:

- it will not always be possible to increase the number of outlets in direct proportion to the size of site – for example due to physical obstacles (such as site access arrangements) to doing so; and
- overall market absorption rates means the number of outlets is unlikely to be a fixed multiplier in terms of number of homes delivered.

Figure 8: Average annual build-out rate by site size, including the minimum and maximum averages within each site size



Cranbrook: East Devon

The highest average annual build out rates recorded in this analysis comes from the Cranbrook site in East Devon where an average of 321 dwellings per annum were delivered between 2012/13 and 2014/15. Delivery of housing only started on this site in 2012/13, with peak delivery in 2013/14 of 419 dwellings.

Cranbrook is the first new standalone settlement in Devon for centuries and reportedly – according to East Devon Council – the result of over 40 years of planning (this claim has not been substantiated in this research). It is the circumstances surrounding its high annual delivery rate which is of most interest, however.

Phase 1 of the development was supported by a £12 million repayable grant from a revolving infrastructure fund managed by the Homes and Communities Agency. The government also intervened again in the delivery of this site by investing £20 million for schools and infrastructure to ensure continuity of the scheme, securing the delivery of phase 2. The government set out that the investment would give local partners the confidence and resources to drive forward its completion.

The Consortium partnership for Cranbrook (including Hallam Land, Persimmon Homes (and Charles Church) and Taylor Wimpey) stated the following subsequent to the receipt of the government funding¹⁵.

“Without this phase 2 Cranbrook would have been delayed at the end of phase 1, instead, we have certainty in the delivery of phase 2, we can move ahead now and commit with confidence to the next key stages of the project and delivering further community infrastructure and bringing forward much needed private and affordable homes”.

Clearly, the public sector played a significant role in supporting delivery. The precise relationship between this and the build rate is unclear, but funding helped continuity across phases one and two of the scheme. More particularly, the rate of delivery so far achieved relates just to the first three years, and there is no certainty that this high build-out rate will be maintained across the remainder of the scheme.

Eastern Expansion Area (Broughton Gate & Brooklands): Milton Keynes

The second highest average build out rates recorded in this analysis comes from the Eastern Expansion Area (Broughton Gate & Brooklands) site in Milton Keynes where an average of 268 dwellings per annum were delivered between 2008/09 and 2013/14. As is widely recognised, the planning and delivery of housing in Milton Keynes is distinct from almost all the sites considered in this research.

Serviced parcels with the roads already provided were delivered as part of the Milton Keynes model and house builders are able to proceed straight onto the site and commence delivery. This limited the upfront site works required and boosted annual build rates. Furthermore, there were multiple outlets building-out on different serviced parcels, with monitoring data from Milton Keynes Council suggesting an average of c.12 parcels were active across the build period. This helped to optimise the build rate.

¹⁵ <https://www.gov.uk/government/news/government-funding-to-unlock-delivery-of-12-000-new-homes>

Peak Years of Housing Delivery

Of course, rates of development on sites will ebb and flow. The top five peak annual build-out rates achieved across every site assessed are set out in Table 1 below. Four of the top five sites with the highest annual peak delivery rates are also the sites with the highest annual average build out rates (with the exception of Broughton & Atterbury). Peak build rates might occur in years when there is an overlap of multiple outlets on phases, or where a particular phase might include a large number of affordable or apartment completions. It is important not to overstress these individual years in gauging build rates over the whole life of a site.

Table 1: Peak annual build-out rates compared against average annual delivery rates on those sites

Scheme	Peak Annual Build-Out Rate	Annual Average Build-Out Rate
Cambourne	620	239
Hamptons	548	224
Eastern Expansion Area	473	268
Cranbrook	419	321
Broughton	409	171

Source: NLP analysis and various AMRs

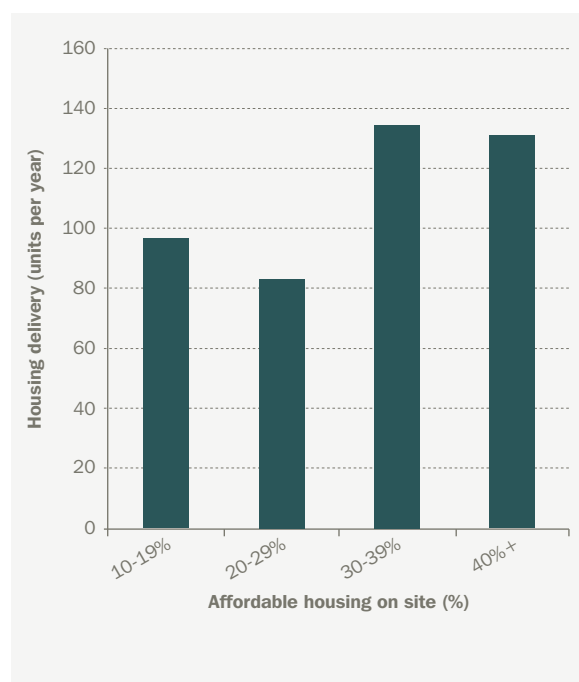
Affordable Housing Provision

Housing sites with a larger proportion of affordable homes (meeting the definition in the NPPF) deliver more quickly, where viable. The relationship appears to be slightly stronger on large-scale sites (500 units or more) than on smaller sites (less than 500 units), but there is a clear positive correlation (Figure 9). For both large and small-scale sites, developments with 40% or more affordable housing have a build rate that is around 40% higher compared to developments with 10-19% affordable housing obligation.

The relationship between housing delivery and affordable (subsidised) housing is multi-dimensional, resting on the viability, the grant or subsidy available and the confidence of a housing association or registered provider to build or purchase the property for management. While worth less per unit than a full-market property, affordable housing clearly taps into a different segment of demand (not displacing market demand), and having an immediate purchaser of multiple properties can support cash flow and risk sharing in joint ventures. However, there is potential that starter homes provided in lieu of other forms of affordable housing may not deliver the same kind of benefits to speed of delivery, albeit they may support viability overall.

This principle – of a product targeting a different segment of demand helping boost rates of development – may similarly apply to the emergent sectors such as ‘build-to-rent’ or ‘self build’ in locations where there is a clear market for those products. Conversely, the potential for starter homes to be provided in lieu of other forms of affordable housing may overlap with demand for market housing on some sites, and will not deliver the kind of cash flow / risk sharing benefits that comes from disposal of properties to a Registered Provider.

Figure 9: Affordable housing provision and housing output



Source: NLP analysis

The Timeline of the Build-out Period

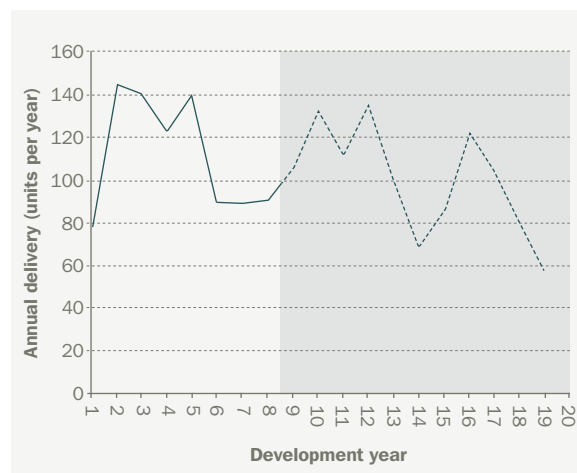
Many planners’ housing trajectories show large sites gradually increasing their output and then remaining steady, before tailing off at the end. In fact, delivery rates are not steady. Looking at the first eight years of development – where the sample size of large sites is sufficiently high – NLP’s research showed that annual completions tended to be higher early in the build-out period before dipping (Figure 10).

For sites with even longer build out periods, this pattern of peaks and troughs is potentially repeated again (subject to data confidence issues set out below). This surge in early completions could reflect the drive for

rapid returns on capital in the initial phase, and/or early delivery of affordable housing, with the average build rate year by year reducing thereafter to reflect the optimum price points for the prevailing market demand. Additionally, the longer the site is being developed, the higher the probability of coinciding with an economic downturn – obviously a key factor for sites coming forward over the past decade – which will lead to a reduction in output for a period.

Our sample of sites where the development lasted for more than eight years is too small to draw concrete findings, but it does flag a few other points. On extremely large sites that need to span more than a decade, the development will most likely happen in phases. The timing and rate of these phases will be determined by a range of factors including: the physical layout of the site, the ability to sell the homes; trigger points for payment for key social and transport infrastructure obligations; the economic cycle; and local market issues. Predicting how these factors combine over a plan period is self-evidently difficult, but plan makers should recognise the uncertainty and build in flexibility to their housing trajectories to ensure they can maintain housing supply wherever possible.

Figure 10: Average annual build-out rate per year of the build period



Source: NLP analysis

Summary

1. There is a positive correlation between the strength of the market (as measured by residential land values) and the average annual build rates achieved.
2. The annual average build-rate for the largest sites (of 2,000 or more units) is circa 161 dwellings per annum
3. The rate of delivery increases for larger schemes, reflecting the increased number of sales outlets possible on large sites. However, this is not a straight line relationship: on average, a site of 2,000 units will not, deliver four times as fast as a site of 500. This reflects the limits to number of sales outlets possible on a site, and overall market absorption rates.
4. There is significant variation from the average, which means some sites can be expected to deliver more (or less) than this average. However, the highest average build-out rate of all the assessed sites is 321 dwellings per annum in Cranbrook. But this relates to just three years of data, and the scheme benefitted from significant government funding to help secure progress and infrastructure. Such factors are not be present in all schemes, and indeed, the data suggests sites tend to build at a higher rate in initial years, before slowing down in later phases.
5. Build rates on sites fluctuate over their life. The highest build rate recorded in a single year is 620 units at Camborne, but for the duration of the development period the average annual build rate is 239 dwellings.
6. There is a positive correlation between the percentage of affordable homes built on site and the average annual delivery of homes with sites delivering 30% or more affordable housing having greater annual average build rates than sites with lower affordable housing provision. The introduction of different tenures taps into different market segments, so a build to rent product may similarly boost rates of delivery – where there is a market for it – but starter homes may have the opposite effect if they are provided in lieu of other forms of affordable homes, and displace demand for cheaper market homes.

A Brownfield Land Solution?

The NPPF encourages the effective use of previously-developed land, and recent Government announcements suggest increased prioritisation of development for brownfield sites. Efforts to streamline the planning process for brownfield sites may also speed up their delivery. But, is there a difference in how quickly brownfield sites can come forward compared to greenfield sites?

Research produced by CPRE and Glenigan in March 2016¹⁶ suggested that the time between planning permission being granted and construction work starting is generally the same for brownfield and greenfield sites, but suggested that work on brownfield sites is completed more than six months quicker. However, it was not clear if this finding was because the greenfield sites were larger than the equivalent brownfield sites surveyed in that study. We therefore looked at how lead in times and build rates compared for large-scale sites of 500+ dwellings on greenfield and brownfield sites.

