



Appeal Decision

Inquiry held on 21 February 2012

Site visit made on 22 February 2012

by JP Roberts BSc(Hons), LLB(Hons), MRTPI

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

Decision date: 11 January 2013

Appeal Ref: APP/C1625/A/11/2165671

Land off Box Road, Cam, Gloucestershire

- 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 Hallam Land Management Ltd against the decision of Stroud District Council.
 - The application Ref S.11/1682/FUL, dated 24 August 2011, was refused by notice dated 18 November 2011.
 - The development proposed is up to 71 residential dwellings, open space provision including children's play space; a new access off Box Road; associated landscaping, car parking, engineering (including ground remodelling) works and infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for 71 residential dwellings, open space provision including children's play space; a new access off Box Road; associated landscaping, car parking, engineering (including ground remodelling) works and infrastructure on land opposite 6 Box Road, Cam, Gloucestershire in accordance with the terms of the application, Ref: S.11/1682/FUL, dated 24 August 2011, subject to the conditions listed in the Annex to this Decision.

Preliminary matters

2. The Council's decision notice describes the site as "Land opposite 6 Box Road, Cam, Gloucestershire". This is a more precise description, and it is one agreed between the parties and one that I shall adopt. The parties also agree that the description should be amended to delete the words "up to", as the proposal is a full one, and I shall incorporate this amended description.
3. The application was amended during its consideration by the Council and I have taken the amended plans into account.
4. Two planning obligations under Section 106 of the Town and Country Planning Act 1990 were submitted at the Inquiry. One is entered into with Gloucestershire County Council and deals with contributions towards schools, libraries and public transport. The other, entered into with Stroud District Council, deals with affordable housing and the arrangements to deal with public open space within the development. I shall refer to these in more detail below.
5. The National Planning Policy Framework (the Framework) was published after the close of the Inquiry. The parties were invited to make representations about the implications of the Framework for the appeal proposal, and I have

taken those representations into account in the decision. I have also taken into account further representations from both of the main parties concerning changes in circumstances since the Inquiry.

Main Issues

6. The main issues are:

- i) the effect of the proposal on the character and appearance of the surrounding area,
- ii) whether the appeal site is a suitable location in terms of sustainable travel and
- iii) whether there are any material considerations, in particular housing supply, which would outweigh any conflict with the development plan.

Reasons

Character and appearance

7. The site lies outside of the defined settlement boundary of Cam as shown on the Stroud District Local Plan (DLP) Proposals Map. Saved DLP Policy HN10 says that outside such boundaries residential development will not be permitted unless it is essential to the efficient operation of agriculture or forestry. The proposal is plainly in conflict with this policy. The rationale for the policy is that development outside of settlement boundaries would not be in a sustainable location, and would be likely to detract from the character and appearance of the countryside. I shall deal with sustainability below.
8. The appellants argued that Policy HN10 carries little or no weight. The Secretary of State's Direction Letter makes it clear that "in particular" the purpose of saving policies was to ensure a continual supply of land for development, which the Council concedes, has not been achieved. The letter also says that where policies were adopted some time ago, it is likely that other material considerations, including national and regional policies and new evidence, will be afforded considerable weight in decisions.
9. Whilst there is other evidence and policy matters which the Council conceded it should have taken into account in ascertaining the weight to be given to Policy HN10, the more forceful position is supplied by the Framework which makes it clear that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites¹.
10. Although the Council claims that there is now a 5 year supply of housing land, my findings below indicate that there is a significant shortfall. As Policy HN10 strictly controls where housing development can take place, it is a key policy relating to the supply of housing, and even then, it was planned to apply only up to 2011. Thus it follows that it cannot be considered as up to date, and this means that the Framework's provisions much carry greater weight in this instance. This stance was also adopted by the Inspector in the Sellars Farm decision² referred to by the Council in its most recent post-inquiry submissions.

¹ Although the DLP was adopted after 2004, it is not a plan prepared in accordance with the Planning and Compulsory Purchase Act 2004, and thus the provisions of paragraph 214 of the Framework do not apply in this case.

