



Appeal Decision

Inquiry held on 5-8 February 2019

Site visits made on 4 and 8 February 2019

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 25th March 2019

Appeal Ref: APP/J0540/W/18/3204584

Land at Lincoln Road, Glinton, PE6 7JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mrs Hannah Guy o/b Larkfleet Homes against the decision of Peterborough City Council.
- The application Ref 17/02274/OUT, dated 24 November 2017, was refused by notice dated 18 May 2018.
- The development proposed is a residential development of up to 78 dwellings, together with sporting facilities, access, open spaces, allotments and associated service infrastructure.

DECISION

1. The appeal is dismissed.

PRELIMINARY MATTERS

The Appeal Site and the Proposed Development

2. As confirmed with the parties, the appeal relates to the address quoted above and on the planning application forms, not the Council's decision.
3. The appeal site comprises approximately 7.6 ha of agricultural land, and it is bound by Lincoln Road to the west, Glinton Playing Fields to the north, a residential area to the east and the A15 to the south. There is a track on the northern boundary of the site which leads east from Lincoln Road to Clare Lodge, a secure residential facility.
4. The site is located outside of but adjacent to the settlement boundary of Glinton as defined by the Peterborough Policies Map (2012), which forms part of the Peterborough Planning Policies Framework (PPPF) or statutory development plan.
5. The appellant seeks planning permission for the development described above – with the proposed sporting facilities to include two sports pitches and potentially a club house. The application was made in outline with full details of the proposed means of access to the development, but the matters of scale, layout, appearance and landscaping being reserved for future consideration.
6. The proposed development would be accessed by a new through route which leads from a new junction on Lincoln Road, and replaces the existing track that

serves Clare Lodge. There would also be a new pedestrian access to the north of the site which would connect with Ginton Playing Fields.

7. The Council refused the planning application for three reasons, with the second relating to drainage. The appellants, therefore, submitted a revised indicative site layout plan (SITE/L/01 Rev F) which shows a drainage pond in the north west corner of the site and consequential minor alterations to the indicative layout. A revised drainage strategy was also submitted based on a Sustainable Urban Drainage approach.
8. The revised layout plan shows 79 dwellings on the appeal site, but the appellant has confirmed that 78 dwellings only are proposed. Thus, the revised plan does not substantially alter the nature of the proposal and, in any event, it remains indicative. I am satisfied that the parties to this appeal would not be prejudiced by my taking account of the revised plan and I have, therefore, done so in writing this decision.
9. At the inquiry, the appellant submitted a Planning Obligation, dated 8 February 2019, made under s106 of the Town and Country Planning Act 1990. The "s106 obligation" is made in the form of an agreement with the Council, and its undertakings are addressed later in this decision.

Procedural Matters

10. The Inquiry sat for four days. I made two unaccompanied visits to the site and surrounding area on 4 and 8 February 2019, and also made an accompanied visit to Clare Lodge on 8 February.
11. The appellant and the Council submitted two Statements of Common Ground to the inquiry, with "SOCG1" addressing general matters and "SOCGH" addressing housing land supply. In the light of the revised plans, SoCG1 and s106 obligation, the Council confirmed that it would not pursue its reasons for refusing permission relating to drainage and infrastructure/community facilities – though these matters are still of concern to local residents.
12. After the close of the Inquiry, on 19 February 2019, the Government published information relating to the "Housing Delivery Test" (HDT). The information does not necessitate any change to my approach in relation to the housing land supply issue covered below, and so I did not seek parties' views on the HDT.
13. However, I did write to the Council and the appellant when the Government published, also on 19 February, a revised National Planning Policy Framework (2019) (the Framework) and updates to the Planning Practice Guidance (PPG). I have taken account of the parties' responses to my letter and based this decision on the up to date Framework and PPG.

MAIN ISSUES

14. I consider the main issues to be whether the site is an appropriate location for housing with regard to the development plan, the Framework and the emerging development plan – and if not, whether a need for housing and/or other considerations would justify a grant of outline planning permission.