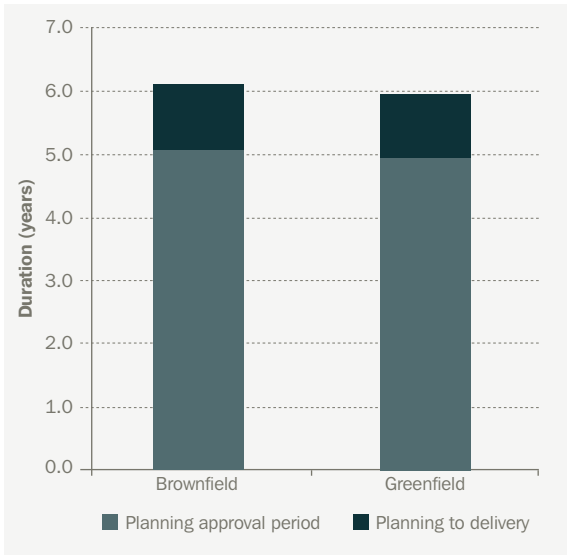
The Planning Approval Period

Whether land is brownfield or greenfield does not impact on the planning approval period. On average, for all sites, the planning approval period for the sites delivering 500 dwellings or more is almost identical at 5.1 years for brownfield and 5.0 years for greenfield – see Figure 11, although this is skewed by the very largest sites of 2,000+ units (see Table 2), with brownfield sites in the smaller-size bands being on average slightly quicker than their greenfield counterparts (albeit caution is required given the small sample size for some size bandings).

What the analysis tends to show is that it is the scale of development – rather than the type of land – which has the greatest impact on the length of planning process, and that despite government prioritisation on brownfield land in the NPPF, this is unlikely to result in significant further improvements in timescales for delivery.

The time period between gaining a planning approval and the first delivery of a dwelling is also similar overall.

Figure 11: Previous land use and duration of planning



Source: NLP analysis

Table 2: Previous land use and duration of planning approval period

	Site Size (dwellings)	Number of sites in this group	Average Planning Approval Period
Greenfield Sites	500-999	14	4.5
	1,000-1,499	9	5.3
	1,500-1,999	7	5.5
	2,000+	13	5.0
	Total/Average	43	5.0
Brownfield Sites	500-999	16	4.1
	1,000-1,499	3	3.3
	1,500-1,999	1	4.6
	2,000+	7	8.6
	Total/Average	27	5.1

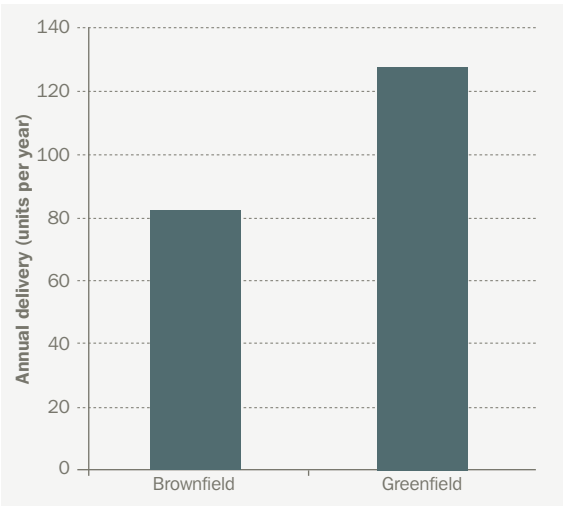
Source: NLP analysis

¹⁶ Brownfield comes first: why brownfield development works CPRE, March 2016

Build-out Rates

There is a more discernible difference between brownfield and greenfield sites when it comes to the annual build out rates they achieve, with the analysis in Figure 12 suggesting that brownfield sites on average deliver at lower rates than their greenfield counterparts, both overall and across the different size bandings (see Table 3) albeit recognising the small sample size for some sizes of site. On average, the annual build-out rate of a greenfield site is 128 dwellings per annum, around 50% higher than the 83 per annum average for brownfield sites.

Figure 12: Previous land use and housing delivery



Source: NLP analysis

This may reflect that brownfield sites carry extra costs (e.g. for remediation) which reduces the scale of contribution they make to infrastructure and affordable housing provision (which as shown can boost rates of delivery).

Table 3: Previous land use by size and average annual build out rate

	Site Size (dwellings)	Number of sites in this group	Average Annual Build-out Rate
Greenfield Sites	500-999	14	86
	1,000-1,499	9	122
	1,500-1,999	7	142
	2,000+	13	171
	Total/Average	43	128
Brownfield Sites	500-999	16	52
	1,000-1,499	3	73
	1,500-1,999	1	84
	2,000+	7	148
	Total/Average	27	83

Source: NLP analysis

Summary

1. Brownfield and greenfield sites come forward at broadly similar rates, although at the smaller end of the scale, there does appear to be some ‘bonus’ in speed of decisions for previously-developed land. For the largest sites (of 2,000+ units) the sample of brownfield sites suggests an extended time period (3.6 years longer) compared to their equivalent greenfield sites;
2. Once started, large-scale greenfield sites do deliver homes at a more rapid rate than their brownfield equivalents, on average 50% quicker.

Conclusion

There is a growing recognition that large-scale housing development can and should play a large role in meeting housing need. Garden towns and villages – planned correctly – can deliver sustainable new communities and take development pressure off less sustainable locations or forms of development.

However, if planners are serious about wanting to see more homes built each year and achieve the government's target of one million by 2020 (or indeed, deliver the 300,000 per annum that are needed), simply allocating a site or granting a permission is not enough. The Government recognises this: the Minister for Planning has been quoted as saying that *"you cannot live in a planning permission"*.

Part of the debate has focused on perceptions of 'land banking' – the concept that developers are hoarding land or slowing down development. Equally, suggestions have been made that proposals for large-scale development should be 'protected' from competition from smaller sites or from challenge under five year land supply grounds. The evidence supporting these propositions appears limited.

In our view the real concern – outside London, at any rate – is ensuring planning decisions (including in plan-making) are driven by realistic and flexible housing trajectories in the first place, based on evidence and the specific characteristics of individual sites and local markets.

Based on the research in this document, we draw five conclusions on what is required:

1. If more homes are to be built, more land needs to be released and more planning permissions granted. Confidence in the planning system relies on this being achieved through local plans that must be sufficiently ambitious and robust to meet housing needs across their housing market areas. But where plans are not coming forward as they should, there needs to be a fall-back mechanism that can release land for development when it is required.
2. Planned housing trajectories should be realistic, accounting and responding to lapse rates, lead-in times and sensible build rates. This is likely to mean allocating more sites rather than less, with a good mix of types and sizes, and then being realistic about how fast they will deliver so that supply is maintained throughout the plan period. Because no one site is the same – and with significant variations from the average in terms of lead-in time and build rates – a sensible approach to evidence and justification is required.
3. Spatial strategies should reflect that building homes is a complex and risky business. Stronger local markets have higher annual delivery rates, and where there are variations within districts, this should be factored into spatial strategy choices. Further, although large sites can deliver more homes per year over a longer time period, they also have longer lead-in times. To secure short-term immediate boosts in supply – as is required in many areas – a good mix of smaller sites will be necessary.
4. Plans should reflect that – where viable – affordable housing supports higher rates of delivery. This principle is also likely to apply to other sectors that complement market housing for sale, such as build to rent and self-build (where there is demand for those products). Trajectories will thus need to differentiate expected rates of delivery to respond to affordable housing levels or inclusion of other market products. This might mean some areas will want to consider spatial strategies that favour sites with greater prospects of affordable or other types of housing delivery. This plays into the wider debate about support for direct housing delivery for rent by local government and housing associations and ensuring a sufficient product mix on sites.
5. Finally, in considering the pace of delivery, large-scale brownfield sites deliver at a slower rate than do equivalent greenfield sites. The very largest brownfield sites have also seen very long planning approval periods. Self-evidently, many brownfield sites also face barriers to implementation that mean they do not get promoted in the first place. In most locations outside our biggest cities, a good mix of types of site will be required.

A Checklist for Understanding Large-scale Site Delivery

In setting or assessing reasonable housing trajectories for local plans or five year housing land supply, the lead-in times and average rates of housing delivery identified in this research can represent helpful benchmarks or rules of thumb, particularly in situations where there is limited local evidence.

However, these rules of thumb are not definitive. It is clear from our analysis that some sites start and deliver more quickly than this average, whilst others have delivered much more slowly. Every site is different.

In considering the evidence justifying the estimated time and rate of delivery, the questions listed in Table 4 below represent a checklist of questions that are likely to be relevant:

Table 4: Questions to consider on the speed of housing delivery on large-scale sites

Lead-in times to getting started on site	Factors affecting the speed of build out rate
<ul style="list-style-type: none"> ✓ Is the land in existing use? ✓ Has the land been fully assembled? ✓ If in multiple ownership/control, are the interests of all parties aligned? ✓ To what extent is there any challenge to the principle of development? ✓ Is the site already allocated for development? Does it need to be in order for release? ✓ Does an SPD, masterplan or development brief help resolve key planning issues? ✓ Is the masterplan/development brief consistent with what the developer will deliver? ✓ Is there an extant planning application or permission? ✓ Are there significant objections to the proposal from local residents? ✓ Are there material objections to the proposal from statutory bodies? ✓ Are there infrastructure requirements – such as access – that need to be in place before new homes can be built? ✓ Are there infrastructure costs or other factors that may make the site unviable? ✓ Does the proposal rely on access to public resources? ✓ If planning permission is secured, is reserved matters approval required? ✓ Does the scheme have pre-commencement conditions? ✓ Is the scheme being promoted by a developer who will need time to dispose of the site to a house builder? 	<ul style="list-style-type: none"> ✓ How large is the site? ✓ Will the scale, configuration and delivery model for the site support more sales outlets? ✓ How strong is the local market? ✓ Does the site tap into local demand from one or more existing neighbourhoods? ✓ Is the density and mix of housing to be provided consistent with higher rates of delivery? ✓ What proportion of affordable housing is being delivered? ✓ Are there other forms of housing – such as build to rent – included? ✓ When will new infrastructure – such as schools – be provided to support the new community? ✓ Are there trigger points or phasing issues that may affect the build rate achievable in different phases?