² Ref: APP/C1625/A/11/2165865

11. Even so, the Framework contains, as a core planning principle, the need to take into account the different roles and character of different areas, and amongst other things, recognising the intrinsic character and beauty of the countryside, although I disagree with the Council that this is the same as protecting the countryside for its own sake. Even so, it is relevant to assess the proposal against its effect on the character and appearance of the area.
12. DLP Policy NE10 aims to protect landscape character, and provides that development will only be permitted if 3 criteria are met, the only one relied on by the Council being whether the benefits of the proposed development outweigh any harmful effects on the landscape.
13. It is relevant that the site lies very close to the northern apex of the settlement boundary of Cam, separated by the width of Box Road, although the site fans out away from that apex. There are also substantial pockets of built development close to the site, outside of the settlement boundary. To the south-west of the site is a crescent-shaped terraced housing development at Tocknell Court, whilst to the north-east of the site is a group of detached and semi-detached dwellings along Box Road Avenue, with some fronting Box Road on either side of the junction with Box Road Avenue. There is more sporadic residential and commercial development to the north of the site, south of the railway line.
14. The appeal site forms an open triangular shaped field, edged by hedges on the western boundary and fencing to the north and east. Its substantial size and open, rural appearance means that it appears as part of the countryside, being similar in character to the contiguous field further to the north-east to the rear of Box Road Avenue, and to the land on the south side of Box Road.
15. The proposal would consolidate an area of sporadic built development, and would result in the loss of a pastoral interlude, which gives this urban fringe area a decidedly mixed character with a strong rural flavour. This would cause some harm to the character and appearance of the area, and to the agricultural landscape character, but as the Council accepts, the harm would be both limited and localised. There are not important or long-distance views of the site, and thus the extent of harm would not be great.
16. The Council has produced a Core Strategy Consultation document entitled *A Preferred Strategy for shaping the future of Stroud District*, dated February 2012. It identifies North-East Cam, which includes the appeal site and land to the north-east as well as land to the south side of Box Road as a strategic housing and employment site. The appeal site itself is indicated as being part of an employment site. However, Council officers consider the site as a suitable location for future development, and whilst the plan is at an early stage of preparation, the inclusion of the site as part of the preferred strategy carries some but very limited weight in favour of the proposal. It is no part of the Council's case that the proposal would prejudice the comprehensive development of a possible strategic site.
17. The Inspector who held an Inquiry into objections to the Deposit version of the DLP considered the appeal site, but rejected its inclusion within the settlement boundary, finding, amongst other things that it would "involve an unacceptable consolidation of sporadic development poorly related to the form of the town." The Inspector in that case was assessing the site in relation to others put forward in the plan, rather than dealing with it on its own merits, and as this

exercise was carried out some years ago, this finding has only limited applicability here.

18. Two previous S78 appeals³ relating to land nearby also found against proposals for housing development in 1983 and 2009 respectively. Both appeal decisions found, amongst other things, that the proposals would conflict with development plan policies aimed at restricting residential development outside of settlements or defined residential boundaries. In the more recent case a reason for refusal relating to harm to character and appearance was not defended by the Council, but that related to a single dwelling, rather than the larger scale development proposed here. Those appeals were determined on their individual merits and on the policies and circumstances pertaining at the time they were decided, and I draw little from them either way.
19. I therefore conclude on the first main issue that the proposal would result in some limited harm to the character and appearance of the area, and would conflict with DLP Policy HN10. As DLP Policy NE10 requires that any landscape harm be balanced against other benefits, I shall refer to this below.

Sustainable travel

20. The reason for refusal suggests that because the site is outside of the defined settlement for Cam, it is not in a sustainable location. However, the Council's position is now that the site's travel sustainability is criticised in only one respect. The nearest primary school is in Slimbridge, access to which can be obtained on foot via footways at a distance of about 1.8km. This is within the recommended walking distance referred to in the now-superseded Planning Policy Guidance Note 13: *Transport* (PPG13). The Framework does not set out such specific recommendations, but contains as a core planning principle an aim of ensuring that patterns of growth make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable. It also says, at paragraph 38, that where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.
21. In this case, in order to walk to the school, it would be necessary to travel along the A4135 road, known as Draycott. Where that road crosses a railway bridge, the footway is very narrow, and is of insufficient width to allow two pedestrians to walk side by side. To the north there is limited visibility due to a crest in the road, and it would be unlikely that a pedestrian would be able to traverse the bridge in the time it takes for a vehicle to travel from the crest to the bridge. This would make it unsuitable for a parent and child to use. The route would also require pedestrians to cross two busy carriageways of the A38 road.
22. Draycott is also used by heavy goods vehicles, which in places, pass close to the footway. On my visit, which was not during peak times, traffic was fairly heavy and noisy, and I consider that the combination of a hazardous road narrowing, the difficulty in crossing the A38 and the generally poor conditions for pedestrians would discourage walking from the site to the school.
23. The appellants propose some improvements to the footpath, which would include an increase in the width of the footpath over the railway bridge to