REASONS

Appropriateness of the Location

The Development Plan

15. Policy CS1 of the Peterborough Core Strategy (CS) sets out the Council's strategic approach up to 2026. It states that decisions on the location and scope of new development will be taken on the basis of the Peterborough settlement hierarchy. In rural areas, the strategy for planned growth will be on Key Service Centres and, to a lesser extent, Limited Growth Villages (including Glington) where sites for 10 or more dwellings will be allocated.
16. Development in the countryside, outside of settlement boundaries, will be restricted to development which is demonstrably essential to the effective operation of specified non-residential uses; residential development which satisfies the 'exception' test set out in Policy CS8; and minerals or waste development. Policy CS8 provides for the release of land adjacent to a village for the provision of affordable housing; the parties agree that while the appeal proposal includes some affordable housing, it does not comply with the criteria to be considered as a CS8 "exception site". The proposed development is thus not appropriate for its location under Policy CS1.
17. Moreover, the proposed development would cause actual harm when it is assessed against what Policy CS1 aims to achieve. CS paragraph 5.2.3 explains that a settlement hierarchy helps to protect the character of the landscape, by maintaining and reinforcing the distinction between built-up areas and countryside. Paragraph 5.2.13 adds that the settlement hierarchy approach enables a policy to be set out which restricts development in the countryside to that where a rural location might be justified. It is undisputed that the site is currently greenfield or undeveloped land which forms part of the countryside surrounding the settlement of Glington.
18. In his proof of evidence for the appellant, Mr Bassett accepted that '*the development of open countryside creates an element of harm*'. He asserts that the harm would be limited – and that is not refuted by the Council, who did not refuse permission on character or appearance grounds. Nevertheless, I find that the development would fail to maintain or reinforce the distinction which currently exists between built-up areas and the countryside – and that would result in further, albeit limited harm to the character of the landscape.
19. CS paragraph 5.2.1 describes another policy purpose for the use of a settlement hierarchy: to help promote more sustainable communities by bringing houses, jobs and services closer together in settlements that already offer the best range of services and facilities. There is no dispute that the appeal site is well-served by public transport and close to a good range of facilities in the village which include a secondary school. However, the same should be true of CS1-compliant sites, so an absence of harm on accessibility grounds is not sufficient to overcome the breach to that policy.
20. As indicated above, CS Policy CS1 is a key strategic policy sitting at the heart of the development plan. Allowing a proposal for development in conflict with that Policy would plainly and seriously undermine the Council's overall spatial strategy. It is, therefore, necessary for me to consider whether CS1 is consistent with national planning policy as set out in the Framework.

The Framework

21. The CS was adopted in 2011, prior even to first publication of the Framework in 2012. However, Paragraph 213 of the current Framework states that existing policies should not be considered out-of-date simply because the plan predates the Framework¹. Due weight should be given to relevant policies according to their degree of consistency with the Framework.
22. The appellants argue that the restrictive village envelope approach set out in Policy CS1 is inconsistent with the Framework's presumption in favour of sustainable development and policy on rural housing. However, paragraphs 77 and 78 of the Framework provide that in rural areas, planning policies and decisions should be responsive to local circumstances, support housing developments that reflect local needs, locate housing where it will enhance or maintain the vitality of rural communities; and identify opportunities for villages to grow and thrive.
23. There is nothing in the Framework to suggest that those objectives cannot be achieved, in principle, by planning policies which direct development to within settlement boundaries. I am satisfied that Policy CS1, read together with Policies CS2 (which sets out the broad distribution of housing) and CS8, is consistent with the Framework's policy on rural housing. It steers residential development to where it will reflect local needs and maintain or enhance the vitality of the rural communities which exist in the Peterborough area.
24. Policy CS1 is also consistent with Framework paragraph 20, which expects strategic policies to set out the overall strategy for the pattern, scale and quality of development, and make sufficient provision for housing and the conservation and enhancement of the natural environment. It is consistent with Framework paragraph 170, which expects planning policies to recognise the intrinsic character and beauty of the countryside². The 'settlement boundary' approach is also a way of giving effect to Framework paragraph 16, which requires that policies are clearly written and unambiguous.
25. My approach is consistent with that set out in the appeal decisions referred to me. The Inspector in the Hallow³ appeal found that '*by supporting building in appropriate areas and by protecting the countryside, I do not find the [settlement boundary] Policy is inconsistent with the Framework*'. Another Inspector reached a similar conclusion in the Badsey⁴ appeal decision, while weight was attached to a conflict with a settlement boundary policy in the Barwell⁵ case.
26. The relevant policies in the Hallow and Badsey cases were set out in a development plan which post-dates the 2012 Framework, but that makes little difference in my view. The critical question for the other Inspectors was not whether the plan or policies set out the presumption in favour of sustainable

¹ It was held by Sales LJ in *Gladman* that, since the Framework encourages plan-led decision-making, significant weight should be given to the general public interest in having plan-led decisions even if particular policies in the development plan might be old.

² It was held in the high court that the Secretary of State was entitled to find a settlement boundary policy compatible with the objective to 'recognise the intrinsic character and beauty of the countryside'; *CD K13 Cumberlege v DLA delivery* paragraph 116, upheld in the Court of Appeal.

³ CD K02 Appeal reference: APP/J1860/W/17/3192152

⁴ Appeal reference: APP/H1840/W/17/3192134

⁵ CD K-04 Appeal reference: APP/K2420/W/17/3188948

development – but whether a settlement hierarchy would be consistent with that presumption.