Appendix 1: Large Sites Reviewed

~ = No Data

Site Name	Local Planning Authority	Site	Previous Use	Year of first housing completion	Build Rates																			
					Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Yr 12	Yr 13	Yr 14	Yr 15	Yr 16	Yr 17	Yr 18	Yr 19	
Land at Siston Hill	South Gloucestershire	504	Greenfield	2006/07	77	211	96	63	57															
University Campus Chelmsford	Chelmsford	507	Brownfield	N/A																				
St. James Village	Gateshead	518	Brownfield	2000/01					406															
Thingwall Lane	Knowlsey	525	Brownfield	2013/14	79	~																		
Pamona Docks	Trafford	546	Brownfield	N/A																				
Velmead Farm	Hart	550	Greenfield	1989/90	1	104	193	89	101	52	101	113	130	74	102	48	4							
Land adjoining Manchester Ship Canal	Trafford	550	Greenfield	N/A																				
Ochre Yards	Gateshead	606	Brownfield	2001/02					424															
Former Pontins Holiday Camp	Lancaster	626	Brownfield	2006/07	16	22	4	5	~															
Land south of Wansbeck General Hospital	Northumberland	644	Greenfield	2005/06																				
Staiths South Bank	Gateshead	667	Brownfield	2003/04	24	58	~	44	~	48	~													
Rowner Renewal Project	Gosport	700	Brownfield	2010/11	4	100	70	16	0															
South Bradwell (Phase 1)	Great Yarmouth	700	Greenfield	N/A																				
Land at West Blyth	Northumberland	705	Greenfield	2008/09					164															
Northside	Gateshead	718	Brownfield	1996/97							61									16	30	31	33	25
Hungate	York	720	Brownfield	2008/09					168															
The Parks	Bracknell Forest	730	Brownfield	2007/08	104	88	101	54	47	72	59	94												
West of Kempston	Bedford	730	Greenfield	2010/11	43	102	144	167	124															
Land at Popley Fields	Basingstoke & Deane	750	Greenfield	2006/07	105	172	118	186	126	44														
Dowds Farm	Eastleigh	765	Greenfield	2006/07	54	189	187	44	102	47	66	76	~											
Abbotswood	Test Valley	800	Greenfield	2011/12	30	190	157	102																
Kempshott Park	Basingstoke & Deane	800	Greenfield	2000/01	78	310	229	213	281	84	33	24												
Prospect Place	Cardiff	826	Brownfield	2007/08	135	48																		
Taylor's Farm/ Sherfield Park	Basingstoke & Deane	850	Greenfield	2004/05	56	79	81	86	88	50	100	141	88	91	75									

~ = No Data

[illegible]

~ = No Data

[illegible]

Appendix 2: Small Sites Reviewed

Site Name	Local Planning Authority	Site Size
Holme Farm, Carleton Road, Pontefract	Wakefield	50
Part Sr3 Site, Off Elizabeth Close, Scotter	West Lindsey	50
Former Downend Lower School, North View, Staple Hill	South Gloucestershire	52
Fenton Grange, Wooler	Northumberland	54
Land at the Beacon, Tilford Road, Hindhead	Waverley	59
Land To Rear Of 28 - 34 Bedale Road, Aiskew	Hambleton	59
Hanwell Fields Development, Banbury	Cherwell	59
Land at Prudhoe Hospital, Prudhoe	Northumberland	60
Oxfordshire County Council Highways Depot	Cherwell	60
Clewborough House School, St Catherines Road	Cherwell	60
Land south of Pinchington Lane	West Berkshire	64
Land Off Cirencester Rd	Stroud	66
Springfield Road Caunt Road	South Kesteven	67
Land off Crown Lane	Wychavon	68
Former Wensleydale School, Dent Street, Blyth	Northumberland	68
Land at Lintham Drive, Kingswood	South Gloucestershire	68
Hawthorn Croft (Off Hawthorn Avenue Old Slaughterhouse Site), Gainsborough	West Lindsey	69
Land to the North of Walk Mill Drive	Wychavon	71
Watermead, Land At Kennel Lane, Brockworth	Tewkesbury	72
North East Area Professional Centre, Furnace Drive, Furnace Green	Crawley	76
Land at Willoughbys Bank, Clayport Bank, Alnwick	Northumberland	76
The Kylins, Loansdean, Morpeth	Northumberland	88
MR10 Site, Caistor Road, Market Rasen	West Lindsey	89
OS Field 9972 York Road Easingwold	Hambleton	93
Land At Green Road - Reading College	Reading	93
North East Sandylands	South Lakeland	94
Auction Mart	South Lakeland	94
Parcel 4, Gloucester Business Park, Brockworth	Tewkesbury	94
Former York Trailers Yafforth Road Northallerton Scheme 1/2	Hambleton	96
Poppy Meadow	Stratford-on-Avon	106
Weeton Road/Fleetwood Road	Fylde	106
Land South of Station Road	East Hertfordshire	111
Former Bewbush Leisure Centre Site, Breezehurst Drive, Bewbush	Crawley	112
Land West Of Birchwood Road, Latimer Close	Bristol, City of	119
Land Between Godsey Lane And Towngate East	South Kesteven	120
Bibby Scientific Ltd	Stafford	120
Kennet Island Phase 1B - E, F, O & Q, Manor Farm Road	Reading	125
Primrose Mill Site	Ribble Valley	126
Land Rear Of Mount Pleasant	Cheshire West and Chester	127
Land to the east of Efflinch Lane	East Staffordshire	130
North of Douglas Road, Kingswood	South Gloucestershire	131
Land at Farnham Hospital, Hale Road, Farnham	Waverley	134
Bracken Park, Land At Corringham Road, Gainsborough	West Lindsey	141
Doxey Road	Stafford	145
Former York Trailers Yafforth Road Northallerton Scheme 2/2	Hambleton	145



Site Name	Local Planning Authority	Site Size
London Road/ Adj. St Francis Close	East Hertfordshire	149
MR4 Site, Land off Gallamore Lane, Market Rasen	West Lindsey	149
Queen Mary School	Fylde	169
Sellars Farm, Sellars Road	Stroud	176
Land South of Inervet Campus Off Brickhill Street, Walton	Milton Keynes	176
Notcutts Nursery, 150 - 152 London Road	Cherwell	182
Hoval Ltd North Gate	Newark and Sherwood	196
Hewlett Packard (Land Adjacent To Romney House), Romney Avenue	Bristol, City of	242
128-134 Bridge Road And Nos 1 - 4 Oldfield Road	Windsor and Maidenhead	242
GCHQ Oakley - Phase 1	Cheltenham	262
Land off Henthorn Road	Ribble Valley	270
Land Between A419 And A417, Kingshill North, Cirencester	Cotswold	270
Hortham Hospital, Hortham Lane, Almondsbury	South Gloucestershire	270
Land At Canons Marsh, Anchor Road	Bristol, City of	272
M & G Sports Ground, Golden Yolk and Middle Farm, Badgeworth	Tewkesbury	273
Long Marston Storage Depot Phase 1	Stratford-on-Avon	284
Land at Brookwood Farm, Bagshot Road	Woking	297
Land at, Badsey Road	Wychavon	298
Land At Fire Service College, London Road, Moreton in Marsh	Cotswold	299
Land At Dorian Road	Bristol, City of	300
Kennet Island Phase 1 - H, M, T, U1, U2 Manor Farm Road	Reading	303
Chatham Street Car Park Complex	Reading	307
Former NCB Workshops, Ellington Rd, Ashington (aka Portland Park)	Northumberland	357
Former Masons Cerement Works and Adjoining Ministry of Defence Land, Gipping Road, Great Blakenham	Mid Suffolk	365
Woolley Edge Park Site	Wakefield	375
Luneside West	Lancaster	403
Radyr Sidings	Cardiff	421
New World House, Thelwall Lane	Warrington	426
Land at former Battle Hospital, 344 Oxford Road	Reading Borough Council	434
New Central (Land at Guildford Road and Bradfield Close including Network House, Merrion House, Bradford House and Coronation House	Woking Borough Council	445
Kingsmead South	Milton Keynes Council	450
Bleach Green, Winlaton	Gateshead	456
Farington Park, East of Wheelton Lane	South Ribble	468
Bickershaw Colliery, Plank Lane, Leigh	Wigan	471
Farnborough Business Park	Rushmoor	476
Horfield Estate, Filton Avenue, Horfield	Bristol City Council	485
Stenson Fields	South Derbyshire	487
Cookridge Hospital	Leeds	495

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APPENDIX 4 – WOOLPIT DECISION

Appeal Decision

Inquiry held on 31 July, 1, 30 and 31 August 2018

Site visit made on 2 August 2018

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 28th September 2018

Appeal Ref: APP/W3520/W/18/3194926

Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Landex Ltd against the decision of Mid Suffolk District Council.
 - The application Ref 2112/16, dated 2 May 2016, was refused by notice dated 6 September 2017.
 - The development proposed is the erection of 49 dwellings (including 17 affordable dwellings) and construction of a new access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 49 dwellings (including 17 affordable dwellings) and construction of a new access at Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF in accordance with the terms of the application, Ref 2112/16, dated 2 May 2016, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The application was supported by a number of reports and technical information including a Design and Access Statement (DAS), a Planning Statement, a Revised Transport Assessment, a Planning Statement, a Contamination Report Part 1 and Part 2, an Ecology Report and Skylark Survey, a Flood Risk Assessment, a Foul and Surface Water Drainage Strategy, an Archaeological Report and a Landscape and Visual Appraisal.
3. At the Inquiry, a S106 Unilateral Planning Obligation was submitted by the Appellant.¹ This addresses all of the matters sought by the District and County Council in connection with the provision of community and other services arising from the development. The Planning Obligation is signed and dated 29 August 2018 and is a material consideration in this case. A Community Infrastructure Compliance Statement has been submitted by Suffolk County Council (SCC).² I return to the Planning Obligation later in this decision.
4. In addition, the Appellant submitted an Agreement with Flagship Housing Group Limited, conditional upon planning permission being granted, to enter into a Deed of Easement³ to secure pedestrian and cycle access to the north

¹ APP8

² INQ5

³ APP7

via Steeles Close. I shall return to the proposed easement later in the decision.

5. Statements of Common Ground (SoCG)⁴ between the Appellant and SCC were agreed and have been signed by both parties in respect of: (i) Archaeology Matters; (ii) Drainage Matters; (iii) Early Years and Education Matters; and (iv) Highways and Transport. An additional SoCG on Planning Matters including Housing Land Supply was agreed between the Appellant and Mid Suffolk District Council (MSDC).
6. The main parties confirmed the List of Drawings on which the appeal should be determined and this is set out at Document APP1. The List of Drawings includes the House Types (1-9), a Site Location plan PA33, a Site Layout Plan PA31 Rev H and an Offsite Highways Works Plan 112/2015/04 - Rev.P2.
7. The revised National Planning Policy Framework (NPPF 2018) was published on 24 July 2018 shortly before the Inquiry opened and was addressed by participating parties both during the event and in closings. I have taken it in to consideration in my conclusions.⁵
8. Following the close of the Inquiry I sought the views of both main parties in respect of the revisions made to the PPG⁶ on 13 September 2018 on Housing and economic land availability assessment. The comments received have been taken into account in my consideration of the appeal proposal.

Main Issues

9. In the light of the above I consider the main issues are:-
 - the effect of the proposed development on highway and pedestrian safety;
 - the impact of the proposed development on designated heritage assets including the setting of listed buildings and the character and appearance of the Woolpit Conservation Area; and
 - whether the Council is able to demonstrate a five-year supply of deliverable housing sites sufficient to meet the full objectively assessed need (OAN) for housing and the implications of this in terms of national and local planning policy.