³ Refs: T/APP/C1625/A/83/3922/PE1 and APP/C1625/A/2093585

create a shared use path for pedestrians and cyclists of about 2m wide. The narrowing of the carriageway at this point would also assist in reducing vehicle speeds. This would make a significant improvement to the most hazardous part of the route. Whilst the proposed improvements would make the route safer, it would not address the need to cross the busy A38, and the speed and volume of vehicles using Draycott would still make it an unattractive walking route. Notwithstanding this, walking is nevertheless an option for those who wish to do so.

24. Whilst I recognise that the ability to be able to walk to a primary school is an important measure of accessibility, it is nevertheless relevant to look at the wider picture of sustainable travel. There are bus stops nearby, and occupiers of the site would be able to walk to other facilities and some employment areas in Cam. There is a train station within an easy walking distance of the site, from where trains to some of the larger towns and cities in the area can be reached.
25. The Council referred me to the historically high levels of employment out-commuting in the district, and no doubt some occupiers of the appeal site would work outside of the local area. The site would be very attractive to anyone working in, say, Gloucester or Bristol. However, Cam/Dursley is designated as a Principal Settlement where new development is to be directed, and whilst the proposal may well contribute to out-commuting, it is well located near to existing employment sites and those with planning permission. The question of out-commuting was considered by the DLP Inspector, who concluded that it was important that the housing target was met and to ensure that it was not undershot on the basis that there was insufficient employment. I consider that this is still a compelling reason to continue to allow new housing in this area, notwithstanding that it may contribute to increased out-commuting.
26. It is also relevant that the housing broadly identified in the Core Strategy consultation Preferred Strategy would include some housing even further away from the existing settlement boundary than the appeal site. The Council agreed that the proposed housing allocation would not sustain a new primary school, and therefore occupiers of any new housing in this area would also be likely to send their children to the primary school at Slimbridge. Whilst this document carries very little weight at this stage, it nevertheless indicates that the identified strategic site is regarded by the Council as being suitable for residential development, notwithstanding its concerns about accessibility, and this adds weight to the appellants' arguments in respect of the appeal site.
27. The Council's Strategic Housing Land Availability Assessment (SHLAA) identifies the site as being suitable for development. Inclusion in the SHLAA does not mean that the site is one that is earmarked for development. Even so, the SHLAA Practice Guidance says that "a site is suitable for housing development if it offers a suitable location for development and would contribute to the creation of sustainable, mixed communities." Thus, if the site were unsuitable because of poor accessibility, then it would be unlikely to contribute to the creation of a sustainable, mixed community. Its inclusion in the SHLAA as a suitable site reinforces my view that the Council sees the site as contributing to the creation of a sustainable community, and that this would include accessibility considerations, including walking to the nearest primary school.

28. The site has previously been considered to be in an unsustainable location by the Local Plan Inspector and those Inspectors who dealt with the S78 appeals referred to above. However, those findings took into account travel criteria contained in RPG10, since when more recent guidance has been issued, including Manual for Streets.
29. I note that the Highway Authority had no objection to the proposal subject to conditions and a legal agreement being entered, having specifically assessed the proposal on accessibility grounds. Although the response did not refer to walking to the primary school, it referred to other travel destinations, which are within walking distance, and I agree that these are the more important.
30. I therefore find on this issue that the proposal would be broadly compatible with the Framework's aim of locating development in sustainable locations, and that the limitations in respect of walking to a primary school can be partly addressed by off-site improvements. Any residual harm is very limited.