27. I have also been referred to appeal decisions, such as the Woolpit⁶ and Meppershall⁷ cases, where the Inspectors found that policies restricting development outside of settlement boundaries to be inconsistent with the Framework. However, those cases all related to different development plans *and* areas where the Council had a clear need for more housing land.
28. Paragraph 11 and footnote 7 of the Framework are clear that the most important policies for determining an application for the provision of housing should be treated as out-of-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites with the appropriate buffer. It will be necessary to consider whether the Council has a five year housing land supply (5YHLS) in this case – but that is different question to whether the *approach* of CS1 is consistent with the Framework.
29. It was held by Sales LJ in *Gladman Developments v Daventry District Council*⁸ that policies can be out of date even where there is a 5YHLS – but my finding in this case is that the strategy set out in Policy CS1 is not inconsistent with the Framework.

The Emerging Development Plan

30. The emerging *Peterborough Local Plan* (PLP) (2011-2036) was submitted to the Secretary of State in March 2018 for examination; hearings have now been held and consultation on the Proposed Modifications closed on 20 February 2019. The PLP is therefore at an advanced stage of preparation.
31. Draft PLP Policy LP2 sets out a settlement hierarchy and limits development in the countryside similarly to CS Policy CS1 – and it may be tightened to say, through Modification MM1: *'all other residential development outside of village envelopes and outside of Peterborough Urban Area Boundary will, by definition, be contrary to the vision, objectives, development strategy and policies of the Local Plan, and should be refused'*.
32. The PLP includes a proposal to allocate land at Manor Farm, High Street, Ginton for housing development, but that is the only housing allocation in this village. Thus, the proposed development would conflict with Policy LP2. There are outstanding objections to the policy, and so it is not for me to say whether it is consistent with the Framework. However, I can find that the conflict with the emerging policy carries limited weight against the appeal.
33. The Council designated the parish of Ginton as a neighbourhood area on 11 June 2013, so that the parish could prepare and adopt a Neighbourhood Plan (NP). An interim NP has been prepared but I agree with the main parties that it should attract no weight (for or against the development) because it has not yet been subject to consultation.

Conclusion

34. I conclude that the proposed development would conflict with CS Policy CS1 and undermine the Council's spatial strategy which seeks to focus planned growth on

⁶ CD K06

⁷ CD K09

⁸ *Gladman Developments Limited v Daventry District Council* [2016] EWCA Civ 1146

Key Service Centres and Limited Growth Villages, and limit development in the countryside, so as to maintain or reinforce the distinction between built-up areas and the countryside. I find that Policy CS1 is consistent with the Framework and so non-compliance with the policy carries significant weight against a grant of permission. The conflict between the proposed development and draft PLP Policy LP2 carries further, albeit limited, weight against the appeal.

Housing Need

35. The Framework seeks to boost significantly the supply of housing. To that end, in paragraph 73, it requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies – or, as in this case, against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should include a buffer.

Local Housing Need

36. The appellant put forward three possible scenarios or approaches for calculating the Council's local housing need – but debate on the matter has been superseded by updates to the Planning Practice Guidance (PPG)⁹. The appellant's Scenario C is correct: local housing need is to be derived by using the Office for National Statistics (ONS) 2014 Household projections and the standard method¹⁰ set out in paragraph 60 of the Framework and in the PPG.

37. It is common ground that the relevant 5YHLS period for the purpose of this appeal decision should be 1 April 2018 to 31 March 2023 – and that using the standard method, the local housing need is 4,956 dwellings for the five-year period, or 991 dwellings per annum. The figure includes, as agreed by the main parties, a 5% buffer but no provision for any past housing shortfall.

Housing Land Supply

38. The appellant calculates that Council has sufficient specific deliverable sites to provide 4,421 dwellings against the local housing need, meaning that it does not have a 5YHLS, but a supply of only for 4.46 years. The Council considers that it has a supply of 5,623 dwellings, sufficient for 5.67 years.

39. The parties' different calculations are set out in a revised SoCGH which was submitted on the last day of the inquiry, after evidence had been heard and tested, and the parties had come to greater agreement. The appellant's case that the Council does not have a 5YHLS is based on challenges to the Council's assumptions on the delivery of 13 sites.

40. According to the glossary in the Framework, "deliverable" means being available now, a suitable location for development now, and achievable with a realistic prospect that housing will be delivered within five years. The glossary also sets out whether, "in particular", sites that have full planning permission or a different planning status should be considered deliverable. I have had regard to this advice and PPG paragraph 03-036 in addressing the deliverability of the disputed 13 sites.

⁹ PPG: Paragraph 004 Reference ID: 2a-004-20190220 and Paragraph: 005 Reference ID: 2a-005-20190220

¹⁰ The Framework allows for use of a 'justified alternative method' only in the context of development plan preparation.