Reasons

The proposed development and appeal site

10. The appeal proposal is for 49 dwellings including 17 affordable dwellings (35%) together with a new access to be constructed to serve the development of Green Road. The dwellings would have associated garages and parking areas and pedestrian access from the site onto Green Road and pedestrian/cycle access to Steeles Close. There is a dedicated on-site play area proposed as well as extensive on-site open space and linking footpaths.

⁴ INQ3

⁵ Paragraph 212 Annex 1: Implementation

⁶ Planning Practice Guidance

11. Woolpit is the third largest village in Mid Suffolk and has a good level of local services and infrastructure including health care, education and two business parks/employment sites and is designated as a Key Service Centre in the Council's settlement hierarchy. The appeal site is located on the southern edge of Woolpit village, to the south of its centre but with access to facilities which are in close proximity – a primary school, health centre, village shops and services are within walking distance.
12. Whilst, for planning policy purposes, the site is located in the designated 'countryside', its northern and eastern boundaries adjoin the defined settlement boundary for the village in the Mid Suffolk Local Plan 1998 (Woolpit Village Inset Map). There is existing residential development on the eastern side of the site on Steeles Road and immediately adjacent to the north lies Steeles Close and the main body of the village; on the opposite side of Green Road, but at the northern end of the appeal site lies residential development in the form of Priory Cottage, a Grade II Listed Building. There is therefore residential development on two sides of the appeal site. Land to the south and west comprises open agricultural land.
13. The appeal site comprises a total site area of about 2.3 hectares. It consists of a rectangular shape block of land which is part of an agricultural field. It is enclosed with an existing tree/hedge line on three sides. The appeal site is broadly level but there is a gentle slope west to east. There is an existing tree/hedge line to a part of the site's Green Road frontage and there are trees to the northern boundary which separate the site from Steeles Close. A public footpath passes north to south along the site's eastern boundary. This footpath connects to the southern part of the village and then to the wider countryside to the south.
14. There is a designated Conservation Area in Woolpit Village its nearest boundary being located about 250m to the north from the appeal site at the junction of Drinkstone Road and Green Road. The appeal site is not within the boundary of a protected landscape and there are no designations which apply to it. No Listed Buildings about the application site but the listed Grade II, 17th century, Priory Cottage is situated on the west side of Green Road opposite the north-west corner.

Planning policy

15. The statutory development plan includes the following documents:
 - (i) The Mid Suffolk District Local Plan 1998 (MSDLP) which was saved in accordance with the Secretary of State's Direction dated 14 September 2007;
 - (ii) The Mid Suffolk District Core Strategy 2008 (CS), as adopted in September 2008 covering the period until 2025; and
 - (iii) The Core Strategy Focused Review 2012 (CSFR) as adopted on 20 December 2012 covering the period until 2027.
16. The Council is in the course of preparing a new Joint Local Plan with Babergh District Council which will replace the CS and will be used to manage development in both districts up to 2036. The Councils have published the Joint Local Plan for consultation (Regulation 18) but the emerging Plan is in its very early stages and thus carries limited weight in the context of this appeal.

A Neighbourhood Plan is currently being prepared for Woolpit. It too is in its very early stages and draft policies have not yet been published so no weight can be attached to the Neighbourhood Plan.

First Issue - Highway and pedestrian safety

17. SCC, as Highway Authority, does not object to the proposal subject to conditions being attached to a grant of planning permission. The Council did not refuse the proposal on the basis of highway and pedestrian safety grounds because a highway improvement scheme at the pinch point on Green Road was proposed as part of the development and was to be secured by means of a planning condition. Rather, the Reason for Refusal (RfR) indicates that the proposed development would increase vehicular traffic in the village centre and require the provision of highway works to the north of the site in the vicinity of a number of unspecified listed buildings and within the Conservation Area. The Council then argues firstly, that the nature of the works and the increase in traffic would neither preserve or enhance the character of this part of the Conservation Area and secondly, would not preserve or enhance the setting of the unspecified listed buildings causing less than substantial harm to both.
18. The areas of debate at the Inquiry comprised:
 - Increase in vehicular traffic through pinch point
 - Increase in pedestrian flow through pinch point
 - Personal Injury Accidents (PIA) Analysis
 - Accessibility

Increase in vehicular traffic

19. North of the appeal site between Drinkstone Road and just beyond Mill Lane, Green Road narrows significantly to about 4.3m creating a pinch point about 60m long. On the western side there is no footway as the buildings and fences are hard against the edge of the road. On the eastern side there is a narrow footway measuring less than 1m in width, reducing to only 0.85m in parts. This road width is insufficient for two vehicles to pass with pedestrians on the footway being vulnerable to being hit by vehicles. The footway at this width is insufficient to allow pedestrians to pass each other without stepping into the road. It is also too narrow for wheelchair users and pram use so the only alternative for many is to walk along the road.
20. The footway here is also vulnerable to being driven over by vehicles as the kerbed separation is too low to offer sufficient protection. The kerb upstand is between 20mm and 60mm – this does not prevent or deter vehicles from driving over the kerb onto the footway. The Parish Council and others are concerned that at times Green Road can become congested. Both highway experts agree that Green Road is relatively lightly trafficked but this does not mean at times it cannot become congested.
21. I see no reason to doubt the underlying validity of the Appellant's Traffic Assessment (TA) as considered by the Highway Authority. The TA estimated that the proposed development would generate, overall, 33 vehicular trips in the AM peak hour and a total of 38 trips in the PM peak hour which would give

rise to 295 additional trips over a 24 hour period. The majority of this traffic would travel northbound through the pinch point to the transport links and facilities in the village beyond. Based on these TA figures, two-way traffic on Green Road would increase by 15% in the AM peak and by 16% in the PM peak as a result of the development traffic. This equates on average during the AM and PM peak hours to an additional vehicle passing through the pinch point every 2 minutes. In my view this represents at worst, a very modest increase in vehicular traffic through the pinch point.

Increase in pedestrian flow

22. The Council has assessed the additional pedestrian flows associated with the development: an additional three pedestrians walking northwards in the AM peak and 2 in the PM peak and an additional one pedestrian walking southwards in each of the AM and PM peak hours. The Council's assessment determines the theoretical likelihood of a northbound vehicle, a southbound vehicle and a pedestrian negotiating the pinch point together at any one time during the peak hour for both the existing scenario and that with the proposed development. It concludes that such events would increase threefold with the development in place, which equates to ten additional pedestrian injury risk events per year. These figures were accepted by the Appellant.
23. I appreciate that the Council's assessment is a theoretical risk analysis and that the ten additional pedestrian injury risk events compared to the baseline is relatively small – not even one per month. Nevertheless that increase is significant when considered over time, and it is noteworthy that any conflict between vulnerable road users (pedestrians) and motor vehicles will often result in an injury requiring hospital attention, even allowing for the slight reduction in vehicle speeds through the pinch point. In my view there would be a modest increase in the number of pedestrian injury risk events.

Personal Injury Accidents (PIA) Analysis

24. The TA demonstrates that there is no recorded accident data for Green Road itself, but there were four accidents which led to injury in the period between 2010 and 2015 (Appendix I). The Appellant accepted that when considering accident data, it is relevant to look more widely than the road on which the development is proposed, and that it is not just about the overall number of accidents but the details of them. Two of the accidents involved pedestrians being struck by passing cars (on The Street and on Heath Road) and that in one of those accidents the narrow width of the road was recorded as a causation factor by the police. Another accident involved a driver striking a line of cars in The Street during the hours of darkness. In my view the circumstances of the accidents which have occurred in the wider area are not inconsistent with a highway safety concern.

Accessibility

25. I accept that the proposed pedestrian and cycle link via Steeles Close and Steeles Road is likely to be used for a good percentage of pedestrian trips to give access to village services. It would be used for: (i) dropping off and collecting children from the primary school and pre-school as well as after school clubs; (ii) to access childcare services in the grounds of the primary school, such as a "Holiday Club" during school holidays; (ii) attending health appointments; (iv) picking up prescriptions from the dispensary; (v) shopping

at Costcutter Convenience Store with its extended opening hours (0600-2230 hours) and (vi) accessing the Brickfields Business Park, where around 25 companies are based. Moreover, the proposed easement to the north⁷ would be entirely adequate for the purposes of guaranteeing access at all times. The terms on which it is granted make it entirely enforceable and I cannot foresee any circumstances which would lead to the grantor being in a position to restrict or prevent its use.

26. Nevertheless, it is noteworthy that the proposed development provides a footpath link from the Green Road access on the west of the appeal site which links to the pavement outside Vine Cottage. Anyone seeking the shortest route to walk to the village centre, to access facilities including the village shop (Co-op), the post office within it, the bus stops, the village pubs, the bakery, the tea room, the hairdressers, the Village Hall, the Church and the petrol filling station would have to negotiate the pinch point and the increased traffic going through it. Even with the Steeles Close access, anyone using it to take the shortest route to the village centre would still travel through the pinch point on Green Road. Use of the access via the Greenway at the south east of the site onto the public footpath would be far from desirable for anyone accessing facilities in the village centre.
27. Taking all of these matters into account I consider that the increase in vehicular and pedestrian traffic from the new development having to negotiate the pinch point on Green Road would exacerbate highway dangers unless appropriate safety improvements can be made. I conclude on the first issue that the off-site highway works specified in Drawing 112/2015/04 Revision P2 are necessary to mitigate the increased safety risk as a result of the development. If an appropriately worded planning condition(s) is imposed to secure the off-site highway works then there would be no unacceptable residual highway or pedestrian safety impact arising from the proposed development.

Second Issue - Heritage Assets

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the LBA requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
29. Paragraph 193 of the NPPF 2018 states 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 the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
30. Whilst there is no statutory protection for the setting of conservation areas, paragraph 194 of the NPPF 2018 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes conservation areas, from development within its setting. The main parties confirmed that no harm would be caused to the setting of the Conservation

⁷ APP7

Area in this case and I agree.