Other material considerations – housing supply

31. There has been a longstanding difficulty in meeting housing targets for the district. Although at the time of the refusal the Council felt that it could demonstrate that there is a 5 year supply of deliverable housing sites, that position changed by the time of the inquiry, but subsequently the Council has reverted to its previous position that a 5 year supply exists, and that there is a 6.53 years supply including the 5% buffer as required by the Framework.
32. I have been referred to a report on housing land supply which the Council formally accepted on 3 October 2012. That report relied on a review by an independent consultant of the District's housing land position. The Council agreed to extend the Local Plan Period from 2006 to 2031, and to adopt as a housing requirement a minimum of 9,260 dwellings with a reserve provision for up to 11,500 dwellings.
33. At the time of the Inquiry, both parties were content to adopt, for the purposes of this appeal, the Council's housing target of 9,350 dwellings for the period 2006-2026, adopted formally by the Council in 2011. That figure was derived from the evidence available at that time which included the DCLG 2008 household projections. The consultant's report says that this figure is a reasonable one based on the evidence, and evidence given for the Council at the Inquiry held the figure to be "robust". The consultant's report identifies a number of factors which could justify arriving at a different figure, but the key recommendation is that a range of housing requirements should be set from 9,260 to 11,500 net additions to the housing stock over the extended plan period to 2031.
34. Although the Council carried out public consultation on the report, the process has not been the subject of the kind of testing that it would receive as part of a formal development plan examination, and this limits the weight it can be afforded. Moreover, the Council has chosen to adopt the lowest figure, the minimum needed to meet what the report identifies as the housing needs for the area. The report highlights that this poses a number of risks, which include the under provision of housing.
35. For this reason alone, I find that the Council's new housing target is at odds with the objectives of the Framework to boost significantly the supply of housing, to support local policies to build a strong competitive economy and to

deliver a wide choice of high quality homes. The adoption of a low-end figure also reduces the likelihood of meeting the considerable un-met demand for affordable housing in the area, and in the Cam and Dursley area in particular. Accordingly, I afford it little weight, and give preference to the Council's 2011 approach that was adopted at the Inquiry, which set a target of 9,350 dwellings for the period 2006-2026. The findings of the Inspector in the Sellars Farm appeal that this was a sound derivation, supports this, although I appreciate that he did not have the Council's latest information before him.

36. The position on housing supply has also changed since the Inquiry, but even if all the Council's identified supply sites are accepted as being deliverable, on the basis of using the 9,350 target, the Council is still unable to demonstrate a 5 year supply of housing land.
37. A change to the 5 year housing supply requirement introduced by the Framework requires planning authorities to demonstrate a 5 year supply, plus a 5% buffer moved forward from later in the plan period. Moreover, the Framework also requires that where there is a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% moved forward from later in the plan period.
38. It is common ground between the main parties that there has been a historic shortfall in meeting housing targets. The DLP set out a requirement to provide 9400 dwellings in the plan period of 1991-2011, whilst only 7557 were completed during that time, a shortfall of 1843 dwellings (about 19.6% of the total requirement). In 2011 the Council adopted a housing requirement figure of 9,350 dwellings for the period 2006-2026, which the appellants accept, for the purposes of this appeal, is an appropriate figure.
39. Since 2006, using this adopted figure, there would be a requirement for 2337 dwellings in the period 2006-2011, whilst 1977 have been provided, a shortfall of 360 exists (about 15% of the target figure). Whilst in some years completions exceeded the annual target rate, the overall picture is one of under-delivery. Planning appeals decided in 2008 and 2010⁴ both found a failure to demonstrate a five-year supply, with the 2008 decision finding that there was only a 3.68 years' supply. The more recent Sellars Farm decision also found a failure to show a 5 year supply, and thus the problem of under-delivery is not just a historic one, but one which is ongoing.
40. Whilst the Framework does not define "persistent under delivery", it seems to me that there has been a history of under-delivery which is "persistent", and thus I consider that there is no reason why the 20% buffer provided for by the Framework should not be applied here. The Inspector in the Sellars Farm appeal did not find that it was appropriate to apply the 20% buffer, but on the evidence presented to me, I do not share that conclusion, and I find that the 20% buffer is warranted.
41. The appellants also argue that the historic shortfall in delivery should be addressed by "front-loading" the deficit over the 5 year period rather than being spread over the remainder of the period to 2026. This approach has a sound practical basis as it makes sense to address unmet needs sooner rather than later. Such an approach has been endorsed in 2 appeal decisions⁵

⁴ Refs: APP/C1625/V/07/1202058 & APP/C1625/A/09/2109409

⁵ Refs: APP/X3025/A/10/10/2140962 & APP/C3810/A/11/2155343

referred to me by the appellants but both of those related to sites to which the South East Plan applied, where specific reference was made in the Plan to doing this. There is no equivalent provision in any development plan or in national guidance in this case. However, in the appeal decision referred to me by the Council, the Inspector in that case felt that, amongst other things, the Government's emphasis on delivery justified the shortfall being addressed in the next 5 years, and I see no reason to take a different view.