Hampton Residual

41. This site is the remaining area to be developed on land allocated for housing. Outline planning permission has been granted, and the reserved matters were approved on 30 July 2018. There is no dispute between the parties that the site is "deliverable"; the dispute relates to delivery rates.
42. Bovis Homes expect to commence development on the site in 2020, when all conditions are discharged, and complete 285 dwellings by 31 March 2023. The appellant suggests that a figure of 260 would be more realistic, based on Bovis Homes' national average output – but that will be derived from delivery on many varied sites. I consider that it does not assist in forecasting delivery here, especially when there is also evidence of higher delivery rates at the Hampton Urban Extension allocation¹¹.
43. The Council has not shown that other housing developers will deliver another 15 dwellings in the next five years. I am satisfied, however, that 285 dwellings are likely to be delivered at Hampton Residual over this period.

Paston Reserve

44. This site again forms part of a larger area of land allocated for housing. Outline permission has been granted for 506 dwellings on the site – and it is available and a suitable location for development now. The developer has said in writing that works will start in 2022 and 50 units will be delivered in 2022/2023. I accept that submission since there is no cogent evidence to the contrary, and 389 dwellings have already been delivered on the wider site.

Land west of Newborough Road

45. Planning permission is granted for 457 dwellings on this allocated site and they are under construction. The appellant does not refute that housing will be delivered here within five years, but argues that the rate is more likely to be 55 dwellings per annum, compared to the Council's figure of 73.
46. The appellant's case¹² is based on delivery rates on sites of 25 dwellings or more over the period 2011 to 2018 for the Council area – but there were only four such sites, and the delivery rates across the four varied to the extent that no pattern can be established¹³. Moreover, an average of those delivery rates would be around 80 dwellings per annum.
47. There is also six-month monitoring data available specifically for this Newborough Road site and it supports the developer's estimates, with 47 dwellings having been completed between April and September and 59 dwellings under construction. Thus, the site is on track to deliver the 79 dwellings predicted in the first year and I consider that it will yield 371 within the five-year period.

Hampton Heights

48. The site has outline permission and a reserved matters application is under consideration. Cala Homes are proposing 5-10 units this calendar year and then 50 units per calendar year, thereafter.

¹¹ Appendix 4, Ms Wildman's proof of evidence

¹² Appendix C, Mr Bassett's proof of evidence

¹³ PCC/GW/App3 p50: Stanground South – 170 dwellings pa; Carbon Challenge – 60; Potters Way – 50; and Paston Reserve – 41

49. This is challenged on the basis of Cala Homes trading statement which shows an annual rate of 32 dwellings per annum. However, as the appellants acknowledge when affordable housing is included this figure would rise to around 42 dwellings per annum.
50. On this basis, I consider that the site would provide 200 units within the five-year period.

North Westgate Development Area

51. An application submitted in November 2018 for 307 dwellings as part of a mixed-use scheme is under consideration. I acknowledge that the Council has committed £15m of capital funding, including for land assembly in this area. The Council has purchased 7 properties in total; however, 26 properties are still to be purchased. In the absence of cogent evidence of efforts to compulsory purchase the remaining land and the time it could take to resolve land ownerships, I do not consider that the site would yield any output within the five years (i.e. minus 50 dwellings).

Land at Guilsborough Road, Eye Green

52. The Council has resolved to grant an application on this site subject to a Section 106 Obligation. There has been a delay in signing the obligation as the developer wishes to provide an above policy compliant level of affordable housing and has been seeking the funding to do so. The Council consider that the site is viable with policy compliant levels of affordable housing. In terms of the definition of 'deliverable' and the guidance in the PPG¹⁴ there is clear evidence of '*progress towards the submission of an application*' as an application has been made and approved in principle. Were the developer unable to find funding the site could simply be delivered with 30% affordable housing. Consequently, I consider that there is a realistic prospect that the site will deliver 67 units within the five years.
53. Based on the above, I consider that the total output from extant planning permissions on allocated sites would be 3835 dwellings (2012 + 1823 dwellings).

Great Haddon

54. The site has outline planning permission for up to 5,350 residential units. The Council have assumed development starting in 2021/2 with a delivery rate of 50 dwellings per annum, which the developer considers to be conservative. Progress is being made towards a development brief and reserved matters, anticipated Summer 2019. The developer confirms its intentions in a statement to the Local Plan examination.
55. The appellant challenges the timing and rate of delivery on the basis of historical delivery rates and the time taken from submission of applications to completions¹⁵. Whilst some of the larger sites have taken some considerable time to come forward there are also examples of large sites coming forward quicker¹⁶. However, on the basis of the developer's own statement, their track record in delivering large sites, and progress towards making a reserved

¹⁴ PPG Paragraph 036 Reference ID: 3-036-20180913

¹⁵ Appendix 3 GW PoE

¹⁶ Earlier phases of the East of England Showground

matters application, I consider that there is a realistic prospect that the site will deliver 100 units within five years.