Woolpit Conservation Area

31. The Woolpit Conservation Area Appraisal (2012) tells us that the Conservation Area covers the historic core of the village and was first designated by the Council in 1972. The Appraisal notes that the built form is marked by a variety of dates, architectural styles and building materials including a variety of roof finishes. The Conservation Area includes the Grade I listed Church of St Mary with its flint and stone chequered flushwork. The remaining listed buildings, the majority being Grade II, are identified as *'timber-framed houses, many now re-fronted in brick'*. The variety of building materials is noted, with exposed timber-framing and bricks from the local brickworks, comprising *'Suffolk whites'* and *'soft red brick'*.
32. In terms of its plan form and layout, Woolpit village has a distinct central triangular island, which *'is a well defined focal point'* which forms the focus for three *'important vistas'* identified on page 11 of the Appraisal. In vista (1) looking north along Green Road towards the village triangle, the view is eroded somewhat by the presence of street signage and the extent of parked cars around this *'island'*. Each important vista contributes to the character and appearance of the Conservation Area.
33. I consider the significance of the Conservation Area derives from its character interest which includes a mixture of medieval, post medieval and later buildings, of a variety of styles and material finishes, arranged around a central village *'triangle'* which is laid out and maintained as a green-edged *'island'*, from which radiate outwards three main thoroughfares; Green Road, Church Street and The Street; and from there extends a wider network of smaller sub-roads. In connection with this, the vehicular traffic is regular enough to be noticeable particularly along the three main roads, but it is not an overbearing element. It contributes to the appearance of the Conservation Area, as does the traffic control measures that form part of the street scenes, most obviously in the form of a variety of bollards.
34. The Council alleges that there would be a significant impact on the appearance of the important vista along Green Road towards the central market place at the centre of the Conservation Area and that the important historical character of the southern *'gateway'* and the important historic street scene would be harmfully altered by the introduction of the highway improvements, resulting in a more urban appearance. In particular, reference is made to the kerbed build out with bollards, the footpath widening with raised kerbs, the erection of a TSRGD 516 sign on the pavement between Pepys House and Tyrells, the disruption of sightlines which have a natural downward slope and the noticeable increase in both vehicular and pedestrian traffic which it is said would detract from the perception of relative tranquillity. I disagree.
35. The changes such as they are would only be appreciable in relatively limited views north and south along Green Road from about the area of the village triangle to the southern edge of the Conservation Area. The proposed off-site highway works would only bring about a change to a limited and localised part of this designated heritage asset. In terms of the revision of road markings, when taken in the context of the existing roadway and indeed the appearance of the wider network of roads within the Conservation Area that are generally

of 'black tarmac with white network markings'; it would not be out of character and would not harm its special interest.

36. In terms of footpath widening, the existing pathway is a standard kerbed tarmac path, about wide enough for one person to traverse. The appeal proposals envisage the widening of this footpath to 1.8m with the kerb face raised to 125mm. Again, whilst this would represent a change to the current situation, it would not be incongruous with the character and appearance of the Conservation Area which includes a large number of kerbed footpaths of varying widths. The final form and finish of these proposals would be subject to detailed design at a later stage and there is an opportunity to include a higher quality surface finishing such as sandy bedding gravel to improve the appearance of this stretch of footpath, more in keeping with the current character of this area of the asset.
37. In my view, the proposed widening of the footpath would also allow better appreciation of the character and appearance of the Conservation Area by providing a more convenient means of accessing the asset to enjoy the quality of the historic built environment.
38. In terms of road signage there are currently numerous examples of instructional road signs elsewhere within the Conservation Area, not least within the village 'triangle' itself. The introduction of a new road sign would be needed at the southern end of the highways works to forewarn drivers heading north into the Conservation Area of the narrowing roadway. The exact location of this sign is not yet fixed and is subject to future agreement. It could, for instance, be located outside the southern boundary of the Conservation Area. Even if located within the asset I see no reason why it could not be sympathetically integrated into the street scene.
39. The kerbed build out with bollards adjacent to Model Cottage would be the most evident change resulting from the proposals, as the current location for this is a featureless part of the black tarmac roadway. However, the use of a variety of bollards for such traffic calming/building protection measures is already widely evident within the wider Conservation Area, with others also used to control parking. In my view, the use of bollards in this location and for this purpose, employing a sympathetic design to be agreed with the Council, would plainly not be intrusive or incongruous with the character and appearance of the wider Conservation Area and would not result in any harm.
40. In terms of the built form of the off-site highway works, the appeal proposals would only be evident from a small part of the wider Conservation Area, would not be incongruous with its current character and appearance, and, with regard to the widened footpath, could actually deliver an enhancement.
41. In relation to the increase in vehicular traffic and any effect on the character and appearance of the Conservation Area, I have identified that there would be a *very modest* increase in the amount of traffic using the immediate road network and on Green Road leading into the village centre. This very modest increase in vehicular traffic would not introduce an element into the Conservation Area that is not already present within the designated area and neither would it increase that existing element of the Conservation Area's character and appearance to any more than a modest degree. The very modest increase in traffic flow would have no effect on the special interest of the Conservation Area and no harm would be generated.

42. I consider there would be no harm caused to the Woolpit Conservation Area as a result of the appeal proposals. The proposals would as a minimum 'preserve' the character and appearance of the Conservation Area, if not actually enhance it through the improvement of the footpath.

Listed Buildings

43. When assessing the indirect impact of proposals on heritage assets such as those beyond the boundary of a development site, the question which should be asked is whether change within its wider 'setting' would result in a loss of (or damage to) its 'significance' as a heritage asset.
44. The NPPF 2018 defines significance in Annex 2: Glossary as: *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'*.
45. The current Historic England (HE) guidance⁸ is clear in stating that change within a heritage asset's setting need not be harmful; the implementation of development proposals within a heritage asset's setting can be positive, negative or neutral. The HE guidance presents an approach to setting and development management based on a five-step procedure. The key issue is whether and to what extent, the proposal would affect the contribution that setting makes to the significance of the heritage asset in question. In the following analysis I give considerable weight and importance to the desirability of preserving the settings of Listed Buildings.

Mullions, Tyrells and The Cottage

46. These three Grade II Listed Buildings are closely associated with each other and are all late medieval or early post medieval houses and should be considered as a group in terms of the contribution which setting makes to their significance. They also share this group value with those other listed buildings within this same historic core area. Such associations provide positive contributions to the significance of these buildings by providing context in which to appreciate the layout and hierarchy of the earlier settlement. In particular, Tyrells and The Cottage derive significance from their historic and functional associations, as two parts of the same original late medieval dwelling.
47. Insofar as the setting of these three listed buildings contributes to their significance, it does so in terms of (i) their associative relationships within the group, as well as with other surrounding aspects of the historic built environment defining the street scenes around and south of the triangle; (ii) in respect of historic, functional and aesthetic relationships with the positions and alignments of both Green Road and Mill Lane; and (iii) in respect of their historic and functional inter-relationships with spaces forming their garden enclosures.
48. In terms of Mullions, Tyrells and The Cottage, the Council alleges that their settings would experience change as a result of the off-site highway works and increased vehicular traffic. In terms of the off-site highway works, as

⁸ The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) Historic England 2017

previously stated, these can be broadly divided into the following elements: (i) revision of road markings; (ii) footpath widening; (iii) new road signage and (iv) a kerbed build-out with bollards, adjacent to Model Cottage.

49. The proposals would effect physical change to only a short stretch of Green Road, which is already experienced as a modern tarmac road with white markings and street furniture. Although these three listed buildings are identified as deriving some significance from their association with this road, in terms of historic and functional associations, this is in no way dependent on its current appearance.
50. The three listed buildings would be broadly opposite where the kerbed build-out and bollards would be located. However, such a change would not reduce the ability to appreciate these buildings from Green Road or alter their evidential, historic or functional relationships with it. Moreover, the footpath widening adjacent to Mullions, would also be a noticeable change, particularly if the quality of finish was improved from tarmac to a more sympathetic surfacing, but in the context of the tarmac path already present, it would be inconsequential to the significance of the listed building. There is no substance to the allegation that the highway works would have an impact on the structural integrity of Mullions. The other changes, comprising new road signage and revised road markings, in the context of the existing setting would be such a marginal peripheral change as to be all but unnoticeable.
51. It is noteworthy that Dr Duck, the Council's Heritage Officer, did not raise the possibility of harm accruing to the listed buildings within the Conservation Area - including any of these three listed buildings as a result of the implementation of the off-site highway works. Given the very limited change and the existing context of these listed buildings I consider that the off-site highway works would preserve the setting of these listed buildings and would not harm their significance.
52. The appeal proposals would result in a very modest increase in traffic on average in the peak morning and evening hours. This increase would evidently be so marginal as to be barely perceptible and would not result in an apparent change to the experience of these listed buildings. As such, the traffic generation, such as it is would also not harm the significance of any of these listed buildings.

Priory Cottage

53. The Grade II listed Priory Cottage is the most southerly property in Woolpit and forms the southern gateway to the village. It comprises a cottage dating from the early 17th century, with 19th century additions. It is assessed as drawing its significance mostly from its architectural and historic interest, as evidenced in its built form. There is also some limited artistic and archaeological interest, which is derived from the few architectural embellishments and limited phasing which it possesses and exhibits. The building is set within private and well-tended gardens that provide an attractive space in which to appreciate its significance.
54. The property is adjacent to Green Road and the regular traffic along this roadway is also a notable feature within its setting. The roadway possesses historic and functional links with Priory Cottage and it forms the predominant means whereby the structure is appreciated. As the Cottage is located on the

edge of the village, there is some limited relationship with the street frontage immediately to the north, which represents pre-20th century dwellings. To the south and west, the wider setting of the building comprises open agricultural land, as it is also on the east side of Green Road (i.e. the appeal site).

55. The appeal site is assessed as falling within the setting of Priory Cottage, given that it is possible to experience the Grade II listed building from the farmland it comprises through a gap at the north end of the otherwise bushy and robust hedgerow. This hedgerow largely encloses the east side of Green Road and contains and curtails eastward views outwards from the listed building to the confines of this north-south thoroughfare of Green Road, thus separating the asset from the appeal site.
56. Therefore, whilst the appeal site does fall within the asset's setting, it makes only a very limited contribution to the significance of this building because of the screening effect of the boundary hedgerow and the concentration of the asset's relationships on (i) its garden enclosure (ii) the Green Road frontage north and south and (iii) the agricultural farmland that adjoins it to the west and south. All of these relationships are focussed to the west of the road.
57. The appeal proposals envisage two dwellings (Plots 15 and 16) in the north west corner of the development site served by a private drive that would run parallel to Green Road. A new footpath link with Green Road would run between Green Road and the private drive and thread through a gap in the roadside hedge opposite Priory Cottage. The hedgerow would be retained albeit on a slightly set back alignment.
58. Therefore, the change to the setting of Priory Cottage would only be noticeable as a change from partial views of an agricultural field to partial views of modern properties in the north west corner of the site. This would cause some erosion to the rural context of the area albeit limited by the partial retention of the hedgerow and the setback of the new properties from the Green Road frontage. Otherwise it would not affect the rural setting to the west and south, the relationships with its well-tended private gardens, Green Road or those properties in close proximity to it.
59. I consider that this limited change would result in a very low level of harm to the significance of this listed building at the lowest end of '*less than substantial harm*'. This conclusion is broadly in agreement with Dr Duck's original consultation response on the planning application where he states that the '*overall impact on the setting of Priory Cottage is notably less than substantially harmful*'.⁹ No further mitigation is suggested.
60. In line with statute, policy, and case law¹⁰, considerable weight and importance must be given to the presumption against granting permission for development that would harm the character or appearance of a conservation area or the setting of a listed building. If less than substantial harm is found of whatever magnitude, the decision maker needs to give considerable weight to the desirability of preserving the setting of the asset. In this case I have found a lack of identifiable harm to the Woolpit Conservation Area and the proposals would, as a minimum 'preserve' its character and appearance. However, the overall impact of the proposal needs to take into account the

⁹ Mr Crutchley's Appendix AC5

¹⁰ East Northamptonshire DC v SSCLG [2014] 1 P & R 22 at paragraph 29

less than substantial harm to Priory Cottage and this harm should be weighed against the public benefits of the proposals.