42. Thus even if I were to accept all of the Council's arguments about supply, taking into account the frontloading of the shortfall and a 20% buffer, the Council can only show a 3.98 year supply. Even if I were to apply a 5% buffer, there would still only be a 4.21 year supply. I do not find this to be an insignificant shortfall, and this on its own is sufficient in the circumstances of this case to swing the balance of arguments in favour of allowing the appeal.
43. I also have reservations about the deliverability of some of the sites which make up the housing supply identified by the Council. The Framework (in paragraph 48) makes provision for an allowance to be made for windfall sites in the five-year supply if there is compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.
44. The Council has provided evidence at Appendix B of its comments on the Framework dated 9 May 2012 which shows that windfall sites make up a considerable proportion of its housing supply. However, the Framework indicates that for windfall sites to be counted as an allowance in housing supply, residential gardens and greenfield sites should not be included. As the appellants point out, the evidence on completions of windfalls suggests that the Council's figures are over-optimistic, and may also include some double counting of other allocated sites already taken into account.
45. It is not clear how many of the windfalls permitted in previous years have been on residential gardens, and in the absence of this information, it is difficult to attach any degree of certainty about the figures which the Council puts forward, as it has not been explained how the figures have been arrived at. Thus, whilst there is compelling evidence that such sites have consistently become available, and having regard to the nature of the district, there is no reason to think that they would not continue to do so, the evidence of the number which should be taken into account is insufficient for me to decide how many should be included in the housing supply calculation. Even so, I recognise that that some allowance should be made for windfalls for both large and small sites. My misgivings about the reliability of the Council's windfall provision means that the shortfall in the 5 year supply is likely to be greater than that identified above.
46. There was considerable discussion at the Inquiry about the contribution that large sites make to the housing supply. The test at that time was as set out in paragraph 58 of Planning Policy Statement 3 (PPS3): *Housing*, which required local planning authorities to demonstrate, based on robust evidence, that the sites are developable and are likely to contribute to housing delivery at the point envisaged. Since then, the Framework has provided new guidance, and says, in a footnote to paragraph 47, that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example

- they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans.
47. The Framework's change of approach is significant. However, in view of my finding that even if all of the sites were to be accepted as being deliverable, the need to frontload the previous shortfall and the inclusion of 20% buffer means that there would be a significant shortfall in the 5 year supply which outweighs other considerations. It is therefore unnecessary for me to assess each and every one of the sites which were argued at the Inquiry. The test of deliverability for most of these sites would be finely balanced under the new Framework approach.
48. A notable exception concerns the Littlecombe site, which is a large site where outline planning permission has been granted for 600 houses. The permission limits the number of houses which can be occupied until a spine road running through the site and connecting to roads at either end has been completed. An application has been made to Gloucestershire County Council to have part of the site through which the spine road would run registered as a Town or Village Green under Section 15 of the Commons Act 2006. The effect of such registration, if successful, may prevent the implementation of the spine road, in which case development of between 150 and 200 houses could not proceed.
49. I was provided with leading counsel's opinion to the Council, which indicated that there may be a legal means to overcome the registration procedure, the details of which it is unnecessary to recite, suffice for it to be said that the advice concluded that such an approach was untried and untested. That advice was tendered in March 2011, since when there has been no resolution of which I was made aware to pursue the possible remedy suggested by counsel.
50. Furthermore, although the Council puts faith in this legal approach, there is no evidence that any developer is willing to commit what I was told would be considerable expense to constructing the spine road in such circumstances. Not only would developers have to take a considerable financial risk, sales would be dependent on individual purchasers also being willing to take a risk that the village green application would not prevent the implementation of the spine road. Bearing in mind that the legal route advocated by counsel is untried and untested, I consider that the uncertainty would be more likely than not to dissuade potential purchasers from buying any of the new dwellings. There is no timetable for the resolution of the village green application.
51. I consider that in such circumstances, there is substantial evidence to indicate that this large development would not proceed within the next 5 years. The consequences of this would be to further worsen the 5 year supply picture, and this reinforces my view, that the appeal should be allowed.
52. The matter of housing supply also has to be placed in the wider picture. The Council argues that the reason for the low rate of house building is due to the current economic position. Whilst that may be so, where there has been a record of persistent under-delivery, the Framework seeks to widen choice. There is no likelihood of new housing sites being allocated in a new development plan in the imminent future. At best, the Council considers that a new Core Strategy could be adopted by the summer of 2013, but the timetable has already slipped, and it was accepted by the Council that local government elections in the intervening period could result in further slippage.