Land south of Oundle Road

56. The Council have resolved to grant outline planning permission for 130 dwellings on this allocated site. It was originally envisaged that the developer of the site would pay for the signalised junction which affected viability and affordable housing provision. However, the scheme now has Combined Authority and Council funding to provide the signalised junction. Evidence¹⁷ indicates that the highways scheme is expected to start in July 2019 and it is anticipated that the legal agreement for the site can be signed soon. I note that construction can begin without the signalised junction. There is clear evidence of progress being made towards an application and a clear path towards resolution of the viability issue. Consequently, I consider that the site will deliver 110 units within five years.

57. The total supply from sites approved subject to a legal agreement is, therefore, 280 dwellings (70+210 dwellings).

Norwood

58. Norwood and the site below are allocated for housing development but not subject to any grant of planning permission. The Framework advises that allocated sites should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

59. The site is allocated for 2,300 dwellings and an application for 870 dwellings is under consideration. Evidence submitted to the Local Plan Examination indicates that phase 1 would start in 2020 and that 50 dwellings would be provided in 2021/22 and in 2022/23. The evidence indicates that the site is available now and in a suitable location for development. There appear to be no site constraints which cannot be overcome, and the landowners and developers are confident that the scheme is viable.

60. The appellant relies on evidence¹⁸ which shows that no large sites have been delivered from submission of a planning application to completions on site within five years. Whilst this may be the case, this evidence is so varied that it is difficult to establish any clear patterns. Consequently, I do not consider that this evidence is sufficient to undermine the information from the developer. The site will, therefore, yield 100 dwellings within five years.

Northminster Opportunity Area

61. The site is identified within Policy CC3 of the City Centre Plan (2014) as an opportunity area with potential for 300 dwellings. The site is identified on the Policies Map as site CC3.6. As the site is identified in a Plan, it is not a windfall site. It is also identified in the emerging Local Plan for 150 dwellings.

62. There is prior approval for 115 dwellings at the former Council Office at Bayard Place which lies within the Opportunity Area. Furthermore, there is planning permission for 14 dwellings as part of a roof extension at Bayard Place. The developer confirms in writing that Bayard Place will commence in 2019 and that

¹⁷ Appendix 4 GW PoE

¹⁸ Appendix 3 GW PoE

all units will be delivered by 2020. On this basis, there is a realistic prospect that the site will yield 104 units within five years.

63. In conclusion, I consider that allocated sites would deliver 308 dwellings in the five-year period.

Conclusion on housing need

64. There is no need for me to consider likely supply of housing from sites where this is not in dispute. With regard to the agreed figures and my calculations on the contested sites above, I find that the following numbers of dwellings are likely to be delivered in the next five years: 3835 on allocated sites with extant planning permission; 238 on unallocated large sites with extant permission; 282 on unallocated small sites with permission; 280 on sites approved subject to a legal agreement; 308 on allocated sites without permission; and 200 from 'windfall' sites.
65. Adding the figures together, I find that there will 5143 dwellings are likely to be delivered which would supply sufficient homes to meet local housing needs for 5.19 years. The Council has a 5YHLS – and it is not necessary for me to consider whether housing will also be delivered on sites that are proposed to be allocated in the PLP.
66. Since the Council has a 5YHLS, Policy CS1 cannot be considered out of date for the purposes of paragraph 11 of the Framework. The process to facilitate a presumption in favour of sustainable development set out in paragraph 11d) does not apply. The strategy set out in CS1 to direct development to settlements and limit development in the countryside is not unduly restrictive – and nor are the current settlement boundaries, as was the case in Woolpit and Meppershall.
67. The housing land supply figures are targets not ceilings; if the proposed development was acceptable in all other respects, the fact that the Council has a 5YHLS would not prevent a grant of permission. However, I could not allow the appeal simply on the basis that there is no national or local policy which precludes housebuilding in excess of targets. Paragraph 12 of the Framework states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate otherwise.
68. It was held by Sales LJ in *Gladman Developments v Daventry District Council* that: *"the fact that the Council is able to show with the current saved policies in place it has the requisite five-year supply tends to show that there is no compelling pressure by reason of unmet housing need which requires those policies to be overridden"*. I conclude that the Council has a 5YHLS which means that Policy CS1 cannot be deemed out of date.

Other Material Considerations

Provision of Market and Affordable Housing

69. The proposal would deliver market housing which would contribute to the Government's objective of significantly boosting the supply of homes. The proposal would deliver up to 23 affordable homes comprised of 16 social rented homes and 7 shared ownership homes in accordance with Policy CS8 of the CS.