61. The public benefits of the appeal proposals comprise:

- An increase in the provision of housing numbers at a time of pressing need (see my conclusion on the following main issue)
- An increase in choice and type of homes
- 35% affordable housing provision
- Employment opportunities during the construction phase
- Residents would be likely to use the local shops and services within Woolpit making a positive contribution to their vitality and viability
- Provision of 0.5 ha of community open space with green infrastructure features – delivering high quality green spaces available to all
- Footpath improvements to the village centre and the wider countryside
- Highway works in the village centre would deliver benefits to the Listed Buildings and the Conservation Area.

62. In accordance with the test set out in paragraph 196 of the NPPF 2018, I find that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

Third Issue - Housing Land Supply (HLS)

63. It is common ground that the Council's strategic policy for housing numbers is more than five years old and has not been reviewed. Accordingly, paragraph 73 of the NPPF 2018 indicates that the Council's housing land supply is to be assessed against the standard method for calculating local housing need. The Council's local housing need is 585 dwellings per annum (dpa) and a 20% buffer is to be applied. This amounts to 3,510 dwellings for the next five years, or 702 dpa. The difference between the parties is solely down to supply.

64. No under supply/previous under delivery is taken into account when using the standard method. Therefore, no 'backlog' of unmet need should be taken into account when calculating the Council's housing land supply position.

65. The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of 'Deliverable' in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.

66. The Council relies upon the same sites in its supply as were contained in its

Annual Monitoring Report (AMR) dated 11 July 2018. The only new site referred to at the Inquiry was that known as Land on the West of Barton Road, Thurston which was missed out of the AMR in error and for which planning permission was granted on 5 July 2018. The Council has carried out a sense check of the supply against the terms of the NPPF 2018 and referred to events that have occurred after the base date of the AMR.

67. In my view the definition of 'deliverable' in the Glossary to the NPPF 2018 does not relate to or include sites that were not the subject of an allocation but had a resolution to grant within the period assessed within the AMR. The relevant period is 1 April 2017 to 31 March 2018.¹¹ There is therefore a clear cut-off date within the AMR, which is 31 March 2018. The Council's supply of deliverable sites should only include sites that fall within the definition of deliverable at the end of the period of assessment i.e. 31 March 2018. Sites that have received planning permission after the cut-off date but prior to the publication of the AMR have therefore been erroneously included within the Council's supply. The inclusion of sites beyond the cut-off date skews the data by overinflating the supply without a corresponding adjustment of need. Indeed that is why there is a clear cut-off date set out in the AMR. Moreover, the site West of Barton Road, Thurston, should be removed from the supply as its permission postdates the cut-off for the relevant period of assessment.
68. Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Robert's evidence¹² and so the 200 dwellings in respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites.
69. The up-dated PPG on Housing and economic land availability assessment sets out guidance on what constitutes 'deliverable sites' and covers the evidence that a site with outline planning permission is expected to have in support of its inclusion in the supply. The PPG places great weight on the adequacy and sufficiency of consultation with those responsible for delivering dwellings. It is noteworthy that in this case, the Council has failed to adequately demonstrate it has done so. An assessment of the Council's AMR against the updated PPG reveals that the AMR falls substantially short of producing the evidence that a LPA is expected to produce.¹³
70. Furthermore, the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published. The site at Union Road, Onehouse is one amongst others, which was only an allocation at the time the AMR was published. Although planning permission was granted 17 August 2018¹⁴ it does not alter

¹¹ Paragraph 1.1 of the Annual Monitoring Report

¹² Mr Robert's POE A4 Build out rates for Chilton Leys

¹³ See paragraphs 36 (ID:3-036-20180913); 047 (ID:3-047-20180913) and 048 (ID3-048-20180913)

¹⁴ LPA4

the fact that the site was only subject to an allocation at the cut-off date but the Council did not have any clear evidence that it would provide housing within 5 years.

71. Paragraph 73 of the NPPF 2018 requires the Council's housing supply to be made up of 'specific sites'. The Council was presented with three opportunities to demonstrate that the figure of 858 dwellings recorded in its trajectory table for small sites is robust. Firstly, on production of the AMR. Secondly, the Appellant asked for a list of sites on 30 July 2018 and was supplied with a list of 561 planning permissions, which the Council said made up its 858 dwellings. In this list there was insufficient evidence to either accept or challenge this figure, although a number of defects quickly became apparent to the Appellant. The Council was asked to provide more information but failed to do so. Finally, the Council indicated that it was going to submit a final rebuttal proof of evidence on HLS but it did not do so.
72. The Council argues that the St Modwen case¹⁵ continues to provide sensible guidance on the context, as applied to NPPF 2018 and claims that it can demonstrate a 5 year HLS of 5.39 years. However, I cannot accept that the 858 is a robust figure. I agree that it would be a time consuming exercise for the Appellant to review 561 planning permissions. This is an exercise which the Council should have done before it produced its AMR. The Appellant has completed a partial review and from the evidence that is before me it appears that there are at least 108 defective planning permissions within the list of 561 permissions¹⁶ but does not know by what number one should discount the figure of 858. As the NPPF 2018 carries a presumption that small sites are deliverable until there is clear evidence that they will not be delivered, the 858 has been left in the Appellant's HLS calculation but I consider it is likely to be an overestimate.
73. Drawing all of these threads together I consider that the Appellant's assessment of supply, set out in Mr Short's rebuttal proof of evidence, is the more realistic taking into account the St Modwen judgment. The only change is that the site West of Barton Road, Thurston should now be removed from the supply. This leaves the Council's HLS at 3.4 years. If the small sites problem is taken into account, it is highly likely that the Council's HLS is less than 3.4 years. I conclude on the third issue, therefore that the Council cannot demonstrate a five year supply of deliverable housing sites.

Other Matters

74. I have taken into account all other matters raised including the representations from the Woolpit Parish Council, the Suffolk Preservation Society, the landscape assessment of Woolpit by Alison Farmer Associates and other interested persons. I have also taken into account the various appeal decisions submitted by the main parties. The proposed development has generated a significant amount of public interest and many of the representations which have been submitted relate to the impact on the local highway network or the heritage impact which I have dealt with under the main issues.

¹⁵ St Modwen Developments Ltd v SSCLG et al [2017] EWCA Civ 1643 paragraph 35

¹⁶ APP6

75. The issue of landscape impact was raised in the representations. However, the Appellant has provided a comprehensive Landscape & Visual Impact Appraisal (LVIA) and the Council takes no issue with this. It is proposed to reinstate the former field boundary to the southern part of the site which would include a mixture of trees and hedging and a landscaped Greenway directly to the north of it which would form part of the pedestrian links throughout the site. The existing trees and hedging along the northern boundary and eastern boundaries of the site would be retained with some new planting proposed along the most southern part of the eastern boundary. Within the site itself, trees and hedging are proposed between dwellings and the public spaces to provide an attractive soft environment.
76. The appeal site would result in the loss of an agricultural field to development and whilst this would have some direct landscape impact, it would not be significantly adverse given its suburban backdrop. The proposed landscape framework would screen and filter views of buildings from the surrounding countryside. The visual impact of the development would be successfully mitigated into the rural edge of Woolpit and would provide an attractive environment for both new residents and those living in the surrounding locality. I therefore find no harm in this regard.
77. Reference is made to alternative housing sites identified in the emerging Joint Local Plan which are located to the north of the village centre. However, as I noted at the start, the emerging Joint Local Plan is in its very early stages and any conflict with this plan carries limited weight at this time and in the context of this appeal.
78. Concerns have been raised in relation to drainage, archaeology and ecological matters. However, it is noteworthy that the Council has not raised any objections in relation to these matters. In my view the concerns which have been raised can be adequately dealt with through the use of planning conditions in accordance with the advice in paragraph 54 of the NPPF 2018.

Planning Obligation

79. The S106 Unilateral Planning Obligation includes the provision of 17 affordable units on site which broadly equates to the Council's requirements for 35% provision. In this respect the Obligation is in line with both paragraph 62 of the NPPF 2018, which requires on-site delivery of affordable homes and Altered Policy H4 of the MSDLP.
80. With regard to open space covenants within the Obligation, the appeal scheme provides open space and a 360m² play area with play equipment within the site which meets the Council's policy requirements, notably Policy RT4 of the MSDLP.
81. With regard to covenants with SCC, the Obligation includes contributions in relation to primary school and Early Years provision and Public Rights of Way Improvements. A SoCG on Early Years and Education Matters has been agreed between the Appellant and SCC. There is also a Community Infrastructure Levy (CIL) Compliance Statement submitted by SCC.¹⁷

¹⁷INQ5

82. The Obligation includes the following matters in respect of SCC functions:

- Primary School Construction contribution – £180,719 (equates to £3,688.14 per dwelling). This is necessary if there are no surplus places available at the time of commencement, and if expansion of the existing primary school is confirmed, this Obligation would cease or be returned.
- Primary School Land contribution - £12,936 (equates to £264 per dwelling)– as above; and
- Contribution towards the build costs of a new Early Years setting - £33,332 (equates to £680.24 per dwelling).

83. The proposed development is estimated to generate up to four pre-school children. The proposed development should make a proportionate contribution towards the build cost of the new Early Years setting which in total would cost £500,000 and provide 60 places. The proposed development would generate 11 primary aged pupils but the Woolpit Primary Academy does not have enough places to accommodate all of the development being proposed in Woolpit. Due to the layout of the current school site it is not possible to add further permanent accommodation unless additional land is acquired.

84. Therefore the SCC strategy for primary school provision is to deliver a new 420 place primary school for Woolpit to ensure that there is adequate provision to support housing growth and basic need. The proposed development should make a proportionate contribution to the land and build costs of the new primary school in respect of the 11 pupils generated by it.

85. There are currently forecast to be surplus places available at the current secondary schools serving the proposed development, so no secondary or sixth form contributions would be required from the proposed development.

86. Paragraph 98 of the NPPF 2018 promotes the need to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users for example by adding links to existing rights of way networks. The anticipated increased use of the PROW network from the development would result in the need for offsite improvement work involving heavy clearance on Woolpit Public Footpath 4. The total financial contribution required is £915. The requirement for the footpath improvement arises directly from the increased population which would be generated by the development in the local area and it would also meet Council policies.

87. The Council has confirmed that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.

88. In my view, all of the provisions set out in the Section 106 Planning Obligation 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. Therefore they all meet the tests with CIL Regulations 122 and 123 and should be taken into account in the decision.