53. The Core Strategy would not allocate individual sites, and specific allocations would be subject to a further development plan document. Whilst some permissions might be granted in anticipation of the final adoption of such a document, it is clear that the under-supply of housing will not be addressed for some time. This weighs in favour of a deliverable site such as this, which the appellants say is one which can and will be developed in the near future if permission is granted.
54. The Council accepted in evidence that the decision to refuse the application was finely balanced. This was at a time when the Council believed it could demonstrate a 5 year supply of housing land. At the Inquiry it has accepted that there was a shortfall, but argued that the extent was small and did not outweigh the harm to character and appearance and sustainability arguments.
55. However, if there is a shortfall in the 5 year supply, no matter how small, the provisions of paragraph 49 of the Framework bite, and relevant policies for the supply of housing should be considered as out of date. Consequently, paragraph 14 of the Framework applies which says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. Moreover, the weight which should be attached to the provision of housing is significant. One of the Framework's core planning principles referred to in paragraph 17 is proactively to drive and support sustainable economic development to deliver the homes, business and industrial units and infrastructure and thriving local places that the country needs. It goes on to say that every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
57. In my view the importance of providing housing to meet the area's needs carries considerable weight. Having regard to the other uncontested benefits which the scheme offers, particularly the provision of affordable housing, which I refer to below, I find that the Framework's presumption in favour of sustainable development and its provisions regarding housing land supply are sufficient to ensure that the benefits outweigh any adverse impacts. Accordingly, there is no conflict with DLP Policy NE10, and the Framework's provisions outweigh the DLP in other respects.

Other matters

58. Neighbouring occupiers of Tocknell Court expressed concerns about overlooking and the effect on natural light. Whilst the proposed dwellings would be higher than the Tocknell Court development, there would be sufficient distance between them to ensure that neighbours' living conditions would not be materially harmed.
59. I have also had regard to the other concerns relating to flooding, highway safety, archaeology, wildlife and other matters raised by local residents, but none of these is of sufficient weight to alter my conclusion.
60. Objections were received from parties with an interest in adjoining land who suggested that the proposal would be inconvenient for occupiers seeking to access the development on foot. Whilst there may be a need for occupiers of the development to cross Box Road either once or twice, depending on which

way they are heading when they reach Draycott, this would be a satisfactory arrangement which would be neither inconvenient or hazardous, especially in the light of road narrowing proposals which the Highway Authority has endorsed in principle, the detail of which can be left to be dealt with by the imposition of an appropriate condition.

61. Concerns were also raised that the proposal would result in a fragmented and self-contained development, without any on-site employment, services or facilities other than open space. There would be clear benefits from integrating new housing development with employment and other services and facilities. However, in this case, in the light of the pressing housing need together with the closeness of the site to employment sites and facilities within walking distance, I find that this is not a compelling reason to dismiss the appeal.
62. The proposal would provide 40% of the dwellings as affordable housing, providing 28 units in a 50/50 split of rented and low cost. This is 10% more than the Council normally seeks. It is undisputed that there is a considerable unmet demand for affordable housing in the district and in Cam. It is also undisputed that the delivery of affordable housing has worsened in recent years, so that the unmet demand is increasing. Paragraph 47 of the Framework requires planning authorities to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework.
63. The Council argues that the need to provide affordable housing in suitable locations is the paramount concern, and it argues that the site is not in such a position, but I attach significant weight to the contribution that this proposal would make towards meeting the unmet demand for affordable housing in the area. The fact that the site is developable without impediments of land assembly or physical constraints is likely to lead to an early implementation, and this also weighs in the proposal's favour.
64. The Council also acknowledges that the scheme is well designed, with good provision of open space and with superior levels of energy efficiency compared with many residential proposals. It would also result in highway improvements on Box Road and its junction with Draycott, and improvements for both pedestrians and cyclists, contributing towards the Council's ambition of an enhanced cycle network, and would support the objective of DLP Policy TR4.
65. Having regard to my findings above, I consider that the presumption in favour of sustainable development referred to in paragraph 14 of the Framework applies here. There are no restrictive policies in the Framework which apply in this case, and the very limited harm that I have found in this case does not significantly outweigh the benefits; the benefits clearly outweigh the harm.

Conditions and obligations

66. The main parties submitted an agreed list of conditions which I have assessed in the light of national guidance and the discussion which took place at the Inquiry. Conditions relating to the submission of samples of materials, a programme of landscaping implementation and maintenance and measures to protect the trees and hedgerows on the western boundary are needed in the interests of appearance.