70. The local plan Inspector confirms that the emerging Local Plan's housing requirement should be a minimum of 942 dpa based on local housing need figures. This gives a lower 30% affordable housing requirement than the SHMA (294 dpa), of 282 affordable dpa.
71. Even on the lower requirement, the appellants consider that the Council's completions in recent years has been dismal. The appellants evidence¹⁹ shows that in 2015/16 only 60% of the affordable requirement was met. In 2016/17 and 2017/18, 46% and 42% affordable housing need was met respectively. However, these figures do not take account of the fact that affordable housing is only sought on qualifying sites of 15 dwellings or more. When the delivery rate is compared against qualifying sites over the period 2009/10 to 2017/18 the delivery rate is actually 34%. Indeed, considering that affordable housing cannot be secured in relation to Prior Approvals, the affordable housing delivery rate is 37% over the nine-year period. Consequently, I consider that the appellant has over-estimated the affordable housing shortfall when compared to the Policy requirement.
72. The Council recognises that only a certain proportion of overall need can be met from market housing schemes. Funding from the Combined Authority and the Council's own capital funding has helped to provide other options.
73. The Council has established a joint venture housing company with a registered provider to deliver affordable housing across the city. Whilst still early days, 29 affordable homes have been completed, 60 units under construction and 100 more in the pipeline. Furthermore, four registered providers have formed a joint venture with the aim of tackling the shortage of homes of all tenures and to deliver 2,000 new affordable rent properties and homes for sale by 2023. It is estimated that this approach will yield 152 affordable dwellings for the period 2018/19, 97 of which are already complete. As none of the sites which constitute the predicted figure are disputed and in light of the number of completions there is no reason to doubt the Council's estimate.
74. I acknowledge that the proposal would provide up to 23 affordable housing units; however, this is a policy compliant level of provision which could be secured on any site for residential development. Nevertheless, the provision of market and affordable housing is a benefit of the proposal to which I attach significant weight.

Economic benefits

75. The appellant has submitted a socio-economic impact statement²⁰ which states that the appeal scheme would provide an estimated 82 direct jobs through the construction phase of the housing, together with the additional jobs through the supply chain; however, these benefits would be short-term.
76. In the longer term, new households would introduce expenditure into the local economy and there would be additional benefits from further council tax income and a new homes bonus. However, no schemes upon which the bonus would be spent have been identified. In accordance with advice in the PPG (ID 21b-011-20140612) it would not be appropriate to make a decision based on the potential for the development to raise money for the development in the absence of evidence to demonstrate how that money would be used to make

¹⁹ Table 4 of MB PoE

²⁰ Mr Bassett PoE Appendix 0

this particular development acceptable in planning terms. Moreover, the economic benefits of the proposal would be generic and would arise with any housing development. Consequently, I can only attach moderate weight to the economic benefits in my Decision.

Best and Most Versatile Agricultural Land

77. It is now established that the appeal site is Grade 3a. Hence the proposal would result in the loss of 6.9ha of best and most versatile agricultural land. The parties agree that the loss is not unacceptable such to give rise to a reason for refusal and that it should, therefore, attract limited adverse weight. Nevertheless, this harm weighs against the proposal.

Transport

78. A Transport Statement was produced in support of the application and the Highways officer did not raise concerns subject to conditions requiring, amongst other things, a reduction in the speed limit on Lincoln Road from 60mph to 40mph and appropriate street lighting on Lincoln Road. The application was not refused on highway grounds.
79. A local resident considers that the Transport Statement is flawed in that it understates the current levels of traffic congestion and the likely effects of the proposed development in particular on Lincoln Road and traffic associated with the local College. However, the trip distribution pattern calculated in the TS is not questioned. The amount of development traffic forecast to travel to and from the north of the site in morning and evening peak hour periods is well below the threshold in the former Guidance on Transport Assessment (GTS). Indeed, the results indicate that the impact of development in the centre of Glinton would be negligible and it was not, therefore, assessed in further detail. Furthermore, the number of trips generated by the development when the College finishes would be lower (Appendix 2 of TS) and both schools within Glinton are located within an acceptable walking distance of the site.
80. The TS predicts that the queue along Lincoln Road would not be long enough to block the site access; however, even if it did there could be 'keep clear' signs on the road and in any event queueing motorists could let a resident at the development enter/exit the site. Notwithstanding the point raised regarding 'unequal lane usage' the calculations in the TS show that the impact of development on the A15/Lincoln Road/Werrington Parkway roundabout would be negligible.
81. Whilst potential traffic from the football pitch was not included in the TS; there are only two pitches proposed which are likely to be used at weekends when background traffic levels are low. If they are used after school, vehicle trips could already be on the highway network anyway if parents are already travelling to pick up children from school. In any event, the football club uses the College pitches and thus the traffic is already on the road.
82. A number of detailed technical issues in relation to the calibration of the model, sampling of traffic flows, use of one-hour traffic profiles and trip generation samples are raised; however, on the basis of the evidence before me and the reasons set out above, I am satisfied that the impact of the proposed development on Lincoln Road and the surrounding road network would be negligible.