Planning Balance

89. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with

the development plan, unless material planning considerations indicate otherwise. Whilst the RfR cites only a limited number of policies which are said to be breached I deal with all policies that have a bearing on the proposals and in line with the new approach of the NPPF 2018¹⁸ identify those which are most important for determining the appeal and whether they should be considered to be out-of-date.

90. The CS was adopted in 2008 and the MSDLP in 1998. Both plans predate the publication of the NPPF 2012 and the more recent NPPF 2018. The CSFR has had little impact on the saved or CS policies that remain in place and Policy FC1 really only and unnecessarily repeats what was in paragraph 14 of the NPPF 2012. It is now out-of-date because of the test it employs. Policy FC1.1 is policy of a very broad nature with one requirement that development must conserve and enhance the local character of the different parts of the district. It is up-to-date but is not otherwise of significance. The appeal proposal complies with these policies.
91. Policy CS1 of the CS merely sets out the settlement hierarchy. However, it includes the words *"the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ... renewable energy"*. By virtue of this latter requirement it offends paragraphs 77 and 78 of NPPF 2018. It perpetuates the theme of protection of the open countryside for its own sake and its limitations are inimical to the balanced approach which the NPPF 2018 exhorts. It is one of the most important policies and it is out-of-date. The appeal proposal complies with the hierarchical requirements of Policy CS1 but it conflicts with the latter part of this policy as the site is located outside the settlement boundary.
92. As the proposed development is in open countryside, it also offends the requirements of Policy CS2. Policy CS2 is a most important policy and it is out-of-date. The NPPF has never and still does not exhort a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. It is also contrary to paragraphs 77 and 78 of NPPF 2018.
93. Policy CS5 provides that all development will maintain and enhance the environment including the historic environment, and retain local distinctiveness. It requires development actually to maintain and enhance the historic environment which exceeds the statutory duty (LBA 1990) and goes further than paragraph 192 of NPPF 2018 which requires decision makers to *"take account of the desirability of sustaining and enhancing the significance of heritage assets"* (my underlining). This is a most important policy and it is out-of-date. It does not make enhancement a requirement where no such requirement is reasonably possible or appropriate to the nature of the proposed development. The policy also fails to acknowledge the balancing exercise which the NPPF 2018 requires to be undertaken in circumstances where the harm is less than substantial.
94. Moreover, I have found that the appeal proposal would accord with national policy advice in the NPPF 2018, notably paragraph 192, and there would be no

¹⁸ Paragraph 11

conflict with Policy CS5. The proposed development constitutes a high quality design as it proposes a form of development that reflects the character and appearance of the surrounding streetscape. The DAS provides details on materials and finishes. The materials selected for the new dwellings reflect the colours and shades of the Suffolk vernacular buildings of Woolpit in their simple forms and thus retain local distinctiveness in accordance with Policy CS5 and the NPPF 2018 in Section 12. Nor would there be any conflict with Policy CS5 in relation to the off-site highway improvements works in the Conservation Area.

95. Policy GP1 is a most important policy and it is up-to-date. The proposal complies with its requirements. Policy HB8 is also a most important policy and it is up-to-date despite the fact that it predates its CS equivalent. As I disagree with the Council's case on the impact of the proposal on the character and appearance of the Conservation Area, the proposal complies with its requirements. Policy FC2 is the Council's strategic housing policy within the development plan. However, in the light of paragraph 73 of the NPPF 2018, this policy is out-of-date, which is accepted by Mr Roberts.¹⁹
96. Drawing all of these threads together I find that being outside the settlement boundary and within the countryside, the appeal proposal is not in accordance with the development plan taken as a whole.
97. However, in the context of paragraph 213 of the NPPF 2018, I have found that some of the most important policies for determining this appeal are out-of-date, notably Policy CS1 and Policy CS2. I have attached only moderate weight to the conflict with these policies which lessens the significance of that conflict.
98. At paragraph 62 of this decision, I found that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.
99. The tilted balance in paragraph 11 of the NPPF 2018 is engaged because firstly, policies that are most important for the determination of this appeal are out-of-date and secondly, the Council cannot demonstrate a five year supply of deliverable housing sites.
100. Balanced against the identified conflict with the development plan I give substantial weight to the provision of 32 market dwellings and 17 affordable dwellings on a site which is visually and functionally well related to the existing village. Paragraph 59 of the NPPF 2018 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This comprises a substantial social benefit.
101. I have attached moderate weight in terms of the economic benefits that would arise from the provision of employment opportunities during the construction phase and the spending power from 49 new households within the local area.
102. Furthermore I am satisfied that the proposed development would fulfil the aims of the NPPF 2018 by promoting a high quality design of new homes and

¹⁹ Proof of evidence paragraph 2.3

places. I find that the provision of on-site community open space with green infrastructure features, the footpath improvements to the village centre and the wider countryside and the highway works in the village centre would all provide environmental benefits. I apportion moderate weight in terms of the environment.

103. Taking all of these matters into account, including all other material considerations, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2018 as a whole and that the proposal represents sustainable development. On this basis a decision, other than in accordance with the development plan is justified and therefore the appeal should be allowed.

Planning Conditions

104. I have considered the conditions suggested by the Council²⁰ in the light of the advice in paragraphs 54 and 55 of the NPPF, the model conditions retained at Appendix A of the cancelled Circular 11/95 and the Government's PPG on the use of planning conditions. I have made minor adjustments to the suggested conditions in the interests of clarity. Condition 1 imposes a shorter timescale than the normal three years but this is justified given the pressing housing need and the advice in paragraph 76 of the NPPF 2018. Condition 2 is necessary for the avoidance of doubt. Condition 3 is required to safeguard heritage assets of archaeological interest. Condition 4 which relates to Construction Management is necessary to ensure minimal impact on the public highway and residential amenity but I have deleted the element relating to haul routes as this relates to land outside the site and thus cannot be controlled by condition. Conditions 5-7 are necessary in the interests of ecology, safeguarding habitats/species and visual amenity. Conditions 8 -10 are required to ensure the development does not cause increased flood risk or increased pollution to the water environment.
105. Conditions 11-23 are necessary in the interests of highway safety, traffic management, safe and suitable facilities for pedestrian and cycle movement and to comply with paragraph 110 of the NPPF. Condition 24 is required in the interests of safeguarding ecology, biodiversity and amenity within the site. Condition 25 is required to ensure the site is suitably served by fire hydrants in the interests of public safety and fire prevention. Condition 26 is necessary to ensure that the development is equipped with access to high-quality telecommunications in accordance with paragraph 112 of the NPPF.
106. Condition 27 is required to ensure that recycling bins are not stored on the highway in the interests of highway safety. Condition 28 which relates to screen walls and/or fences is required in the interests of residential amenity. Condition 29 is required to ensure the appropriate recording and analysis of archaeological assets. Condition 30 is required to ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles. Condition 31 relates to a Residents Travel Pack to reflect the national policy aim of achieving the fullest possible use of public transport, walking and cycling.

²⁰ INQ4

Conclusion

107. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-31)

TIME LIMIT FOR IMPLEMENTATION

- 1) The development hereby permitted shall be begun not later than the expiration of two years from the date of this permission.

LIST OF APPROVED DRAWINGS

- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

5018 PA01 House Type 1
5018 PA02 House Type 1
5018 PA03 Single Garage
5018 PA04 House Type 2
5018 PA05 House Type 2
5018 PA06 House Type 3
5018 PA07 House Type 3
5018 PA08 House Type 3
5018 PA09 Rev. A House Type 3
5018 PA10 Rev. A House Type 4
5018 PA11 House Type 4
5018 PA12 Rev. A House Type 4
5018 PA13 House Type 5
5018 PA14 House Type 5
5018 PA15 House Type
5018 PA16 House Type 6
5018 PA17 House Type 6
5018 PA18 Rev. A Cart Lodge
5018 PA19 House Type 7
5018 PA20 House Type 7
5018 PA21 House Type 7
5018 PA22 Rev. A House Type 8
5018 PA23 House Type 8
5018 PA24 House Type 8
5018 PA28 House Type 9
5018 PA29 House Type 9
5018 PA31 Rev H Site/block roof plan
5018 PA32 Rev C Street Elevations
5018 PA33 Site Location Plan
5018 PA34 rev A Typical Elevations
5018 PA35 rev B Street Elevations
5018 PA36 ASHP SIZES

PRE - COMMENCEMENT CONDITIONS

Archaeology

- 3) No development shall take place within the site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Construction Management

- 4) Prior to the commencement of development details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:
 - a. Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
 - b. Details of the storage of construction materials on site, including details of their siting and maximum storage height.
 - c. Details of how construction and worker traffic and parking shall be managed.
 - d. Details of any protection measures for footpaths surrounding the site.
 - e. Details of any means of access to the site during construction.
 - f. Details of the scheduled timing/phasing of development for the overall construction period.
 - g. Details of any wheel washing to be undertaken, management and location it is intended to take place.
 - h. Details of the siting of any on site compounds and portalooos.
 - i. Monitoring and review mechanisms.

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Landscaping and Biodiversity

- 5) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological report (MHE Consulting August 2015) as already submitted with the planning application and agreed with the Local Planning Authority prior to determination.
- 6) No development shall commence until a detailed 'hard' and 'soft' Landscaping Scheme, which shall include any proposed changes in ground levels, has been submitted to, and approved in writing by, the Local Planning Authority.

The 'hard' landscaping shall include details of all hard surface materials and boundary treatments to be used within the development with a timetable for implementation, including all means of enclosure and boundary treatments, residential screen walls and fences.

The 'hard' landscaping shall be implemented and completed in accordance with the approved details and agreed timetable.

The 'soft' landscaping shall include details of the existing trees and plants on site to be retained together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837:2012 Trees in relation to design, demolition and construction'.

The 'soft' landscaping shall include details (including species, size of stock at time of planting, location) of all new plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.

The 'soft' landscaping shall be implemented in accordance with the approved details within the first planting season (October - March inclusive) following the commencement of development.

Any trees, hedges, shrubs or turf identified within the approved Landscaping Scheme (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

The approved Landscaping Scheme shall be carried out in its entirety and shall accord with the approved drawings under this permission.

- 7) Prior to the commencement of development on the site a skylark mitigation strategy, including a timetable for implementation, shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed strategy shall be implemented in full to mitigate the loss of potential nesting habitat.

Site Drainage

- 8) No development shall commence until a foul water strategy 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 foul water strategy so approved.
- 9) No development shall take place until a surface water drainage scheme for the site, including a timetable for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 100 year + Climate Change storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be

implemented in accordance with the approved details and timetable before the development is completed. Details of which will include:

- a. Details of further infiltration testing on site in accordance with BRE Digest 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
 - b. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
 - c. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each infiltration device should also be illustrated on the plans and should be cross referenceable with associated design calculations.
 - d. Full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+ Climate Change event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
 - e. Infiltration devices will have a half drain time of less than 24 hours.
 - f. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + Climate Change.
 - g. Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
 - h. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main surface water system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
 - i. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
 - j. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
- 10) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with construction.