67. Conditions relating to highway and footpath measures, and the implementation of access and parking are needed in the interests of highway safety and to promote sustainable travel. A condition relating to a Construction Method Statement is also needed for highway safety reasons.
68. Details of drainage and slow worm mitigation measures are needed respectively to ensure that the site is adequately drained and to protect important wildlife species. A condition on hours of work is needed to protect nearby residents' living conditions.
69. Two planning obligations were submitted, entered into between the developer and Stroud District Council and Gloucestershire County Council respectively. The first of these deals with the mechanism for delivering and controlling affordable housing, and the provision and maintenance of public open space on the development. Both of these provisions are fundamental to the proposal's acceptability, and meet the tests of the Community Infrastructure Levy Regulations 2010 (CIL).
70. The obligation entered into with the County Council concerns contributions towards secondary school education, library facilities and public transport. I am satisfied that these are reasonably necessary to address the effects of the development on these services, and that they meet the CIL tests.

Overall conclusion

71. For the reasons given above, I conclude that the appeal should be allowed.

JP Roberts

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss Rowena Meager, of Counsel	Instructed by Stroud District Council
She called	
Mr David Corker, DipTP	Stroud District Council
Mr Peter Gilbert, DipTP	Stroud District Council

FOR THE APPELLANTS:

Mrs Morag Thomson, LLB, Solicitor, LAMRTPI	
She called	
Mr Nick Freer, MA, MRTPI	David Lock Associates

INTERESTED PERSONS:

Mrs Claire Cope	Turley Associates
Cllr Dennis Andrewartha	Local member

DOCUMENTS

- 1 Opening statement from Mrs Thomson
- 2 Opening statement from Miss Meager
- 3 Certified copies of S106 obligations
- 4 Counsel's opinion on the village green application – Lister Petter site
- 5 Amended agreed conditions
- 6 Annotated Table 2 with completions
- 7 Annotated Table 7 with completions
- 8 Annotated table 7 (Mr Gilbert's addendum) with completions
- 9 Cam Parish newsletter submitted by Cllr Andrewartha
- 10 S106 extract regarding the Lister-Petter site
- 11 Closing submission for the Council
- 12 Closing submissions for the appellants
- 13 Council's comments on the National Planning Policy Framework
- 14 Appellants' comment on the National Planning Policy Framework
- 15 Appellants' response to the Council's comments
- 16 Council's further representations dated 2 November 2012
- 17 Appellants' response to the Council's representations dated 13 November 2012

ANNEX

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on the approved plans listed in the attached Appendix.
- 3) No construction shall commence of any of the dwellings hereby permitted until samples of the walling and roofing materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out as approved.
- 4) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) wheel washing facilities, and
 - v) measures to control the emission of dust and dirt during construction.
- 5) No construction shall commence of any dwelling hereby permitted until full engineering details of the modifications/realignment to Box Road and the junction with the A4135, including street lighting, have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the modifications/ realignment have been carried out in full accordance with the approved details or any further details as may be approved in writing by the local planning authority.
- 6) No works shall commence on the site in connection with the development hereby permitted until full engineering details of:
 - i) footway provision for the car parking spaces opposite 63 and 64 Box Road;
 - ii) improvement to the pedestrian facilities directly to the south of the site;
 - iii) a scheme for traffic calming on Box Road in accordance with the proposals included in the approved Transport Assessment;
 - iv) a shared use pedestrian/cycle route between the junction of Box Road/ Draycott and the A38 at Slimbridgeand a programme for the works have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the measures set out above have been carried out in full in accordance with the approved details or any further details as may be approved in writing by the local planning authority.
- 7) No work shall commence on the site in connection with the development hereby permitted until further details of the means of surface water drainage from the site have been submitted to and approved in writing by the local planning authority. The submitted details shall include a management and maintenance plan which shall incorporate any

arrangements for adoption by any other public authority or statutory undertaker and/or any other arrangements to secure the operation of the scheme throughout its lifetime. The drainage works, including any off-site connection, shall be completed in accordance with the approved details or any further details as may be approved in writing by the local planning authority, prior to occupation of any dwelling on the site. The surface water drainage scheme shall be managed and maintained thereafter in accordance with the approved management and maintenance plan.