Drainage

83. Reason for Refusal 2 relates to the absence of a sustainable urban drainage system a concern echoed by local residents. However, parties agree that the revised plan and revised drainage strategy which proposes a drainage pond in the north-west corner of the site addresses RfR 2 and complies with Policy CS22 of the Core Strategy and the Flood Water Management SPD (2012). Nothing which I have seen either in written submissions or on my site visits would lead me to a different conclusion.

Impact of the Proposed Development on the Secure Residential Unit

84. There are concerns that the proposed development would have an undue impact on security at Clare Lodge. The residential unit is providing an invaluable service for vulnerable young people and the accompanied site visit emphasised the importance of security to the residents and staff. However, I am satisfied that a secure access to the unit and appropriate boundary treatment would provide the required privacy and security. These details could have been secured by a condition, had I decided to allow the appeal.

Ecology

85. The Council's delegated report confirms that the site is of low ecological value and that there is potential for biodiversity enhancement on the site through native planting and the provision of bat boxes. However, I consider that these benefits would be off-set to a degree by increased activity on the site. Consequently, I can attach only limited weight to the ecological benefits in favour of the proposal.

Planning Obligation

86. The s106 obligation is made in the form of a deed. It sets out undertakings by the appellant to provide affordable housing, open space and sporting facilities in the event that outline permission is granted for the proposed development. I have considered it against the Community Infrastructure Levy Regulations 2010; Regulation 122 requires that planning obligations are only taken into account where necessary to make the development acceptable in planning terms, and they are directly related to, and are fairly and reasonably related in scale and kind to the development.
87. The First Schedule of the s106 obligation would secure 16 units of affordable rented housing and 7 units of shared ownership housing in accordance with CS Policy CS8. I am satisfied that this undertaking complies with Regulation 122 – and it cannot be precluded under Regulation 123, which relates to the funding or provision of infrastructure, because affordable housing is not identified on the Council's "Regulation 123" List.
88. The Second Schedule of the s106 obligation relates to open space provision – because the development would provide family housing which would generate a demand for open space, play space and playing pitches, and the provision of such facilities to meet the specific needs of a development is again not on the Regulation 123 list.
89. The appellant proposes to provide 0.87ha of open space on the site, to be maintained through a management company, and comprising 0.25 ha for allotment provision, 0.25ha for natural greenspace and the remaining 0.37 ha

as neighbourhood parks/public open space. The Council's preference was for a contribution to upgrade the existing Local Equipped Areas of Play (LEAP) at the neighbouring Glinton Playing Fields – but it accepts that an onsite LEAP would meet the needs of future occupiers of the development.

90. I find that the proposed provision of open space would comply with CS Policy CS19 – and with the Open Space standards set out in Appendix B of the Planning Policies DPD, as described in an email from the Council's landscape officer dated 29 January 2018. I note that the allotments would exceed the minimum requirements, but it would not be practicable to make on-site provision at a smaller scale.
91. The proposed sporting facilities would include two adult sized grass football pitches to be provided on site and transferred to the Glinton and Northborough Football Club (GNFC). The Playing Pitch Strategy 2017 shows that there is a surplus of adult grass pitches but a deficit of one youth 11x11 pitch in the West area of Peterborough – and there is a Peterborough-wide shortfall of youth 11x11 and adult grass pitches.
92. Guidance from the Football Association²¹ (FA) and the Playing Pitch Strategy shows that adult grass pitches equate to or can be 'reconfigured' into youth 11x11 pitches and so the type of facility proposed would meet the identified local need. It is intended that one of the pitches would be replaced by a "3G" facility at some point once funding is secured – and that would address a need but is not certain to be provided. The 3G pitch cannot carry weight in this decision but that does not alter my finding on the need for the pitches which would be provided in the first instance.
93. However, Appendix B of the Planning Policies DPD requires the provision of 1ha of outdoor sports provision per 1,000 population plus 279sqm of Synthetic Turf Pitch per 1000 population. The landscape officer suggests that this would translate to a requirement for some 0.25ha of outdoor sports space on the site, meaning that the proposed two pitches would significantly exceed the minimum requirement. As with the allotments, however, it would not be practicable for the appellant to provide smaller scale facilities.
94. The terms of the transfer of the land to GNFC would include a community use agreement. GNFC suggest that they would only utilise the proposed pitches for 30 out of 90 hours per week – but those hours would be from 6pm to 10pm on weekdays and 10am to 5pm at the weekend. It follows that the pitches would largely be open to members of the public who are not GNFC members only when they are at school or work. However, this does not conflict with any development plan policy – and I also note that, even if Council-run sporting facilities normally give different clubs, individuals or teams more flexible access, they also still operate booking systems.
95. Finally, the s106 obligation includes a financial contribution to GNFC of £40,000 for the provision and maintenance of facilities on the club land, and support the Playing Pitch Strategy objective to find a centralised clubhouse for its teams. The Council's Open Space standards do not specifically require the provision of clubhouses or changing facilities – and I have already found that the proposed pitches alone would exceed the Council's requirements for sporting facilities. I consider, therefore, that the proposed financial contribution would not be