Highways

- 11) No development shall commence until details of the estate roads and footpaths (including layouts, levels, gradients surfacing and means of surface water drainage, lighting and traffic calming measures), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details and agreed timetable.
- 12) No development shall commence until a detailed scheme for highway improvements to Green Road, comprising traffic calming measures and footway widening provision which shall be in general accordance with those details as shown on Drawing no. 112/2015/04 Revision P2, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- 13) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority, of the means to prevent the discharge of surface water from the development onto the highway. The development shall be carried out and completed in accordance with the approved details and agreed timetable.

PRIOR TO OCCUPATION OR OTHER STAGE CONDITIONS

Highways

- 14) No part of the development shall be commenced above slab level until the new vehicular access onto Green Road has been laid out and completed in all respects in accordance with Drawing No. 5018 PA31 Rev H Site/block roof plan and with an entrance width of 5.5 metres and been made available for use. Thereafter the access shall be retained in the specified form.
- 15) Prior to the access from Green Road into the site being constructed, the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 16) The new estate road junction with Green Road, inclusive of cleared land within the sight splays to this junction, must be formed prior to any other works commencing or delivery of any other materials.
- 17) No development shall commence above slab level until a scheme for the provision and implementation electric car charging points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme

shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.

- 18) Details of the gateway feature identified on drawing 5018 PA31 Rev H to be located to the southwest corner of the site shall be submitted to and agreed with the Local Planning Authority and shall be completed prior to occupation of the first dwelling and thereafter retained in the approved form.
- 19) Before the access onto Green Road is first used, visibility splays shall be provided as shown on Drawing No. 5018/PA31 Revision H, as submitted, and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays at any time.
- 20) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or better.
- 21) No dwelling shall be occupied until the area(s) within the site, shown on approved drawing 5018 PA31 Rev H for the purposes of loading/unloading, manoeuvring and parking of vehicles, including electric charging points and secure cycle storage, serving that dwelling has been provided and thereafter that area(s) shall be retained and used for no other purpose. Thereafter those areas applicable to that dwelling shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.
- 22) A metalled footway/cycleway, as shown on Drawing 5018 PA31 Rev H of a minimum 2.0 metres width, shall be provided from the site into Steeles Close, northwards to connect with the existing access in Steeles Close. The metalled footway shall be provided and made available for use prior to the first occupation of any dwellings in the development.
- 23) No dwelling shall be occupied until the highway improvements secured under Condition 12 above have been constructed in strict accordance with the approved details and made available for public use and thereafter retained post construction in the approved form.

Site Infrastructure/Other

- 24) Within three months of the commencement of development a detailed lighting scheme for all public areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be:
 - a. Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.
 - b. Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or

prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations as set out in the approved scheme and shall be maintained thereafter in accordance with that scheme.

- 25) Within three months of the commencement of development details of the provision of fire hydrants for the development, including a timetable for installation, shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be installed in accordance with the approved details in their entirety and in accordance with the agreed timetable.
- 26) Within three months of the commencement of development, details of how superfast or ultrafast broadband infrastructures will be delivered to every household in the development, subject to network capacity being available, shall be submitted to and approved in writing by the Local Planning Authority. The approved superfast broadband infrastructures for each dwelling shall be installed prior to first occupation of that dwelling.
- 27) Within three months of the commencement of development, details of the areas to be provided for the storage of refuse/recycling bins shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the first occupation of the dwelling to which it relates and shall be retained thereafter and used for no other purpose.
- 28) The residential screen walls and/or fences as may be approved pursuant to the Landscaping Scheme under Condition 6 above, shall be erected prior to the dwelling/s to which they relate being first occupied and thereafter shall be retained in the approved form.
- 29) No dwelling shall be occupied until the archaeological site investigation and post investigation assessment, secured under Condition 3 above, has been completed and submitted to, and approved in writing by, the Local Planning Authority.

POST OCCUPANCY MONITORING/MANAGEMENT

- 30) Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development shall be carried out in such a position as to preclude vehicular access to those vehicular parking spaces and no alterations shall be carried out to the approved garage units that would preclude the parking of vehicles within them without planning permission being granted in that regard.
- 31) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than three months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and shall

include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multimodal travel voucher. The RTP shall be maintained and operated thereafter.

End of Conditions Schedule

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga of Counsel

Instructed by the Council

He called:

Luke Barber HND BSc FD C Eng.

Principal Engineer Suffolk CC

Nicholas Joubert MSc

Heritage Consultant

Andrew Ryley BA (Hons) MSc MRTPI

Associate Director DLP Planning Ltd

Alex Roberts BSc (Joint Hons) Associate RTPI

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FOR THE APPELLANT:

Mr Paul Shadarevian QC

He called:

Gerry Bullard C Eng. MICE

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Andrew Crutchley BA (Hons) PG Dip (Oxon) MCiFA

Director The Environmental Dimension Partnership Ltd

Leslie Short BA MRICS MRTPI

Director Artisan Planning and Property Services Ltd

INTERESTED PERSONS:

John Guyler

Chairman of Woolpit Parish Council

John Christie

Local Resident

Susan Eburne

Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

INQ1 Notification Letter

INQ2 Letters of Representation

INQ3 Statements of Common Ground

INQ4 Suggested Planning Conditions

INQ5 Suffolk County Council Community Infrastructure Levy Regulations (CIL)
Compliance Statement dated 27 March 2018

DOCUMENTS SUBMITTED BY THE LPA

LPA1 Opening Remarks

LPA2 Pytches Road, Woodbridge – Traffic Calming scheme with buildout

LPA3 Letter from Storey Homes dated 13 August 2018: Land at Gardenhouse Lane, Rickingham

LPA4 Mid Suffolk District Planning Permission: Reference 4455/16

LPA5 List of sites disputed by the Appellant

LPA6 Closing Submissions

DOCUMENTS SUBMITTED BY THE APPELLANT

APP1 List of Drawings

APP2 HCC Decision *CPRE v Dover DC* [2015] EWHC 3808 (Admin) [APP2]

APP3 Agenda Document for MSDC Development Control Committee A 29.8.2018

APP4 Appeal Decision APP/N1730/W/17/3185513

APP5 Hart District Local Plan 1996-2006 Saved Policy RUR2

APP6 MSDC Minor Sites Outstanding Planning Permissions (April 2018)

APP7 Agreement to enter in to an Easement conditional on Appeal dated 29 August 2018 between Flagship Housing Group Limited and Landex Limited

APP8 Certified Copy of Unilateral Undertaking dated 29 August 2018

APP9 Letter from Burgess Homes Limited re site at Back Hills, Botesdale

APP10 Closing Submissions

INTERESTED PERSONS' DOCUMENTS

IP1 Statement by John Guyler

IP2 Statement by John Christie

IP3 Statement by Susan Eburne

APPENDIX 6 – GALLEYWOOD ROAD CONCEPT PLAN



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Notes
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- Site boundary
7.95ha / 16.65 acres
Approximately 175 dwellings
- Residential development blocks
- Public Open Space
- Site access / main route
- Secondary routes
- Private Drives
- Footpaths
- Frontages
- Community Hub

Rev	Description	Date	Initial	Checked

For guidance only. Do not scale off this drawing



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Client Taylor Wimpey

Project Galleywood Road, Great Baddow

Title Concept plan

Status	Drawn By	PM/Checked by
Draft	AW	HD
Job Ref	Scale @ A3	Date Created
JPW1223	1:2500	Feb 2018
Drawing Number		Rev
JPW1223-02		B

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APPENDIX 7 – DELIVERY STATEMENT BY TAYLOR WIMPEY STRATEGIC LAND



Taylor Wimpey Strategic Land (TWSL)

Land at Galleywod Road, Great Baddow Masterplan Delivery Statement.

TWSL have submitted representations to the draft Chelmsford Local Plan seeking the allocation of land at Galleywod Road, Great Baddow, for development as illustrated in Appendix 3 of our representations to Regulation 19 Local Plan.

The proposed masterplan seeks to provide the following land uses which have been informed by the suite of technical work undertaken:

Land Use Footprint	Hectares	Acres	%	Masterplan Location/Commentary
Residential	5.09	12.58	64	Within 3 broad areas; (north)-fronting rear gardens of properties to Galleywod Road); (middle) – in 3 parcels and (south) in 4 parcels. Proposed residential parcels of land to accommodate approximately 200 housing units.
Community Hub	0.10	0.25	1.3	Within the central residential zone – western parcel with access from the main access road serving the new neighbourhood.
Entrance Road	0.06	0.15	0.8	With access to Galleywod Road and the main service road for the development.
Public Open Space/Recreation Land	2.42	5.97	30.4	To the south, west and east of the residential development.
Proposed landscaping	0.28	0.69	3.5	Within the public open space and enhancing the defined southern boundary to open farmland to the south of the site.
Total	7.95	19.64	100	

Deliverable Development

TWSL consider that the development is deliverable within 5 years because of the following:

Planning Criteria	Commentary
Availability	<p>The site is immediately available. The site has one owner and TWSL have an Option Agreement with the landowner to purchase and develop the site should the site be allocated in the Local Plan for development. Therefore there is no need to acquire land compulsory from other land owners.</p> <p>The development could have planning permission (s) in place within 1 year and the development could then commence in agreed phases with the Local Planning Authority within the next four years.</p> <p>Therefore the proposed development will significantly help to meet the delivery of unmet need for new housing within the first 5 years of the plan.</p>
Suitability	<p>The site would represent a new sustainable residential led scheme, which will be integrated within the existing southern urban edge of Chelmsford and Great Baddow, providing new homes and a new community hub for existing and new local residents.</p> <p>The site will provide approximately 200 homes and a new community hub, including affordable homes, and formal and informal public open space.</p> <p>The design, scale and layout of the residential component will complement existing housing densities and scale and so complement the existing suburban residential character of the southern urban edge of Chelmsford.</p> <p>The existing road network, public transport services and pedestrian and cycle routes can all be integrated to serve the proposed new residential development and the existing local community.</p> <p>The development would also comply with policies which reduce carbon emissions and will ensure the retention and enhancement of the site's existing ecological assets and landscape features.</p> <p>The masterplan's principles also seek to preserve key views across the site by creating public open space to the south, west and east creating a new green edge to the site's southern boundary and footpaths.</p>
Viability	<p>A suite of technical work has been undertaken to inform the masterplan layout - including Drainage; Contamination and Ground Conditions; Archaeology; Ecology; Provision of Utilities; Transportation and Access – and there are no abnormal site development costs preventing the delivery of the residential units as proposed by the masterplan.</p> <p>Chelmsford has a strong market demand for new homes and the proposal seeks to deliver a policy compliant mix for both market and affordable homes.</p>