- 8) No construction shall commence of any dwelling hereby permitted until a programme for the implementation of the hard and soft landscape works shown on the approved plans has been submitted to and approved in writing by the local planning authority. The landscape works shall be carried out in accordance with the approved programme or in accordance with any further details as may be approved in writing by the local planning authority.
- 9) No construction shall commence of any dwelling hereby permitted until a schedule of landscape maintenance has been submitted to and approved in writing by the local planning authority. The schedule shall include details of the arrangements for its implementation. The landscape maintenance shall be carried out as approved.
- 10) No work, including any felling, uprooting, removal or pruning of any trees and the hedgerow along the western boundary of the site, shall commence within 10 metres of the western boundary of the site in connection with the development hereby permitted until measures to protect the trees and hedgerow have been submitted to and approved in writing by the local planning authority. The approved protection measures shall be adhered to for the duration of the building operations within 10 metres of the western boundary. No work shall take place, no fires shall be lit, no equipment, machinery or vehicles shall be operated, no materials shall be stored or disposed of and there shall be no mixing of cement or use of contaminating materials or substances within the protection areas.
- 11) No work shall commence within 5 metres of the hedgerow along the site's western boundary (the field margin) in connection with the development hereby permitted until the mitigation measures for the displacement of slow worms from the field margin have been carried out in completed accordance with the mitigation strategy contained in paragraphs 6.2 and 6.4 of Appendix 3 to "4300\4340\Box Road\Ecological Appraisal Rev G" or further information is provided on the unsuitability of the field margin for slow worm habitat and the local planning authority has confirmed in writing that no mitigation strategy is required.
- 12) Construction works, including the delivery of materials to and the despatch of materials from the site, shall not take place outside 07:30 hours to 18:00 hours Mondays to Fridays and 08:00 to 13:00 hours on Saturdays and at no time on Sundays or Bank/Public Holidays.
- 13) No construction of any dwelling (other than those with direct access from Box Road) shall commence on site until at least the first 20m of the proposed access road, including the junction with Box Road and associated visibility splays, has been constructed to at least base course level in accordance with the approved plans.

- 14) No dwelling shall be occupied until the access road (including surface water drainage, turning heads, street lighting and footways where proposed) serving that dwelling has been constructed to at least base course level in accordance with the approved plans.
- 15) No dwelling shall be occupied until the vehicle parking or garaging and manoeuvring facilities designed to serve that dwelling have been completed in all respects in accordance with the approved plans. The garage/parking spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors, and shall be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.

Richborough Estates

APPENDIX - LIST OF APPROVED PLANS

Number	Title
1040/100	Location Plan
10040/101 E	Site Layout Plan
10040/102 C	Enclosures Plan
10040/103 B	Enclosures Details
10040/104 C	Surface Materials Plan
10040/105 C	House Type Materials Plan
10041/106 A	Surfacing Details
10040/109 B	Storey Heights
10040/110 B	Potential Affordable Housing
10040/201	HT21 (Brick) Plans and Elevations
10040/202	HT21 (Render) Plans and Elevations
10040/203	HT32 (Brick) Plans and Elevations
10040/204	HT32 (Render) Plans and Elevations
10040/205	HT32 Special (Brick) Plans and Elevation
10040/206 A	HT11 (Brick) Plans and Elevations
10040/207 A	HT31 (Brick) Plans and Elevations
10040/208	HT41 (Brick) Elevations
10040/209	HT41 Floor Plans
10040/210 A	HT42 (Brick) Elevations
10040/211 A	HT42 (Render) Elevations
10040/212 A	HT42 Floor Plans
10040/213 A	HT43 (Brick) Elevations
10040/214 A	HT43 Floor Plans
10040/215	HT44 (Brick) Elevations
10040/216	HT44 (Stone) Elevations
10040/217	HT44 Floor Plans
10040/218 A	HT45 Elevations
10040/219 A	HT45 Floor Plans
10040/220	HT51 (Brick) Elevations
10040/221	HT51 (Render) Elevations
10040/222	HT51 Floor Plans
10040/223 A	HT52 (Render) Elevations
10040/224 A	HT52 (Stone) Elevations
10040/225 A	HT52 Floor Plans
10040/226	HT46 (Brick) Elevations
10040/227	HT46 Floor Plans
10040/300	House Type Details
10040/400	Proposed Finished Floor Levels
10040/401	Garage Plans & Elevation 1 of 3
10040/402	Garage Plans & Elevations 2 of 3
10100/PL/002B	Garage Plans & Elevations 3 of 3
4340-L-01 C	Planting Layout
4340-L-02	LEAP Image Board