²¹ CD M13 Football association Guide to Pitch and Goalpost Dimensions (2012)

necessary to make the proposed development acceptable and would not be fairly and reasonably related in scale and kind to the development. I cannot, therefore, take the contribution into account in my Decision. In any event, even if I were able to take the contribution into account, due to the uncertainty of provision, it would only be able to attract very limited weight.

96. However, I am satisfied that the proposals to provide affordable housing, open space and playing pitches as set out in the s106 obligation do meet the tests set out in Regulation 122 and the Framework. I shall have regard to these undertakings in my overall conclusion.

PLANNING BALANCE AND CONCLUSION

97. I have found that the proposed development would conflict with CS Policy CS1 and that the strategy set out in that policy is consistent with the Framework. The Council has a supply of specific deliverable sites to meet its housing needs, and so Policy CS1 is not out of date. The conflict with Policy CS1 carries significant weight against the appeal. The development would also conflict with draft PLP Policy LP2 and result in the loss of 6.9ha of best and most versatile agricultural land; these findings carry further but limited weight against a grant of permission.
98. The proposed development would cause no unacceptable harm in relation to transport and highway safety. Through the s106 obligation, it would include open space and playing fields to meet the Council's requirements. These neutral effects do not weigh for or against the appeal.
99. I accept that the proposed development would increase the supply of both market and affordable housing – which the Framework seeks to boost significantly – and help support the local economy. The proposal would also have some limited benefits in terms of biodiversity. The considerations in favour of the development collectively carry significant weight, but not sufficient in my view to overcome the statutory presumption in favour of the development plan. The conflict with CS Policy CS1, which underpins the spatial strategy at the heart of the development plan, justifies a decision to refuse planning permission in this case.
100. For the reasons stated, and with regard to all other matters raised, I conclude that the appeal should be dismissed.

Caroline Mulloy

Inspector

APPEARANCES***For the Local Planning Authority***

Ms Clare Parry of Counsel	Instructed by Peterborough City Council
<i>She called:</i>	
Amanda McSherry BSc (Hons), DipTP, MRTPI	Development Management Team Manager
Gemma Wildman BA (Hons), DipTP, MRTPI	Principal Planning Officer

For the Appellant

Mr Peter Goatley of Counsel Mr David Martin of Counsel	Instructed by Larkfleet Homes
<i>They called:</i>	
Mark Bassett BA (Hons), DipTP, MRTPI	Principal Planning Manager, Freeths LLP
Paul Wilson BA (Hons), MCIHT, MRoRSA, MTPS, CMILT	Associated Director BWB Consulting Ltd

Interested Persons

Stuart Craig	Vice Chair, Glinton and Northborough Football Club
Oldrich Hoppe	Chairman NPVA
Bob Randall	Local resident
Sue Lowe-Lauri	Local resident
David Cowcill	Local resident
Anthony Cowderoy Mt Engineering, MSc Management Sciences, FCILT	Local resident
Jeff Bell	Local resident

INQUIRY DOCUMENTS***Core Documents***

M18	Revised Statement of Common Ground on housing land supply
M16	Completed Section 106 Agreement dated 8 February 2019
M12	Revised list of agreed planning conditions

Documents submitted on behalf of the Council

M01	Council note on CIL compliance
M02	Council note on drainage and Wheatcroft principles
M06	Opening submissions on behalf of the Council
M14	Evidence prepared for the emerging PLP – Site Profile for East of England Showground
M19	Closing submissions on behalf of the Council

Documents submitted on behalf of the Appellant

M03	The appellant's note on Drainage and Wheatcroft principles
M05	Opening submissions on behalf of the appellant
M13	<i>Guide to Pitch and Goalpost Dimensions</i> (2012) – the Football Association
M15	The M17 agreement to draft Pre-Commencement Conditions dated 7 February 2019
M17	Policies SWDP 1 & SWDP 2 of the <i>South Worcestershire Development Plan 2016</i>
M20	Closing submissions on behalf of the appellant

Documents submitted by Interested Persons

M04	Statement by Mr Stuart Craig
M07	Report by Jeff Bell
M08	Statement by Bob Randall
M09	Enlarged site layout plan prepared by Bob Randall
M10	Statement by Anthony Cowderoy
M11	Statement by David Cowcill

Richborough Estates